

profit-making organizations; to the Committee on Merchant Marine, Radio, and Fisheries.

4314. By Mr. WOLCOTT: Memorial of the township commission of Erin Township, Macomb County, Mich., urging the passage of the McLeod bill (H.R. 7908) for the relief of bank depositors; to the Committee on Banking and Currency.

4315. By the SPEAKER: Petition of Pontiac, Mich., urging passage of the McLeod bank bill; to the Committee on Banking and Currency.

4316. Also, petition of the American Society for Pharmacology and Experimental Therapeutics, urging passage of Senate bill 2800; to the Committee on Interstate and Foreign Commerce.

4317. Also, petition of Bellwood, Ill., urging the issuance of \$30,000,000,000 and the method by which same should be placed in circulation; to the Committee on Ways and Means.

4318. Also, petition of St. John the Baptist Parish, of Newport and Middleville, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4319. Also, petition of St. Francis Parish, of North Adams, Mass., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4320. Also, petition of St. Anne's Sodality of St. Matthew's Parish, of Milwaukee, Wis., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4321. Also, petition of St. Mary's Parish, of Mount Vernon, Ill., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4322. Also, petition of St. Matthew's Benevolent Society, of St. Paul, Minn., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

## SENATE

FRIDAY, APRIL 27, 1934

(Legislative day of Thursday, Apr. 26, 1934)

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

### MEMORIAL SERVICES FOR DECEASED SENATORS AND REPRESENTATIVES

Mr. ROBINSON of Arkansas. Mr. President, in the Hall of the House of Representatives, that body convening at noon today, memorial services will be held in memory of 10 deceased Members of the House and 4 former Members of this body who died during their terms of service, the Honorable THOMAS J. WALSH, late a Senator from the State of Montana; the Honorable ROBERT B. HOWELL, late a Senator from the State of Nebraska; the Honorable PORTER H. DALE, late a Senator from the State of Vermont; and the Honorable JOHN B. KENDRICK, late a Senator from the State of Wyoming.

I ask unanimous consent that the Senate take a recess until the hour of 1:15 p.m. today in order that Senators may be afforded the opportunity of attending the ceremonies.

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

Thereupon, at 12 o'clock and 2 minutes p.m., the Senate took a recess until 1:15 p.m.

At the expiration of the recess the Senate reassembled, and the President pro tempore took the chair.

### PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Interstate Commerce:

STATE OF NEW YORK,  
IN SENATE,  
Albany, April 12, 1934.

By Mr. Burchill

Whereas the Missionary Society of St. Paul the Apostle, a domestic corporation of the State of New York, owns and operates, in the city of New York, Radio Station WLWL; and

Whereas such radio station is maintained for rendering religious, educational, cultural, and social service; and

Whereas in July 1925 the Department of Commerce granted to the said Missionary Society of St. Paul the Apostle a class b commercial license, no. 1829, to broadcast with 5,000-watt power and with unlimited time; and

Whereas on the 13th day of October 1926, due to a request from the Department of Commerce, the Radio Station WLWL changed its frequency from 1,040 to 780 under license no. 1829 with the enjoyment of unlimited time; and

Whereas said license no. 1829 was renewed without change on January 22, 1927; and

Whereas the Federal Radio Commission was created in February 1927 and said commission requested all stations to designate the minimum number of hours necessary to their existence; and Whereas Radio Station WLWL specified the evening hours of 7:30 to 9:30 on Sunday and 8 p.m. to 11 p.m. on week days, Monday to Saturday inclusive, with 1 hour Thursday mornings; and

Whereas the Federal Radio Commission notified Radio Station WLWL that it would have to broadcast on a 1020 frequency instead of 780 frequency and Radio Station WLWL appealed from said ruling, and on June 8, 1927, was assigned to an 810 frequency; and

Whereas on June 10, 1927 the Federal Radio Commission caused Radio Station WLWL to share the frequency 810 with a commercial Station WMCA; and

Whereas the hours on the air to be enjoyed by Radio Station WLWL were to be fixed by the commercial Station WMCA; and

Whereas in September 1928 the Federal Radio Commission assigned Radio Station WLWL to 1,100 frequency, together with the commercial Station WPG of Atlantic City; and

Whereas Station WLWL was assigned 15½ broadcasting-hours per week and WPG was assigned 110½ broadcasting-hours per week; and

Whereas the license of WPG was renewed despite the fact that, in violation of the rulings of the Commission, it had leased not only all its broadcasting hours, but had surrendered control over the programs and operations of its station to the Columbia Broadcasting System; and

Whereas there are 30 radio stations in the United States classified as educational, enjoying a total of 817 hours and 40 minutes of broadcasting time each week, or an average of 4 hours per day for each station; and

Whereas the broadcasting time assigned to educational radio stations amounts to but 2½ percent of all broadcasting time; and

Whereas it is the proud boast of the United States that its people are devoted to the cause of education and to freedom in the exercise of religious beliefs: Now, therefore, be it

*Resolved (if the assembly concur),* That the Congress of the United States be, and it is hereby memorialized, to enact with all convenient speed, such measures as may be necessary to increase the broadcasting time of educational and religious associations to one quarter of all the radio-broadcasting facilities; and be it further

*Resolved (if the assembly concur),* That Radio Station WLWL, owned and operated by the Missionary Society of St. Paul the Apostle, in the city of New York, State of New York, be granted a reasonable extension of its broadcasting time; and be it further

*Resolved (if the assembly concur),* That a copy of this resolution be submitted to the Secretary of the United States Senate and the Clerk of the House of Representatives, and to each Senator and Member of the House of Representatives elected from the State of New York, and that the latter be urged to use their best offices to procure the enactment of such legislation as will accomplish the purpose of this resolution.

By order of the senate.

MARGUERITE O'CONNELL, Clerk.

In assembly, April 18, 1934.

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, Clerk.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Special Committee on Conservation of Wild Life Resources:

STATE OF NEW YORK,  
IN SENATE,  
Albany, April 20, 1934.

By Mr. Nunan

Whereas President Roosevelt's Committee on Wild Life Restoration has submitted a report embodying suggestions for action by the Federal Government to restore and enlarge the wild-life resources of the Nation; and

Whereas this report has been received with virtually unanimous praise from conservationists from every part of the State of New York and elsewhere throughout the United States; and

Whereas the conservation commissioner of the State of New York, after close examination of the report, has endorsed it enthusiastically: Therefore be it

*Resolved (if the assembly concur),* That the people of the State of New York, through their representatives in the senate and assembly, request the President and Congress of the United States to adopt the report of the President's Committee on Wild Life Restoration as a basis for legislation and executive action designed to increase and protect the wild life of the Nation.

By order of the senate.

MARGUERITE O'CONNELL, *Clerk.*

In assembly, April 21, 1934.

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, *Clerk.*

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by Knox County Post, No. 2257, Veterans of Foreign Wars, of Galesburg, Ill., protesting against the entrance of the United States into the League of Nations and the World Court, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by Justice Council, No. 2, Sons and Daughters of Liberty, of Washington, D.C., opposing the passage of legislation loosening immigration restrictions, which was referred to the Committee on Immigration.

He also laid before the Senate a letter from Anna Jarvis, founder of Mother's Day, Philadelphia, Pa., relative to Senate Resolution 218, submitted by Mr. COPELAND, favoring an expression on Mother's Day of our love and reverence for motherhood, agreed to April 26, 1934, which, with the accompanying paper, was ordered to lie on the table.

Mr. ASHURST presented resolutions adopted by the Egg Harbor City (N.J.) Regular Democratic Club, favoring the passage of the so-called "Costigan-Wagner anti-lynching bill", which was ordered to lie on the table.

Mr. CAPPER presented the petition of Local Union No. 11, Bricklayers, Masons, and Plasterers' International Union, of Emporia, Kans., praying for the passage of the bill (S. 2926) to equalize the bargaining power of employers and employees, to encourage the amicable settlement of disputes between employers and employees, to create a national labor board, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by a mass meeting held under the auspices of the Manhattan Peace Council, Manhattan, Kans., favoring the prompt ratification of the World Court protocols, and also measures for the furtherance of international peace and fuller cooperation with the League of Nations, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by the Greater Buffalo Meat Packers Association, East Buffalo, N.Y., favoring the reduction of the processing tax on hogs of \$2.25 per hundredweight live weight to the basis of \$1 per hundredweight live weight, and that the time for full payment of such tax now set as of November 1, 1935, be extended over a longer period, and also the granting of other relief to packers, in the interest of the preservation of small independent meat packers, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Common Council of the City of Oswego, N.Y., favoring the prompt passage of legislation liberalizing governmental policy in regard to the making of loans directly to industry, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by LaFayette Post, No. 37, American Legion, of Poughkeepsie, N.Y., favoring the establishment of a free-port site for Poughkeepsie, which was referred to the Committee on Finance.

He also presented resolutions adopted by Carl Follen Unit, No. 103, of the Steuben Society of America, of Richmond Hill, N.Y., and Westchester County (N.Y.) District Council, United Brotherhood of Carpenters and Joiners of America, Tarrytown, N.Y., protesting against the entrance of the United States into the World Court or the League of Nations, which were referred to the Committee on Foreign Relations.

He also presented several resolutions adopted by various councils of the Sons and Daughters of Liberty, in the State of New York, opposing the passage of legislation loosening immigration restrictions, which were referred to the Committee on Immigration.

He also presented numerous resolutions adopted by various religious, educational, fraternal, and other organizations, and petitions of sundry citizens, all in the State of New York, praying the amendment of proposed radio legislation so as to provide adequate broadcasting facilities for religious, educational, and agricultural subjects, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by volunteers who served in the Spanish-American War, in convention assembled at Jackson, Miss., asking that the people of Mississippi contribute funds to purchase gold and diamond crosses of honor and present one to each Member of the United States Senate from Mississippi who volunteered to serve in the Army in the Spanish-American War, which were referred to the Committee on the Library.

He also presented a petition of about 300 citizens of Yonkers and Mount Vernon, N.Y., praying for the passage of the so-called "Sweeney bill", proposing to repeal that part of the Economy Act permitting department heads to impose payless furloughs on employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. LA FOLLETTE presented resolutions adopted by the Council of the City of Kenosha, Wis., which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Resolution 1812 (by Mr. Burns)

Whereas the discontinuance of the Civil Works Administration program has resulted in the unemployment of a large number of men and women in the city of Kenosha; and

Whereas a plan has been worked out by Federal and State authorities whereby certain work may be made available to those persons receiving relief or who are eligible to relief; and

Whereas the amount of money appropriated to Kenosha County for relief and work relief is inadequate to provide properly work for the able-bodied men and women now eligible under the Federal emergency relief plan; and

Whereas Kenosha County has agreed to provide the sum of \$35,000 monthly for direct relief and work relief for the unemployed within the county of Kenosha and has agreed to continue to pay said sum as long as money is available for said purpose; and

Whereas the resources of Kenosha County are strained because of the business depression and the inability of the property owners and citizens within said county and city to pay their taxes, and the credit of Kenosha County has been deeply pledged for funds made available as aforesaid; and

Whereas application has been made to the Industrial Commission of the State of Wisconsin for payment of the work-relief and direct-relief program out of Federal funds to the extent of 100 percent thereof in order to relieve Kenosha County of such serious financial strain; and

Whereas the program heretofore adopted will allow the employment of only a small percentage of the needy and unemployed workers within Kenosha County, thereby working a hardship upon those for whom employment is impossible to obtain under present conditions; and

Whereas the county of Kenosha is unable to raise funds in any manner under existing laws to adequately provide employment for the remainder of the unemployed workers of Kenosha County; and

Whereas a resolution has been presented to the City Council of Kenosha from the Kenosha County Workers Committee, urging State and Federal governmental agencies to provide larger funds for the work-relief program which has been designed to follow the Civil Works Administration program; Now, therefore, be it

*Resolved,* That the Council of the City of Kenosha does hereby petition His Excellency the Honorable A. G. Schmedeman, Governor of Wisconsin, to call into special session the Legislature of the State of Wisconsin for the purpose of enacting legislation establishing a more adequate and comprehensive work-relief program for the unemployed workers of Kenosha County, and for the State at large, and for the further purpose of enacting such legislation to finance such program as to the legislature shall seem wise and just; and be it further

*Resolved,* That said legislature petition the President and the Congress of the United States for such financial need and assistance to the State of Wisconsin necessary for the carrying on of such plan whereby employment may be obtained for as large a number of unemployed workers throughout the State of Wisconsin as is expedient and possible; and be it further

*Resolved,* That the city clerk be and he is hereby instructed to forward a copy of this resolution, together with the resolution

of the Kenosha County Workers Committee to His Excellency the Governor, the local State senator, and assemblymen, and to the local Congressman, as well as the United States Senators from Wisconsin.

Passed this 16th day of April, A.D. 1934.

JAKE J. HERRMANN,  
*President Pro Tempore of the Council.*

Attest:

A. E. AXTELL,  
*Clerk of the Council.*

I, A. E. Axtell, city clerk, hereby certify that the above is a true and correct copy of resolution adopted by the city of Kenosha on the 16th day of April, A.D. 1934.

A. E. AXTELL, *City Clerk.*

Mr. LA FOLLETTE also presented a resolution addressed to the city manager and members of the Council of the City of Kenosha, Wis., which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

**Resolution.**

*To the City Manager and Members of the Council of the City of Kenosha:*

Whereas the Federal Government has canceled the Civil Works program, thereby throwing 4,000,000 men and women out of employment; and

Whereas 6,000 of Kenosha's workers are now unemployed and the great majority thereof are now living on relief and there is no hope in sight, either by action of Congress, the President, or our Governor of Wisconsin; and

Whereas there are at least 10,000,000 men and women workers now without employment in addition to the 4,000,000 recently discharged from the C.W.A. and the \$600,000,000 available for relief will employ less than 1 in 10 for only 8 months and is therefore insufficient to prevent misery and starvation; and

Whereas local, county, and State governments must finance any project under the plan of 70-30-percent basis and thereby raise sufficient funds to give work to all instead of only 400 or less than 1 in 10 of Kenosha's unemployed, which will create jealousy, hatred, and the building of a small political machine; and

Whereas it would be more just and equitable that enough money be raised to put all to work and that a special session of the legislature ought therefore be called to levy a sufficient income tax and an increased inheritance tax to cover this absolute necessity, rather than employ an insignificant number of men and thereby cause more discontent and dissension, as, under the present ruling, there is not enough to even begin to relieve the situation; and

Whereas the superstate or inheritance tax levied and income taxes are the most just taxes that can be levied because such a levy puts the burden on those who have been most favorably taken care of and given such favorable financial opportunities by laws permitting them to accumulate wealth; and

Whereas the general welfare of the people of the State and Nation demands that the great body of our citizens shall first be provided for rather than the small minority and heretofore most favored few: Now, therefore, be it

*Resolved,* That the Kenosha County Workers Committee does hereby petition the city manager and the City Council of Kenosha to use their best offices for an immediate call into special session of the Legislature of the State of Wisconsin for the purpose of enacting such legislation in behalf of the general welfare so as to establish a more adequate and comprehensive work-relief program for the great and increasing body of unemployed workers of Kenosha County and for the State at large.

Dated this 16th day of April 1934.

FRANK S. SYMMONDS, *Chairman,*  
JOSEPH LEICKEM,  
FRANK KIGER,  
JOHN F. KUEHNL,  
GILBERT E. FECHNER,  
ERNEST HAWKE,

*Executive Board of the  
Kenosha County Workers Committee.*

I, A. E. Axtell, city clerk of the city of Kenosha, hereby certify that the within is a true and correct copy of a resolution presented to the council by the executive board of the Kenosha County Workers Committee on the 16th day of April 1934.

A. E. AXTELL, *City Clerk.*

**REPORTS OF COMMITTEES.**

Mr. STEPHENS, from the Committee on Commerce, to which was referred the bill (H.R. 5542) for the relief of Joe G. McInerney, reported it without amendment and submitted a report (No. 840) thereon.

He also, from the same committee, to which was referred the bill (S. 3408) to provide for a preliminary examination of Cromline Creek in the State of New York, with a view to the control of its floods, reported it with an amendment and submitted a report (No. 842) thereon.

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

S. 2806. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Carlo de Luca (Rept. No. 843); and

S. 3280. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co. (Rept. No. 844).

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

S. 2872. An act for the relief of Marie Louise Belanger (Rept. No. 845); and

S. 2873. An act for the relief of Stella D. Wickersham (Rept. No. 846).

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 2915) requiring national banks to obtain indemnity bonds from State-qualified bonding companies, reported it without amendment and submitted a report (No. 847) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2506) to provide funds for cooperation with White Swan School District, No. 88, Yakima County, Washington, for extension of public-school buildings to be available for Indian children of the Yakima Reservation, reported it with an amendment and submitted a report (No. 848) thereon.

**BILLS INTRODUCED**

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

By Mr. VAN NUYS:

A bill (S. 3480) granting a pension to Mariah A. House; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3481) for the relief of Joseph M. Purrington; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3482) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claim of Squaw Island Freight Terminal Co., Inc., of Buffalo, N.Y., against the United States in respect of loss of property occasioned by the breaking of a Government dike on Squaw Island (with an accompanying paper); to the Committee on Claims.

**THE AIR MAIL—AMENDMENTS**

Mr. McKELLAR submitted two amendments intended to be proposed by him to the bill (S. 3170) to revise air-mail laws, which were ordered to lie on the table and to be printed.

**REGULATION OF COMMUNICATIONS BY WIRE AND RADIO—AMENDMENT**

Mr. WAGNER and Mr. HATFIELD jointly submitted an amendment intended to be proposed by them to the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes, which was ordered to lie on the table and to be printed.

**REGULATION OF GRAZING ON PUBLIC RANGE—AMENDMENT**

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

**BOSTON IRON & METAL CO.**

Mr. TYDINGS. I wish to submit a resolution asking the Secretary of Commerce to furnish the Senate with certain information, and I shall ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S.Res. 226), as follows:

Whereas the United States has entered into a contract with the Boston Iron & Metal Co., dated November 5, 1932, providing for the sale and delivery of certain vessels; and

Whereas under the provisions of that contract the Government cannot withdraw the ships unless, first, said ships were needed for operation; second, were needed for sale for operation; or, third, when a national emergency was declared existent by the Secretary of War: Therefore be it

*Resolved*, That the Secretary of Commerce inform the Senate under which of the above provisions the vessels were withdrawn by him; second, what he, the Secretary of Commerce, proposes to do with said vessels so withdrawn; third, if the Government intends to use said vessels for operation; fourth, whether they are to be sold for operation, and, if so, when said sale is to be effected; and, fifth, what national emergency, if any, was declared existent by the Secretary of War or the Secretary of Commerce, the date of said declaration, and a copy of the same; also, to furnish the Senate with specific information as to the basis for such withdrawal of said ships by the Secretary of Commerce and the specific provision of the contract authorizing said withdrawal upon which said Secretary of Commerce has acted, and any formal declaration of policy on the part of the Secretary of Commerce as stated in the provisions of the contract which he has exercised for the withdrawal of said ships.

Mr. TYDINGS. I ask unanimous consent for the immediate consideration and adoption of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. FESS. What is the resolution?

Mr. TYDINGS. It is a resolution asking the Secretary of Commerce for information on a contract; that is all.

Mr. FESS. Just asking for facts?

Mr. TYDINGS. That is all.

Mr. FESS. I have no objection.

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

#### SELECT COMMITTEE TO STUDY METHODS OF PRODUCTION AND DISTRIBUTION OF ELECTRICITY

Mr. GIBSON submitted the following resolution (S.Res. 227), which was referred to the Committee on Interstate Commerce;

Whereas there exists a large and growing need for low-cost electricity and means for its production and distribution; and

Whereas the time is now propitious for the development of methods for such production and distribution: Therefore, be it

*Resolved*, That a select committee of the Senate, consisting of five Members, to be appointed by the President of the Senate, is authorized and directed to make a study of the methods of production and distribution of electricity and confer with and advise the President concerning plans for the adoption of some method of production and distribution that will insure low cost to the consumers. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations, if any, for further necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-third Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 2999. An act to guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes;

H.R. 191. An act for the relief of William K. Lovett;

H.R. 210. An act for the relief of Anne B. Slocum;

H.R. 232. An act for the relief of Anna Marie Sanford;

H.R. 233. An act for the relief of Florence Hudgins Lindsay and Elizabeth Lindsay;

H.R. 264. An act for the relief of Marguerite Ciscoe;

H.R. 323. An act for the relief of Harvey M. Hunter;

H.R. 408. An act for the relief of William J. Nowinski;

H.R. 470. An act for the relief of the city of Glendale, Calif.;

H.R. 507. An act for the relief of John Thomas Simpkin;

H.R. 520. An act for the relief of Ward A. Jefferson;

H.R. 526. An act for the relief of Arthur K. Finney;

H.R. 666. An act for the relief of Charles W. Dworack;

H.R. 768. An act for the relief of William E. Bosworth;

H.R. 879. An act for the relief of John H. Mehrle;

H.R. 880. An act for the relief of Daisy M. Avery;

H.R. 909. An act for the relief of Elbert L. Grove;

H.R. 1301. An act for the relief of M. Aileen Offerman;

H.R. 1362. An act for the relief of Edna B. Wylie;

H.R. 1398. An act for the relief of Lewis E. Green;

H.R. 1404. An act for the relief of John C. McCann;

H.R. 1418. An act for the relief of W. C. Garber;

H.R. 2040. An act for the relief of P. Jean des Garennes;

H.R. 2041. An act for the relief of Irwin D. Coyle;

H.R. 2074. An act for the relief of Harvey Collins;

H.R. 2169. An act for the relief of Edward V. Bryant;

H.R. 2337. An act for the relief of Harry L. Haberkorn;

H.R. 2512. An act for the relief of John Moore;

H.R. 2818. An act for the relief of Katherine G. Taylor;

H.R. 3542. An act to authorize the Secretary of the Navy to dedicate to the city of Philadelphia, for street purposes, a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H.R. 4423. An act for the relief of Wilbur Rogers;

H.R. 4542. An act for the relief of Frank Wilkins;

H.R. 4609. An act for the relief of Augustus Thompson;

H.R. 4784. An act to reimburse Gottlieb Stock for losses of real and personal property by fire caused by the negligence of two prohibition agents;

H.R. 4792. An act to authorize and direct the Comptroller General to settle and allow the claim of Harden F. Taylor for services rendered to the Bureau of Fisheries;

H.R. 4959. An act for the relief of Mary Josephine Lobert;

H.R. 5397. An act to authorize the exchange of the use of certain Government land within the Carlsbad Caverns National Park for certain privately owned land therein;

H.R. 5936. An act for the relief of Gale A. Lee;

H.R. 6166. An act providing for payment of \$25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States;

H.R. 6638. An act for the relief of the Monumental Stevedore Co.;

H.R. 6676. An act to require postmasters to account for money collected on mail delivered at their respective offices;

H.R. 6690. An act for the relief of certain officers of the Dental Corps of the United States Navy;

H.R. 7060. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H.R. 7200. An act to provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Park in the States of Tennessee and Georgia;

H.R. 7425. An act for the inclusion of certain lands in the national forests in the State of Idaho, and for other purposes;

H.R. 7488. An act authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, La., and for other purposes;

H.R. 7748. An act regulating procedure in criminal cases in the courts of the United States;

H.R. 7801. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg.;

H.R. 8040. An act granting the consent of Congress to the Iowa State Highway Commission and the Missouri Highway Department to maintain a free bridge already constructed across the Des Moines River near the city of Keokuk, Iowa;

H.R. 8237. An act to legalize a bridge across Black River at or near Pocahontas, Ark.;

H.R. 8429. An act to revive and reenact the act entitled "An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.," approved March 3, 1931;

H.R. 8438. An act to legalize a bridge across St. Francis River at or near Lake City, Ark.;

H.R. 8477. An act authorizing the State Road Commission of West Virginia to construct, maintain, and operate a toll bridge across the Potomac River at or near Shepherdstown, Jefferson County, W.Va.;

H.R. 8834. An act authorizing the owners of Cut-Off Island, Posey County, Ind., to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River;

H.R. 8853. An act to extend the time for the construction of a bridge across the Wabash River at a point in Sullivan County, Ind., to a point opposite on the Illinois shore;

H.R. 8861. An act to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes; and

H.J.Res. 315. Joint resolution granting consent of Congress to an agreement or compact entered into by the State of New York with the Dominion of Canada for the establishment of the Buffalo and Fort Erie Public Bridge Authority, with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N.Y., and the village of Fort Erie, Canada.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On April 25, 1934:

S. 2811. An act to authorize the incorporated city of Juneau, Alaska, to undertake certain municipal public works, including regrading and paving of streets and sidewalks, installation of sewer and water pipes, bridge construction and replacement, construction of concrete bulkheads, and construction of refuse incinerator, and for such purposes to issue bonds in any sum not exceeding \$103,000;

S. 2812. An act to authorize the incorporated city of Skagway, Alaska, to construct, reconstruct, replace, and install a water-distribution system, and for such purpose to issue bonds in any sum not exceeding \$40,000; and

S. 2813. An act to authorize the incorporated town of Wrangell, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; construction of a retaining wall and to back-fill behind same to make a permanent street; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding \$51,000.

On April 26, 1934:

S. 606. An act to authorize the waiver or remission of certain coal-lease rentals, and for other purposes.

On April 27, 1934:

S. 2084. An act granting and confirming to the East Bay Municipal Utility District, a municipal utility district of the State of California and a body corporate and politic, of said State, and a political subdivision thereof, certain lands, and for other purposes.

#### THE TARIFF—ADDRESS BY SENATOR REED

Mr. BARBOUR. Mr. President, I ask unanimous consent to have inserted in the RECORD an address by the senior Senator from Pennsylvania [Mr. REED], delivered during the National Radio Forum arranged by the Washington Star and broadcast over the National Broadcasting Co. network on Monday night, April 23. The subject of the address was the request of the President to Congress for the passage of a law to give him the power to raise or lower any tariff duty.

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

I should like to talk to you tonight, in language as simple as I can make it, about the President's request of Congress for the passage of a law giving him the power to raise or lower any tariff duty as much as 50 percent whenever he thinks it wise to do so in the interest of our foreign trade.

This proposal seems to be a clear contradiction of the statements made previously by President Roosevelt and Secretary of State Cordell Hull. The plan would make the Tariff Commission ineffective if not wholly impotent. It would permit the President to raise or lower tariff duties, not only without regard to the Commission's recommendations but without regard to the effect of this action on American industry. This power used unwisely—and it is certainly unwise to ask for a power to be used without knowing the facts—would make it possible to sink long-established American industries without a trace. It could easily wipe out whole communities, adding them to the ghost towns which once knew life and happiness but now live only in memory.

We find President Roosevelt saying on July 20, 1932, in a radio address delivered from Albany, N.Y., while a candidate for President: "It is a difficult and highly technical matter to determine standards and costs of production abroad and at home. A commission of experts can be trusted to find such facts, but not to dictate policies. The facts should be left to speak for themselves, free from Presidential interference."

Yet now the President proposes to ignore the Tariff Commission and asks for power to reduce duties, without notice to those affected, without a hearing, and without any chance to protest.

Again we find that he said on October 19, 1932, at Wheeling, W.Va.: "I have advocated a lowering of tariffs by negotiation with foreign countries. But I have not advocated, and I never will advocate, a tariff policy that will withdraw protection from American workers against those countries which employ cheap labor or who operate under a standard of living which is lower than that of our own great laboring groups."

Where in the world, may I ask, is there any country which does not employ cheaper labor than the United States and whose standard of living is not lower than those of our own great laboring groups? I have been in many countries of the world, and I have studied wage comparisons, production costs, and price comparisons in these countries, and I know of none whose living standards even approaching those of the United States.

And we find Secretary Hull saying in 1929, while a Member of the House of Representatives, with reference to a proposal for greater flexibility in tariff rates: "The proposed enlargement and broad expansion of the provisions and functions of the flexible tariff is astonishing, is undoubtedly unconstitutional, and is violative of the functions of the American Congress. Not since the Commons wrenched from an English King the power and authority to control taxation has there been a transfer of the taxing power back to the Head of a Government on a basis so broad and unlimited as is proposed in the pending bill. As has been said on a former occasion, 'This is too much power for a bad man to have or for a good man to want.'"

I am willing to agree entirely with that statement.

In the light of the latest proposal for dealing with the tariff, I can only conclude that it makes a difference at which end of Pennsylvania Avenue Secretary Hull does his thinking on this subject.

Let us understand that there is nothing mysterious about the tariff. A great deal is said and thought about it which is untrue; and when there is a tariff revision, we hear complicated discussions of wages and rates of duty and imports and exports and of all the other factors which must be taken into consideration, or which should be taken into consideration, when any change is made in any tariff duty. But it is not necessary to go into the subject on this basis tonight. We shall have a clearer understanding of the problem, I think, if we start with a simple statement of what the tariff is and why we are a protectionist country.

As an aid to that understanding, let us remember that a tariff or customs duty is nothing but a tax on foreign goods. The free-trader will tell you that this tax, which has a tendency to restrict the flow of these foreign goods into the United States, is imposed in the interest of rich manufacturers in this country, who, enjoying this protection against foreign competition, line their pockets with the excess profits they are thereby enabled to take from the American consumers. The manufacturers themselves will tell you that without this protection their industries could not exist. The truth lies somewhere between these two statements. The facts are that few industries at present are making much money, owing to the intensity of domestic competition; that some industries would go out of business if they were not protected against foreign competition; that a very large group of small industries would be killed or seriously crippled if the protection they now enjoy were withdrawn; and that a third group do not need any tariff protection on their products for the simple reason that Americans prefer their American-made products to the foreign-made goods offered by their foreign competitors.

The automobile industry is a fair example of one which turns out so superior a product at so low a cost—due, of course, to the enormous number of cars used in the United States as compared with other countries—that it needs little, if any, protection. But this industry is an exception to the rule. The great body of American workers and of American industries could not last a

year, under modern competitive conditions, without some measure of protection against foreign competition.

Now, just why is this true? The answer is perfectly plain to anyone who has seen or read or stopped to think about the conditions under which men, women, and children work in other countries. Remember that in most foreign countries there are no minimum-wage laws, no 5-day week, no 6- or 7- or 8-hour day. Remember that in Italy, where the people were working 14 hours a day at a pitifully low wage, Premier Mussolini has just lowered wages again and speeded up Italy's industrial production for the purpose, as he explained, of "placing Italy in a better position to compete with other countries in the world's markets." Remember that in Germany the women formerly employed in industry have been ordered back to their homes and the men put under semimilitary discipline requiring them to work long hours at low wages. Even in England, where wages and working conditions are very much better than on the Continent of Europe, people do not begin to live as well as they do in the United States. It is worth noting here also that much of England's present prosperity—and she is much farther along the road to recovery than we are—is due to the abandonment of her free-trade policy in favor of protection, plus the empire-preference agreement by which her goods are accorded preferential treatment in the British dominions.

And when we stop to think of conditions in Japan and China, and examine the soaring figures of Japanese importations into the United States—of socks and table scarfs and children's clothing and kitchenware selling in the 5- and 10-cent stores—we must realize that every article of this sort which comes into the United States displaces a similar article which otherwise would have been made by American workmen, and displaces just so much American labor; and that the reason it comes in is not that American industry is inefficient, but because we have not adequately protected it against this sort of competition, and that without our very much higher wage rates American industries cannot exist without protection against this oriental competition.

Again there is no mystery about this. It is idle to contend that the British, the Germans, and the Japanese are more efficient than we are. The reason they can flood this country with their goods—as they do, in some instances, and as they could, in others, if we did not act in self-defense to prevent it—is that their wages are so far below ours that we in this country cannot comprehend the conditions under which their workmen live. In a land like the United States, where automobiles are so common, it is impossible to conceive of a country where no workingman owns a bathtub or enjoys the benefits of electricity and gas and running water. Yet this is the kind of competition we must meet unless we are willing to continue the protection we have given to American workers since the beginning of the Republic.

The first tariff act in this country was passed by Congress in 1789. Never at any time since have the ports of the United States been open to the unrestricted flow of foreign goods. Behind the tariff walls whose foundations were laid at that time we have flourished and grown great as a nation. Protection and sound money have been the twin pillars of our governmental policy in all that time. Now, having for the first time in our history debased the dollar deliberately in the hope of selling more goods abroad, we find the present Washington administration asking Congress for a power that no administration has ever had in dealing with the problem of import duties.

I shall not discuss tonight the constitutionality of this proposal. Some of us think that Congress cannot properly delegate this power to the President. On this question there will naturally be disagreement. It is possible that the courts would uphold such a grant of power. But important as this issue is, we need not concern ourselves with it here. Rather, let us think only of the wisdom of such a policy. Is it wise to give the President—any President—the power of life and death over American industry; to give into his sole keeping the power to say that this or that industry doesn't belong in the United States and should therefore be scrapped; to put a padlock on the doors of a great factory and turn its employees into the street because some bureau official who advises the President on these subjects thinks it would be better for Americans to buy glass and chinaware and shoes made in Czechoslovakia; or metal wares made in England or Germany; or hats made in Italy; or pencils and textiles made in Japan? Or, if the power to reduce duties were to be exercised in the case of agricultural products, we might find some official deciding for us in the name of the President that all our dairy products ought to come from Canada; our wheat, from Canada and Russia; our wool, from Australia; our cattle, from Argentina; and our cotton, from Egypt; so that those countries in theory could buy more automobiles from America. That might make the people of Detroit happy if the theory worked, but I doubt very much whether it would add to the total happiness of the American people.

And that, in short, is exactly what the President is proposing. He is asking this power for trading purposes, so that, in his unrestrained discretion, he can let in a larger volume of foreign goods, so that, at least in theory, we could sell a larger volume of American goods in some foreign market.

When we stop to consider that except for automobiles and machinery and a limited group of other manufactures in which we specialize, and which we turn out in quantities which cannot be duplicated elsewhere in the world because of the wealth and extent of our domestic market, other nations can make most of the things we do, and make them very much cheaper, it is impossible to conceive that we would get anything but the worst of the bargain in any such reciprocal tariff policy. We have so much

that they want, and they so little that we want. I strongly suspect that the shrewd people who dominate the foreign policy of the other trading countries are laughing up their sleeves at this moment in anticipation of what they will do to us if Congress should give the President what he wants. I am not sure that it will, and I hope earnestly that it won't.

But, you say, the President has the power now to raise or to lower tariff duties within the same range of 50 percent. True, he has; but only after a thorough inquiry by the Tariff Commission into the cost of the domestic product and the competing foreign product; and only after the Tariff Commission, having ascertained the facts, recommends to the President that the existing tariff duty be raised or lowered in order to equalize the prices of the foreign and the domestic product in the principal markets of this country.

If it costs a dollar to make a given article in Germany, and a dollar and a half to make the same article here, the tariff in that event would be 50 percent, or 50 cents, on the German product, so that the American manufacturer and the German could compete on equal terms in New York or Boston or Philadelphia or Detroit, or whatever happened to be the principal domestic market for this particular product. That is the way the tariff and the flexible provision of the tariff act work out at present. The Tariff Commission reports the facts to the President and the President acts on the facts. But what is being asked now is a power which would permit the President to change tariff duties—and that means change them downward—without regard to the facts. What the President asks is permission to ignore the facts; to shut his eyes to the facts; to raise or lower tariff duties without even asking for the facts. That is the evil in this proposal. That is the reason that some of us, not as political partisans but as experienced legislators and business men, with some knowledge of conditions in American industry as well as in foreign countries, have thought it necessary to oppose the President's proposal as strongly as we know how.

There is in the bill no provision whatever for any representation or hearing of those most vitally interested before the President negotiates his proposed treaties and sweeps away in doing so the trade position of some American industry. Not until the treaty was actually signed would any industry know of the President's purpose to shut it down in favor of some foreign competitor. American farmers or American workmen would wake up some morning and read that the President had agreed to sweeping reductions in the duties on wheat, or cotton or cotton textiles, or lace, or on shoes, or pig iron, or pottery, or machine tools, or rayon, or leather, or rubber goods.

It has been stated in the debate on the measure that the power the President asks would not be used to the disadvantage of any large or essential industry. It can only be concluded that this means the smaller industries are to be sacrificed—industries which in some States represent one third of the total of all industries and give employment to more than a third of the workers. On the judgment of one man these small industries could be traded out of existence overnight without being given a chance to protest and without a word of warning or explanation.

One of the primary purposes of the new deal has been to restore employment. The latest report from the Department of Labor indicates that employment in manufacturing industries is still 30 percent below the average employment in 1926, toward which efforts are being made to raise it. Much of the increase which has been reported in recent months has been due to the spread of the work among a larger number of persons and to the cooperation of industry in shortening hours and raising wages. It is now proposed to give the President a power which, if exercised at all in the manner for which it is asked, would subject these same industries and their workers to the possibility of disaster and unemployment—in short, undo all the good that has been done by the machinery of recovery already set in motion. It would place in unseen hands, almost at the mercy of foreign bankers and business men and diplomatic bargainers, the power to control the jobs of millions of American workers. If the power to reduce duties were exercised, wages would be reduced, factories would close, and the no-more-work ticket might appear in any one of millions of pay envelopes. And all as the result of the guesswork of some men or some group with only an academic knowledge of business problems and economic laws.

In my State alone—in Pennsylvania—the normal employment of workers in manufacturing industries is more than a million. This means that 5,000,000 persons, or half the population of the State, are directly dependent on manufacturing for their daily bread. These industries have been built up over a period of many years. Most of them enjoy some degree of tariff protection. The lace industry, for example, which employs several thousand persons, has been in existence for more than 50 years, yet is singled out by Secretary of Agriculture Wallace as one of those which should be shut down so that we could buy our lace from Europe. How will Secretary Wallace explain it to the workers in that industry, if it should be shut down as a result of this proposed policy? I wonder if he has given any thought to the suffering that would follow the removal of this or other tariff duties which alone make it possible for these American industries to keep going?

Not always have those who are in charge of the Government at present felt as they say they do now. In 1928 a select committee of the Senate investigated the manner in which the flexible provisions of the tariff act were being administered. You will remember that it was not long after this that Secretary Hull seemed to be horrified at the idea of placing the power to change tariff

duties in the President's hands. Two years before he spoke, the Democratic leader of the Senate, Senator JOSEPH T. ROBINSON of Arkansas, a fine, able, and sincere statesman, said in a report submitted to the Senate:

"It is impracticable for the President to devote the time and attention essential to the proper performance of the duties imposed upon him by the flexible tariff law. The Chief Executive is already overburdened with executive duties.

"Tariff making and revision under our Constitution are legislative duties, and to impose such responsibilities on the President as are carried in the flexible provision confuses legislative and executive responsibility."

I hope that he will join me now in opposing this even more sweeping provision giving additional power to the President at a time when he is more heavily burdened with executive duties than any other Chief Executive since the World War.

One word in conclusion: What we need in this country is confidence in the future. We cannot have confidence in the future without confidence in the Government. We cannot have confidence in either with so many uncertainties overhanging the business world. This proposal would add to those uncertainties. It might easily upset the whole recovery program. How could we keep wages up? How could we pay the N.R.A. minimum? Japan has no N.R.A., nor has Russia, nor Germany, nor England, nor Italy. How can our industries live in competition with the child labor and peasant labor of Europe? With the coolie labor of China? How can we in America maintain our living standards if compelled to compete on even terms with countries which have never known such standards? Until I hear a satisfactory answer to these questions—and I do not believe there is one—I will continue to regard this proposal as a menace to the security and happiness of every American home.

NATIONAL DEFENSE—ADDRESS BY SENATOR ROBINSON OF INDIANA

Mr. McNARY. Mr. President, on Saturday, April 14, 1934, the learned senior Senator from Indiana [Mr. ROBINSON] delivered a very interesting speech on "National Defense" over a Columbia coast-to-coast network, from Washington, D.C. I ask unanimous consent that the address may be printed in the RECORD.

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

If the American Republic shall continue to survive, it is of the utmost importance that it be prepared at all times to defend itself. We are a peace-loving people and do not seek trouble with any land. Indeed, we will do anything within our power to remain in peaceful relations with the rest of the world. We do not seek a foot of ground belonging to any other power. We ask only to be let alone in the peaceful possession of our own territory and in the peaceful working-out of our own destiny. While this is true, we dare not lose sight of the fact that we cannot control the actions, aspirations, and ambitions of other lands; and if they undertake aggressive warfare against us, we must be prepared to defend ourselves and our sovereignty.

To do this we must have armies, navies, and marine corps. They must have able and well-trained officers, who are familiar with military tactics and the strategy of armed conflict. Whence are these officers to come? Whence their training? As partial answer to these questions, the Reserve Officers' Training Corps has been devised as an integral part of our national defense.

In modern warfare millions of enlisted men are required—man power is just as essential today as it ever was in the past. For great armies of this size hundreds of thousands of commissioned officers are necessary. They must be trained to lead. And the better they are trained, the better chance the men under them have to survive. Only a limited number of officers can be educated at the great service academies at West Point and Annapolis. There must accordingly be other facilities provided—and at not too great cost. To supply this need the R.O.T.C. system came into existence. What is it? In more than a hundred land-grant colleges and higher educational institutions students are enrolled in the R.O.T.C. work.

The curriculum consists of a 4-year course. There is a basic and an advanced course, each of 2 years' duration. The work of the basic course consists of 96 hours during the academic year—3 hours per week—of which 60 hours are devoted to practical exercises out of doors when the weather permits, while 36 hours are used for theoretical instruction in the classroom.

While the basic course is required of freshmen and sophomores at 80 of the 126 institutions maintaining senior units of the R.O.T.C., the advanced course is entirely optional and operates on a schedule of 5 hours per week for both junior and senior years.

What is the practical result of this training? Just this: Thousands of young men who are educated to command and lead are graduated every year from the several institutions. They take their place in the country's civil life during peace time; but if emergency should arise, they are ready in an instant to don the uniform and assume the position for which they have been trained in the defensive forces of the country.

If the national defense were to lose the services of the R.O.T.C., we would find ourselves utterly without adequate officer personnel in event we should be attacked by hostile forces. To properly train officers requires months and even years. Such delay in getting our forces into the conflict certainly would be costly and

might even be fatal. This is not an overstatement in any sense of the word.

Most of those now living retain a vivid recollection of what transpired during the World War. We entered the conflict in the spring of 1917 and at the time were utterly unprepared. But let me quote the words of Lt. Gen. Robert Lee Bullard in this connection. It will be remembered that this distinguished general commanded the American Second Army in France and, therefore, knows whereof he speaks. In passing it might be well to mention also that he is now president of the National Security League, still interested in the safety of the country for which he offered his life.

Says General Bullard: "In 1917 the United States was almost 100 percent disarmed in the seven major weapons—field artillery, automatic rifles, machine guns, planes, tanks, hand grenades, and automatic pistols. Our entire Army personnel was little more than half the number of officers alone required in 1918."

Five times in history we were as unprepared as any pacifist could ask, and wars followed. In major wars we have paid heavy death penalties for 2 years because of lack of technically trained officer personnel.

We are the seventeenth military power today in Regulars and trained Reserves.

The wealthiest nation, we are last in number of soldiers in proportion to wealth.

If 15 years' improvements have been so great that our war-time artillery . . . are only "souvenirs", 14 months after the next war we could begin to deliver new artillery.

And now Communists, pacifists, economists, and even churchmen are striking at the R.O.T.C. The Communists at least know what they are doing. The Communist bylaws and manuals lay down the rule that abolition of military training and the breaking of the loyalty of the Army are essential steps toward civil war.

America probably has no more vulnerable spot for attack than the R.O.T.C. In it are enrolled 127,000 students in 326 schools. Since we maintain such a small standing Army and have of Regular officers one twentieth of the number required for a major war, we must depend chiefly on the R.O.T.C. for the training and commanding of a citizen army.

To an amazing degree we did depend on student officers in 1917-18.

At that time 9,600 Regular Army and National Guard officers faced the superhuman task of building a citizen army of 4,000,000 enlisted men and nearly 200,000 officers.

It was fortunate indeed for us that in 53 land-grant colleges there had been Officers' Training Corps. Recent accurate data from 39 revealed that they furnished us with 15 major generals, 28 brigadier generals, 154 colonels, 320 lieutenant colonels, 1,157 majors, 4,790 captains, and 18,973 lieutenants.

The 53 colleges, it is estimated, furnished 40,000 commissioned officers and more than 50,000 noncoms. In other words, the R.O.T.C. furnished as many as all other sources combined.

Continues General Bullard: "Communists, receiving orders and 'manuals' from abroad, know what they are doing when they strike—as at New York City College—at the R.O.T.C. But loyal American citizens should not be deluded into joining or lending sympathy to these campaigns.

"When honest, but short-sighted, advocates of economy consider the R.O.T.C. budget, I suggest that they first note that this institution which furnished half of our officers in 1917-18, costs annually a sum equivalent to 3 cents—the price of a postage stamp—per citizen.

"Earnest, well-meaning opponents of war, and many members of religious bodies, join, more or less, in agitation against military training in schools. Such individuals, doubtless, are parents of sons. Let them consider this:

"In France, Private John Smith was commanded by a trained officer. Private Bill Jones' commander was a new officer. The statistics show that John had about a 35-percent better chance of coming home than did Bill.

"We are all opposed to war. But disarmament does not prevent it. Influenced by that fallacy, America has been virtually disarmed five times. Wars followed immediately. We needlessly sacrificed scores of thousands, victims of unpreparedness.

"Each time we have indulged in the 'costly luxury' of unpreparedness, eminent men have been ready to assure us that there would be no more war. They have been wrong; as was David Starr Jordan, when in June 1914 he vigorously denied the possibility of European war.

"Such men habitually argue that armies and navies, generals and admirals 'make war.' Not in these modern times! Peoples make war. Theirs is the decision. It then becomes the duty of our armed forces to restore peace—which civilian leadership has been unable to maintain.

"Civilian leadership very nearly 'made' a war with Japan only recently on the occasion of our interference in the Manchurian question, though our naval and military leaders knew quite well that we were not adequately prepared for such a war if it came.

"If we insist, as a national policy, on a small standing army, then we must have officer personnel around which an army can be built. The R.O.T.C., better than any other institution, meets that need. We should guard it zealously now.

"Fortunately, the overwhelming majority of the students of our colleges have only contempt for the Communist-inspired, radical agitation against the R.O.T.C. And the 'I-will-not-fight' ballots cast have been almost microscopic in size when compared with total enrollments.

"But the extension of Communist, pacifist, and unpreparedness agitation into the colleges raises a grave issue."

If any man in America should know the value of preparedness, it is General Bullard. He has given his life to close study of the subject. It is for that reason that I am quoting him so extensively.

Says this spokesman for national defense: "The error of a great many Americans is to assume that conferences pacify—and disarm. True, we disarm. And every time a conference convenes—or reconvenes—with oratory which seems to promise that swords will be beaten into plowshares tomorrow morning, there occurs a new burst of activity by pacifists and internationalists within the United States."

The most recent pacifist attack has occurred in the colleges. There have been so-called "antijingo" campaigns against the Reserve Officers' Training Corps. In a score of colleges there have been antiwar votes taken, students being asked to declare that under no circumstances would they fight for their country!

There is unquestionable evidence that much of the subversive propaganda which has led to attacks on the R.O.T.C. and to antiwar-service votes in the colleges has come from Communist headquarters in our cities.

But a certain portion of the students listen to this propaganda—including the old fallacy that disarmament insures peace—and are convinced.

I wish they would reread their history books. Many elders as well need a lesson. We certainly have tried unpreparedness, as these experiences indicate:

First. Thomas Jefferson believed in unpreparedness. There were but 6,600 men in United States Army uniforms in July 1812. That force had to be expanded almost one-hundredfold, to 527,000 total.

Because the smoke of British-burnt fires could not be removed from walls of the President's official residence, it was given a coat of paint and became "the White House." The smoke stains are still there beneath the paint. Then Jefferson advocated military training in the schools.

Second. In the early forties our Army was reduced to 8,000, and shortly thereafter our forces were outnumbered 3 to 1 in the first two battles with the invading Mexicans.

Third. Soon after that war pacifism and economy cut the Army to 16,744, and that figure had to be multiplied by 200—to 2,228,000 Federal soldiers—during the Civil War.

Fourth. Our forces numbered about 20,000 before the Spanish War, and the meagerness of the American Army influenced Spain in its war decision.

Of course, the outstanding American in the World War was Gen. John J. Pershing. To him was intrusted the task of organizing America's vast Army for service "over there." He was the gallant Commander in Chief of the American Expeditionary Forces. To his leadership were intrusted millions of the country's bravest young men. No one's counsel is entitled to greater respect than his in matters of this kind. Because of the great weight his opinion should carry, therefore, I quote his words:

"I am very happy to learn that the R.O.T.C. Association of the United States proposes to meet an imperative need by issuing a booklet for general use in support of military training and education in our schools and colleges.

"In the restlessness and the instability of youth lies the greatest danger to any government. Unless guided and directed along rational and patriotic paths, then security for the future is endangered. Work and association under the self-imposed discipline of the military-training courses should inevitably result in a new sense of patriotic obligation and the development of higher moral standards, which in turn must exert an important influence among our people. This voluntary service makes for better citizens and strengthens American power and prestige.

"The program for military training takes on a national importance from the sole viewpoint of citizenship, and calls for the most earnest consideration of every thinking man and woman. The principles underlying the undertaking are sound and its success will be productive of permanent and beneficial results. Its approval comes from loyal citizens who recognize its necessity. Its support comes from those who stood helpless and unready, but valiant, in the face of a world calamity. These men belong to no class or clique; they are business men and men from all walks of life, practical men who apply common sense to their everyday problems.

"I regard the system of military training in all of its phases as a wonderful school for the development of the ideal virtues required for good citizenship."

Finally, I deem it advisable to quote the words of Frederick B. Robinson, president of the College of the City of New York. Because of his peculiar environment, radicals flourish all around him and the Communists are extremely active in their subversive efforts to overthrow constitutional government in this country. Says this distinguished educator: "I believe that the organization and maintenance of the Reserve Officers' Training Corps in American colleges is most desirable and wholesome. Although a member of various committees working to establish peace and ultimate disarmament through international agreements, it is my opinion that the United States must at this time maintain adequate national defense. It would be unwise to support a professional standing army of size sufficient to defend us. Indeed, the Nation could not afford a program of this sort. The present program of a small standing Army with trained reserves and a National Guard is a good one.

To make available for young men in college, education which will fit them to serve as officers in the case of national necessity is wise. These young men constitute a group whose lives are not interfered with at all by the arrangement, who are not withdrawn from industry or hampered in their general progress. Furthermore, as a group they are the least likely to be militaristic in the undesirable sense, while at the same time their general intelligence is such as to make them most valuable in the event that they should be required for national service.

The training itself is good in that it develops a spirit of cooperation and reasonable obedience, ready response to necessary command, and willingness to cooperate in undertakings which must of necessity be organized and properly led. I observe that the work of the R.O.T.C. improves the posture and bearing of the young men and also has an excellent effect upon their manners and attitude toward their elders and superiors.

There are, of course, certain details in the actual program of study which might be considered and improved from time to time. The R.O.T.C. also has its problems arising from individual peculiarities in the personnel. These problems, though, are common to all organizations and activities of life. The influence of the R.O.T.C. is, on the whole, beneficial to the individual, the college, and the Nation.

The purpose of this conference today is to bring together the patriotic, civic, and fraternal societies of the United States, into closer cooperation, in opposing the combined efforts of the pacifist, Socialist, and Communist organizations and movements designed to bring about the abolition of the R.O.T.C. and all forms of military training, by stressing the constitutional obligations of citizenship in relation to national defense.

Our Government is founded on the principle of mutual benefits through mutual public service by its citizens. Otherwise it could not have been established, nor could it be maintained.

The Constitution having imposed the obligation "to raise and support armies", such plans as it adopts in so doing impose a constitutional obligation on the part of the classes of citizens so included to serve in the defense of the country by bearing arms, if necessary, if and when called upon so to do. In the *Selective Draft Law cases* (*Arver v. United States*, 245 U.S. 366), Chief Justice White, speaking for the Court, said: "The very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need. Whatever tends to lessen the willingness of citizens to discharge their duty to bear arms in the country's defense detracts from the strength and safety of the government."

In a later case, that of *United States v. Rosika Schwimmer* (279 U.S. 644), Mr. Justice Butler, delivering the opinion of the Court, said: "That it is the duty of the citizen by force of arms to defend our Government against all enemies whenever necessity arises is a fundamental principle of the Constitution." Justice Butler quoted with approval the language of the decision in *Jacobson v. Massachusetts* (197 U.S. 11), as follows: "This court, speaking of the liberties guaranteed to the individual by the fourteenth amendment, said: ' \* \* \* and yet he may be compelled, by force if need be, against his will and without regard to his personal wishes or his peculiar interests, or even his religious or political convictions, to take his place in the ranks of the Army and risk the chance of being shot down in its defense.'"

Reserve Officers' Training Corps students are not members of the Military Establishment of the United States, as they take no oath or other obligation, nor are they enlisted in the Army of the United States. They assume no more obligation to serve the country in case of war than does the student refusing or neglecting to take military training in the Reserve Officers' Training Corps. Under section 1, chapter 1, title 32, of the United States Code, the militia is divided into three parts, the National Guard, Naval Militia, and the unorganized militia, and under section 81a, chapter 5, title 32, of the United States Code, the President is authorized to order the militia not a part of the National Guard into the service of the United States, if necessary, for a period of 9 months. Therefore, the young man refusing to take military training is just as liable to military service as is the young man who takes such training, the difference being the student who takes such instruction is the better prepared to discharge his highest obligation of citizenship with multifold benefits to his country and himself.

It is but the exercise of good sense to take the subject of military education by such scholars as are able to obtain it, especially if they can do so at the expense of the Government.

As Mr. Justice White said in the *Selective Draft Law cases*, "Whatever tends to lessen the willingness of citizens to discharge their duty to bear arms in the country's defense detracts from the strength and safety of the Government." This brief, candid, and logical statement by one of our foremost jurists very definitely characterizes those seeking to prevent the young men of America from properly preparing themselves to discharge the first and most important constitutional duty imposed upon them.

Under the Constitution and statutes the President has power to excuse bona fide conscientious objectors from combat service, but under no provision of either the Constitution or statutes of this country can male citizens otherwise qualified be exempted from military service.

Since all able-bodied male citizens and aliens who have declared their intention to become citizens, between the ages of 18 and 45 years are on precisely the same legal basis in respect to their obligation to serve the country in time of war, and since that obligation is the very foundation stone upon which the Con-

stitution and our form of government rests, it is unpatriotic to encourage unpreparedness and disobedience to the highest requirement of American citizenship.

Our most fervent wish is to have peace with all the world, but in order to assure it we must be prepared at all times to defend ourselves if attacked. Only thus may we feel secure in the permanent enjoyment of our free institutions and our constitutional liberty.

#### FOREIGN COTTON PRODUCTION

Mr. BANKHEAD. Mr. President, in view of numerous statements which have been made recently about the effect of foreign production of cotton by reason of our reduction-of-surplus program, I desire to have inserted in the RECORD an article by F. L. Teuton, appearing in the Southern Agriculturist, entitled "Foreign Cotton Production."

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

[From the Southern Agriculturist]

#### FOREIGN COTTON PRODUCTION—HOW WILL OUR ADJUSTMENT PROGRAM AFFECT IT?

By F. L. Teuton

Will the cotton-adjustment program cause an increase in foreign production? Some say "yes" and some say "no." So, for the benefit of those interested in this matter, Southern Agriculturist presents a brief word picture of the cotton situation.

For several years the world has produced an average of about 26,000,000 bales of cotton a year. The United States produced about 15,000,000 bales, or approximately 60 percent of the total, and the rest of the world produced about 11,000,000 bales, or 40 percent of the production.

We produced 18,000,000 bales of cotton in 1926. We can raise that to 20,000,000 bales without much difficulty; and with a little effort the economists tell us that we can just about produce the world supply of cotton right here in the United States. We not only have the land, the climate, and the experience for growing cotton but we have modern gin facilities, transportation, and other advantages that some of our foreign competitors don't have. C. A. Cobb, Chief of the Cotton Section of the Agricultural Adjustment Administration, says that we are not only the biggest cotton-producing country in the world but that we can hold that place in spite of propaganda intended to scare us into believing something else.

But there are always two sides to a case. So let's face the facts and see where we stand. The United States first. We can expand production whenever we get ready. That's settled. We can improve quality, as we have in the last 5 years, if that is needed. But there is one thing we can't do. We can't use all the cotton we produce. Only about half of it. We depend on other countries to buy the rest. That's why we're interested in the foreign situation.

#### OUR FOREIGN COMPETITORS

Now, let's go abroad. Three things determine foreign production. First, is the amount of land that can be planted to cotton under favorable conditions. Second, is the need for food crops and the disinclination of the people to grow cotton at the expense of food. And third, is the price of cotton. Let's look at our foreign competitors now in the light of these three things. India first.

India is the second largest cotton-producing country in the world. She produces about 4,000,000 bales a year, or about one third as much as we do, and takes about 25,000,000 acres to do it. The most she ever produced was 5,201,000 bales. Most of India's cotton land is old, the farms small, averaging from 3 to 5 acres each, and the yield low, ranging from 60 to 100 pounds of lint cotton per acre. We don't know a great deal about India's potential cotton land. Irrigation possibilities will determine that. We're studying them now. India's main problem is to feed 320,000,000 people. That in itself prevents her from making sharp or substantial shifts in her crop acreage. The general opinion is that expansion will be slow unless high prices cause her to bring in large areas of irrigated land or to produce cotton at the expense of food crops.

#### CHINA, TOO, NEEDS FOOD

China is our next competitor. So much of her cotton is consumed in homes in the interior without passing through commercial trade channels that it is hard to get an accurate figure on either her acreage or her production. Her production is usually given at about 2,000,000 bales a year. But P. O. Nyhus, a Department of Agriculture field man, who has made a personal study of the Chinese situation, says that it is undoubtedly more than that. He says the amount of land in China that can grow cotton is far greater than the amount now planted to cotton. But that the Chinese farmer's first interest is to grow food; that poor transportation makes it hazardous to depend on food from outside of his own district; and that it is doubtful if our adjustment program will influence the situation one way or another unless the price of cotton rises far beyond present levels.

Egypt is next. She produces about a million and a half bales a year. The most she ever produced was 1,768,000 bales. P. K. Norris, our foreign cotton specialist, who has made a personal study of the Egyptian situation, says that Egypt's cotton acreage varies a great deal from year to year—sometimes as much as 50 percent—and that 2,160,000 acres is just about the limit of her cotton land

under present conditions. Anything beyond that would be at the expense of food crops, and not followed as a fixed policy.

However, Egypt, like India, China, and the United States, has additional land that would produce cotton if irrigated. But that's expensive, and requires years to complete, and is undoubtedly a long way off if built solely to expand cotton acreage. So Mr. Norris says that our program of adjusted production is not likely to affect the Egyptian situation very much one way or another unless we go too far, or continue it too long. And we don't expect to do either. But there is one thing that we ought to watch in Egypt. And that is her announced intention of increasing the proportion of her shorter staples to bring them in direct competition with our longer staples. The decline in the use of laces, and the new methods of making automobile tires from shorter staples has undoubtedly decreased the demand for Egypt's longer staples, and she is doing what any other country would probably do under similar conditions—shifting to meet the new deal.

#### HOW ABOUT RUSSIA?

Now for Russia. We've heard much about Russia's cotton program. But that was when she was expanding production, and trying to produce cotton in new regions with cold climate. The venture was not satisfactory. The most she ever produced was 1,889,000 bales. She recently reduced her acreage about 10 percent and is now producing most of her cotton back in her old cotton belt—the deserts of Turkestan. Most of this is produced under irrigation. And that's expensive. If Russia is producing her own supply now, the future growth of her population will necessitate either a further expansion of production, which proved difficult during the last 3 years, or a revival of imports. Which way she will turn, nobody knows.

Brazil produces cotton, too. Her production averages about a half million bales a year. The rumor is that she has a lot of land that will produce cotton under favorable conditions. P. K. Norris is down there now. And we'll know more about that when he returns in July.

Mexico and Peru produce cotton also. In fact, more than 50 countries produce some cotton. But our biggest competitors in the order named are India, China, Egypt, Russia, and Brazil. Many of the other countries are marginal countries. Within limits they increase production when the price is favorable, and decrease it when the price is unfavorable.

Of the three things that control production, namely, land, the need for food crops, and price—price is undoubtedly the most important. Lawrence Myers, cotton economist of the Department of Agriculture, says that any increase in the price of cotton tends to stimulate production and that the increase benefits foreign producers as well as us. He says that foreign production has increased in the past when the price was high enough. And he believes it will increase again if the price rises high enough. But what is that price? Some say 15 cents, some more, and some less. Nobody knows exactly what it is, and your guess is about as good as the other fellow's. It's all mixed up with the relative price of other crops, the value of the dollar, and so on. The thing to remember is that we could not go on reducing production and raising prices indefinitely without encouraging foreign production.

Undoubtedly the main reason for the foreign-expansion scare is the increase that occurred last year in Egypt, China, India, Brazil, and Mexico. But that can hardly be called an expansion, since in most cases it was merely a return to, or toward, normal production after 1 or 2 years of reduced production. And if it hadn't been for reduced production abroad, the total supply of cotton would be a lot bigger than it is.

#### SUMMING UP

As a matter of fact, the supply of foreign cotton is more in line with what it normally is than the supply of American cotton. On the average, American cotton makes up about 55 percent of the world supply. But for the last 2 years it has made up 65 percent of the supply, much of which we still have in our warehouses. So the economists tell us that we can stand a reduction for a time, even at the expense of the little foreign expansion that may occur, in order to get rid of the American surplus and get us back in line with supply and demand.

The general opinion among cotton economists is that we may have a little increase abroad if the price is favorable, but that we can stand it for a year or two until we get back on an even keel. And since the object of the program is to reduce production only until we are back in line, and then return to normal production, the economists see no reason for becoming unduly alarmed over the foreign situation. The Secretary of Agriculture can declare the program off and let us return to maximum production whenever he thinks it necessary. And with our natural advantages in producing cotton, we can make it hard for any country that enters the race against us.

Our Government has an eye on the foreign situation. The Bureau of Agricultural Economics has been studying it for several years. We have men in the foreign fields now making regular reports. In short, the Government is doing everything possible to protect the interests of the American cotton farmer.

#### THE MONETARY SYSTEM—ARTICLE BY FRANK E. JOHNESSE

Mr. POPE. Mr. President, I ask unanimous consent to have inserted in the RECORD a very valuable article by Mr. Frank E. Johnesse, of Boise, Idaho, a mining engineer and a student of monetary matters.

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

**ECONOMICS, THE LIFELOOD OF INDUSTRY, SOCIETY, AND HUMAN ENDEAVOR, DEPENDS UPON THE MONETARY SYSTEM INVOLVED**

Our Government's greatest troubles and failures are involved in its economic field.

Economics is the philosophy of human industry, of the relativity of exchange between human endeavors, and therefore rests upon the monetary system involved.

According to economic laws, certain causes under certain conditions produce certain effects. They are, however, independent of human opinion and make no allowance for human desire, sentiment, or human emotion.

The philosophy of economics is nature's law. Nature always stands firm, and man must accommodate himself to her conditions. Therefore economics must rest on the nature of things as they are and not on the assertion of what man thinks they should be.

Nature never deceives, although man's judgment as to what nature is may sometime be at fault.

If economics is not based upon accurate observation, it becomes a riot of futile, mythical, and conflicting ideas, and unnatural urges to do or prove something for some particular group or purpose.

Government operations can in no way escape economic laws. It may change economic conditions, but it cannot in any way stop the inevitable consequence of economic laws.

A government economic system to function satisfactorily must be based upon a logical and practical monetary system (money, the medium of exchange, representing wealth). And as all wealth is created by applying labor to nature's products, labor is the basis of all wealth, and the purchasing power of money or its exchange value must be based thereon.

In order that the exchange or purchasing power of a national or international currency or medium of exchange may function equitably, the natural law of relativity must also be taken into consideration and allowed to function.

Economics has become a science, and advanced civilization can no longer recognize the traditional jewel, token, or precious metal as their medium of exchange. It must be a compensated medium redeemable in essential commodities at a fixed relative value.

An economic system should be judged by its efficiency in the production of commodities, the equity of its system of distribution, and by its ethical, social, and human byproducts. But we must not overlook the fact that in a commercialized world, such as this has grown to be, the money subject is the paramount issue—the one thing upon which the success or failure of the system depends.

The productivity of industry is the most important criterion of the worth of an economic system, and it is generally conceded that the inefficiency of our present monetary system is the one thing in particular that has so sorely depressed our industrial and economic activities.

Regardless of what the reason for the labor urge may be, nature is man's only source of subsistence. Nature does not give any person anything for nothing. Everything wrested from nature requires labor. It is nature's universal law.

Labor must be both physical and mental. Some one has said, "There is no such thing as mere physical labor. The difference between so-called 'mental and physical labor' is merely one of degree. Even the simplest form of physical exertion requires some mental effort, and all labor must be directed. Both brawn and brain are necessary to make the world go. Probably less than 15 percent of our people are capable of real thinking; therefore, there is much more brawn available than brains. It is a matter of common observation that brain work usually receives a higher wage than physical labor. If conditions were just reversed and 85 percent of our people were high in brains and low in physical strength, and only 15 percent high in physical strength and low in brains, then the physical labor would be the one in most demand and would receive the higher wages."

The term "wealth" we apply to anything that has been secured, processed, and modified by human exertion so as to fit in for the gratification of human desires. Wealth does not reside in the object itself, but in the human desire for getting the object. That is, there is no such thing as absolute wealth, and the wealth attribute depends entirely upon human opinion actuated by desire and demand.

A government may put any kind of currency or circulating medium into circulation, but it is utterly powerless by any fiat to give it the purchasing power of any fixed standard.

Economics originated when primitive man first exchanged a coconut for a bunch of bananas.

Then followed barter and trade (exchanging kind for kind), which was carried on until organized government developed, when the necessity for a medium of exchange of some kind evolved. Gold being an indestructible precious metal of limited quantity in existence at the time, it was used as such, and later on given a fixed exchange value, and all obligations, both public and private were made payable therein.

At various periods in history silver has been associated with gold, and for about 700 years, between the seventh and fourteenth centuries, silver alone was the sole standard. Since 1873 gold has been recognized by leading nations and the commercial world as the universal standard of value and exchange. But business and commercial intercourse having expanded out of all proportion with the increase in gold production, the supply has become wholly inadequate and it has gradually ceased to be used as a circulating

medium and is being hoarded by nations, corporate interests, and individuals. As a result it has ceased to function as a relative standard on anything like an equitable basis. The public no longer associates the dollar with gold, and its exchange value and purchasing power has varied in recent years from 100 to 1,000 percent. With such an erratic monetary standard a practical and logical economic system is impossible.

Therefore, to provide an equitable standard of value it must be based upon the average relative cost in labor of essential commodities of a sufficient number to provide the necessary stability and relativity, and of those that are interchangeable, indestructible, and indispensable to the maintenance and progress of science and industry.

The cause of the extreme variability of the exchange value of our established monetary standard in the past has been due to the fact that it has been confined to gold alone, or gold and silver only, and of which there has always been an insufficient supply. Gold has never had an intrinsic value; and while silver has, it alone cannot provide for the average relative commodity cost. Consequently labor, which is the source of all wealth, is left out of the picture, and the natural laws of relativity and economics cannot function.

For any government to say that their dollar or medium of exchange is based on something substantial is futile. The only thing that will make it worth something substantial is its actual conversion, and this depends on the amount of labor or commodity the people will part with in exchange therefor.

All the gold and silver coinage and bullion in the United States represent but 1.4 percent of the total wealth in the Nation. Therefore a monetary system which provides that all obligations, both private and public, are payable in either one or both, cannot possibly have the necessary stability and credit backing to provide a stable commodity price level.

In the recent past we have tried to make credit serve our purpose instead of broadening the basis of our monetary system; but credit is not wealth, and increasing or extending credit does not increase our total wealth. As someone has said, "Credit may be likened to a rubber band that may be stretched to cover more surface without, however, increasing the total content, and in this stretching process it becomes thinner, more fragile, and more likely to break", which is precisely what happened to our credit system in October 1929.

For a government to undertake to curtail production is most illogical. The urgent need of the world today is for human beings to do more work and increase production. There will be no question about consumption if only they are allowed to exchange products on an equitable basis. This can be provided only by a broad and equitable monetary system which must be based upon a fixed relative price of several interchangeable, indispensable, and indestructible commodities, which must necessarily be composed chiefly of the leading industrial metals, such as silver, copper, lead, zinc, and iron, with gold to be used simply as the pivot point from which the relative value of the other metals included is to be based. Call it multimetalism. As to what the price of gold is fixed at is of little consequence so long as it is not variable.

To continue gold inflation or to go back on the single gold standard with gold at any price will only prolong existing conditions.

The existing unprecedented economic depression has drifted along to well within its fifth year, and to date nothing has been done that gives any assurance of lasting relief.

Without revolution society moves slow, and the inherited creeds and prejudices of humanity are modified and changed only by a very slow process of evolution, if at all.

A society that is not willing to modify its processes and relationships to conform to new situations cannot endure indefinitely.

The pioneers of our Nation established institutions in accordance with their needs, and as a result we advanced far to the front in the march of progress. But, like the orientals, modern America has fallen into idolatry, bound to tradition, and its reverence to irresponsible power is leading us into stagnation. We are paying deference to a traditional system of law that respects established customs at the expense of society. In spite of the wonderful scientific strides made within the recent past, we still cling tenaciously to an outworn medieval monetary system.

Not even those who suffer from the limitations of a social or economic system are easily persuaded to change it, because they are usually too ignorant to discover the basic rather than the superficial and incidental causes of their distress. This is particularly true of the United States where the great wealth of the Nation obscures the defects of the system. The question then arises: Can society gain sufficient social intelligence to modify the existing system step by step as the need arises and as traditional methods become unworkable, or whether through the stubbornness and blindness of the holders of power and privilege and through the ignorance of the masses the system will be permitted to disintegrate until change can come only through social convulsion and revolution?

The single gold standard, with the price at any level, is impractical and illogical and will not provide the necessary stability. Gold, because of its high value and low cost of transportation, is essentially a regulator fund and should be used only as such and not as a backing fund. It functions chiefly in being used and, to the extent that it is used, to adjust the supply of currency and circulating credit to the changing demands of trade. If we could only get our Government authorities to realize the fallacy of binding the Nation to a system that cannot possibly function as

a sane and sound national or international monetary system, it would open the way for the modernization of our entire economic system with inspiring results.

Inflating consumption is of far greater importance at this time than the inflation of commodity prices, and that is just where we are making the mistake. Under existing conditions, people in every walk of life are gradually coming to live on a lower scale. They are consuming less, and they will continue to do so until we adopt a monetary system that will function in the interest of the masses without discriminating barriers.

It is an established fact that the money or medium of exchange used by any nation, is the most profound, potent, and far-reaching influence affecting the general and individual welfare and prosperity of the people of that nation. In fact, this having become a commercialized world, it is the life blood of every phase of society and human endeavor. History records many instances where nations have been wrecked as a result of an unjust or inadequate monetary system.

The monetary policies, legislation, and practices of our Nation have for many decades been almost wholly dictated by a comparatively small number of great banking, money-lending, and money-manipulating interests. The judgment of the general run of the people has seldom been consulted, little considered, and usually ignored by the small number of persons in control of our monetary legislation and administration. These same persons now aspire, in cooperation with similar groups in other nations, to world-wide financial dominion, and are creating a system wherein the United States will be but one of the service stations under their control and subject to their absolute dictation.

The men and influences in control have had many years of almost unlimited power in which to demonstrate the wisdom or folly of their policy and administration. It has resulted in the concentration of wealth, to the detriment of the masses, and the building of colossal fortunes in the ownership of a comparatively few; fortunes so vast and increasing so rapidly that one stands appalled at their magnitude and rapidity of increase; fortunes so vast that their owners, when well-intentioned toward society, must apparently permit their continued growth through a very dearth of opportunities of sufficient size to effect a wide distribution of their holdings without injury to the affairs and the morale of the people; fortunes so vast that, if held by those of unwise or vicious intentions toward their fellow humans, are capable of being the means of wide-spread harm and demoralization; fortunes which, unless widely scattered and distributed, will possibly and very probably be the creative source of a great permanent class of worthless idlers, forever a drain upon the labor and industry of others.

General business is always in a precarious state under the present financial system, with its alternate fevers of expansion and chills of contraction. Labor, in its varied forms, has its comparative good times and then a siege of enforced idleness that eats up the savings possibly set aside to meet the needs of the declining years of life.

Our money system, as it has been created and operated by those long in control, has utterly failed to meet the needs of the masses. It functions crudely, both in times of peace and in times of war. It is a system of instability instead of stability and certainty. The value of our money as measured in average purchasing power, instead of being as stable and fixed as the law of gravitation and as it should be, it is, on the contrary, as unstable and treacherous as the shifting sands of the Sahara Desert, robbing first the debtor and then the creditor, and seldom or never preserving the just equities of average business calculations and obligations.

Our monetary system has lagged far behind in the progress of the various phases of our governmental structure. It, more than all other causes combined, is responsible for the existing world-wide depression.

Those groups and factions that have been chief manipulators in devising and in our adherence to the present system stand in self-confessed helplessness, unable to give any tangible assurance of even temporary relief, much less a permanent remedy. They are afraid that the adoption of any new or radical change may rob them of their prestige.

The greed of selfish wealth accumulation is arrogant and well-nigh insatiable. During the war it not only took every precaution to prevent the drafting of capital to harmonize with the drafting of man power, but it took advantage of every opportunity of aggrandizement. At a time when the Nation was becoming almost hopelessly involved in debt, the great private and corporate accumulations multiplied and mounted skyward.

They have now become so powerful that we have the amazing spectacle of prominent Government officials practically confessing that they must be given full rein to accumulate and hold, without limit or restraint. Threat has been carefully conveyed that unless such concessions were recognized and approved, that the welfare of the people would be further hampered and curtailed by a refusal of the money service now furnished by means of the so-called "loans and investments" of private and corporate capital, and the Federal Reserve Banking System. That any power exists to demand such concessions, or exact such penalty, is proof of the need for great readjustments in the present money system and service.

Our aim should be the establishment of a money system and service upon a basis in full harmony with the letter and spirit of popular government, as set forth so admirably in the preamble to the Constitution of the United States, "In order to form a

more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The main objective of our monetary system, as well as that of every other factor in our governmental structure, should be in conformity with the Golden Rule, which is real democracy.

Our Government has long ago ceased to function as a democracy. It has become capitalistic, but cannot endure for long in this day and age. Unless the necessary radical changes are brought about at an early date under the existing system, it will come as a result of revolution.

The money of a nation must be regulated for the public good and not for private or corporate profit. In providing such we must get far away from tradition and outworn theories and get down to fundamentals. We need a monetary system that will provide a compensated commodity dollar—a dollar or medium of exchange that will function equitably, nationally and internationally.

To undertake to stabilize the dollar by the revaluation of gold and to continue to use it as a standard and medium of exchange will only prolong this terrible industrial panic and necessity for the N.I.R.A. program, which at best will soon have reached its limitations.

Monometalism (the single gold standard) is the thing of the past. We are in dire need of a logical, practical modernized monetary system. Multimetalism—explained in brief in conclusion—is the logical solution.

While multimetalism has never been tried out and its feasibility demonstrated, no other plan so far proposed comes anywhere near providing so sound a method; and while it may not prove perfect, it will without a doubt prove to be far superior to any plan ever devised or adopted by any nation in the past. It is the only plan upon which an international monetary system that will function satisfactorily can be based. Its early adoption by our own Nation will at once start us on the short cut back to prosperity with such startling results that other nations looking for a logical way out and not bound by tradition and the greed and narrowness of the dominating class will quickly fall in line. Right now multimetalism is our salvation. It will also tend to obliterate extreme national independence and lead the world on to a broader application of interdependence and internationalism, as it should.

It matters not what system we may finally decide to try out (unless it should be a return to the gold standard); there will develop a strong reactionary force that will resort to every means within their power to defeat it. However, should we return to the single gold standard, defeat will be inevitable.

The first step toward multimetalism is to peg gold at some fixed price and remonetize silver at the old ratio of 16 to 1 or thereabout. Then fix the relative price of copper, lead, zinc, and iron at the proper level therewith, and we will then have revolutionized, modernized, harmonized, and stabilized our monetary system.

#### MULTIMETALISM IN BRIEF

For a broader and more stable metal backing to our monetary system we should include along with gold not only silver but at least four of the most important industrial metals, copper, lead, zinc, and iron.

Then peg gold at some fixed price in dollars from which there can be no variation; then fix a relative labor or production cost price on the other five metals at something like a normal 10-year price average.

Issue multimetal certificates in various denominations for our circulating currency, to be redeemable in any one or more of the said six metals at their fixed relative prices, and all debts, public and private, payable therein.

Have a Federal currency control board with power to gradually vary the relative value of any of the said metals other than gold, if necessary, to conform to extreme variation in supply and demand.

The Government to certify to the production of all the said six metals hereafter produced in the Nation and charge a certification fee of, say, 15 percent on gold, 10 percent on silver, and 5 percent on the other four.

A like certification fee could well be imposed on the production of all other metals. They constitute real wealth coming from the earth which is the natural birthright of the people. It would therefore be just and felt less than mostly any other form of tax. It would also provide a large percentage of the necessary income.

Under this system the relative price of all commodities could be brought to any desired level because under such a system the relative average price level of all commodities would conform to the relative labor cost of the six metals and would become stable.

It will provide a most ideal international monetary system and an international medium of exchange, and check the growing tendency toward nationalism, which is much to be desired.

We are living in the metal age. The progress of science and industry is dependent upon the use of metals. With these industrial metals functioning as a monetary standard, they will be used to a very large extent in commodity exchange and thereby greatly increase our international commercial intercourse.

Under multimetalism the extreme variation in the purchasing power of our standard of value, such as experienced under the single gold standard, could not occur.

Once it is adopted, details as to price, certification fees, etc., can very easily be worked out to conform to existing conditions, and we will then have paved the way for a rapid recovery from our present ills.

## MUNICIPAL WATER SUPPLY OF SALT LAKE CITY

Mr. KING. Mr. President, I ask unanimous consent for the present consideration of a local bill, the bill (S. 2442) for the protection of the municipal water supply of the city of Salt Lake City, State of Utah. The bill deals with the watershed of Salt Lake City. It is merely a matter of protecting the water supply of Salt Lake City.

Mr. ROBINSON of Arkansas. Mr. President, I understand the bill has the unanimous approval of the committee and is approved by the Department?

Mr. KING. That is correct.

Mr. McNARY. Mr. President, I understand the bill affects only the water supply of the city of Salt Lake City?

Mr. KING. That is the only purpose. I ask unanimous consent for the present consideration of the bill.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys, with amendments, on page 1, line 5, after the words "Salt Lake", to insert "City"; on page 3, line 21, after the words "Salt Lake", to insert "City"; on page 4, line 8, to strike out "each patent also shall reserve to the city of Salt Lake all rights to any surface or underground water which may exist or be developed on or in the claim", in line 19, after the words "Salt Lake", to insert "City"; and on page 5, line 2, after the words "Salt Lake", to insert "City", so as to make the bill read:

*Be it enacted, etc.*, That hereafter mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, specifically described as follows—

South half section 22; all of section 23; and sections 25 to 36, inclusive; township 1 south, range 2 east, Salt Lake meridian.

South half of section 30; and sections 31 to 33, inclusive; township 1 south, range 3 east, Salt Lake meridian.

Southeast quarter northeast quarter and east half southeast quarter section 11; south half and south half north half section 12; north half, southeast quarter, east half southwest quarter and northwest quarter southwest quarter section 13; east half northeast quarter and northeast quarter southeast quarter section 14; east half northwest quarter; and east half section 24; southeast quarter section 25, township 2 south, range 1 east, Salt Lake meridian.

All of township 2 south, range 2 east, Salt Lake meridian.

West half section 3; sections 4 to 9; west half and southeast quarter section 10, south half section 14; sections 15 to 23; west half section 24; west half section 25; sections 26 to 35; and west half section 36; township 2 south, range 3 east, Salt Lake meridian.

East half section 1, township 3 south, range 1 east, Salt Lake meridian.

Sections 1 to 18, inclusive; and sections 20 to 24, inclusive; township 3 south, range 2 east, Salt Lake meridian.

Sections 1 to 9, inclusive; north half section 10; and section 18, township 3 south, range 3 east, Salt Lake meridian.

shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

SEC. 2. That hereafter all patents issued under the United States mining laws affecting the above-mentioned lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest, in the State of Utah, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed

except under the rules and regulations of the Department of Agriculture.

SEC. 3. That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in Big Cottonwood Canyon in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reservoir site for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: Lands in sections 13 and 14, township 2 south, range 2 east; and sections 7, 17, and 18, township 2 south, range 3 east, Salt Lake meridian, Utah, as shown on reservoir map approved on January 25, 1924, under section 4 of the act of February 1, 1905 (33 Stat. 628).

SEC. 4. That valid mining claims within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, existing on the date of the enactment of this act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Utah, may be perfected under this act, or under the laws under which they were initiated, as the claimant may desire.

The amendments were agreed to.

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

The title was amended so as to read: "A bill for the protection of the municipal water supply of the city of Salt Lake City, State of Utah."

## AMENDMENT OF DISTRICT ALCOHOLIC BEVERAGE CONTROL ACT

Mr. KING. Mr. President, I ask unanimous consent to lay aside temporarily the unfinished business in order that I may call up two District of Columbia bills, which I am sure will lead to no discussion.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none.

Mr. KING. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H.R. 8854) to amend the District of Columbia Alcoholic Beverage Control Act by amending sections 11, 22, 23, and 24.

This bill was introduced in the House and after hearings was reported back to the House and passed. It was considered by the Senate committee and unanimously approved.

Broadly speaking, the bill is to meet a situation not anticipated when the law which this amends was enacted. Evasions to that law have occurred, and the Commissioners of the District of Columbia prepared and recommended the passage of the bill under consideration in order that these evasions might be prevented. The information brought to the attention of the committee indicates that the District is losing considerable money each day through failure to obtain taxes to which it is entitled. Broadly speaking, the bill seeks to amend an existing law only by providing for the placing of stamps upon containers containing the liquors authorized to be sold under the Alcoholic Beverage Control Act. To accomplish this result, the bill was drafted in such form as to reenact a number of the sections of the original law with a few verbal changes therein.

The purpose of this bill is to change the method of collecting taxes on liquor in the District of Columbia from the present system of reporting to a stamp-tax system. At present the licensee is required to report on or before the 10th of each month the amount of the tax for the preceding month. We have no way of checking except through his books. Obviously this method is easily susceptible of evasion. We propose that stamps be placed on containers to indicate the payment of the tax.

The sections of the present law which relate to the payment and collection of tax are sections 22, 23, and 24. This bill rewrites these sections, the provisions being as follows:

Section 2 permits the Commissioners to discontinue the making of the reports relative to taxes required by the present law.

Section 3 rewrites section 23 of the present act, as follows:

- (a) Levies the tax at exactly the same rates as the present law.
- (b) Provides for collection by the collector of taxes.
- (c) Provides for payment by the affixture of a stamp.
- (d) Provides that the collector of taxes shall furnish the stamps.

- (e) Provides the time for affixing of the stamp.
- (f) Prohibits the reuse of stamps.
- (g) Is the same as the present law.
- (h) Is the same as the present law.
- (i) Is the enforcement provision providing for the forfeiture of liquor on which the tax has not been paid.
- (j) Prohibits the counterfeiting of stamps.

Section 4 rewrites section 24 of the present law to provide that stamps shall be furnished to licensees to affix to containers of liquor upon which the tax has already been paid and which is in their possession on the effective date of this act.

Section 5 provides for the effective date of the act.

The first section of this bill is a minor amendment—not relating to stamps—which merely inserts in section 11, subsection (c) of the present law relating to wholesalers, the same provisions as to regulations by the Commissioners as are already in section 11, subsection (a), with reference to manufacturers. This omission was purely an oversight in the drafting of the original liquor bill.

Mr. McNARY. Mr. President, I understand that an emergency exists, and I have no objection to the immediate consideration of the bill.

Mr. BORAH. Mr. President, I just entered the Chamber. Is the Senator from Utah going to explain the bill?

Mr. KING. Before the Senator came into the Chamber I had explained the purpose of the bill and also referred to its provisions. Practically, the bill under consideration, though it contains a number of amendments, has but one purpose, and that is to make more certain that taxes shall be collected upon the liquors sold within the District of Columbia. It has been discovered that the requirement that licensees shall make report of the amount of liquor sold does not meet the situation. It has been shown that liquors are brought into the District of Columbia and sold and there has been no accurate and satisfactory way to determine whether the tax provided by law has been paid upon the same. The Federal Government requires stamps upon the containers of liquors, and it has been found that this is a reasonably satisfactory plan to obtain the taxes provided by law. The bill before us requires, as I have heretofore stated, that stamps showing that the tax has been paid be placed on all containers. In other words, before alcoholic liquors can be sold, stamps must be obtained from the District authorities and placed upon all vessels, kegs, bottles, and so forth, in which the alcoholic beverages provided by law are contained.

Mr. BORAH. This is the only amendment of the act?

Mr. KING. As stated, the various amendments offered deal with the purchase of stamps and the placing of them upon all receptacles and containers. There is also a minor amendment which relates to regulations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

*Be it enacted, etc.,* That section 11, subsection (c), of the District of Columbia Alcoholic Beverage Control Act is amended by adding at the end of the first paragraph thereof the following: "It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this act."

Sec. 2. That section 22 of the said Alcoholic Beverage Control Act be amended by adding at the end thereof a new paragraph to read as follows:

"(c) The Commissioners may at any time suspend or revoke in whole or in part the requirements of this section."

Sec. 3. That section 23 of the said Alcohol Beverage Control Act is amended so as to read as follows:

"Sec. 23. (a) There shall be levied, collected, and paid on all of the following-named beverages manufactured by a holder of a manufacturer's license, and on all of the said beverages imported or brought into the District of Columbia by a holder of a wholesaler's or retailer's license, a tax at the following rates, to be paid by the licensee in the manner hereinafter provided:

"(1) A tax of 85 cents on every wine-gallon of wine containing more than 14 percent of alcohol by volume, except champagne, or any wine artificially carbonated and a proportionate tax at a like rate on all fractional parts of such gallon; (2) a tax of 50 cents on every wine-gallon of champagne or any wine artificially carbon-

ated, and a proportionate tax at a like rate on all fractional parts of such gallon; (3) a tax of 50 cents on every wine-gallon of spirits, and a proportionate tax at a like rate on all fractional parts of such gallon; (4) and a tax of \$1.10 on every wine-gallon of alcohol, and a proportionate tax at a like rate on all fractional parts of such gallon.

"(b) Said taxes shall be collected by and paid to the Collector of Taxes of the District of Columbia and shall be deposited in the Treasury of the United States to the credit of the District of Columbia.

"(c) Said taxes shall be collected and paid by the affixture of a stamp or stamps secured from the Collector of Taxes of the District of Columbia denoting the payment of the amount of the tax imposed by this act upon such beverage, such affixture to be upon the immediate container of the beverage, unless the Commissioners shall by regulation permit otherwise.

"(d) The collector of taxes of the District of Columbia shall furnish suitable stamps, to be prescribed by the Commissioners, denoting the payment of the taxes imposed by this act, and shall by the sale of such stamps at the amounts indicated on the faces thereof cause the said taxes to be collected.

"(e) Upon beverages manufactured in the District of Columbia by a manufacturer licensed under this act, the stamps required by this act shall be affixed before the removal of the beverage from the place of business or warehouse of the said manufacturer for delivery to a purchaser. Upon beverages except taxable light wines, imported or brought into the District of Columbia by any wholesaler licensed under this act, the stamps required by this act shall be affixed before the removal of the beverage from the place of business or warehouse of the said wholesaler for delivery to a purchaser; upon taxable light wines imported or brought into the District of Columbia by any wholesaler licensed under this act, the said stamps shall be affixed within 24 hours (excluding Sunday from the count) after the wines are received at the licensed premises of the wholesaler and before said wines are sold by such wholesaler. Upon beverages purchased outside the District of Columbia by any retailer licensed under this act, the stamps required by this act shall be affixed within 24 hours (excluding Sunday from the count) after the beverage is received at the licensed premises of said retailer and before said beverage is sold by such retailer.

"(f) No person shall use or cause to be used for the payment of any tax imposed by this act a stamp or stamps already theretofore used for the payment of any such tax.

"(g) No tax shall be levied and collected on any alcohol exempt from tax under the laws of the United States, or on any alcohol sold for nonbeverage purposes by the holder of a manufacturer's or wholesaler's license, in accordance with the regulations promulgated by the Commissioners.

"(h) If any act of Congress shall hereafter prescribe for a Federal volume tax on alcoholic beverages under which a portion of said tax shall be returned to the District of Columbia, the taxes levied under this section shall not be collected after the effective date of said act.

"(i) The possession by any licensee of any beverage after its removal from the licensed premises of a manufacturer or wholesaler within the District of Columbia or after 24 hours (Sunday being excluded from the count) after its receipt from outside the District of Columbia, upon which the tax required has not been paid, shall render such beverage liable to seizure wherever found, and to forfeiture by the District of Columbia. And the absence of the proper stamps from any container (or wrapper if such be permitted) after the time at which the affixture of the stamp is required by this act shall be notice to all persons that the tax has not been paid thereon and shall be prima facie evidence of the nonpayment thereof. Such beverage so liable to forfeiture shall be proceeded against in the Supreme Court of the District of Columbia by the corporation counsel of the District of Columbia, and, if condemned, the said beverage shall be disposed of by destruction or delivered for medicinal, mechanical, or scientific uses to any department or agency of the United States Government or the District of Columbia government or any hospital or other charitable institution in the District of Columbia, or sold at public auction, as the court may direct. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, and all such proceedings shall be at the suit of and in the name of the District of Columbia.

"(j) Any person who shall counterfeit or forge any stamp required by this act shall, upon conviction, be subject to a fine not exceeding \$5,000 or to imprisonment for a period of not more than 2 years, or to both such fine and imprisonment."

Sec. 4. That section 24 of said Alcoholic Beverage Control Act is amended so as to read as follows:

"Sec. 24. (a) Every licensed manufacturer, wholesaler, and retailer under this act shall furnish the collector of taxes of the District of Columbia on the day this act becomes effective a statement under oath, on a form to be prescribed by the Commissioners, showing the amount and kind of taxable beverages held and possessed by him on the day this act becomes effective, and shall state the number and denomination of stamps necessary for the stamping of such beverages so held and possessed on said date, as required by this act.

"(b) All beverages held or possessed by any licensed manufacturer, wholesaler, and retailer under this act on the effective date of this act shall have the stamps affixed thereto as required by this act, but such stamps shall be furnished free and without cost to such licensee by the collector of taxes of the District of Columbia upon receipt by him of the statement under oath

required by paragraph (a) of this section: *Provided, however*, That such licensee shall on or before the 10th day of the calendar month first occurring after the effective date of this act, file with the board the statement under oath required under section 22, paragraphs (a) and (b) of the Alcoholic Beverage Control Act for the District of Columbia as originally enacted and approved, and shall on or before the 15th day of the calendar month first occurring after the effective date of this act pay to the collector of taxes of the District of Columbia all taxes imposed by section 23 of said act, as originally enacted and approved, on the beverages so reported as herein required."

Sec. 5. This act shall become effective on the 1st day of the calendar month first occurring after 30 days from the approval thereof.

#### PUBLIC WORKS ADMINISTRATION LOANS TO THE DISTRICT

Mr. KING. Mr. President, from the Committee on the District of Columbia, I report back favorably, with amendments, the bill (S. 3404) authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes, and I submit a report (No. 841) thereon.

This being in the nature of an emergency measure, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the bill may be considered.

Briefly, the measure has the approval of the National Park and Planning Commission and of the District Commissioners. The House and Senate Committees on the District of Columbia held a joint session for the consideration of the bill, at which a number of witnesses were heard, including the District Commissioners, corporation counsel, representatives of the National Park and Planning Commission, and representatives of citizens' associations. The Senate Committees also considered the bill and have agreed upon the same, with certain amendments, and request its passage.

The purpose of the bill is to permit the Commissioners of the District of Columbia to take advantage of the provisions of the act relating to the Federal Emergency Administration of Public Works. Under existing law the Commissioners have no power to borrow money. This bill gives them such authority to the extent of \$20,000,000, to be obtained from the Public Works Administration under the same conditions as other municipalities are obtaining such funds. The money thus obtained is to be used almost entirely in building and construction projects, thus providing employment for many unemployed. The projects contemplated are a tuberculosis hospital, a sewage-disposal plant, the first unit of a municipal center to house the juvenile, municipal, and police courts, an addition to Gallinger Municipal Hospital, a jail or other enclosure for prisoners at Lorton, certain public schools, and for parks, parkways, and playgrounds. The committee is of the opinion that these are much-needed improvements in the District.

Since the detailed plans of each project must be investigated and approved by the Public Works Administration and the various costs checked and approved before the money can be advanced, it is not feasible to state the precise cost of each project before such action. It is hoped that these projects will be completed at sums sufficiently less than the estimates to permit the use of approximately \$1,000,000 for the development of some of the land which has been acquired by the National Capital Park and Planning Commission, so that it will be presently available for use as parks and playgrounds.

The bill further provides that \$2,000,000 of the total authorized shall be transferred to the National Capital Park and Planning Commission for use in the acquisition of lands under the Capper-Cramton Act. Of the \$16,000,000 originally authorized to be appropriated for the purposes of that Commission, \$4,000,000 has been appropriated and expended, and the \$2,000,000 here provided will apply on the balance of that authorized appropriation.

The total amount for which the District of Columbia will be indebted to the United States under both this act and under the authorization of the Capper-Cramton Act will be about \$24,000,000 (assuming that Congress at some time appropriates the full balance authorized under the Capper-Cramton Act). This bill provides that this total shall be repaid at the rate of not less than \$1,000,000 if there is no

outstanding obligation on the part of the District under the Capper-Cramton Act, and not less than \$1,300,000 if there is a combined obligation under the two acts outstanding. It also provides that the total requirements of the two acts for repayment in any one year shall not exceed \$1,300,000, but that the Commissioners of the District may in their discretion repay any greater amount that the financial condition of the District may permit. This provision will require that the entire obligation of \$24,000,000 to the United States be repaid in not less than 19 years. This would seem to be sound financing, and to require the liquidation in less than that period of a major debt of this sort, expended for public improvements of this nature, might not be entirely reasonable. The Commissioners contend that the finances of the District should not be compelled to meet a larger payment.

The bill also provides that in making payments on their account with the United States the Commissioners may exercise their own discretion in allocating their payments as between the amounts due under this act and those due under the Capper-Cramton Act. The purpose and effect of this provision is to enable the District Commissioners to handle this financing upon the most economical basis in the interest of the District.

The act in no way lessens the authorization of the National Capital Park and Planning Commission under the Capper-Cramton Act, nor does it impinge upon the authority of that Commission.

I renew my request for unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the unfinished business may be temporarily laid aside, and that Senate bill 3404 may be considered at this time. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The clerk will state the amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 9, after the word "for", to strike out "the purposes of"; on page 2, line 2, after the word "sewage", to strike out "and refuse"; and on the same page, line 9, before the word "and", to insert "parks, parkways, and playgrounds (to be acquired and improved in accordance with existing law, said improvement to be on lands acquired by the National Capital Park and Planning Commission)", so as to make the section read:

That the Commissioners of the District of Columbia are hereby authorized to borrow for the District of Columbia from the Federal Emergency Administration of Public Works, created by the National Industrial Recovery Act, and said Administration is authorized to lend to said Commissioners, the sum of \$20,000,000, or any part thereof, out of funds heretofore authorized by law for said Administration, for the acquisition, purchase, construction, establishment, and development of a tuberculosis hospital, a sewage-disposal plant, a municipal center or any unit thereof (under and in accordance with the provisions of the act entitled "An act to provide for the establishment of a municipal center in the District of Columbia", approved Feb. 28, 1929 (45 Stat. 1408)), an extension of or addition to Gallinger Municipal Hospital, a jail or other enclosure for prisoners at Lorton, Va., parks, parkways, and playgrounds (to be acquired and improved in accordance with existing law, said improvement to be on lands acquired by the National Capital Park and Planning Commission), and public schools, or any one or more of said projects as the said Commissioners may determine.

The amendment was agreed to.

The next amendment was, on page 2, line 13, before the word "transfer", to strike out "may in their discretion" and insert "shall"; in line 15, before the words "to be", to strike out "or any part thereof"; in line 16, after the word "the", to strike out "purchase" and insert "acquisition"; and in line 22, after the figures "\$2,000,000", to strike out "if so transferred, or such part thereof as may be transferred to the said Commission", so as to make the section read:

Sec. 2. That from the sum authorized to be borrowed by section 1 of this act the Commissioners of the District of Columbia shall transfer to the National Capital Park and Planning Commission the sum of \$2,000,000, to be available to said Commission

for the acquisition of land for parks, parkways, and playgrounds in the District of Columbia in accordance with the terms of section 4 of Public Act No. 284, Seventy-first Congress, entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway, and so forth", approved May 29, 1930: *Provided*, That said sum of \$2,000,000 shall be deemed to be in lieu of the appropriation of an equal amount of the sums authorized to be appropriated by the aforesaid section of the aforesaid act.

The amendment was agreed to.

The next amendment was, on page 3, line 12, after the word "services", to insert "without reference to the Classification Act of 1923, as amended, and section 3709 of the Revised Statutes", so as to make the section read:

Sec. 3. The sum authorized by section 1 hereof, or any part thereof (except such sums as may be transferred by them as provided in section 2), shall, when borrowed, be available to the Commissioners of the District of Columbia for the acquisition by dedication, purchase, or condemnation of the fee simple title to land, or rights or easements in land, for the public uses authorized by this act, and for the preparation of plans, designs, estimates, models, and contracts, for architectural and other necessary professional services without reference to the Classification Act of 1923, as amended, and section 3709 of the Revised Statutes, for the construction of buildings, including materials and labor, heating, lighting, elevators, plumbing, landscaping, and all other appurtenances, and the purchase and installation of machinery, apparatus, and any and all other expenditures necessary for or incident to the complete construction of the aforesaid buildings and plants. All contracts, agreements, and proceedings in court for condemnation or otherwise, pursuant to this act shall be had and made in accordance with existing provisions of law, except as otherwise herein provided.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "been", to strike out "borrowed" and insert "advanced to said District"; in line 7, before the word "and", to strike out "borrowing" and insert "advances"; and in line 8, after the word "thereafter", to insert "on annual balances as of each June 30", so as to read:

Sec. 4. That 70 percent of so much of said sum authorized by section 1 of this act as may be expended as therein provided shall be reimbursed to the Federal Emergency Administration of Public Works from any funds in the Treasury to the credit of the District of Columbia, as follows, to wit: Not less than \$1,000,000 on the 30th day of June each year after such sum shall have been advanced to said District until the full amount expended hereunder is reimbursed, without interest for the first 3 years after any such advances and with interest at not exceeding 4 percent per year thereafter on annual balances as of each June 30.

The amendment was agreed to.

The next amendment was, on page 4, line 16, after the word "less" to strike out "than \$1,000,000"; in line 17, after the word "than", to strike out "\$1,250,000" and insert "\$1,300,000", so as to make the proviso read:

*Provided*, That whenever the District of Columbia is under obligation by virtue of the provisions of section 4 of Public Act No. 284, Seventy-first Congress, entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway, etc.", approved May 29, 1930, to reimburse the United States for sums appropriated by the Congress under that act, the total reimbursement required under both that act and this act shall be not less nor more than \$1,300,000 in any one fiscal year.

The amendment was agreed to.

The next amendment was, on page 4, line 19, after the word "said", to strike out "amounts" and insert "amount", so as to make the proviso read:

*Provided*, That the Commissioners may, in their discretion, repay more than said amount:

The amendment was agreed to.

The next amendment was, on page 4, line 24, after the word "act", to strike out the period and insert a colon and the following additional proviso:

*Provided*, That such sums as may be necessary for the reimbursement herein required of or permitted by the District of Columbia, and for the payment of interest, shall be included in the annual estimates of the Commissioners of the District of Columbia, the first reimbursement to be made on June 30, 1936.

The amendment was agreed to.

The next amendment was, on page 5, line 2, after the word "submit", to strike out "quarterly" and insert "with their annual estimates", and in line 3, after the name "House of Representatives", to strike out "(or to the Secretary of the

Senate and the Clerk of the House of Representatives, if those bodies are not in session)", so as to make the section read:

Sec. 5. That the Commissioners of the District of Columbia shall submit with their annual estimates to the Senate and the House of Representatives a report of their activities and expenditures under section 1 of this act.

The amendment was agreed to.

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

Mr. KING. Mr. President, I desire to express my thanks to the Senate for its courtesy in permitting me to take up and dispose of the two measures which have just been passed.

#### THE AIR MAIL

The Senate resumed the consideration of the bill (S. 3170) to revise air-mail laws.

Mr. McCARRAN. Mr. President, yesterday afternoon for a limited time I had the opportunity of addressing myself to the Senate with reference to the bill now pending and the general subject matter thereof.

I doubt very much if the Congress of the United States will have before it during this session a more important measure, one with greater constructive possibilities, or one that will look further into the future than the pending proposed legislation.

Whatever may have been the history of the past, like all histories of the past, it constitutes a foundation on which the future must be builded. That history may have had its chapters that were not written in brilliant letters, and it may have had its chapters that were written indelibly into something that means much for the centuries yet to come. Never in all the history of mankind, however, has there been a science that meant more than the science of travel by the air, than the science of commerce by the air, because that science leads to a multitude of possibilities concerning which the imagination of man may never exhaust itself.

I desire to say now that within the past few months there has been predicted by those who should know and who do know, and who do not deal in imagination alone, something which ordinarily would startle mankind. It is predicted that the day is not far distant when one may leave the Capitol Grounds of the Capital of this Nation in the latter part of the week, rise in 8 minutes to the stratosphere, travel to the lion-hunting grounds of South Africa, and return with the trophies of his hunt to present on the following Monday at noon.

Just above our atmosphere is something that gives rise to that which led Jules Verne, the author of *Twenty Thousand Leagues Under the Sea*, into the realm of an imaginative fancy which you and I laughed about when we were boys. In this proposed legislation we are not dealing with trifles; we are not dealing with mere imagination. We are dealing with realities, where science has bent its effort, and the imagination of mankind, following science and its development, has had an opportunity to know at least a little of the possibilities.

What does the bill now before this body present? Does it present a solution of that which comes now as a problem by reason of months of investigation? I say, as a member of the special investigating committee, that it does not. There is no more reason for placing the science of aviation in the hands of a political agent than there is for placing every railroad in America in such hands.

Commercial aviation should be out of the Post Office Department. It has no place there. The Post Office Department has a commodity to ship, by commercial aviation and by rail and by water; but the fact that it has a commodity to ship is no reason why it should control the avenues through which that commodity should be shipped, any more than a private individual, a great shipper, should control the avenues by which his commodity should be transferred from one State to another.

I intend to propose an amendment, and it is now before this body in printed form, which takes this entire matter out of the realm in which it now finds itself, and, finding

itself there, looks back to a history that brought it into that realm. That history, so far as my present purposes go, began with what is known now as the "McNary-Watres Act", undoubtedly enacted at a time and an hour when everyone believed that the Post Office Department was the proper place for the legislation to rest itself. No one will criticize the seriousness or sincerity of those who worked out the McNary-Watres Act.

The history of that legislation will not lend itself to anything save and except a serious desire on the part of those who were studying out that line of legislation to bring about the best result for the country; but we have had the experience of that legislation, and we have found its flaws; we have found its fallacies; we have found its loopholes. Shall we go on with that? Shall we place this industry back in the control of the Postmaster General; and if so, why?

Let us consider a little history aside from the record, as well as that found in the record. For some time past—I do not know why—the office of the Postmaster General has been the office through which public patronage seems to have been dealt out under different administrations. It is as true today as it was in the past administration. It was as true then as it is now. Why should we say that a great governmental agency having in its control one of the most vital things to national life—namely, the distribution and carriage of the mail—and which, by an unwritten law, seems to have inherited the distribution of political patronage, should also control, by legislation enacted by Congress, the carrying of the mail by air, when, as a matter of fact, the navigation of the air, and the method of carrying the mail in that wise, is a new science only in its making, the ultimate possibility of which no man knows? Why should we adopt the method heretofore followed, when all that we can say of the result of past legislation is that we have brought a cloud upon a former Postmaster General, and brought the present administration in its first dilemma, by reason of that very agency?

As a Democrat, I wish to God that Postmaster General Farley had never had control over the air mail, because it has presented the first opportunity or avenue for criticism on the part of those who would criticize the present administration. If I were a Republican, I would say that I only wish my administration, when it was in power, had never had this air-mail avenue by which the opposition could drive shafts into an advancement over which I had no control.

Yet the bill now pending, introduced by the Chairman of the Committee on Post Offices and Post Roads, proposes to put that control right back where it was, although we are on the threshold of an advancing science, a science that is only in its infant stage, a science vital to this Government and this country in the years to come.

Mr. BORAH. Mr. President—

Mr. McCARRAN. I yield to the Senator from Idaho.

Mr. BORAH. The Senator's amendment of which he speaks is in the nature of a substitute?

Mr. McCARRAN. Yes, sir. I shall deal with my proposed substitute further. I am going now to deal with this subject from another angle, which presents itself to the Senate by reason of many expressions that have been made. Some of them, I am sorry to say, come from the learned Senator from Ohio [Mr. Fess], who has criticized in rather intemperate language the experience we have had in carrying the mail through the agency of the Army. If there is one thing the American people have learned during the past few months, it is that the arm of aviation, which nations have sought to build for their own defense, which we have tried to build by the expenditure of millions of dollars of the taxpayers' money, has not been developed to the point where it should stand without betterment.

Suppose war had been declared on the 9th day of February; suppose on that day our armed forces had been called upon to bring their air forces into service; where would we have been? Has it not been brought to the attention of the American people—and I regret it more than anyone else—that that great adjunct which belongs to our armed

forces for defense in the future is indeed sadly lacking? If no other lesson comes out of this whole situation, we shall at least have learned that we must give more attention, from a national standpoint, to the science of defense through the air, because the air is going to be one of the great avenues of the national defense in the years to come. From that standpoint we are dealing with a science.

More than that, commerce will take its place in the air as well as on the land and on the sea. It will take its place in the air as the science develops. Are we going to destroy the thing which will make us a great commercial nation? Are we going to impede the progress of a science that is progressing day by day? Are we going to say that a science which is developing and which is essential for our national growth shall be in the control of one man, and that man a politician? I say that much as a Democrat; Senators on the other side may say it as Republicans; but regardless of the line which divides us, the Nation is bigger than this side or the other side, and a thousand times bigger than both sides. The national future means more to you and to me than our division by party lines. The man who controls patronage today has no more right to control this great science than the man who controlled patronage during the Hoover Administration had a right to control it. He made his mistakes, we have made ours, perchance. Let us take the air mail bodily, wholly, completely out of that control and put it under the jurisdiction of an independent, non-partisan commission.

Where would we have been today if it had not been for the Interstate Commerce Commission? Have they not helped at least to solve many of our problems? Have they not given diligence and toil and energy and foresight to the development of commerce? I do not think anyone will deny that to be so. The answer comes, however, and comes from my learned colleague, the chairman of the special committee, that this avenue of commerce should be placed under the Interstate Commerce Commission, and to that suggestion I desire now to address myself.

I said there would be commerce by water, commerce by air, and commerce by rail. It will be remembered that during this masterful discourse on yesterday and the previous day, the Senator from Alabama made reference to the fact that the railroads of this country—I do not quote him; I take the substance only of his statement—were apparently looking to a control of the air lines of the country. I think the learned Senator from Alabama will agree with me that the record which he has, and which I have seen, bears out that suggestion. Are we now going to place in the hands of a competitor the control of a natural scientific agency which is only in its making? Are we going to place this whole science, this whole development, in the hands and control of the Interstate Commerce Commission, when, as a matter of fact, we have not as yet, save by legislation now pending here, which has not as yet been passed, sought to give control of international water rates through the Canal to the Interstate Commerce Commission? Not as yet have we seen fit to give control of intercoastal water rates through the Canal to the Interstate Commerce Commission. Many of us have fought for that, and will continue to fight for it, because we think it will develop and build up our railroad industry and give opportunity to laborers who toil on the railroads of this country.

Mr. BORAH. Mr. President, I hope we will be considering shortly the question of giving the pipe lines over to the control of the Interstate Commerce Commission.

Mr. McCARRAN. The Senator from Idaho makes a suggestion in which, perhaps, there is much merit. I regret exceedingly that I have not sufficient knowledge to accede to or to contradict his position. Undoubtedly his diligent study and his long experience here have brought him to that frame of mind. My admiration for him naturally leads me to say that there must be something in the suggestion, or he would not make it.

But what have we before the Senate of the United States today? A reiteration, a repetition, of that which was portrayed for 2 days here by one of the masters of logic, the

chairman of the special committee. He proposes, by adding his name to the now pending bill, to bring back into the hodge-podge of the Post Office Department the control of this great science and this great avenue of commerce. When I queried him yesterday, he said, "Yes; your mind and mine run along the same line, but I want to put it in the Interstate Commerce Commission." I should like to know why.

Mr. BLACK. Mr. President—

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Does the Senator from Nevada yield to the Senator from Alabama?

Mr. McCARRAN. I yield.

Mr. BLACK. I assume the Senator is asking me the question. I do not want to interrupt him, if he does not desire to yield at this time.

Mr. McCARRAN. I yield.

Mr. BLACK. I will state to the Senator very frankly the reason why I think the control should be placed in the Interstate Commerce Commission.

The bill to which my name is signed would take the air mail away from the Post Office Department and place it in the Interstate Commerce Commission. We have already given notice that an amendment will be offered cutting down the length of time within which that is to be done. The amendment will provide that a study shall be begun within 6 months and that, upon the expiration of the then-existing contracts, the rates fixed by the Interstate Commerce Commission for carrying the mail shall be adopted. I wanted to state this to the Senator so that he would understand the nature of the amendment of which we have given notice.

I will say to the Senator further that I prefer to have the control in the Interstate Commerce Commission because I am opposed to the creation of a new bureau for that purpose at the present time. Frankly, I should like to see the Interstate Commerce Commission have control of all transportation in the country, perhaps with a division in the Commission, but the reason why I favor giving the air-mail control to the Interstate Commerce Commission is that I believe it could better handle the subject.

I thoroughly subscribe to the Senator's idea, as he understands, that we should take it out of the Post Office Department, and I shall be very glad indeed if the bill shall be amended as we suggest, so that upon the expiration of the contracts which have been made the Interstate Commerce Commission may take charge and fix the rates.

The Senator and I have discussed the matter many times, and I have no controversy whatever with him as to taking control away from the Post Office Department. I do not believe, however, we should create a new commission for the purpose, I think that is the essential difference between the idea of the Senator and my idea.

Mr. McCARRAN. Mr. President, I am grateful to my colleague on the special committee. I have never yet found him when he was not candid. I love his blunt, resolute, determined candor. That is the kind of stuff I like to deal with, and the Senator is the kind of man with whom I love to be associated. Now I wish to compare his ideas and mine.

The Interstate Commerce Commission, if I may use a homely expression—and I hope I do not use it to the point of exaggeration—by reason of long study is rail-minded. We are on the threshold of a new science, a new science into which new blood must be brought, into which new thoughts must be brought, and in which independent efforts must be put forth. The rule, the law, the code, which apply today may be antiquated tomorrow, because only yesterday men went 11 miles above the earth and tomorrow they may be going twice 11. I say it should be under a commission, independent, free, clear of the old thoughts and the old ideas, because aviation cannot be built up save and except upon a prospectus founded upon the glories of imagination.

Our aviation experience up to date has developed that, after men pass a certain period in life, after they have passed middle age, for some reason or other, the majority—though not all—lose the keener senses of imagination; and it is said

that a pilot beyond the meridian of life is not always to be trusted, because for some reason or other he has been deprived of that beauty of imagination and, perchance, I might put it, that courage which says, "There is no limit to what I can do." So we are dealing with something new and something young and something beautiful. Let us erect a new commission to take hold of it.

The Senator from Alabama does not need to fear the creation of a new commission. Continuous contact for months in this study has brought the Senator from Alabama and me very closely together, mentally and otherwise. The Senator from Alabama knows as well as I know that since the 4th of March 1933, by legislative enactment we have been creating more and more new commissions. So we do not have to fear another new one created to take hold of a great and new science and a great and new avenue of national commerce. A little something more new will not hurt us, because we are in the midst of the new, and I am grateful for it. We have had a new deal. I hope it will succeed. My efforts will be bent toward accomplishing its success, and that is the reason why I am now bending my efforts in the present direction. The learned Senator from Alabama, however, in his very courteous reply, for which I am grateful, says that he and other Senators propose an amendment whereby there will be created a commission to make a study and investigation of this matter. That is exactly what my amendment, which will be offered as a substitute for the bill under consideration, proposes; but it proposes a basic investigation so that the commission shall continue on and on, and so that out of its investigations it shall build for the future.

The Senator from Alabama, representing the authors of the pending bill, now says that he proposes a commission to make a study, that that shall proceed for a year, and then that a report shall be made to the Interstate Commerce Commission, I presume. If a study is worth while, why do we not from the first give the proposed commission the benefit of its own study, so that it may look into the future and say, "This is our course. We are inspired with a national responsibility, and we will carry it out to the best of our ability under our oath and our obligation"?

Mr. BLACK. Mr. President, will my colleague on the committee yield in order that I may explain the idea and conception I have?

Mr. McCARRAN. I yield.

Mr. BLACK. Of course, I realize that I may be entirely wrong, and I highly respect the views of my colleague on the committee; but it is my belief that we shall correct several abuses by the bill which we have offered, abuses with which he and I have become familiar during the past year. We have limited salaries. We have provided for a dissociation or divorcement of the operating companies from their associated holding companies and subsidiaries. The idea of a commission is to study the general, broad subject of military and naval aviation and manufactures, so that a broad aviation policy may be developed. In this bill it has been my conception that we were simply taking up the air-mail feature of the policy which, to my great gratification, is to be turned over to the Interstate Commerce Commission within a very short time, if the bill shall pass.

I simply desire to state to my colleague my conception of the object of the commission.

Mr. McCARRAN. Mr. President, I am again pleased. My colleague on the special committee cannot offend me by interruption, because every time he interrupts he gives me new impetus for my idea. I believe, as he believes, that aviation is a science which should be developed. I believe, as he believes, that commerce, through this science, should have an individual organization for its study and for its development. I go further, because I believe that that organization for the study and development of this science and this line of commerce should be free from all other entanglements or considerations. I think—I hope I may be right—the learned Senator from Alabama would agree with me that, if this duty should be devolved upon

the Interstate Commerce Commission, it would mean the creation of a separate and distinct bureau within that Commission.

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

Mr. McCARRAN. I yield to the Senator from Massachusetts.

Mr. WALSH. I should like to address an inquiry to the Senator from Nevada.

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). The time of the Senator from Nevada on the amendment has expired.

Mr. WALSH. Mr. President, the time occupied in connection with my inquiry may be taken from my time.

Mr. McCARRAN. I understand, Mr. President, that I have 30 minutes on the bill and 30 minutes on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCARRAN. My understanding is that it is not one amendment; that it is an amendment to one after another of the sections. I do not understand it to be one amendment offered as a substitute. If I am in error, I should like to be corrected.

The PRESIDING OFFICER. The amendment, in the form in which it was offered, is one amendment. The Chair will now recognize the Senator from Nevada for 30 minutes on the bill if he wishes. The time of the Senator on his amendment has expired; and the Chair will now recognize him for 30 minutes on the bill.

Mr. WALSH. Mr. President, will that be sufficient time for the Senator from Nevada to present and conclude his argument?

Mr. McCARRAN. Mr. President, I shall try to cover what I have to say in that time.

Mr. WALSH. I shall be glad to ask unanimous consent for an extension of time in behalf of the Senator from Nevada if his time is not sufficient.

Mr. McCARRAN. I shall be glad to have the Senator from Massachusetts do so. I think the Senator from Alabama [Mr. BLACK] also will make such a request.

Mr. BLACK. Mr. President, it is my idea that anyone offering a substitute for the bill should have ample time to discuss it; and if the Senator from Nevada shall not have completed his statement at the expiration of his remaining 30 minutes I will ask, if there be no objection, that he be given additional time for the further presentation of the subject.

Mr. WALSH. That is the proper thing to do.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. There is pending an amendment in the nature of a substitute reported by the committee, upon which, I take it, the Senator from Nevada would have 30 minutes. There is also pending an amendment offered by the Senator from Nevada himself. There is likewise pending an amendment offered by the Senator from Vermont [Mr. AUSTIN] and myself, and another amendment is pending, offered by the Senator from Vermont [Mr. AUSTIN], the Senator from New Jersey [Mr. BARBOUR], and the Senator from Pennsylvania [Mr. DAVIS]. My inquiry is, Would not the Senator from Nevada have 30 minutes on each of those amendments if he should so desire?

The PRESIDING OFFICER. The Chair rules that he would not have. There is only one pending amendment. The others are in abeyance, awaiting the disposition of the Senate.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FESS. The Presiding Officer's statement is correct; but if the Senator from Nevada should offer some other amendment, he would have 30 minutes on that also, would he not?

The PRESIDING OFFICER. He would have when that amendment was reached.

Mr. FESS. Yes.

The PRESIDING OFFICER. What request does the Senator from Alabama make?

Mr. BLACK. I do not make any request now, Mr. President. The Senator from Nevada has 30 minutes on the bill. I simply gave notice that in the case of any Senator's offering a substitute for the bill which he desires fully to present, if he shall not have finished at the expiration of his time, I will ask unanimous consent that he may have time to present the substitute. I think that would be fair.

Mr. WALSH. Mr. President—

Mr. McCARRAN. I yield to the Senator from Massachusetts.

Mr. WALSH. Am I to understand that the Senator from Nevada is stressing as the main feature of his proposed substitute the establishment of a commission that will investigate the scientific aspects of the subject of aviation from the standpoint of mail transportation?

Mr. McCARRAN. Not alone from the standpoint of mail transportation but from the standpoint of commerce generally, and the carrying of passengers and express, mail being included.

Mr. WALSH. Of course, the Senator agrees that there has already been an investigation of certain aspects of air-mail transportation. Is that correct?

Mr. McCARRAN. That is correct.

Mr. WALSH. What limitations were put upon that investigation? Was it confined merely to the abuses in connection with the contracts and violations of the contracts which were entered into with the Post Office Department?

Mr. McCARRAN. Yes, sir; our investigation went largely into that feature.

Mr. WALSH. The Senator's proposal is for the creation of a commission that will study the whole subject of aviation?

Mr. McCARRAN. To study the subject and the facts connected therewith.

Mr. WALSH. But what does his substitute do in the way of making provision for carrying mail during the period from now on?

Mr. McCARRAN. I will deal with that in just a moment, and think I will furnish a complete answer to the Senator.

Mr. WALSH. And there are provisions in his proposed substitute dealing with that subject.

Mr. McCARRAN. Yes, sir.

Mr. WALSH. Do they differ from the provisions of the bill presented by the Senator from Alabama?

Mr. McCARRAN. They differ very much.

Mr. WALSH. The Senator from Alabama leaves the authority to make these contracts where it is now, namely, in the Post Office Department?

Mr. McCARRAN. Yes; to a large extent that is so.

Mr. BLACK. Mr. President—

Mr. WALSH. I am trying to get the basic differences between the two proposals.

Mr. BLACK. Mr. President, if the Senator from Nevada will yield—

Mr. McCARRAN. I yield.

Mr. BLACK. The proposal offered by me and the Senator from Tennessee originally left with the Post Office authorities for the period of 3 years the right to let contracts on competitive bids. We gave notice that an amendment would be offered, and it will be offered, which will provide that within 6 months after the enactment of the bill the Interstate Commerce Commission shall fix the air-mail rates; that thereafter the rates shall be fixed by that Commission, and it shall also decide upon certificates of convenience and necessity. So we do not leave it with the Post Office Department. I have favored taking the power out of the hands of the Post Office Department as soon as possible.

Mr. WALSH. Who is to make the contracts?

Mr. BLACK. The Interstate Commerce Commission.

Mr. WALSH. But under the bill of the Senator from Nevada he proposes a distinct aviation commission similar to the Interstate Commerce Commission, as I understand?

Mr. McCARRAN. That is correct.

Mr. BLACK. But limiting it to aviation, so that our bill would leave it in the hands of the Interstate Commerce

Commission, while the Senator from Nevada would create an aviation commission, believing that to be better than turning it over to the Interstate Commerce Commission.

Mr. WALSH. And the aviation commission would have authority to fix rates as well as to make the study that is proposed of the whole problem of aviation?

Mr. McCARRAN. Yes, sir.

Mr. BLACK. We will have in our bill a provision for a survey and study, but the proposed substitute of the Senator from Nevada provides for a commission, as I understand, with authority over aviation similar to the authority of the Interstate Commerce Commission over the railroads.

Mr. WALSH. Has any committee considered the bill of the Senator from Nevada?

Mr. McCARRAN. No; I worked this bill out by myself, and I undertake to assume the responsibility for it.

Mr. WALSH. It is unfortunate that the Senator did not have an opportunity to get the support of another champion for his bill, as he undoubtedly would if it had been sent to a committee.

Mr. McCARRAN. It has been sent to the committee as an individual bill and is now pending before the Commerce Committee.

Mr. WALSH. Has there been any report on it?

Mr. McCARRAN. The committee have had one hearing, at which I appeared, but no report has come out of that committee, in view of the fact that the pending bill was brought forward. It was entirely for that reason that I presented it as an amendment.

Mr. WALSH. Otherwise they could argue that the subject had been disposed of?

Mr. McCARRAN. In order that I may further answer and elucidate, if I can, the pertinent and intelligent questions propounded to me by the Senator from Massachusetts, I want to say that the bill that I will offer as an amendment proposes to create an individual, independent, non-partisan commission to deal with the science of aviation and the transportation by air of passengers, freight, and express. This bill proposes to do away with competitive bidding as regards the carrying of the mails, because I do not believe that any good has ever ultimately come out of competitive bidding that could not have been accomplished by another method. I think the investigation that has been conducted here, and other investigations, have disclosed the cogency of my statement.

The bill that I will propose as a substitute for the pending measure takes the entire matter out of the hands of the Post Office Department and puts it into the hands of a commission, which commission may, after investigation, issue certificates of convenience and necessity. It further provides that all lines which were in operation flying over a distance of 250 miles 6 months prior to the 1st of January 1934 shall have a certificate of convenience and necessity; all lines applying for a certificate of convenience and necessity shall present their application to the separate commission which will be created; that notices shall be given; that an investigation shall be made as to whether or not a certificate should be issued; and that, after such investigation, the commission may or may not issue such a certificate.

What are the aims of a method of that kind? I want to deal with something of recent history, something that has taken place within the past 10 days. If one will investigate the bids that have been made for the carrying of the mails in the past 10 days, he will find that there are some who have entered bids—and I believe their bids will be honored—that have not the equipment to carry the mail. That is a matter that should be in the hands not of the Post Office Department but in the hands of a commission capable of saying whether or not public necessity demanded it, and certainly whether or not the bidder had the equipment to carry the mail and to conduct commerce by its planes.

Mr. WALSH. Mr. President—

Mr. McCARRAN. I yield.

Mr. WALSH. So, I understand the Senator's proposal is that the commission to be created shall examine the appli-

cant before issuing a permit or certificate to transport passengers or to carry freight or mail? Then the commission shall, after examination, issue certificates of fitness and convenience and necessity. Should I understand the next step to be that only those who have been given such certificates may carry the mail?

Mr. McCARRAN. Yes; or may transport commerce from State to State.

Mr. WALSH. How is the Senator going to arrive at the next step, which is permitting some of them to carry the mail and others not to carry the mail? How is that to be worked out?

Mr. McCARRAN. On the same basis on which the railroads carry the mail today. In other words, the railroads are not operating under contract; they have certificates of convenience and necessity, and every railroad must carry the mail.

Mr. WALSH. Are the rates uniform?

Mr. McCARRAN. The rates are uniform.

Mr. WALSH. Based upon mileage?

Mr. McCARRAN. Yes; based upon mileage.

Mr. WALSH. And weight and tonnage?

Mr. McCARRAN. Weight and tonnage and space.

Mr. WALSH. And the Senator proposes that the commission to be created shall apply the same standards, the same system, in permitting duly authorized companies to transport passengers or freight as are applied in the case of the railroads?

Mr. McCARRAN. Where they have a certificate of convenience, they will carry the mail on a rate schedule or a schedule set up that will be uniform, with certain differences and equations entering into consideration.

Mr. WALSH. For my information, I should like to ask the Senator another question. Under the existing contracts is there a decided variation in the rates paid for transporting the mail by airplane? Is the pay based on a uniform mileage system or does one company get a rate different from that of another company?

Mr. McCARRAN. I will answer the question as regards the contracts that were canceled. There was a decided difference, and sometimes the highest bidder obtained a contract and the lower bidder was lost sight of.

Mr. WALSH. In other words, there is no standard measurement by which these contracts would be given to the lowest bidder?

Mr. McCARRAN. There was none that was in force.

Mr. WALSH. And there was no uniform regulation as to the amount of tonnage or the mileage in the carrying of the mails?

Mr. McCARRAN. No; there were certain provisions in the law and certain provisions in the regulations as to that.

Mr. WALSH. Was the contention made that certain routes were more dangerous than others and that, therefore, a higher rate ought to be given?

Mr. McCARRAN. No; that element was not considered at all.

Mr. WALSH. So that when two contracts were alike they had no particular standard of measure for payment for this kind of service?

Mr. McCARRAN. To a large extent, that is correct.

Mr. WALSH. And that system would continue unless the Interstate Commerce Commission should adopt a uniform plan or system, such as the Senator proposes in his bill?

Mr. McCARRAN. That is true.

Mr. BLACK. Mr. President, if the Senator will yield, I will say that is exactly the plan that is contemplated in our bill, the same plan as the Senator from Nevada has suggested under the commission which he proposes.

Mr. WALSH. So that in the determination of the right to carry the mail there is practically no difference between the two bills. There is a difference in who shall administer it, namely, the Interstate Commerce Commission provided for in the bill of the Senator from Alabama and a new commission which the Senator from Nevada proposes to create. I understand the Senator from Nevada by his proposal au-

thorizes and directs the proposed new commission to make a general survey of the whole subject of aviation?

Mr. McCARRAN. That is correct.

Mr. BLACK. If the Senator will yield, I will say that our bill provides for investigation of the entire subject, a report to be submitted to the next Congress with reference to a policy with respect to aviation in all its branches.

Mr. WALSH. As we develop this matter, apparently, there seem to be fewer and fewer differences between the two bills.

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

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. McCARRAN. I yield.

Mr. McKELLAR. I hope the Senator from Massachusetts will not come to that conclusion. There are enormous differences between the two bills, which I hope the Senator will understand before he votes.

Mr. WALSH. Apparently there is going to be a commission created under either bill to study the subject, and apparently the system of granting certificates of convenience and necessity is the same, and apparently the method of paying for carrying the mail is the same. Are not those the fundamental points involved?

Mr. McKELLAR. The fundamental difference is that under the McCarran substitute a commission is set up to take charge of the air-mail business, first starting out by restoring the old contracts that were in existence when the cancelations took place.

Mr. McCARRAN. Oh, Mr. President, I cannot allow that statement to go unchallenged. I will not allow it to go at all.

Mr. McKELLAR. The Senator will certainly admit that he provides in his substitute that certificates of convenience and necessity are to be given to every company which carried mail on the 1st of January 1934. If that does not restore the old companies, I am unable to understand language.

Mr. WALSH. It restores the companies, but does not restore their contracts.

Mr. McCARRAN. Yes.

Mr. McKELLAR. It restores to them the right to carry mail, with the right under the new commission to be paid any amount up to 50 cents.

Mr. WALSH. I shall be very glad to have the Senator from Nevada explain the differences.

Mr. McCARRAN. Mr. President, I am glad the Senator from Tennessee, the senior author of the bill, interrupted. I am glad he brought up the subject because I want to deal with it.

There is no contract mentioned in the substitute I shall propose, but I do not propose to tear down the energy and the money which have been put into a science during the past 20 years, and relegate both men and money to the trash heap. I do not believe every man who flew an air-mail plane was a criminal. No one can ever make me believe that. I do not propose that a service which was developed by the youth and money of this country, and which represents some of the finest things in science, shall be relegated to a trash heap to become just a lost piece of junk.

Yes, the bill provides that those who operated lines for 6 months prior to the 1st day of January 1934 shall have instanter on the passage of the bill certificates of convenience. It provides that those lines which were developed by science, and by the energy and courage of men and by the money of this country shall have an opportunity.

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

Mr. McCARRAN. Certainly.

Mr. AUSTIN. I am very much interested in that statement of the Senator from Nevada. If that statement is accurate, I think it will make some difference in what I shall have to say. Will the Senator read into the Record that part of his substitute which compels restoration of the status quo before the cancelation? I am very much interested in that.

Mr. WALSH. Have not the companies the right now to operate?

Mr. McCARRAN. Certainly they have. It is only a question of carrying the mail.

Mr. WALSH. All the Senator's amendment provides is that they shall get a certificate of convenience and necessity, whether they are old operators or new operators.

Mr. McCARRAN. That is correct. I read from page 11 of the bill, line 13:

Certificates of public convenience and necessity issued under this act shall be effective from the date specified therein, and shall continue in effect until suspended or revoked as hereinafter provided, or until their expiration, if issued for a limited time.

That is one provision, but not the one for which I was looking.

Mr. WALSH. As I read the provision, any bona-fide operator of interstate air commerce on a daily schedule of at least 250 miles shall be entitled as a matter of course to receive from the commission, immediately upon the passage of this bill, without application therefor, a certificate of convenience and necessity. Of course, that includes not only those who operated air mail but also those who operated passenger or freight lines if they had actually been in operation for the 6-month period referred to.

Mr. McCARRAN. That is correct.

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

Mr. McCARRAN. Certainly.

Mr. BLACK. As I understand the Senator's proposed substitute, it does not restore the status quo as suggested by the Senator from Vermont.

Mr. McCARRAN. I did not hear the question of the Senator from Vermont sufficiently to understand it fully.

Mr. BLACK. The Senator's substitute does not restore the old contracts.

Mr. McCARRAN. Oh, no; not at all.

Mr. BLACK. It simply provides that there shall be automatically issued to all companies which were operating and had been operating for 6 months prior to January 1, 1934, a certificate of convenience and necessity.

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

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

Mr. McCARRAN. Certainly.

Mr. WALSH. Did anything develop in the investigation of the air-mail companies that would justify the denial of a certificate of convenience and necessity?

Mr. BLACK. There has been no effort to prevent the companies from operating in any way. The air-mail contracts have been canceled. The only difference, as I understand, between our bill and the substitute of the Senator from Nevada as to that provision is that under our bill there are certain things that must be done by any company, old or new, one of which is that it must not have certain interlocking stock ownership or directorships.

Mr. WALSH. The Senator does not take for granted that any company will get a certificate, but will leave that entirely to a commission?

Mr. BLACK. Yes; if they meet the qualifications set forth in our bill and the general qualifications of the Commerce Department, which are similar to those contained in the substitute of the Senator from Nevada, with the exception, as I understand, that his substitute does not contain certain qualifications which in our bill we require, or certain disqualifications which are set forth with reference to interlocking stock ownership.

Mr. WALSH. I thank the Senator, and I shall not interrupt the Senator from Nevada further. I apologize for having taken so much of his time.

Mr. McCARRAN. Mr. President, I now undertake to deal with the question propounded by the Senator from Vermont [Mr. AUSTIN]. I read from the substitute which I shall offer, page 8, as follows:

Any carrier (or its predecessor in interest substantially all of whose assets are owned or controlled by applicant) which on January 1, 1934, and for a period of at least 6 months prior thereto, was in bona fide operation of interstate air commerce on

a daily schedule of at least 250 miles \* \* \* shall be entitled, as a matter of course, to receive from the commission immediately following the passage of this act, and without application therefor, a certificate of public convenience and necessity which shall be applicable to any route or routes operated by the carrier during the aforesaid period.

I did not fully understand the Senator's question, but as bearing on the subject of the restoration of the status quo, I will say that I do not contemplate the restoration of the status quo to include the renewal or restoration of the canceled contracts.

Mr. AUSTIN. Who is to award the contracts, and how are they to be awarded after the certificate of public convenience is obtained?

Mr. McCARRAN. There is no contract for the carrying of the mails. There is a rate schedule set up in the bill, which rate schedule the Senator will find in the substitute is only temporary until the commission shall have made a study to determine whether or not that rate schedule is just and equitable and right. That rate schedule, I want to say, grows out of a study which was presented last September by the air-mail carriers of the country to the present Postmaster General, and they offered to take the schedule when he was asking for a reduction of the service.

Mr. AUSTIN. Mr. President, when will the Postmaster General place mail on these routes—whenever and if he sees fit to do so?

Mr. McCARRAN. Whenever a route has a certificate of convenience and necessity issued by this independent commission, the Postmaster General may place the mail on the plane on that route, and that plane gets the rate provided by the bill as it carries the mail, just the same as the trains now do.

Mr. AUSTIN. And the Postmaster General may not place it there, if he chooses to do so?

Mr. McCARRAN. He may not place it on a train today if he chooses not to do so.

Mr. AUSTIN. He may not choose to place the mail on any route he has canceled heretofore.

Mr. McCARRAN. That would depend on the service. The independent commission would say whether or not the service demanded that the mail should be carried on a particular route, and would have control over the Postmaster General to that extent.

Mr. AUSTIN. That is the question I am asking. Is the Postmaster General bound by any finding of the proposed commission to place the mail on a particular route?

Mr. McCARRAN. That would be my interpretation; and I shall be glad to have an amendment that would make it mandatory, after investigation, where a necessity presented itself.

The difference between the two bills—and I think my time is nearly up—is very great. I do not care how Senators argue or what they say; the bill now pending, introduced by the Chairman of the Committee on Post Offices and Post Roads, places this whole matter in its initial stages in the hands of the Postmaster General. That is what I desire to avoid, and I am telling the Senate why I desire to avoid it. I am sorry that two men within our own memory came under the blight of a law dealing with a matter of which they never should have had control; and one of them is now in charge of the Post Office Department.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLACK. Mr. President, in view of the large number of interruptions that have occurred and the fact that the Senator has hardly begun an analysis of his bill, I ask unanimous consent for an extension of his time.

Mr. WALSH. For an hour.

Mr. BLACK. How much time would the Senator like?

Mr. McCARRAN. An hour would be ample.

Mr. BLACK. I ask unanimous consent that the Senator may have an hour's additional time for the discussion of his substitute.

Mr. WALSH. I hope that request will be granted.

The PRESIDING OFFICER. Is there objection?

Mr. WALSH. I am sure there will be no objection.

Mr. AUSTIN. Mr. President, a parliamentary inquiry. Would the effect of granting this extension be to open the time for response to a similar extent?

The Senator from Maine [Mr. WHITE] and I have an amendment pending here. In opening the debate we did not take 2 full days before the Senator from Alabama [Mr. BLACK] commenced to speak; that is, we closed a short time after 3 o'clock on the second day; and if the time is to be further extended, we feel that a similar extension should be allowed us.

Mr. WALSH. Let us have one request at a time. Let the Senator from Nevada have his extension.

Mr. AUSTIN. Then I object.

Mr. WALSH. I hope the Senator will not object.

The PRESIDING OFFICER. The Chair will state to the Senator from Vermont that the time would have to be extended upon a separate request in every case.

Mr. AUSTIN. Mr. President, a parliamentary inquiry. What is the question before the Senate?

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

Mr. WALSH. The immediate question before the Senate is a request for unanimous consent that the Senator from Nevada have 1 hour's extension of time to discuss an amendment in the nature of a substitute bill, which he has just introduced, and which is of great importance; and much of his time has been taken up by questions.

Mr. AUSTIN. Mr. President, I want the Senator to have that extension of time, but we desire to have an equal extension of time. We have been very generous indeed, and have not objected to more time being taken by the opposition than we took. All I ask is, are they willing to permit us an equal extension of time?

Mr. WALSH. Does not the Senator think he can rely upon the magnanimity of the Senate? It always grants such requests. There is no disposition here to shut off anybody who has a real argument to present. I think the request ought to be granted.

Mr. AUSTIN. Who speaks for the Senate on this question? That is what I should like to know.

Mr. McKELLAR. Mr. President, objection has been made; and, if I am recognized, I should like to offer an amendment. On page 12, line 23, I move to strike out "three" and insert "one"; and I hope we may have a vote on that, as it is a perfecting amendment.

Mr. McCARRAN. Mr. President—

The PRESIDING OFFICER. The Senator from Nevada.

Mr. McKELLAR. May we have a vote?

The PRESIDING OFFICER. The Senator from Nevada is entitled to 30 minutes on this amendment.

Mr. McCARRAN. Mr. President, in order that I may to the best of my ability answer the questions that have been propounded here—because I think each of these questions is elucidating—I desire to say that the amendment I shall offer as a substitute for the entire pending bill, one phase of which I have gone over, creates an independent commission. I shall not deal longer with that. It does away with all idea of competitive bidding for carrying the mail. It provides that the proposed independent commission shall establish a rate schedule for carrying the mail by airplane mile. It provides that on or before the 31st day of December 1934 all interlacing directorates shall be dissolved, so that a director on one line may not be a director on another.

That is something which the learned Senator from Tennessee seems to have thought was outstanding. My proposed substitute bill provides for it. It provides that one company shall not control or own the majority of the stock of another, and it shall not hold any of the stock of another company for voting privileges. It may hold it, as the Supreme Court has decided, as an investment, but for nothing else.

Mr. McKELLAR. Mr. President, will the Senator yield to me before he leaves entirely the question found on page 8?

Mr. McCARRAN. Yes, sir.

Mr. McKELLAR. I call the Senator's attention to subsection (b) of section 6, on page 8 of his proposed substitute bill. I quote it:

(b) Any carrier (or its predecessor in interest substantially all of whose assets are owned or controlled by applicant) which on January 1, 1934, and for a period of at least 6 months prior thereto, was in bona fide operation of interstate air commerce on a daily schedule of at least 250 miles (except as to interruptions in operations over which the carrier had no control), shall be entitled, as a matter of course, to receive from the Commission immediately following the passage of this act, and without application therefor, a certificate of public convenience and necessity which shall be applicable to any route or routes operated by the carrier during the aforesaid period.

Now I call the Senator's attention to the following language of subsection (c) at the top of page 24 of his substitute:

(c) Pending the determination by the Commission of fair and reasonable rates, the rate for the transportation of mail by aircraft and the services connected therewith shall be as follows: First 50 pounds of average load per mile at 5 mills per pound; second 50 pounds of average load per mile at 3 mills per pound; third 50 pounds of average load per mile at 1 mill per pound; and all over 150 pounds of average load per mile at one half mill per pound: *Provided, however,* That in no event shall a carrier receive more than 50 cents per pound-mile.

Taking those two together, I ask the Senator if, in his judgment, the effect of that language is not that the certificates of convenience and necessity will at once—or, in the words of the bill, as a matter of course—be turned over to the old companies and they immediately will have the right to carry the mail at the poundage rates stated in subsection (c) on page 24?

Mr. McCARRAN. The question answers itself out of the bill. I say, to a large extent, that is correct; in other words, that those who invested their money and put their energy into building up these lines to the point that had been reached on the 1st of January 1934 should have a right to a certificate of convenience and necessity.

Let us take section by section the question propounded.

Is there any reason why the United Air Lines, flying across the center of this continent with the finest equipment money can buy, with great, graceful ships that carry men and express from ocean to ocean, should be consigned to the trash heap? I cannot understand that particular turn of mind. I just cannot get it.

I cannot see why the Northwest Airways, with all its development; why the T.A.T., with its development—why all of this energy should be consigned to the junk heap and someone else come along and buy it up for junk and put it in service on mail-carrying lines or commerce-carrying lines. I just cannot get that idea, and I never shall. I say the steps we have made toward progress, toward development, should be continued, even though there may be those who would cast a shadow upon their initiation and development.

I think good can come out of that which may have been condemned. I realize that the Senator from Tennessee and those behind this measure would deprive anyone of carrying the mail whose mail contract had been canceled in the past.

Now, coming to page 24, to which the learned Senator from Tennessee makes reference, I invite the Senate's attention to this:

Pending the determination by the Commission—

Pending the determination by the newly created commission of fair rates for carrying the mail, the commodity which the United States Government has to carry by the speediest and safest way—

Pending the determination by the Commission of fair and reasonable rates—

Would it be said that I am awarding a contract? Not at all—

the rate for the transportation of mail by aircraft and the services connected therewith shall be as follows:

Mind you, that might not be in existence more than a week, or a month, or 2 months, after the commission came

into existence, but pending the operation and activity of the commission the rate shall be as follows:

First 50 pounds of average load per mile at 5 mills per pound.

That is for 50 pounds of the average load per mile. What is the average load per mile? It is the average of the load carried over a given distance for a period determined, which is 30 days. A plane might carry 10 pounds today and 100 pounds tomorrow, but the average of the two over the miles traveled for the period of 30 days would be the average load per mile.

Second 50 pounds of average load per mile at 3 mills per pound; third 50 pounds of average load per mile at 1 mill per pound; and all over 150 pounds of average load per mile at one half mill per pound.

Then follows a proviso; and I invite the attention of the learned Senator from Tennessee to the proviso, because, if my amendment shall be adopted, I propose to amend the proviso itself, for the reason that there is a provision in it which is an error. In dictating it I was responsible for a slip of the tongue and made an error, and the error will be changed. It should read:

That in no event shall a carrier receive more than 50 cents per plane-mile.

It should not be "per pound-mile." There is a difference with a distinction, if Senators understand it, and I hope I may make myself clear. Fifty cents per pound-mile might mean 50 cents per mile clear across the continent, whereas 50 cents per plane-mile means 50 cents for the carrying of all the mail which a plane carries clear across the continent. The one would be unfair; the other would be reasonable and fair. There is a proviso there which I propose to correct, if the amendment shall be adopted.

There is an incongruity in the language also which I propose to correct if the amendment shall be adopted. It has been brought to my attention that my substitute might prohibit collective bargaining; that the pilots might not have the right to organize. They seem to be in doubt about it, and they have asked me that it be clarified, and I propose to clarify it by amendment so as to make it fair and reasonable in every respect.

Mr. President, I rather like questioning. I hope that more questions may be propounded. They do not interfere at all; they give me an opportunity to develop my thought.

I am coming back to the line of demarcation between the bill offered by the learned Senator from Tennessee and my colleague on the special committee and the bill which I propose as a substitute for that bill. I am coming back to that, and I am about to close on this subject at this time.

Mr. McKELLAR. Mr. President, before the Senator closes, let me say that, in my judgment, the principal difference between the two bills is that the Senator's substitute proposes to allow the air-mail carriers to consolidate, and contains no real provision against their owning manufacturing companies, or using holding companies, or anything of the kind. Is that correct?

Mr. McCARRAN. That is not correct. The Senator has misconstrued the bill which I have offered, and I shall turn to the applicable sections.

Mr. McKELLAR. Just so that the Senator may have before him what I have in mind, let me call his attention to the provision which seems to give them authority to do those things.

Mr. McCARRAN. I will ask the Senator to turn to page 29.

Mr. McKELLAR. I read the provision:

After 90 days after this act takes effect no carrier subject to this act shall undertake the extension of its airline, or the construction of a new airline, or shall acquire through consolidation, reorganization, merger, or otherwise, or operate any airline, or extension thereof, or shall engage in interstate air commerce under this act over or by means of such additional or extended air line unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended airline.

The Senator will note that the language is, "After 90 days." That would give permission to these companies to consolidate as they please within 90 days. Only after 90 days after the passage of this measure would the provision to which he refers take effect.

Mr. McCARRAN. But the bill provides specifically and emphatically that there must be a complete unlacing of all directorates on or before the 31st of December 1934, and that there can be no consolidation save and except by and with the written and direct authority of the commission.

Are we to say that a commission shall not permit consolidation? Today, in the regulation of the railroads of this country, the effort is to give the Interstate Commerce Commission power, in order to bring about economic results, to permit consolidations. We have followed that course for the past few years.

I do not intend to provide that a commission, empowered as this commission will be, shall be deprived of the right to say that there might be or should be consolidations of particular lines because necessity and public convenience might demand it.

By December 31, 1934, they must have unlaced themselves, as far as directorates are concerned. They cannot hold the stock of another company for voting purposes or for control purposes. It would bring about that for which we have been crying, namely, the independence of these lines, under an independent commission, away from political influences, outside of the Post Office Department, where there has been caused so much havoc.

I propose to offer my bill as a substitute for the pending bill in its entirety. I do so after a study for nights and days and hours and weeks, during which the chairman of the special committee and others on the committee, including myself, have looked into this problem, hoping that out of our study we should be able to arrive at a solution.

I believe, in faith, that between the two contending factions—the Senator from Vermont, in his able and splendid way, contending for one thing; my colleague, the chairman of the special committee, contending for another—I may have gathered something and have written it into this bill which may go into the law of this country, not to destroy, but to build up; not to relegate this science into the past because someone has said the air-mail carriers were guilty of misconduct, but to say that out of the development they have brought about, out of the investments the public have made in these great achievements, even though the public have in many instances lost enormous sums of money, the public shall have at least a maximum of benefit from these great activities, and that those things which look to the development of this country from a commercial standpoint shall go on and on.

#### UNEMPLOYMENT IN THE UNITED STATES

Mr. LONG. Mr. President, I have been in communication with some of the officials of our labor unions today and have been supplied with some information which I wish to place in the RECORD.

I have been given figures which show that in October 1933 there were unemployed in the United States 10,122,000 people, and that there are unemployed today, some 6 months later, 10,905,000 people. That shows an increase in unemployment in this country in the last 6 months of approximately 800,000 people. All the statistics in figuring the unemployed take into account the number of people who are on the Government rolls, whether for direct or indirect relief, as being among the unemployed.

I wish to state that I am informed that this figure of 10,905,000 unemployed—an increase of 800,000 in 6 months—does not take into consideration, because there are no statistics available today, the whole number of people on the farms who, by reason of cessation of some of our agricultural activity, are more or less idle and unemployed themselves.

In the case of the ordinary man who raised a little crop for himself, and who had a little piece of land here and there, there are hardly any statistics available by which the unemployment in his line can be estimated.

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

Mr. LONG. I yield.

Mr. FESS. Does the Senator say that the statistics placed those employed under the Government operation as unemployed?

Mr. LONG. Yes, sir; that is, there are placed among them those who are on direct relief and indirect relief, which includes 300,000 on the P.W.A., and 253,000 on the C.C.C.

Mr. FESS. What about the 3,000,000 General Johnson says have been employed in the N.R.A.?

Mr. LONG. Oh, no; we do not count them as unemployed, if there are such. We only count those who are necessarily taken care of, who are unemployed. Does the Senator mean the 3,000,000 that the N.R.A. has taken care of?

Mr. FESS. Those are not Government employees.

Mr. LONG. The Senator will have to get General Johnson to give a little explanation. Where are they? I will come to the N.R.A.

Mr. FESS. What I have in mind is, if there are 800,000 more unemployed now than 6 months ago, and the Senator is not including the 3,000,000 employed under the operations of the N.R.A., the increased unemployment has been tremendous—more than 800,000.

Mr. LONG. The unemployment figures, as I have been given them today, show that unemployment is growing at perhaps its greatest rate right at this time. There are approximately 11,000,000 unemployed. The figure is 10,905,000. This figure of 10,905,000 cannot, because there is no available source by which the information can be had, take into account the full rural idleness and partial idleness which has been created by reason of our crop-reduction program. I know, from the standpoint of my own experience and my own undertaking to find out that percentage, that it is of considerable difficulty.

Yesterday, Mr. President, I saw a statement from the county judges of the State of Arkansas. The county judges in the State of Arkansas are the administrators of the county government. They are what might be called the business machinery of the county government of Arkansas. I have a statement, and it is a rather striking statement, which I send to the desk and ask to have read by the clerk, provided he can read as audibly and as clearly as I think I can, or better. This article appeared in the Washington Evening Star of April 26. I ask that it be read, and I ask Senators to give particular attention to the reading. The headline is, "Arkansans Protest 'Poor' United States Made by Giving Relief."

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Without objection, the article will be read.

The Chief Clerk read as follows:

ARKANSANS PROTEST "POOR" UNITED STATES MADE BY GIVING RELIEF—  
COUNTY JUDGES TO APPEAL TO PRESIDENT TO CARE FOR NEW NEEDY

LITTLE ROCK, ARK., April 26.—Arkansas' county judges planned today to take a direct appeal to President Roosevelt for relief to care for "Government-made paupers" turned over to them when the Federal relief program ended several weeks ago.

Striking back at the charge of the county judges that the Federal Relief Administration made "paupers out of poor people" by encouraging additions to the relief rolls, State Relief Administrator W. R. Dyess charged the judges with "playing politics."

The Arkansas County Judges' Association, at a meeting here yesterday, adopted a resolution, directed to Federal Relief Administrator Harry L. Hopkins and to President Roosevelt, reciting that counties cannot shoulder the burden of caring for "Government-made paupers."

The judges, led by their president, Charles Mitchell, of Poinsett County, and by their secretary, R. M. Ruthven, of Baxter County, charged that before the Government took over relief paupers were relatively few.

Mr. LONG. Mr. President, that was a rather striking statement, coming from the county judges of Arkansas. We all know that our learned leader on this side of the Chamber comes from that great State; and having some familiarity with the State, I had looked upon it as being possibly one which would indicate the trend of events. The resolution which the judges adopted is somewhat confusing. It is confusing at this stage of the game to find that with all

the money which has been poured out in that State, and in other States as well—I understand there has been no particular preference for it, perhaps—the county judges should be meeting at this time and resolving to the effect that the system we were employing was doing nothing but creating a pauper mill that the Government was running.

Mr. President, Arkansas, like Louisiana, is a good Democratic State; and to have the charge come from the Democratic machinery of that great State that we are operating a pauper mill here is something which I am sure will cause us to pause and to ponder just a moment.

I have in that connection an editorial which appeared in the Philadelphia Record. I am confining myself, Mr. President, to our own Democratic service. I am not going to go afield. I am only placing in the Record today, pursuant to request, in some instances from colleagues on this side of the Chamber, information they have supplied me. I have a great editorial from our Democratic paper, the Philadelphia Record, of April 26, 1934. I will read a line or two myself, and I ask that the entire article may be printed in the Record at the conclusion of my remarks.

I read as follows:

GIVE THE TORIES SOMETHING TO SHOUT ABOUT

President Roosevelt wants the unemployment insurance bill passed.

Congressional leaders are asked to take quick action, to include the bill on the "must" schedule.

This is the best possible news for the country—

If it means that the Tories who have been shouting "radical" at the President are at last to be given something to shout about.

The plain truth is the Tories have been winning more Washington battles than the Liberals.

They won when the President set his face against Federal liquidation of closed-bank deposits.

They won when he recognized the company union in his settlement of the auto-strike problem.

They won when he held out against expansion of credit and the creation of a central bank.

They won when codified industries were permitted to raise prices more than wages.

They won when the President failed to support the original Wagner labor disputes bill.

They won when C.W.A. was curtailed to please Budget balancers and low-wage-paying industrialists.

The President has veered more right than left.

He had disheartened his liberal supporters by his more than fair-minded effort to meet the reactionaries half-way.

Tories shouted anyway.

Let the President move forward with his old courage to the fundamental reforms America needs.

This article, after continuing for some few lines, then says:

The Tories will scream "blue murder." But they scream "blue murder" at anything short of Hooverism. It is impossible to please them.

Our problem is saving America, not pacifying the reactionaries. Millions of Americans, who have no clever lawyers in Washington, no lobbies, no propaganda machines, are hoping that the unemployment insurance approval means resumption of the new deal.

I ask that the editorial from the Philadelphia Record of April 26, 1934, be printed in full at the conclusion of my remarks.

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

(See exhibit A.)

Mr. LONG. Mr. President, I have an article which appears in the weekly newspaper Labor of date May 1, 1934. On page 4 of this paper, in a column headed "Lonerger's Comment", is a discussion of the N.R.A., in which the following appears:

"Why have you failed to prosecute big concerns which are violating N.R.A. codes?"

That question was propounded to Gen. Hugh S. Johnson, Chief of the N.R.A., at a meeting in Washington of newspaper editors from all parts of the country.

The general replied that he had been unable to secure a case against a large corporation which "would stand up in court", and he explained that surprising state of affairs by saying:

"Big concerns have the best legal pilots in the world to steer them so close to the rocks that it's hard to tell where there are violations."

IMMUNITY FOR THE RICH

I submit that is a most shocking admission, coming as it does from the Chief of the National Recovery Administration. It is capable of only one construction: Any concern rich enough to

hire the right kind of lawyers may safely defy the National Recovery Act and the codes which have been framed by authority of that law.

But the "little fellow" does not enjoy any such immunity.

At the very moment when General Johnson was answering the questions of the editors, a Jersey City tailor was being arraigned on the charge of accepting 35 cents for pressing a suit, when the code for the cleaners and dyers' industry fixed 40 cents as the proper price.

The tailor was sent to jail for 30 days and fined \$100. Evidently he did not have the money to hire one of the "best legal pilots" referred to by General Johnson.

That shows, Mr. President, that the big interests of this country, operating big business, are no more afraid of the N.R.A. code than any herd of cattle are afraid of a mulley. They are not the least bit worried about it, no more than the range cattle are afraid of one of their kind which has been dehorned. But when we come to a little old two-bit, two-by-four tailor who presses a pair of breeches for 35 cents when the code, on page 721, subsection (c), of paragraph DX, prescribes that the price shall be 40 cents instead of 35 cents, they yank up that poor little devil, put him in the penitentiary for 30 days, and take a hundred dollars away from him when probably he did not have a hundred dollars. They may claim they are doing a great service in reducing unemployment under the N.R.A., but instead of doing a service the statistics show, as a result of it, there has been an increase of unemployment to the extent of 800,000 since the month of October.

Mr. President, I do not present these statistics for any purpose except in line with the editorial that appears in the Philadelphia Record. I think our great trouble has been not that we have had too much of a liberal Government but that it has been entirely too reactionary, and that therein lies the fault.

I have been handed a letter this morning written by a former Member of this body. I do not join in all the criticisms that are made and in all the expressions that are sent in; I think some of us overpaint and others underpaint the picture considerably, and I believe, upon perusal, many of the statements would be modified; but, as showing the temper of our people and how the patience of the people is being taxed and is wearing away, there is in the State of Colorado a gentleman who is now in the later years of his life and who formerly was a Member of this body. I refer to former Senator Charles S. Thomas. I do not agree with many of the views of Mr. Thomas on political questions at all; I do not agree with some things he says; but I ask unanimous consent to insert in the Record, so that those who may care to read it will have an opportunity to do so without my reading it myself now, as my time has about expired, a copy of a letter that reached my hands, the original being addressed to Hon. ELMER THOMAS, United States Senator from Oklahoma, and dated April 15, 1934. I ask that it may be inserted in the Record at the conclusion of my remarks.

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

(See exhibit B at the conclusion of Mr. Long's speech.)

Mr. LONG. Mr. President, I have figures of which I hope Senators will take cognizance. I am placing them in the Record today. We have had a business increase since October of 9 percent. I am advised, however, that 9 percent in dollars does not mean 9 percent in volume; that, as a matter of fact, the depreciation of the currency would show that we are doing a lesser volume of business than we did in the month of October last; that the 9 percent in dollars and cents is a mere currency adjustment, which does not mean that we have by volume increased our business. But figures for the manufacturing industry show that they increased their production 7.9 percent in dollars, from October 1933 to March 1934, but with an increase of 7.9 percent in business their employment shows only an increase of 4.1 percent, showing that instead of reversing the wheel whereby more men would be employed to obtain the same production the wheel has actually gone the other way, so that it has required only half the increase in labor to bring about a production which is double the labor percentage figure.

These figures show, Mr. President, that we are not coming along as we expected to come. I have been one of the boldest experimenters sitting in the United States Senate, even against my better judgment. I voted for the experiment, stating on the floor of the Senate that I did not think they were going to work but that I was willing to give the other man every chance; where there was anything like a reasonable outlook that it could possibly succeed, I would accord that chance and give it my vote. Accordingly, I voted for banking legislation, currency legislation, N.R.A.'s, P.W.A.'s, and various other letters—I have forgotten most of those alphabets. At any rate, I have voted for them as a matter of experiment; but when we have seen, as we now see at this date, after more than a year, that the experiments are going the other way, that unemployment is on the increase, that the people are not getting their share of the return, I think, Mr. President, that we ought to take note of these statistics.

I am fearful that this Congress is going to adjourn without doing the one thing that they could to correct it. The only thing that can be done is to do what we ran the campaign on—that we were going to provide for a distribution of the products of the land among the people. We have not failed in our efforts along that line, because we have never yet undertaken it. Unless we provide for distribution, there is no hope for these experiments, as I see it, to succeed. Our fault is not that we have not enough; we have too much; the fault is in the lack of distribution. I hate to see these experiments fail, because then the old Tory reactionary mind will come to the front and it will be said, "Oh, well, let us return to the old order; we have tried out the new scheme and the new scheme will not work"; whereas I contend that if the new scheme is allowed to fail, it will be because it has never been given a chance to work and cannot have until there is a distribution of products among the people and until there is a fair sharing among the people of what the land will yield.

I wanted to say, Mr. President, that I understand the C.W.A. rolls have about been discontinued. There were at one time about 4,000,000 men employed on the Civil Works Administration roll. I understand that roll has practically been discontinued. The money which was thus paid out naturally caused some increase in business, but we have nothing in the way of business revival to absorb the laying-off of that number of men.

#### EXHIBIT A

[From the Philadelphia Record of Apr. 26, 1934]

#### GIVE THE TORIES SOMETHING TO SHOUT ABOUT

President Roosevelt wants the unemployment-insurance bill passed.

Congressional leaders are asked to take quick action, to include the bill on the "must" schedule.

This is the best possible news for the country—

If it means that the Tories who have been shouting "radical" at the President are at last to be given something to shout about.

The plain truth is the Tories have been winning more Washington battles than the Liberals.

They won when the President set his face against Federal liquidation of closed bank deposits.

They won when he recognized the company union in his settlement of the auto-strike problem.

They won when he held out against expansion of credit and the creation of a central bank.

They won when codified industries were permitted to raise prices more than wages.

They won when the President failed to support the original Wagner labor disputes bill.

They won when C.W.A. was curtailed to please Budget balancers and low-wage-paying industrialists.

Even though they won these victories, they brought their precious Dr. Wirt down to Washington to clamor about Bolshevism.

The President had veered more right than left.

He had disheartened his liberal supporters by his more than fair-minded effort to meet the reactionaries half-way.

Tories shouted, anyway.

Let the President move forward with his old courage to the fundamental reforms America needs.

In his informal reply to the reactionaries, the President declares he is for evolution, not revolution.

Evolution necessitates basic improvements in our economic system—

Such reforms, in addition to unemployment insurance, as creation of a central bank; increased, not curtailed, C.W.A. and direct relief; a housing program to build America out of its slums; intensified drive for higher wages.

Unemployment insurance is a good start. The new bill will tax all employers 5 percent of pay rolls. States which adopt unemployment insurance plans of their own will be refunded the amount collected within their borders.

Since employers in States without compulsory unemployment insurance will have to pay anyway, all States will hasten to adopt the plan.

The Tories will scream "blue murder." But they scream "blue murder" at anything short of Hooverism. It is impossible to please them.

Our problem is saving America, not pacifying the reactionaries. Millions of Americans, who have no clever lawyers in Washington, no lobbies, no propaganda machines, are hoping that the unemployment-insurance approval means resumption of the new deal.

#### EXHIBIT B

DENVER, COLO., April 15, 1934.

HON. ELBERT D. THOMAS,

United States Senator, Senate Office Building,  
Washington, D.C.

MY DEAR SIR: Your letter of the 5th instant, enclosing copy of your speech before the National Women's Democratic Club, was received in due course, and should have been answered before. The subject, however, has become so disgusting to me because of present conditions that I have not had the heart to consider it much further. I am obliged to you, nevertheless, for your consideration of me in the premises. I may say that I am not in any wise disappointed with this administration and have felt ever since it began that our party was under the thrall of the most determined and at the same time the most ignorant influences that have ever been dominant in national affairs, so far as its financial policies are concerned. The President seems to be constitutionally opposed to the bimetallic system of money, knows nothing about it, does not want to know anything about it, and is congenitally averse to its discussion. All the traditions, surroundings, and tendencies of the man are in that direction, and the declarations of his party platform are of similar character. All of his advisers, and those possessing his confidence, seem to be equally ignorant and set against it. I have had that intuitive feeling from the start. Hence, I am not disappointed with the developments of the administration. We never had and never will have a look-in. Those who have directed financial legislation and who dominate the banking interests of the country have perceived the opportunity involved in the prevailing monetary conditions, which are more than chaotic, for a change of status of which advantage could be taken to the limit and which nothing but an overwhelming political sentiment could prevent. Hence control and management of the new President has become of outstanding and overwhelming importance. The result up to date must have been more than satisfactory to the advocates and proponents of the single standard.

Mr. Roosevelt's absolute domination of the party has been obvious from the moment of his inauguration. To my mind the banking panic, coming as it did with the new administration, was the most successful and best-planned event in the financial history of all time. That it has not been suspected and charged before is not its least feature. I am convinced that every step taken by those in power was taken in advance and occurred accordingly. The abdication by Congress of its powers and prerogatives was too rapid, and the emergency legislation enacted without deliberation was possible only as a result of that catastrophe. Hence the retirement of gold and the penalizing of its mere possession. Its demonetization, the debasement of its standard value in exchange and all the benumbing consequences were not a haphazard series of events, but the whole thing was foreplanned and made possible by a preconceived succession of events. What could not be planned was assumed, with consequences equally satisfactory. Our silver forces capitulated before they could be prevented, and our so-called "leaders" in that movement hoisted the white flag, threw down all defenses, and surrendered in advance; and the administration did not hesitate to ride rough-shod over all the safeguards and defenses essential to every government, and Mr. Roosevelt became, and since has been, as much a dictator as Stalin or Mussolini.

As far as I can see, the Department of Justice has also capitulated, so that Congress and the courts are equally subject to the prevailing conditions. My life is spent, and I am not personally concerned with the consequences, but I did expect something at the hands of those responsible for some show of relief through the American Congress calling itself democratic. Their abject cowardice and lack either of principle or public spirit admits of no extenuation or excuse. Their capitulation will inevitably prove to be that of the Republic. Hence, I solemnly affirm that the present President of the United States, has in my judgment, not only deliberately violated every principle embodied in the American Constitution indispensable to the preservation of what we were once pleased to call American liberty, but by his usurpations has struck a vital blow to the continuance of American institutions.

I have always believed that the demonetization of silver was the first step in our progress toward political extinction and now I know it.

I am sending copies of this letter to a few of my old friends and collaborators without any restrictions upon such use as they may see fit to make of it.

Yours most earnestly and sincerely,

C. S. THOMAS.

P.S.—If Roosevelt is a Democrat, I am not and never was. He should never dare to assert political kinship with any member of the party now or heretofore having the remotest conception of the word. It is nothing but a memory of something that now stinks to heaven. He should be repudiated as something anathema. If he is not, he must be accepted by posterity as everything that he is, that he is a colossal falsehood, false to mankind, and false to every tradition of the generation he commanded that he might betray.

Very sincerely yours,

CHARLES S. THOMAS.

#### THE NEW DEAL

Mr. ROBINSON of Indiana. Mr. President, since the Senator is quoting from a Democratic source some strictures and criticisms of the new deal under the present administration, I think an editorial from the Baltimore Sun of yesterday ought to go into the RECORD. I suppose if there is one newspaper in the United States that may be considered to be clearly a Democratic newspaper, it is the Baltimore Sun.

Mr. LONG. I deny that.

Mr. ROBINSON of Indiana. The Baltimore Sun contained an editorial yesterday entitled "A Flood of Apologies" and since the Senator has completed his remarks, I ask that the editorial may be read from the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read, as requested:

The Chief Clerk read as follows:

[From the Baltimore Sun, Apr. 26, 1934]

#### A FLOOD OF APOLOGIES

The several speeches lately delivered by President Roosevelt and his Cabinet associates and more important subordinates in justification of the new deal suggest that the administration is now on the defensive. The nature of the speeches bears this out. They have been apologetic in tone and language, rather than expository or explanatory. The distinction is not without importance.

Our office dictionary defines "apology" as "something assigned as a reason for what appears to others wrong or unjustifiable . . . a justification or defense of belief or conduct." On the other hands, it says that "to explain" means "to make plain or clear; cause to be understood; show the meaning, nature, or workings of." If these definitions are sound, the Roosevelt, Wallace, Hull, and Tugwell speeches unmistakably come under the heading of "apology" rather than "explanation." In not one of these public addresses was there any real effort to come to grips with a major issue; no attempt was made, except in the vaguest, and most indirect way, to show the meaning, nature, or workings of the new deal. Rather were the remarks of these officials designed to meet the charges of "regimentation" and "revolution" raised in connection with the new deal by declaring that the Roosevelt program is even more Democratic than the liberal Democracy of the pre-1933 era and is not revolutionary but evolutionary. In short, the speakers were seeking to justify and defend the beliefs and conduct of the administration; they were apologizing instead of explaining.

Benjamin Jowett once wrote that "the tone of apology is always a tone of weakness and does injury to a good cause." To this it might be added that a good cause needs no apology; if it is really good, it can stand on its own feet. True, the administration has found it necessary for political and other reasons to meet in the most effective manner at its disposal the criticism of the new deal which seems to be arising on every hand, but especially among conservative business men. Yet it seems obvious that if the new dealers could offer a logical and consistent explanation of their course of action, they would undoubtedly have chosen to do so. That they have taken refuge in apologies indicates that not only are they on the defensive against their conservative critics but also that they harbor inner doubts as to the soundness of their cause.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed a joint resolution (H.J.Res. 332) to provide appropriations to meet urgent needs in certain public services, and for other purposes, in which it requested the concurrence of the Senate.

#### THE AIR MAIL

The Senate resumed the consideration of the bill (S. 3170) to revise air-mail laws.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee [Mr. McKellar].

Mr. HASTINGS. Mr. President, I do not propose to discuss the matter before the Senate in any detail. I think it is impossible to read the excellent argument made by the distinguished senior Senator from Vermont [Mr. Austin] without reaching the definite conclusion that he supported every point he made with the law and the facts. I think any fair-minded person must agree with his conclusions that there was not even a suspicion of fraud involved in the contracts that were so suddenly canceled.

It will be remembered that this whole matter had been investigated in 1932 by a committee of the House of Representatives, a majority of which was composed of Democrats. They found nothing irregular in the granting of the contracts. This was unsatisfactory to the corporate interests that owned air lines, and immediately after the Presidential election in 1932 they organized for the specific purpose of having the contracts canceled. According to an Assistant Postmaster General, they descended like grasshoppers upon the present administration.

It is rather significant that the resolution creating the special committee, of which the senior Senator of Alabama [Mr. Black] is chairman, was passed in the month of February 1933 with the distinct provision that the members should not be appointed until after March 4, 1933, or until the Senate had passed into the control of the Democrats. There is the further fact that after the committee was organized its own investigator worked with the same corporate interests who so promptly organized after the election in 1932.

But, regardless of the motives of those who were most interested, it seems to me under normal conditions it might be expected that when the whole miserable facts were exposed, an effort would be made by the administration to correct the errors which had been committed. Or is it true that we are living in an age where the Government can do no wrong? Has the new era in which we are living crowded out the fundamental rights of the American citizens? Is there any love or respect left for the Federal Constitution?

There are those who cry out, "The Constitution! It shall not be destroyed!" In the midst of the administration's propaganda these words sound like a voice in the wilderness. Those defenders of the new deal who have been charged with a desire to regiment the principal activities of American citizens everywhere deny the charge. They insist that the new deal is merely a new democracy made necessary by the changed conditions.

The Secretary of Agriculture declares that the enemies of the Republic—

are those organizers of public opinion and those politicians who knowingly and hypocritically endeavor to place the tag of communism on liberal democratic principles in order that they may gain votes or preserve inordinate profits.

Those of us who believe in the Constitution and who are opposed to destroying it do not accept a new democracy which violates either the letter or the spirit of that great document. It must be perfectly clear to every thoughtful person that many persons who seem to have a controlling influence with this administration believe that they are within the Constitution so long as the framework of it is preserved. I do not charge them with attempting to change the manner of the selection of the executive, the legislative, or the judicial branches of the Government, but it seems to me that to their minds these are the only things in the Constitution that are essential.

More than that, the attack upon the Constitution is from two separate groups. To the average persons who have acquainted themselves with the air-mail cancellation facts, Mr. Farley will be charged with actually mutilating the Constitution. No reasonable person can doubt that it was an arbitrary use, as well as the abuse, of a great political power. Whatever else may be said, it is not too much to say it will forever remain a black page in the history of a

great Republic. It cannot be compared with the mere removal of Republican postmasters for purely political reasons. A casual glance at the names of postmasters all over the country show that in many instances the man named was to take the place of some person who was removed. But this use of political power can be overcome. I only mention it because of the nonpartisan, angelic bloodstream which we are led to believe pulsates in every function of this administration.

But, I should like to inquire of those new dealers of this new Democracy, who call us enemies of the country because we charge that the country is drifting to communism, what they think of the recent performance in New Jersey where a man was fined \$100 and sent to jail for 30 days for charging 35 cents for pressing a suit instead of 40 cents fixed by the code?

I have no doubt that these same persons who are trying to bring about a new social order would have been shocked if this man in New Jersey had been fined \$100 and sent to jail for 30 days for stealing a 15-cent quart of milk from some corporation engaged in distributing milk. I can hear them now talking about the poor tailor who had not been able to earn enough pressing clothes to feed his wife and four children and what a terrible injustice was being done because he was sent to jail for stealing 15 cents' worth of food. This poor tailor, however, had stolen nothing. He was working for a living. The amount involved was 5 cents, and the crime was charging 5 cents less than some code authority said he must charge.

I was impressed with the proceedings whereby the fine and sentence were suspended after a week-end in jail away from his family. The newspaper reports were to the effect that this poor defendant had promised the judge that hereafter "he would be a good citizen."

Is this a part of the new democracy about which Mr. Tugwell and Secretary Wallace boast? Is this the kind of a democracy that impresses this poor foreigner with the sacredness of our Constitution? Could anybody a year ago anticipate that such a thing could happen in this country? Does anybody dare say that this is not the result of the kind of a regimentation which is sure to lead us into dangerous places and which must be avoided at all costs?

Some days ago I had an inquiry from a man who runs a small grocery store in my State. He employs no help. He has signed no contract of any kind with the Government. The Blue Eagle has not entered his store, but a demand was made upon him by the retail grocers' code authorities demanding that he pay \$1 immediately for himself and for any clerk in his employ toward the expenses of the retail grocer's code, and that upon failure to pay, he was threatened with a report of the facts to Washington. He wanted to know of me whether or not, as an American citizen, under these circumstances he was compelled to pay this \$1 in response to this demand.

My understanding is that this is the practice of the code authorities, and I have recently seen that the authority was based upon an Executive order of the President of the United States. This \$1 is not a tax levied upon an American citizen by the Congress of the United States. It is not a fine imposed by any court for the violation of some law. It is an assessment imposed by an organization which this man never joined, which is of no service to him, and with which he wants nothing to do. The new democracy calls those who oppose this kind of regimentation enemies of the country; but it seems to me that we cannot possibly approve of this sort of thing and at the same time have a very friendly interest in the Federal Constitution.

But if there be any doubt about this being a definite policy of the administration and not merely a plan to meet an emergency, take a view of the proposed stock exchange bill which has been reported by the Banking and Currency Committee of the Senate. In that will be found a provision for the selection of a commission, at large salaries, by the President of the United States, with authority to employ counsel and all kinds of help that may be needed, and with authority to assess the persons controlled by the act a suffi-

cient sum of money to pay all expenses of the commission. Here is another effort to change our system of government. If a stock exchange bill be necessary in the interest of the public, why should not the public pay this bill just as it pays all other bills that pertain to governmental functions? It is a transfer of the taxing powers from the Congress to some commission. Those levying this tax do not have to answer to the persons who pay the tax. The persons who pay the tax have no right in the matter of the selection of those who impose it. This takes us back to things we suffered before the Revolution.

I cite these illustrations because they represent three distinct classes. One, the tailor being prosecuted for charging too little for his labor; one, a small business man who has no interest in the code that binds him; and the other, representing the wealthier class, against which the new dealers are constantly attempting to create a prejudice. It seems to me also that these illustrations demonstrate once again the greatness of the Federal Constitution in its protection of all classes of our citizens, as well as the danger to each class when we for one reason or another attempt to get away from the restrictions imposed upon us by its terms.

Think of the confidence that is destroyed in our form of Government when, by the act of some high official, governmental contracts can be destroyed by a stroke of the pen, upon some flimsy excuse, without a hearing and without redress of any kind.

Think of the condition of mind of the thousands of persons in the position of the poor New Jersey tailor who have been led to believe from their early childhood that they lived in a country where their lawful pursuits were protected but now find no protection under the Federal Constitution.

Think of the harassed taxpayer who finds a new tax imposed upon him by some organization or some commission in which he has no representation.

If this is what liberal democracy means, if this be evolution in America, if this be the growth that is sought, if this be the act of unfolding or developing, then the Federal Constitution has indeed become an empty symbol; and those of us who are called our country's enemies must renew our determination that it shall not be destroyed.

Mr. WHITE. Mr. President, it is a matter of regret to me that the pending legislation is before the Senate at this time. It relates to a subject matter the study of which was committed to a special committee of the Senate. The special committee has been carrying on that study for months. The testimony has not yet been concluded; and the committee, as such, has never considered its recommendations to be made to this body. So far as I know and believe, there is but a single member of the special committee with whom the pending bill finds favor.

The bill is here, ill-advised as I believe, because of the regrettable action of the Postmaster General in canceling all the air-mail contracts within the continental United States. I shall not discuss in any detail the evidence taken before our committee with respect to the cancellations of these contracts, or with respect to the facts alleged to be in justification thereof. That already has been done with ability and thoroughness by two members of the committee; and I note with interest that their views are absolutely irconcilable. My own judgment is that the attempted cancellation of the contracts can find no justification in fact, in law, or in the public interest.

Mr. President, between the years 1929 and 1932 this country of ours witnessed an amazing development in the aviation industry.

In 1929 there were being carried by the air carrier 6,635,000 pounds of mail. By 1932 that poundage had increased to more than 8,845,000 pounds.

In 1929 there were approximately 14,000 miles of air lines. In 1932 there were more than 25,000 miles.

In 1929 the mileage flown was approximately 500,000 miles a month. In the latter part of 1933 that mileage was more than 3,300,000 miles per month.

Mr. President, the rate cost to the Government for the carriage of the mails had been reduced from \$1.15 in 1929

to approximately 37 cents in the latter part of the past year; and yet, in spite of this reduction in rates and in cost to the Government, we have seen a magnificent system of transportation by air built up in the United States.

When the former Postmaster General came into office, he found the transportation service of the Nation by air carried on by scattered, disjointed lines, inadequate in financial and in technical resources, without the capacity in these respects to respond to the demands of the Nation. He took those scattered units and welded them into a great system. He conceived three great transcontinental lines running from coast to coast, and lines running from Canada to the Gulf. He conceived these transcontinental lines each to be under unified control, each of them to be parallel somewhat with the other, and to be competitive in service, with lateral connections and feeders.

Mr. President, as a result of his administration there was developed a system of air transportation which carried the mail throughout continental United States with amazing speed, which furnished air transportation for persons and for things and which contributed mightily to the national defense—a system without comparison among all the nations of the world; and yet on the 9th day of February of this year, almost in the twinkling of an eye, without notice, without hearing, without opportunity for defense, the Postmaster General struck down these contracts, the very foundation upon which this great development was builded.

Mr. President, various causes have been alleged for this action. If it had been charged that the former Postmaster General was tactless and dictatorial, I should have admitted the charge. If there had been a challenge as to the soundness of his conception, I should have agreed that men might honestly differ concerning it. But when there is a charge of collusion and of conspiracy, I deny that charge. When it is asserted that these extensions of time were made without authority of law, I point to the law which in express terms authorized them. When it is charged that there was collusive agreement to eliminate competitive bidding, I likewise deny that charge; and I deny with equal directness and positiveness the allegation that there was fraud in connection with the contracts.

Mr. President, there has been the charge of collusion and conspiracy. It rests upon the fact that in May and June of 1930 the Postmaster General of the United States called together those who held contracts, and some who did not hold contracts, for conference with them and between them, in order that an effort might be made to determine who had the pioneering rights in these various scattered units of transportation, that there might be an exchange of information and that an effort might be made to unify, to consolidate, to build up a more efficient transportation in the United States.

Those meetings were not secret. They were not furtive. They were open. They were known. They were public. Why, Mr. President, the aviation journals of the country and the press of the country carried notice to all our citizens of the essential facts of those meetings and of the purposes of those meetings. Everyone interested in aviation knew of them. A record was made and preserved in the files of the Department of those meetings, of the discussions, of the agreements reached, and of the failures to reach agreements.

Mr. President, it is no more possible to justify the charge of collusion and conspiracy with respect to those meetings than it is possible to justify a charge against any official of the Government of the United States who talks with interested parties about any duty or obligation resting upon him as such official.

There is no difference in principle between that meeting and the meeting of the present First Assistant Postmaster General, held but a few months ago, in order to consider service, in order to consider consolidations and eliminations, that the services might be brought within the limits of the appropriation.

There is no essential difference in principle between that meeting and the meetings of those business men of the

United States, who have repeatedly been called here, in recent months, that they might sit down and confer together, and confer with officials of the Government of the United States, in the workout-out of codes to regulate the business and the conduct of their various industries. There is no essential difference between that meeting and the meetings of those who gathered here in order to consider with the Secretary of Agriculture the levying of processing taxes and compensatory taxes upon the citizens of the United States. It was a meeting conceived in good faith, justified by sound sense. It was a meeting like unto a thousand meetings which have been held in the past, and which will be held in the years to come. There can be no justification for the charge of collusion and conspiracy with respect to that, for the very vital elements making up conspiracy and collusion were wanting.

The charge is made that there was no authority in law for these 6-month extensions which were granted. The Senator from Vermont called the attention of the Senate, as he has called the attention of the country, to the specific authority in law for the identical thing that was done.

Mr. President, it has been said that there were agreements designed to restrict, to eliminate, and to reduce competition in bidding. If one reads this testimony in its entirety, and not in fragments, if he looks at the whole body of the record, he will find no evidence to sustain that charge. It is true that as consolidations of these various lines are worked out, the number of potential bidders is reduced. That is inevitable. It is true that the Postmaster General of the United States consulted with various carriers in the Air Service with respect to consolidations. I do not doubt that he recommended—I do not doubt that he urged—consolidations, and the statute, in express terms, authorized him to make consolidations. One may not predicate a charge of restriction in bidding upon acts which, in terms, are authorized by a statute of the United States.

The charge of fraud is a wholesale charge; it is a consolidated charge; it is a merger of all else; it is an omnibus count. I have heard nothing in connection with the general charge which does not relate directly to one of the specific charges to which I have already referred.

Mr. President, I deny that there was fraud. For 4 years this situation had existed. For 4 years it had been known to committees of the Congress of the United States; it had been known to the Members of the Congress. These contracts had been under inquiry yearly by the Committees on Appropriations of the House and of the Senate, and the facts were known to them. The facts in connection with these contracts had been the subject of a special investigation by a committee of the House of Representatives. The contracts and the payments thereunder had been sanctioned by the Comptroller General of the United States every time he gave approval to a payment called for by their terms.

Mr. President, these contracts had continued unchallenged for 10 months after the present administration came into power. They were unchallenged on the 30th day of January of this year, when the Postmaster General, testifying before your select committee, said that he had not disapproved any contract, and that we were warranted in the assumption that that failure to act on his part might be considered an approval of them.

Yet 6 days thereafter, after the lapse of 4 years of sanction, after the lapse of 4 years during which the United States had been operating under these contracts and the people had been profiting thereby, they were ruthlessly struck down, in my view struck down in violation of law, in outrage on fair play, and in defiance of American tradition.

Mr. President, I can find no warrant in the record, I can find no warrant in the law, for the thing which has been done. But what has been done is of the past, and I recognize that there is no particular advantage in discussing it further. It is a fact accomplished, about which in due time the American people will pass judgment, if they have not already done so in their own minds.

Mr. President, we have pending before us at this time four distinct proposals for the consideration of this body. There is the amendment proposed jointly by the Senator from Vermont and myself, providing that the status quo as of February 9 shall be restored, that the contractors shall be re-established in their rights, and that they shall face the burden of the obligations of their contracts; that there shall be a commission appointed by the President of the United States to consider the situation in which we find ourselves, and to make recommendations to the Congress for an air policy. In my opinion, good conscience calls for the adoption of that amendment.

There is another amendment, proposed by the Senator from Vermont [Mr. AUSTIN], the Senator from New Jersey [Mr. BARBOUR], and the Senator from Pennsylvania [Mr. DAVIS]. In greater detail it carries out the identical suggestions of the first amendment to which I have referred.

Then there is the amendment offered by the Senator from Nevada [Mr. McCARRAN], a thought-out, logical plan for the solution of the difficulties confronting us.

Mr. President, the plan of the Senator from Nevada reflects credit upon him. In his proposal can be seen the mind and the temperament of one who has risen to distinction among the jurists of the western part of this Nation of ours. I do not hesitate to say that if the first two amendments to which I have referred be not adopted, then I will give my unqualified endorsement to the amendment offered by the Senator from Nevada as being better in every essential respect, sounder in principle, more workable in its practical operations, than the bill now pending before the Senate.

If I may, I will refer very hurriedly to some of the provisions in the pending bill which give me concern. I do not speak dogmatically with respect to them, but what I say is rather in the form of questions respecting their terms and their effect.

In the first section we are asked to repeal portions of our air mail law, but to leave other provisions in full force and effect. In particular, section 3 of the act of 1925, as amended by the act of 1928, placing a minimum rate on air-mail postage is amended and the rate is fixed at 6 cents an ounce.

In section 3 of the bill the Postmaster General is authorized to award contracts for the transportation of air mail by airplane between such points as he, the Postmaster General, may designate. I emphasize that in order that Senators may have it in mind when I come to a subsequent section of the bill.

The provision is in substance that the Postmaster General is authorized to award contracts for the transportation of air mail between such points as he may designate, and for periods of not exceeding 3 years, to the lowest responsible bidders.

At fixed rates per airplane-mile, with a definite weight basis, and with a maximum payment of not to exceed 40 cents a mile, I believe it is, as fixed in this section.

I note that in these first two sections to which I have made reference there is a postage rate fixed arbitrarily by statute, and a cost of carriage, to be fixed by competitive bid, with the result that there may be no logical connection whatsoever between the postage rates and the cost of the service.

The section further provides that a contract may not be assigned without the approval of the Postmaster General and the Interstate Commerce Commission, so that under these first three sections of the bill two agencies of the Government would be involved in the problem of transportation, the Postmaster General and the Interstate Commerce Commission.

The same section authorizes extensions. If I may use the word so often repeated here on this floor in connection with this controversy, it does not say an extension must be the elongation of a line under contract, not in prolongation of an existing service, but just an extension, a recognition of the very principle which has been condemned here in unmeasured terms.

Then, after having recognized the soundness of the principle of extension, the section runs away from it, beats a cowardly retreat from the principle which it declares, when it limits an extension to 100 miles and when it says that there may be but one extension to one person.

Now, what does that mean in practical effect? That means, for example, that if one has a contract for service between Washington and Pittsburgh, there may be an extension, we will say, from Pittsburgh down to Wheeling, if that is within 100 miles; but there may not be, under the terms of the act as it is proposed, an extension from Washington to Baltimore. So far as it does that, I can see no sense in it whatsoever. I can see no warrant for a limitation to 100 miles of an extension, for it is a wholly uneconomic distance for an airplane run, and if the principle is sound, and if extensions under any circumstances ought to be granted, I can see no good reason for saying that one may be granted at one end of the contractual line, but another may not be granted at the other end of the line.

The section also authorizes the Postmaster General to designate routes as primary and secondary, but for what purposes these routes are to be designated as primary and secondary I do not know, for there is no further reference to primary and secondary routes in the entire legislation. It seems to be language with no purpose whatsoever.

Then I come to section 6, Mr. President. Section 6 of this legislation—and I am talking about the pending bill all the while—authorizes and directs the Interstate Commerce Commission within 6 months prior to the time of expiration of the contracts entered into under section 3—that is, within 6 months of the expiration of the 3-year contracts entered into by the Postmaster General upon routes designated by him—to fix and determine—

The public convenience and necessity for all air-transport routes and the fair and reasonable future rates of compensation for the transportation of such mail matter by airplane common carriers and the service connected therewith, but not in excess of the rates—

Provided in section 3—which I take it to be that 40-cent maximum—

prescribing the method or methods by weight or space—

That is the rule laid down with respect to the Postmaster General under section 3—  
or otherwise.

It gives the Interstate Commerce Commission a blanket authority to proceed to prescribe the method for ascertaining the rates of compensation under, apparently, any rule that the Interstate Commerce Commission can conceive of, although the Postmaster General in letting his contracts is limited by a fixed rule based upon weight and space.

There may be some reason for that difference. There may be some reason for those words "or otherwise", which have no limitation beyond the imagination of the Interstate Commerce Commission; but it is beyond my knowledge or my ingenuity to think of what it may be.

Then it provides in this same section—and this is an interesting provision to me—that the rate so made, that is, the rate made by the Interstate Commerce Commission, based on weight or space or otherwise, shall continue in force until changed by the Commission, after due notice and hearing.

It strikes me as significant and altogether irrational that although notice and a hearing are required for a change in the order fixing the rates that there is no requirement for hearing or for notice upon the original fixing of the rates by the Interstate Commerce Commission. It would strike me that it is vastly more important to reach a sound conclusion as to what the rates should be in the first instance, after notice and after hearing, than that subsequent changes in the rates should be the subject of notice and of hearing.

Then, Mr. President, this fact strikes my attention: That although bids under section 3 are to be based and contracts let by the Postmaster General at fixed rates per airplane-mile and with a definite rate and space basis under section

6, the Interstate Commerce Commission may disregard weight and space and otherwise ascertain rates of compensation. That is substantially what I said just a moment ago. Why that is I do not know. I do not see how we can possibly square the rate-making rule under the Interstate Commerce Commission authority and the rate-making rule or the cost rule fixed by the Postmaster General, and why they should be different is beyond my power to understand.

Mr. President, one assumes the purpose in giving the Interstate Commerce Commission authority and directing it to determine public convenience and necessity, as section 6 does, is to limit the contracts to such routes as may be thus legalized. But I call attention to the fact that the power to contract is still left with the Postmaster General, and there is no language in this act express—I believe there is no language in this act implied—limiting his right to designate points between which air mail may be carried.

What advantage is it to have the Interstate Commerce Commission determine public convenience and necessity, apparently for the purpose of limiting contracts to such routes, and leaving unchanged and untouched and unchallenged the authority of the Postmaster General to designate routes between which the mail of the United States shall be carried?

Mr. President, this section also precludes rates which will include compensation by way of subsidy or other similar payments. I ask the question: Does this forbid a rate which will give a return in excess of the cost of transportation—of the service? I ask, When does compensation become a subsidy? The thing to me is utterly unintelligible.

I pass over section 7. It seems to me that section 7, being taken as a whole—

The PRESIDING OFFICER (Mr. MCGILL in the chair). The time of the Senator on the amendment has expired.

Mr. WHITE. I will proceed for a brief moment, Mr. President, on the bill. So long as I am not going to get through in my 30 minutes, I will discuss somewhat further section 7.

The first paragraph of section 7 makes it unlawful for a contractor to have an interest in a manufacturing company, or a company owning a field or hangars, or land equipment or repair plant, any air fields, the facilities along the ground necessary for an air transportation company, and so forth, with the result that the contractor must be so financed that it can itself own all these facilities, or it must be relegated to a seller's market when it comes to buy these necessary parts of our transportation equipment, those necessary things for the convenient and safe transportation of the mail and of the persons of the United States.

The second paragraph makes it unlawful for any corporation or any individual interested in any company furnishing aviation equipment, or fields or hangars, or airways, and so forth, to have any stock or other interest in a contractor.

I ask the Senate, who is to finance these air-transportation companies? Where is the money coming from in order to buy these planes, to buy the radio equipment, to build the facilities along the ground, airports, the hangars, all else which is essential? Who is to do this? Who is to finance this if no one may have an interest in a contracting company?

The third paragraph provides that no person shall be eligible as an air-mail contractor if he has an officer "or another"—I do not know what that "or another" means—but if he has an officer or another who has theretofore entered into any unlawful combination or conspiracy to prevent the making of any bid to carry the mail.

Does this mean a person "or another" who has been convicted under a statute making such acts illegal, or does it mean that anyone charged with this offense by any official of the Government becomes ineligible for any such relationship?

Mr. President, there is a proviso to this section which lessens somewhat the severity of this general language; but taking it as a whole it reduces itself, as I see, to this absurdity, that these people must finance themselves or they must

buy in a market controlled and dictated by the sellers of the necessary equipment which they must have.

Then I skip to section 11, Mr. President. Section 11 illustrates to my mind the basic infirmity of this proposal before the Senate.

By this section the Secretary of Commerce appears in the picture in addition to the Postmaster General, in addition to the Postmaster General and the Interstate Commerce Commission acting jointly, in addition to the Interstate Commerce Commission acting separately. The Secretary of Commerce is given air-mail authority. He is to determine the character of the equipment to be employed and maintained on routes, the speed, the load capacity, the safety features and the safety devices.

Mr. President, after the expiration of the contracts to be let by the Postmaster General under this bill, the Interstate Commerce Commission is to determine fair and reasonable rates. I ask you, sir, how the Interstate Commerce Commission is to do this? How is it to determine fair and reasonable rates if it is without knowledge or control over the determination of the character of equipment, which power is lodged in the Secretary of Commerce? It is proposed to give the Secretary of Commerce the authority to prescribe the entire equipment and then to give the Interstate Commerce Commission, with no relationship between them, with no obligation to transmit from one to the other the information requisite to a wise determination of the matter of rates, the authority to prescribe just and reasonable rates.

Section 13 attempts to fix a minimum rate of compensation, but there is absolutely no machinery provided by the proposed legislation for the ascertainment of such a rate.

Mr. President, I have gone hurriedly through this proposed piece of legislation, and I have suggested for the consideration of the Senate defects which seem to me to be inherent in it, and which, in my opinion, cannot be cured without the rewriting of the measure in its entirety.

My consideration of this bill, hasty though it has been, leads me back to my first proposition, that the Senate of the United States should adopt one or the other of the three alternatives which are presented to it. I would urge, with whatever force I may have, that the proposal of Senator AUSTIN and of myself restoring the status quo, restoring these contracts to the men who have had them and who have served the Government for 4 years of time, be adopted. I would urge that they be restored to their rights, and that they be required to meet their obligations under the contracts. I do that with the more readiness, because the rates of compensation under present law are within the control of the Postmaster General so that he can change them from time to time downward or upward as the situation and the rights and the well-being of the people of the country may require. That would seem to be the American course; that, in my judgment, would heed the voice of equity calling to the Senate of the United States.

Mr. AUSTIN. Mr. President, it may seem, and I think justly so, a supererogation for me to add anything to the very eloquent and very convincing address of my colleague on the committee, the Senator from Maine [Mr. WHITE]. I would not undertake to say anything further were it not for a deep earnestness and a desire at least to make a record here which may be of benefit in the future even though it may not persuade anyone in the United States Senate to change his vote.

As I have listened to the very able addresses on all sides of this question—and I regard every address which has been delivered here as an able one—it has occurred to me to be very singular that there are so few Senators who believe in the pending bill and that there seems to be some sort of restraint upon those who do not really favor it which does not admit of their joining in an obviously beneficial proposal for the people of this country, in joining in the movement which has for its objective the clearing of the atmosphere of all ulterior motives and purposes of all the little excursions into the realm of party politics, and of all attempts at condemnation and the blackening of our neighbors with

opprobrious words and epithets such as have been hurled at them.

The adoption of the substitute submitted by the Senator from Maine (Mr. WHITE) and myself would not determine any question of fact; it would merely keep the status unaffected by any of the events that have occurred since February 9 until the questions which are now pending regarding those events could be satisfactorily investigated and determined.

I will refer to another feature which seems singular to me. After reading over and over again the statutes in effect relating to the cancelation of air-mail contracts, which are clear and without ambiguity and which have been interpreted by opinions of the Comptroller General, at the request of the Postmaster General, aimed directly at ascertaining what his authority might be with respect to such cancelation, after knowing that there must be notice and hearing—in other words, the usual American procedure before depriving a man of his contract by cancelation or taking his property away from him—after knowing that the only manner in which the President of the United States may cancel is upon 60 days' notice and hearing; after knowing that by the terms of the contracts themselves the only way by which the cancelation may occur is upon 60 days' notice, as required by the contracts, we have had the remarkable experience of listening here to a debate in which it is claimed that the Postmaster General had authority to annul these contracts by virtue of section 3950 of an ancient statute, passed in 1872, which obviously never was intended to apply to any such condition of affairs as we have today. Yet the argument is made that that section of the law authorized the Postmaster General to annul the air-mail contracts. To my mind, that is the most outstandingly astonishing thing that has occurred in this debate.

Do you realize, Mr. President, how that section reads? This is the way it reads, this old statute of 1872, which relates to bids:

Combinations to prevent bids: No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract—

That does not apply in this case at all—

and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for 5 years, and for the second offense shall be forever disqualified.

Mr. President, did you hear anything about the Postmaster General being invested with the authority to annul contracts in that section of the law? No; you did not. There is not one word in that law that authorizes a Cabinet officer to annul contracts. And when the statute of the Federal Congress undertakes to create an offense, do you, Mr. President, suspect for a moment that invests the punishment of such offense in a Cabinet officer? And when it has said that the contract may be annulled, do you, sir, consider that it enabled any other tribunal except a court of law to annul it? I do not. If it did, it would be utterly inconsistent with the Constitution; it would have constituted a perfect bill of attainder, something that is expressly prohibited by the Constitution. Just think of it! The Congress could disqualify, forever and without trial, men guilty of an offense, whose offense had never been ascertained, but presumed by some Cabinet officer—an assumed offense. Think of such a condition under our institutions of government! We have tolerated much during the last year; but are we about to tolerate this deed?

I have a brief here on that subject, and in order to save the nerves of Senators, I shall not read it, but I ask unanimous consent to have it inserted in the Record at this place in my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The brief referred to is as follows:

It has often happened that when a matter has become the subject of acrimonious debate, the principal points become sub-

merged and are frequently forgotten. There is one point of fundamental importance which, so far as I know, has not even been discussed, and that is the constitutionality of section 3950 of the Revised Statutes, which is printed as section 432 of title 39 of the United States Code, annotated. That section reads as follows:

"Combinations to prevent bids: No contract for carrying the mail shall be made with any person who has entered or proposed to enter into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for 5 years, and for the second offense shall be forever disqualified."

This is the section under which the Postmaster General acted in issuing his annulment orders of February 9, 1934. Copies of that order have been printed in many connections in the CONGRESSIONAL RECORD. The order directly refers to and relies on the provisions of the statute which I have quoted above. The Postmaster General's order is very brief. It does not state any facts to show that any particular contractor gave or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for the particular contract which he was engaged in performing for the United States. The Postmaster General's order does not specify any bid that was prevented. Please observe that there is no grant of authority to the Postmaster General to annul a mail contract. The statute is entirely silent on the subject, and there is no indication whatever of the procedure to be followed in order to bring about a valid annulment.

The penalty provided in the quoted statute is that the person so offending shall be disqualified to contract for carrying the mail for 5 years for the first offense and forever if the offense is repeated. This is an unusual penalty. The offense is not designated as a crime, and there is no penalty by way of fine or imprisonment. Nevertheless, the penalty is a very severe one so far as air-mail contractors are concerned; because a 5-year disqualification from bidding for contracts means, under the circumstances surrounding this new business, the bankruptcy and corporate death of the contractor.

A provision carrying such a severe penalty is clearly a bill of attainder. Article I, section 9, of the Constitution of the United States, provides that Congress shall not pass any bill of attainder. And section 10 provides that no State shall pass any bill of attainder. Bills of attainder have become so thoroughly obsolete that the meaning of the word itself is not known to many people. Mr. Justice Field, one of the most distinguished Chief Justices of the United States, gave the following succinct definition: "A bill of attainder is a legislative act which inflicts punishment without a judicial trial."

It is obvious that the Congress provided for the infliction of a punishment in section 3950, which I have quoted above. But it is equally obvious that Congress intended that the statute should be constitutional and not violative of the attainder clause of the Constitution. The only construction of that statute that would permit an avoidance of a certain holding that the statute is unconstitutional would be a construction that would require a judicial trial before the infliction of the severe penalty of disqualification. Such is the only reasonable construction to be put on the statute read as a whole. The care with which Congress avoided a grant of authority to the Postmaster General to annul contracts indicates that the congressional intent is to have a trial and definite finding that a particular contractor had entered into a combination to prevent a bid or had paid a consideration to prevent the making of a competitive bid before the infliction of the penalty.

The matter has not been before the courts on very many occasions, simply because it has so rarely happened that a member of the executive branch of the Government has undertaken to inflict a penalty without making specific charges before the judicial branch of the Government, confronting the person charged with witnesses, and proceeding to secure a determination of guilt before the infliction of a penalty. But in the cases that have gone to the Supreme Court the rulings have been entirely unanimous. This body has always gone to the greatest lengths to uphold and support the Constitution and to see to it that bills presented for its consideration were not violative of any section of that great document. Such has been the tradition of the Senate, and it is to be assumed that the Senate in 1872, when it passed the statute which I have quoted, believed that it was a constitutional enactment and that no step would be taken under it without a judicial trial, thereby exposing the statute to an attack on the ground of unconstitutionality.

The Senate would do well to read some of the cases that have come before the Supreme Court of the United States, such as *Cummings v. The State of Missouri*, reported in Fourth Wallace, page 277, which considered a statute of the State of Missouri providing that no person could be a qualified voter "who has ever been in armed hostility to the United States or to the lawful authorities thereof or to the government of this State." The same statute provided that any person suffering from the disabilities indicated should never act as a professor or teacher in any educational institution or in any common or other school, nor should ever hold property in trust for the use of any church, religious society, or congregation, and an oath was required before

an applicant could vote. In September 1865 the Reverend Mr. Cummings, a priest of the Roman Catholic Church, was indicted and convicted in the Circuit Court of Pike County "of the crime of teaching and preaching in that month as a priest and minister of that religious denomination without having first taken the oath prescribed by the constitution of the State." He was sentenced to a fine of \$500 and to commitment in jail until said fine was paid. The conviction was sustained by the supreme court of the State.

On appeal to the Supreme Court of the United States, Justice Field, delivering the opinion, reversed the finding of the supreme court of the State, holding that the law in question was in the nature of a bill of attainder or ex post facto law.

In *Ex Parte Garland* (4 Wall. 333), an act of Congress was involved, which act required certain oaths to be taken by any person holding an office under the United States, while another act provided that no one could be admitted to the bar of the Supreme Court of the United States or of a district court as an attorney to practice therein until he had taken and subscribed the oath prescribed by the first act referred to, which oath provided, among other things, that the deponent had never voluntarily borne arms against the United States, and that he had never voluntarily given aid to persons engaged in armed hostility thereto. Like the Missouri law referred to in the Cummings case, these acts of Congress, passed in 1862 and 1865, were clearly intended to debar from practicing in the courts of the United States lawyers residing in a large section of the United States.

A. H. Garland, who had been duly qualified to practice in the Supreme Court of the United States prior to the Civil War, was a member of the Confederate Congress, and as such unable to take the oath, though pardoned in July 1865. He applied to the Court for permission to continue to practice therein. The Court amended its rule requiring the oath above referred to by eliminating it and granted the prayer of Garland's petition. In his opinion Justice Field said:

"The statute is directed against parties who have offended in any of the particulars embraced by these clauses. And its object is to exclude them from the profession of the law, or at least from its practice in the courts of the United States. As the oath prescribed cannot be taken by these parties, the act, as against them, operates as a legislative decree of perpetual exclusion. And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included.

"In the exclusion which the statute adjudges it imposes a punishment for some of the acts specified which were not punishable at the time they were committed; and for other of the acts it adds a new punishment to that before prescribed and it is thus brought within the further inhibition of the Constitution against the passage of an ex post facto law. In the case of Cummings against the State of Missouri, just decided, we have had occasion to consider at length the meaning of a bill of attainder and of an ex post facto law in the clause of the Constitution forbidding their passage by the States, and it is unnecessary to repeat here what we there said. A like prohibition is contained in the Constitution against enactments of this kind by Congress; and the argument presented in that case against certain clauses of the constitution of Missouri is equally applicable to the act of Congress under consideration in this case.

"The attorney and counselor being, by the solemn judicial act of the court, clothed with his office does not hold it as a matter of grace and favor. The right which it confers upon him to appear for suitors, and to argue causes, is something more than a mere indulgence, revocable at the pleasure of the court, or at the command of the legislature. It is a right of which he can only be deprived by the judgment of the Court, for moral or professional delinquency.

"The legislature may undoubtedly prescribe qualifications for the office, to which he must conform, as it may, where it has exclusive jurisdiction, prescribe qualifications for the pursuit of any of the ordinary avocations of life. The question, in this case, is not as to the power of Congress to prescribe qualifications but whether that power has been exercised as a means for the infliction of punishment against the prohibition of the Constitution. That this result cannot be effected indirectly by a State under the form of creating qualifications we have held in the case of *Cummings v. The State of Missouri*, and the reasoning by which that conclusion was reached applies equally to similar action on the part of Congress."

Neither the Cummings nor the Garland case has been reversed. On the contrary, both have been, and are, frequently cited with approval by many courts.

*Pierce v. Carskadon* (16 Wall. 234): The law of West Virginia provided that, where a judgment was rendered against a non-resident, based upon an attachment, and there was no personal service and judgment was entered without the defendant's appearance, such defendant had a right, within a certain specified period of time, to reopen the case upon his petition and to make his defense to the proceedings.

One Carskadon obtained a judgment in one of the courts of West Virginia against Pierce, based on an attachment. There-

after Pierce appeared within the time prescribed and sought to have the case reopened in accordance with the statute of West Virginia, but the court refused to do so, because there had in the meantime, to wit, on February 11, 1855, been an amendatory statute which provided that a petition to reopen the case could not be presented unless accompanied by an affidavit that the defendant had never borne arms against the United States and the other conditions contained in the then test oaths then prevalent.

The court refused to let the petition be filed, and on appeal to the Court of Appeals of West Virginia it was sustained. Appeal was taken to the Supreme Court of the United States upon the ground that the act was unconstitutional, since it deprived the defendant for past misconduct, and without judicial trial, of an existing right, the West Virginia law partook of the nature of a bill of pains and penalties and was subject to the constitutional inhibition against the passage of bills of attainder, under which general designation bills of pains and penalties are included. The Supreme Court reversed the judgment of the Court of Appeals of West Virginia, upon the authority of the Cummings case and *Ex parte Garland*. The opinion of the Court, delivered by Justice Field, is brief, merely stating that the instant case was covered by the Cummings and Garland cases, and upon the authority of those cases the judgment of the West Virginia court was reversed.

In the Cummings case the penalty had the effect of excluding a priest from the practice of his profession. In the Garland case there was an exclusion from the practice of the law. In the Pierce case there was an exclusion from recourse to the courts. And in all of the cases there had been no judicial trial. Again, in all of the cases the Supreme Court of the United States held that the statutes under which both the State and the Federal officers had acted were bills of attainder and, therefore, unconstitutional.

There is also the case of *Yung Sing Hee*, which is enlightening because it quotes Mr. Justice Story, one of the greatest legal authorities of all time. That case is found in Thirty-sixth Federal Reporter, page 437 (1868). Yung Sing Hee was the daughter of Chinese parents, who was born in the United States. She went out of the country, and when she tried to return she was prevented because of the Chinese exclusion acts. The Court permitted her to enter.

"Bills of this sort", says Mr. Justice Story, "have been most usually passed in England in times of rebellion or gross subversion to the Crown or of violent political excitements, periods in which all nations are most liable (as well the free as the enslaved) to forget their duties and to trample upon the rights and liberties of others" (Comm., sec. 1344).

The most recent case is that of *Johannessen v. United States* (225 U.S. 227 (1912)). Johannessen was a Norwegian, who obtained a naturalization certificate by a false statement that he had been a resident of the United States for over 5 years at the time of his application. Many years later it developed that he had been a resident for only 4 years. The Court held that the certificate could be canceled for this fraud. But see language on page 242:

"But if after fair hearing it is judicially determined that by wrongful conduct he has obtained a title to citizenship, the act provides that he shall be deprived of a privilege that was never rightfully his."

Perhaps the most illuminating case to show the attitude of the Supreme Court of the United States is that of *Garfield v. Goldsby* (211 U.S. 249), decided in 1908. Goldsby was a Chickasaw Indian, and his name was on the list of those entitled to allotment and distribution of land, under an act of Congress giving the Secretary of the Interior the right to make up such a list. Later the Secretary struck Goldsby's name from the list. The Court says (p. 262):

"But, as has been affirmed by this Court in former decisions, there is no place in our constitutional system for the exercise of arbitrary power, and if the Secretary has exceeded the authority conferred upon him by law, then there is power in the courts to restore the status of the parties aggrieved by such unwarranted action.

"In the extended discussion which has been had upon the meaning and extent of constitutional protection against action without due process of law, it has always been recognized that one who has acquired rights by an administrative or judicial proceeding cannot be deprived of them without notice and an opportunity to be heard.

"The right to be heard before property is taken or rights or privileges withdrawn, which have been previously legally awarded, is of the essence of due process of law. It is unnecessary to recite the decisions in which this principle has been repeatedly recognized. It is enough to say that its binding obligation has never been questioned in this Court."

Bills of attainder were used in medieval times. Henry VIII was a particular offender, because he had a Parliament which was entirely subservient to his desires. But they have had no place whatever in the law of any modern nation and practically none in the American system.

In the light of these many quoted cases, therefore, it seems obvious to me that the Supreme Court of the United States will declare that section 3950 of the Revised Statutes, containing a disqualification from bidding as its penalty, is a bill of attainder unless there has been a judicial determination of the commission of the offense charged.

APRIL 26, 1934.

Mr. AUSTIN. Many cases will be found in the brief to support the assertion which I have made, that that ancient statute, if it ever were allowed to have the significance claimed for it in debate here by the Senator from Alabama, would be absolutely void, because it constitutes a bill of attainder, a statute which carries severe penalties, and puts a stigma for life upon a man. It would be a bill of attainder, I say, if it were enforced, as claimed by an officer who is not a judicial trier of questions of fact and judicial trier of charged offenses.

Mr. President, I realize that the atmosphere is such that it is difficult today for us to recur to fundamental principles. It is difficult today for us to adhere firmly to justice. That is why I take the trouble to put into the record of the debate on this measure an ancient decision of one of the greatest jurists the country ever knew, a man whose decisions have meant more to the forming and shaping of our civilization on this side of the Atlantic than any other act or declaration of a statesman in any branch of the Government. I refer to the judicial decisions and opinions of Chief Justice Marshall.

During the discussion of the learned Senator from Alabama [Mr. BLACK] he undertook to justify the Postmaster General's cancellation of the air-mail contracts by claiming there was the power to cancel anyway. I thought that had been assumed somewhat in all our consideration of the matter heretofore; but since he saw fit to debate it as he did and since he did not refer to the case I have in mind, I invite attention to the fact that the Supreme Court of the United States, early in the history of our country and when the Constitution was vividly before the Court, determined that a government may not cancel its contracts for its own wrongs; that a government may not cancel its contract at all save by the means which are provided in the contract itself, and if no such provision is in the contract, but there be a statute, as there is in this case, save by the statute.

This ancient case is found in Tenth United States Reports, page 87, being the case of Fletcher against Peck. It involved collusion. The charge was that the Legislature of the State of Georgia had been bribed into the passage of a certain act. I read from page 128 of the opinion as follows:

The second count assigns, in substance, as a breach of this covenant, that the original grantees from the State of Georgia promised and assured divers members of the legislature, then sitting in general assembly, that if the said members would assent to, and vote for the passing of the act, and if the said bill should pass, such members should have a share of, and be interested in all the lands purchased from the said State by virtue of such law. And that divers of the said members to whom the said promises were made were unduly influenced thereby, and under such influence did vote for the passing of the said bill; by reason whereof the said law was a nullity—

And so forth. I suggest to the minds of Senators that there is a clear allegation, at least, of fraud.

On page 130 appears the following:

The fourth covenant in the deed is that the title to the premises has been in no way constitutionally or legally impaired by virtue of any subsequent act of any subsequent legislature of the State of Georgia. The third count recites the undue means practiced on certain members of the legislature, as stated in the second count, and then alleges that, in consequence of these practices, and of other causes, a subsequent legislature passed an act annulling—

Notice the word "annulling"—

annulling and rescinding the law under which the conveyance to the original grantees was made, declaring that conveyance void, and asserting the title of the State to the lands it contained.

The count proceeds to recite at large this rescinding act and concludes with averring that, by reason of this act, the title of the said Peck in the premise was constitutionally and legally impaired and rendered null and void.

On page 132 the learned Chief Justice proceeded:

The Legislature of Georgia was a party to this transaction; and for a party to pronounce its own deed invalid, whatever cause may be assigned for its invalidity, must be considered as a mere act of power, which must find its vindication in a train of reasoning not often heard in courts of justice.

I beg the Senate to take notice of those words, "a mere act of power."

But the real party, it is said, are the people, and when their agents are unfaithful, the acts of those agents cease to be obligatory. It is, however, to be recollected, that the people can act only by these agents, and that, while within the powers conferred upon them, their acts must be considered as the acts of the people. If the agents be corrupt, others may be chosen, and, if their contracts be examinable, the common sentiment, as well as common usage of mankind, points out a mode by which this examination may be made and their validity determined.

I read only the concluding sentence of the next paragraph:

The question was, in its nature, a question of title, and the tribunal which decided it was either acting in the character of a court of justice, and performing a duty usually assigned to a court, or it was exerting a mere act of power in which it was controlled only by its will.

Thus held the learned Chief Justice. I hold that this is a fundamental principle which affects the issue before us today, for if we proceed to adopt any other of the proposals which are before the Senate than those which restore the status quo and provide for a judicial method or a compliance with the statute with respect to cancellation, then we have said to the rest of the world that the Congress of the United States has departed from the Constitution; that the Congress subscribes to the bill of attainder; that the Congress approves, ratifies, and consummates the arbitrary and tyrannical act of an officer of the United States as an act of power.

I now read from page 133:

If the legislature felt itself absolved from those rules of property which are common to all the citizens of the United States, and from those principles of equity which are acknowledged in all our courts, its act is supported by its power alone, and the same power may divest any other individual of his lands, if it shall be the will of the legislature so to exert it.

It is not intended to speak with disrespect of the Legislature of Georgia, or of its acts. Far from it. The question is a general question, and is treated as one. For although such powerful objections to a legislative grant, as are alleged against this, may not again exist, yet the principle, on which alone this rescinding act is to be supported, may be applied to every case to which it shall be the will of any legislature to apply it. The principle is this: That a legislature may, by its own act, divest the vested estate of any man whatever, for reasons which shall, by itself, be deemed sufficient.

The effort here is to put the brakes on any such wild procedure by the Congress of the United States as the ratification of an act of sheer power by a Cabinet officer in exercising judicial functions of annulment under a statute which the Department officials pretend gives them such authority and power, but which obviously does not contain a single word investing them with that extraordinary, that unconstitutional power.

We heard also in the debate the statement that the companies whose contracts were canceled had a hearing. I think it is adequate to meet that claim to point out that in the meeting of May 19, 1930, which is alleged to have been a collusive meeting, Western Air Express was represented by Russell and Bishop, Hanshue and Woolley, and its contract was canceled February 9, 1934. Not one of those witnesses was called before that date.

Mayo, of Stout Air Lines, and Patterson, of Stout Air Lines, were present. Maddux, Cuthell, Furlow, and Sheaffer represented T.A.T. and Maddux Air Lines. Maddux, Cuthell, and Furlow have never been called. Sheaffer came before us January 10, but it was not a hearing upon the merits of cancellation. In fact, as will be seen, it was a month before cancellation occurred.

Aviation Corporation of Delaware was represented at that meeting by Coburn and Hinshaw. Hinshaw was before our committee but not until after he had gone out of Aviation Corporation of Delaware, and had no longer any interest in it. No one appeared before our committee representing Aviation Corporation of Delaware.

Then there was Wheat, of United Aircraft, and Johnson, of United Aircraft, and they were never called. When I say they were not called I mean to say that United Aircraft Corporation never had any man before our committee at all.

Eastern Air Transport was represented at that meeting by Doe and Elliott, but were they called? Not at all; and

no other person was called to represent them before our committee.

It will be noticed that I am assuming that the debate implied that appearance before our committee represented a hearing. To be sure, I do not so regard it; but that is giving our opponents the most considerate application of their claims.

Pittsburgh Aviation Industries was represented at the meeting by Robinson and Hann. It was represented before us by no one—not by them.

United States Air Transport was represented at the meeting by Van Zandt and Lou Holland, who were not called before us, and this company was never represented before us.

That is not the end of the story. Of course, there are facts which cannot be controverted and which utterly dispute the assertion made here in debate.

Let me call attention, however, to the following telegram sent to President Franklin D. Roosevelt and Postmaster General James A. Farley at 4:45 p.m. February 9, 1934:

Press reports are that you are considering canceling all air-mail contracts. We have prepared and will submit to you tomorrow (Saturday) morning, memorandum setting forth our position in this matter, which has not been heard at all so far. We believe that this statement completely refutes every essential charge made to the Senate committee. We ask you as a simple matter of fair play not to take any action with respect to this vitally important matter until you have heard our side of the controversy.

TRANCONTINENTAL & WESTERN AIR, INC.,  
RICHARD W. ROBBINS, President.

Did they get a hearing? Not at all. They followed that by correspondence begging for a hearing, repeatedly asking for a hearing. That is the great transcontinental line that runs from New York to Los Angeles, right through the heart of the United States, the mid-transcontinental route.

Here is the one that runs from New York to Oakland, United Air Lines. This communication is dated February 16.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. AUSTIN. I will proceed on the bill.

This communication is dated February 16, 3 days before cancelation was to become effective. These people set up enough to warm a heart of stone, but it had no effect; and yet all in the world they were asking for was a chance to be heard. I read from the concluding paragraph:

The undersigned call your attention to the evident misinformation upon which your letter is based—

That is the Farley letter of February 14—

in the confident expectation that you will reexamine the facts and give the undersigned an opportunity to be heard, to the end that grave injustice shall not be suffered by the undersigned, who have in the best of good faith entered into contract obligations with the United States Government, have fully and faithfully complied with all the laws and regulations, and have, in cooperation with the Post Office Department, created one of the greatest air-transport systems in the world.

BOEING AIR TRANSPORT, INC.  
NATIONAL AIR TRANSPORT, INC.  
PACIFIC AIR TRANSPORT.  
VARNEY AIR LINES, INC.,  
By UNITED AIR LINES, INC.,  
T. G. JOHNSON, President.

Did they get a hearing? They did not.

Not only did we hear the assertion about a hearing being accorded, but we heard these men charged with cowardice for not going into the Court of Claims to present a claim for damages. I think it takes temerity to make a claim of that kind in a debate on the floor of the Senate. In the first place, why should they go into a Court of Claims when we are here at work on permanent legislation, and a resolution is pending to restore their contracts to them? Why should they go into the Court of Claims to try to recover damages in money before they know what those damages will be, or have any measure or yardstick whatever for them? How do they know that within 6 months we may not have an administration that is willing and great enough to recognize a mistake it has made and to correct it? Is it not more wise, is it not more patriotic for them to assume that their Government means to be just, and that the carriage of the

mails will be restored to them? Their contracts cannot be restored to them, because they possess them at this moment, as they ever have possessed them. No such act of our Government can destroy the legal efficacy of the contracts.

The contracts are a living force and a binding obligation this instant. All under the heavens that our Government can do is honorably and magnanimously to say, "We know we made a mistake. We will restore the mail under these contracts."

All the Government officials have done is to breach the contracts, to take the mail away from the contractors. The contracts are valid. The contracts are good.

It is said that the contractors have not gone into court because they are cowards. We have seen these honorable men charged with all kinds of chicanery and smutted up here by a speech on the floor of the Senate, and now we find them charged with cowardice; whereas they have gone into the only tribunal that has jurisdiction to give them an adequate remedy, and that is a court of equity, and asked for an injunction. Those whose names I have read have done that in the District of Columbia, and those whose names I previously read went into a court in the State of New York and asked for this relief; and then what happened?

I have too much regard for the dignity and the honor and the glory of my country to charge it with cowardice; but I will say that a certain official took advantage of sovereignty and hid behind sovereignty in order not to have to face the charge of a misuse and abuse of power and a breach of law, and got out of court on a motion to dismiss on the ground of sovereignty!

So let us hear no more about these charges of cowardice, and let us hear no more of the assertion in debate that these parties have had any hearing at all. The officials of the Department never intended to give them a hearing. I have read their request in writing for a hearing.

Mr. President, it was never intended to give them a hearing, and they were never accorded a hearing. Let me read to the Senate the sworn testimony of Postmaster General Farley, recorded in part 6, page 2729, on the question of the hearing. This was on February 24, 1934:

Senator AUSTIN. Now, do you intend to take the testimony of these operators who have not testified yet?

Postmaster General FARLEY. To be perfectly frank with you, we have not reached that decision.

Yet this is the same person who, as Postmaster General, had once before held a view that was like our view. When he came before our committee on January 30, this man had not had that thing done to him which caused him to make these cancelations. He had not had that change and transformation in his attitude toward American Government which occurred between January 30 and February 6.

On January 30, just 6 days before he went to the President with a proposition to cancel these contracts, this same Postmaster General took an attitude which would cause every Senator, if he followed him, to support the proposal of the amendment offered by the Senator from Maine and myself, namely, to restore the status quo. Hear his answer, hear his sworn statement, made January 30. I read from page 2037:

Senator WHITE. And your policy generally has been to continue what I will call the status quo until the completion of the investigation?

Postmaster General FARLEY. Positively, because, to be frank with you, we do not want to be unfair to any contractor; we want to be fair to all; and we have no right to assume the contracts are not right until an investigation proves otherwise.

Between January 30 and February 6 did this investigation bring out one word of testimony which tended to show any fraud or collusion, or that the contracts were not right? No; not at all. The testimony between those two dates did not relate to the contracts at all. My colleague, the Senator from Maine, and I have examined into that, and we have the material prepared, but I cannot now take the time to put it into the Record to show that nothing in the investigation took place between January 30 and February 6 upon which the Postmaster General could justify a complete

change in his attitude toward American institutions and American principles, and regard for the rights of citizens, such as occurred, causing him ruthlessly to break these contracts.

Mr. President, I had supposed that the burning-of-the-letters stuff had gone up in smoke entirely, but we had to have it on the Senate floor again. I am going to answer that in the briefest manner possible by saying that there were three duplicates of every letter written in the Postmaster General's Department, two of which were known by our committee to be available. Not only that, but Postmaster General Farley himself knew about those copies, and he maintained and continued the same practice which the former Postmaster General had followed, by providing three copies himself, and having them filed in the same manner followed by the former Postmaster General.

Listen to the testimony of Postmaster General Farley under oath. I read from page 2027:

Senator AUSTIN. And all others would be removed or disposed of, would they?

Postmaster General FARLEY. I assume that I would have the right to remove them.

He was talking about personal letters. Of course, they were removed and burned.

Mr. FARLEY. I assume that I would have the right to remove them; but, in the light of events, be assured before I remove any paper, I would have it properly looked over to be sure nothing was destroyed that would be official.

Senator AUSTIN. Have you any knowledge about what the practice of former Postmasters General has been in the matter of cleaning the files of personal matter?

Mr. FARLEY. No knowledge whatsoever.

Senator AUSTIN. What, if anything, do you know regarding the system which obtains now in your office with reference to the making of more than one carbon or duplicate original of all correspondence?

Mr. FARLEY. All official letters now have three carbon copies.

Senator AUSTIN. And what disposal is made of those three copies?

Mr. FARLEY. Now to be very frank with you—

Senators will notice that he was frank with us—

I can't answer that positively, because my secretary takes my correspondence, and I assume they take the regular course in the files.

Senator AUSTIN. You make the assumption, I gather, that there has been a course of procedure heretofore which they will follow now?

Mr. FARLEY. Yes, sir.

Senator AUSTIN. And so far as you know, there has been no fundamental change in the practice regarding filing in the office of the Postmaster General?

Mr. FARLEY. That is true. Of course, you can understand I would not be familiar with the details.

That was the testimony of Postmaster General Farley. Yet they continue to make the claim of the destruction of official papers by fire, knowing all the time that there were two extra copies available before the event happened of which I now speak.

Postmaster General Brown discovered, in a box the contents of which he had never seen, either when they were put in or afterwards, until the day the box was opened, the very letters which they charged had been burned up, showing that the charge was false, as some other things which have been presented to the Senate are. They were never burned at all, because there they were. They had the two other copies all the time. Now they had the third copy. Yet they come before the Senate and talk about burning letters. The people of the country ought to know, if they have not found out already, when an effort is made to fool and hoodwink them.

They used the correspondence of this man Cuthell. I call attention to part 7, page 3005, of the hearings. It was undertaken to support the claim that those meetings were unlawful by reading from Mr. Cuthell's correspondence.

What was this lawyer's opinion, in fact, about the meetings at the time they were held? Here is the testimony of Colonel Henderson, on page 3005. Understand, this was the very day of the meeting:

Colonel HENDERSON. I called Mr. Cuthell into the corridor and told him that I believed this meeting was an improper one and we should adjourn it, at least until we learned something more about it.

The CHAIRMAN. Did you tell him why you thought it was improper?

Colonel HENDERSON. No.

The CHAIRMAN. What did he say about it?

Colonel HENDERSON. He said:

"I quite agree with you; if we were holding this meeting across the street in the Raleigh Hotel, it would be an improper meeting; but, because we are holding it at the invitation of a member of the Cabinet and in the office of the Post Office Department, it is perfectly all right."

The CHAIRMAN. Did you discuss anything with any of them that day in connection with the illegality of the purposes of the meeting as you understood it?

Colonel HENDERSON. I did not consider that the meeting was illegal. I thought it was improper.

That was all there was to that. Here was the McNary-Watres Act, an entirely new plan for revamping the air-mail map of the United States. Of course, if the contractors had met at the Raleigh Hotel, without any authority of law, and made an agreement, or attempted to make an agreement, that would have been regarded a cause for not allowing them to bid. But they met at the invitation of the Postmaster General, under section 7 of the McNary-Watres Act, and Cuthell and Henderson both regarded it as legal, but Henderson regarded it as improper. Cuthell said it was all right. So that is what has become of this witness Cuthell.

Now, I want to answer for a moment the claim that men were kept from bidding; that there was some collusion or some agreement that kept men from bidding.

Mr. President, has it occurred to Senators that in all the 2-day debate there was not mentioned the name of a single company which had desired to bid, which was qualified to bid, and which was not permitted to bid? Would it not have been the suitable way to present such a claim, if there were any foundation for it at all, to say, "There was a company over there which wanted to bid, but they would not let it bid. They connived against it, they browbeat it", or they did something about it by which it was prevented from bidding? But no!

In this great case, this cause célèbre, when that is made the sole condition upon which the cancelation occurred—because it is all based on the section relating to bidding—the Senate is asked to pass judgment without a single company being pointed out that was excluded from bidding. The nearest approach to it was the claim that Halliburton was paid \$1,400,000 not to bid. The truth is, the record shows, that Halliburton did bid, and that he sold out for that high sum because he was able to get a contract on his bid.

I desire to refer to Halliburton's testimony for just a moment, part 4, page 1433:

The CHAIRMAN. Did you have another one that you did have a mail contract?

Mr. HALLIBURTON. Well, I was a bidder on the southern transcontinental route, from Atlanta to Los Angeles, but had previously agreed to sell my interest in the line in the event the contract was awarded.

That is what Halliburton said about it. Again, on page 1497—bear in mind that Halliburton was not a witness friendly to Postmaster General Brown—the following occurred:

The CHAIRMAN. Then, as a part of that understanding and agreement, did you make a bid in combination with anyone else for one of those routes?

Mr. HALLIBURTON. Yes.

I read the testimony of Halliburton again at page 1493. I read this particular part of the record to show that there was competition; that is, there was competition of a certain kind. It was limited to a number of companies, but it was limited by the law and by the economics of the situation.

Mr. HALLIBURTON. I would not have known what Mr. MacCracken was doing. I know that the Aviation Corporation officials had prepared another bid or two with a view of bidding on the central route in the event that T.A.T. and Western Air should bid on the southern route, or anyone should bid on it, and they were all protecting themselves with bids, and, of course, bids were put in right at the moment when they were to be opened, and, of course, apparently each fellow was watching the other one.

If that is not a picture of competition between those big fellows, I do not know what is. They had up their sleeves

extra bids all the time, watching closely so that they might put in an alternative bid if necessary in order to meet the competition, if they found that the man who was trying to obtain the midtranscontinental route also bid on the southern route, or if they found that the man who was trying to get the southern route also bid on the midtranscontinental route.

That, however, is not all. Here is the testimony of Mr. Sheaffer, who has been alluded to, at page 1534:

Mr. SHEAFFER. It was pretty well understood that there would be one company operate that line if it got a contract—if the Transcontinental Air Transport and the Western Air got the contract.

The CHAIRMAN. Was it not understood that you would get the contract if you consolidated according to his ideas, and the consolidation met with his approval?

Mr. SHEAFFER. No, sir; I would not say it was so understood, because we understood it had to be advertised in accordance with the statute and we had to bid.

The CHAIRMAN. And you did not understand that you were to get the contract?

Mr. SHEAFFER. No, sir; we did not understand that we were positively going to get the contract.

The CHAIRMAN. You understood you were to have a considerable edge on it, didn't you?

Mr. SHEAFFER. No, sir; we had to bid the same as anybody else. The CHAIRMAN. Whom were you going to bid against?

Mr. SHEAFFER. It might be anybody who wanted to bid. The bids were advertised in accordance with the Post Office formulas and the statute under the Watres Act.

Again, at page 1660, the same witness, Mr. Sheaffer, said:

This morning Mr. Coburn made a statement that there was an agreement between the air lines that there would not be bidding, they would not bid on other routes, or any route other than the routes that they were operating on at that time, and I wish on the part of T.A.T. to deny that we had any such agreement with any air lines and specifically that we had no such agreement with United Aircraft, which, as you will notice on the map, flew down to Kansas City, flew from Los Angeles to San Francisco, and that there was a very important line to their general situation from Los Angeles to Kansas City, as well as the line from New York to Pittsburgh and Chicago via one of the most densely populated territories served.

Further than that, you have specifically the Northwest Airway, who were certainly in the field and available to bid on any advertised bid.

Later, on page 1661, he says:

The CHAIRMAN. And there was no agreement that they would not bid?

Mr. SHEAFFER. No, sir.

He contrasts the situation then with that at the time of the meeting in this manner, at page 1662:

Mr. SHEAFFER. We had no understanding with them not to bid.

The CHAIRMAN. You are testifying under oath that you have no idea why they did not bid?

Mr. SHEAFFER. I have no idea except that they were not interested.

Later in Mr. Sheaffer's testimony the following occurred:

The CHAIRMAN. What was the object of these conferences?

Going back, it will be seen, to May. That was one of the confusing performances designed to get the witness into trouble, and designed to fool the public.

The CHAIRMAN. What was the object of these conferences, Mr. Sheaffer, if they were not to arrange which companies should get which lines?

Mr. SHEAFFER. As I have previously testified, Mr. Chairman, those conferences were before the decision made by the Comptroller General with regard to extensions; and when the bidding of the two central transcontinentals, the advertisements for bids, come out, it put an entirely different picture on the whole situation.

I now wish to refer to the testimony of Mr. Coburn, one of the witnesses, at page 1671. He is the witness just referred to by Mr. Sheaffer:

Mr. COBURN. Listening to the testimony of the preceding witness, it occurs to me that I ought to clarify a statement that I made this morning. It will be recalled that I said there had been no written agreements among the air-mail operators with respect to bidding on the transcontinentals. I should like to amplify that, because there were no written agreements, no oral agreements, either, in regard to bidding; that is, I did not make any.

The feeling in my mind was this: We had never made any formal agreements. I think that everybody knew that my company was going to bid on the southern transcontinental, and it was common knowledge amongst all of us that T.A.T. and Western Air would bid on the middle one. I am quite sure that I did not fear that the United would come down there and bid for the southern trans-

continental, because the Postmaster General had said that he wanted the three independent competitive lines.

Well, they could not have that and carry out that policy. So far as the other operators were concerned, they were all set somewhere, and for any operator other than Eastern Air to bid for that southern transcontinental would be uneconomical. I mean he would have to come down to some other part of the United States and set up shops, and all that sort of thing.

So that the feeling in my mind was that probably none of the operators, none of the air-mail operators, would bid, and that's all right—I stand by that. I want to make it clear, however, that I had made no agreements, orally or written, personally or on behalf of the corporation.

I quote from the testimony of Mr. Hinshaw, at page 1585:

The CHAIRMAN. What was to be the attitude of those who were bought out with reference to bidding? Were they to agree not to bid?

Mr. HINSHAW. Not to my knowledge; no, sir. I do not think—I do not see how they would ever stipulate that in a contract.

Of course, if we should take these questions of the chairman of our great committee, with their imputations and should assume that each question received an affirmative answer, we would have some evidence to support the claim which is made; but unless we do that, we have nothing, and we have to go right directly against the answer of the witnesses.

The PRESIDING OFFICER. The time of the Senator from Vermont on the bill and on the amendment has expired.

Mr. McKELLAR. Mr. President, much has been said in the debate about the grounds on which the air-mail contracts were canceled. I desire to have printed as a part of my remarks at this point in the RECORD the opinion of the Solicitor of the Post Office Department, Mr. Karl A. Crowley, as of date February 6, 1934, and upon which the Postmaster General based his action. The opinion deals not only with the facts, but the law, and, in my judgment, sets forth the very essence of the case that the contracts were void, and sets forth likewise the law applicable to the case.

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

FEBRUARY 6, 1934.

The POSTMASTER GENERAL: I was directed by you to make an investigation of air-mail contracts and to attend the hearings held before the special committee of the Senate of the United States to investigate ocean- and air-mail contracts and make a report to you. Investigation has been made over a period of several weeks with the assistance of numerous post-office inspectors and attorneys in this office. The representatives of the Department have attended every hearing of the Senate committee, and an exhaustive study of the facts has been made. These facts have been brought to your attention informally from time to time.

The investigation is continuing, but it is believed that the evidence taken so far shows the general plan of the awarding of the contracts and that a report should be made to you at this time.

#### STATEMENT OF FACTS

There have been filed with you a statement of facts in two volumes, numbered 1 and 2, containing copies of contracts, other documents and correspondence, statements of officials in the Post Office Department, and a statement of the evidence introduced before the Senate committee investigating air- and ocean-mail contracts.

These two volumes, which have been reviewed by you, contain a detailed statement of the facts with respect to the execution of the present air-mail contracts, and they may be summarized as follows:

Before the McNary-Watres Act was passed on April 29, 1930, certain air-transport operators, who later secured air-mail contracts, and air-mail contractors, organized a powerful lobby for the purpose of passing this bill. The then Postmaster General, Walter F. Brown, was also very much interested in its passage, and he and others lobbying for the bill used their influence to pass it with a provision which would permit the Postmaster General to award air-mail contracts without competitive bidding. This Congress refused to do, after many heated debates upon the subject. They were able, however, to include in the bill a provision which allowed the Postmaster General to extend air-mail routes, when required in the public interest, and so the bill became a law April 30, 1930.

On May 15, 1930, the then air-mail superintendent, Earl B. Wadsworth, directed by the then Second Assistant Postmaster General, W. Irving Glover, who, in turn, was directed by Postmaster General Brown, called a meeting of certain air-mail contractors. The memorandum calling the meeting was in writing, and the purpose of the meeting is clearly stated therein. The memorandum, in part, reads:

"He (Brown) sees the feeling that is developing among the passenger-carrying lines who have no mail contract and have no

way of getting into the picture unless it is by competitive bidding, and he wants to have a meeting with these representatives on next Monday, May 19, at 2 p. m., in his office, and desires to have a talk with them along the lines of just the best way for them to approach the question of giving aid to passenger lines. In other words, he wants them to come to some understanding so that it will not all be thrown into the pot and the passenger-line operators left entirely outside due to the fact that the air-mail operators would have the inside and would have the territory covered.

"The companies he desires at this meeting are as follows: United Aircraft Corporation, Aviation Corporation of America, Western Air, T. A. T.-Maddux, Eastern Air Transport, Stout Lines."

The meeting was held at 2 p. m. on May 19, 1930, and representatives of the concerns mentioned above were present by invitation. These companies, it will be noted, now comprise the three great aviation companies of the country—United Aircraft & Transport Corporation, Aviation Corporation of America, and North American Aviation Corporation. In addition to these, the smaller air-mail contractors were represented.

The group was carefully chosen. Only those invited were permitted to remain in the conference. The meeting was opened by the Postmaster General, who desired to know whether it would be possible for the so-called "pioneers" to agree among themselves as to the territory in which they should have paramount interest on the lines of certain prospective routes that were in contemplation, and the best means of awarding these routes and contracts among themselves without competitive bidding.

Col. Paul Henderson, of the United Aircraft & Transport Corporation, thought the group could work out a plan. He seems to have originated the extension idea and mentioned the granting of extensions and then assigning such extensions to some operators who had no air-mail contract, and indicated that the air-mail contractors would be willing to agree to such a plan. Mr. Wheat, of United Aircraft, who had been specially mentioned in the order to call the conference, said, "I feel sure the entire group would be delighted to go into such a conference and work it out along the lines suggested."

Mr. Maddux, of Transcontinental Air Transport, now a part of Transcontinental & Western Air, Inc., of the North American group, said that he would rather see the plan worked out as mentioned above than by competitive bidding, and that this was the view of his company. At the time Mr. George Cuthel, of the same company, suggested a grouping of companies to deal with the southern and midcontinent transcontinental routes.

Mr. Harris Hanshue, of the Western Air Express, now a part of the North American group, said, "We are willing to do anything within reason to work out the plan, rather than to go into competitive bidding."

Mr. Coburn, of the Aviation Corporation of America, is recorded as saying, "I believe there is a community of interests among the operators and the Department, and they are ready to cooperate and find out how to do it."

The minutes show that "the Postmaster General asked everyone to speak if there were any objections to the plan suggested, and said that this was the appropriate time to express their opinions or objections thereto. No one arose in objection to the plan."

Thereupon, so the written records kept by the secretary read: "The Postmaster General decided to permit the operators to use the room in which the meeting was held for the purpose of organizing themselves into such groups as may be decided upon, and to report back to the Postmaster General when they had reached a conclusion with regard to the suggested plan. He suggested that they stick to the routes outlined."

Representatives of all the companies whose contracts have been annulled have testified before the Special Committee of the Senate Investigating Ocean-Mail and Air-Mail Contracts, and admitted having attended the conferences and the result of the conferences. Therefore, up to this point we have the following facts established:

First. That the contracts on air-mail routes 1, 2, 3, 4, and 5, were about to expire, and it was necessary to grant temporary extensions for 6 months and route certificates on these air-mail contracts in order to avoid reletting them by competitive bidding. Second, that a conference was held by the representatives of all the air-mail contractors and Post Office officials. Third, that the conferences were held for the purpose of making plans for a division of all air-mail contracts. Fourth, that it was planned upon the suggestion of Col. Paul Henderson, of the United Aircraft & Transport Corporation, that these contracts be awarded to the companies as they had agreed, by extending their routes and thereby avoiding competitive bidding. Fifth, that this plan was agreed to by all the parties who were present, either by their direct statements, or, as stated in the written minutes, "no one arose in objection to the plan."

The record shows that a list of the routes was laid out and each one given a number. Immediately following the number and route was a list of the claimants, this being done in writing and in evidence before the Black committee, which is held open to public sessions.

The conference was continued until June 4, 1930, when Mr. W. P. MacCracken, Jr., who was elected chairman, filed a written report showing how the operators had agreed among themselves on a division of the routes, and said:

"The committee has made a study of 12 routes and has agreed upon recommendations as to 7 of these, while as to the remaining 5 there are still some matters in controversy", and

"The operators interested in the routes under controversy have all agreed to submit the issues to the Postmaster General in the hope that a satisfactory solution may be reached. They request that an opportunity be afforded them to present their claims for consideration on the respective routes, in such manner and at such time as may be designated by the Postmaster General."

It was agreed that not only would the operators be allowed to divide the routes among themselves, but also to fix their rate of pay. It was agreed that the Postmaster General would attempt to ascertain from the Comptroller General just how far he could go in establishing routes by the extension method, particularly with reference to the middle transcontinental route, which it had been agreed should go to a corporation to be formed by a merger of Transcontinental Air Transport and Western Air Express; and the southern transcontinental route, which it had been agreed should go to American Airways. After the claims of the operators were all presented to the Postmaster General, he and the claimants agreed to award every route except the two last-mentioned transcontinental routes, by so-called "extensions" of existing routes. It was then determined that they would have to advertise the middle and southern routes for bids, and the next move of the operators was to devise plans and ways and means to prevent competitive bidding of these two.

After every route had been awarded just as agreed on, without competitive bidding and under the extension method, then the certificate method was used to continue the contracts for a period of 10 years. It must be borne in mind that most of the contracts were about to expire with the 4-year limitation fixed by law when the Watres Act was passed, and a number, in fact, had expired. But under the new act Brown contended that they could be extended for a period not exceeding 10 years by granting of a route certificate. This was simply a fancy name for an extension of a contract.

On the southern transcontinental route and the midcontinent transcontinental route, the two corporations which later received these contracts entered into agreements with themselves and others whereby competition was eliminated. The American Airways entered into a contract with Erle Halliburton, which was in writing and which provided that Halliburton was to receive, and in fact did receive, \$1,400,000 for his company and act as the agent of American Airways, owned by Aviation Corporation, in securing this contract. The Transcontinental Air Transport and Western Air Express contributed a part of this money necessary to pay Halliburton, and their contract with American Airways was also in writing. These contracts were all conditioned on the companies, American Airways and Transcontinental and Western Air, securing Post Office air-mail contracts.

The contract was awarded to Halliburton on the southern route at 40 cents per airplane-mile; but notwithstanding the bid of 40 cents, the rate fixed in the contract, when signed, was for the maximum rate of 88 cents for twice the amount of space for carrying mail as was advertised for, or necessary.

There were two bidders on the middle transcontinental route, the consolidated company, called "Transcontinental & Western Air Express" and the Avigation Co. The evidence publicly taken shows that there was a deliberate attempt on the part of Glover, Gove, and Graves, all of the Post Office Department, to award this contract to the highest bidder, notwithstanding any showings that could be made by the lower. MacCracken prepared a set of specifications designed and intended to freeze out all competition, including an illegal provision requiring night-flying experience. The matter was submitted to the Comptroller General, who ruled that illegal restrictions were contained in the advertisement and that the contract should be awarded to the low bidder. After months of correspondence the Comptroller General finally accepted statements of fact made by Postmaster General Brown to the effect that the low bidder was not responsible, which statements were untrue, and permitted the contracts to be awarded to Transcontinental & Western Air. The matter was secretly submitted to John Lord O'Brian, Assistant to the Attorney General, who advised that this award would be illegal and that the bids should be thrown out and the routes readvertised on account of a provision inserted in the contracts requiring night-flying experience, not authorized by law. Nevertheless, the award was made to the higher bidder, and the low bidder, the Avigation Co., was shattered and broken up by promises made to Letson, who was one of the Avigation officials. Letson's company was awarded a contract under the extension method from Kansas City to Denver.

Thus it will be seen that not only was the conference held and plans laid but the plans were carried out in the minutest detail.

We also know that Colonel Henderson, of the United, loaned Chase Gove, the assistant to Glover, \$10,000 in cash soon after these conferences; that Gove has never repaid this money and Henderson never expects him to pay it; also that Henderson carried a stock account in the name of the wife of an official in the Department of Commerce, which has control of airports, lighting of airways, etc., and paid her \$1,200 as alleged "profits." The record further shows that political influence was used and that some of these contracts were awarded to contractors on the basis of political influence and personal friendship.

What has been said might not apply to Alfred Frank, of the National Parks Airways. Mr. Frank came into the conference but was not given any additional territory. He did later, through the influence and with the assistance of one of the parties, Hainer Hinshaw, secure a route certificate, and his pay was almost

doubled by an increase from a sum which would have amounted to approximately \$450,000 to a rate where he has been paid approximately \$1,100,000 for performing the identical service.

The general statement may not apply to Kohler Aviation Corporation, but its contract was procured as an extension of the route of Northwest Airways, Inc., which had representatives at the conference and certainly benefited therefrom.

It is an undisputed fact that the rate of pay on the contract awarded to Varney Airlines, Inc., on the Pasco-Seattle, Wash., route was greatly increased by a consolidation of routes, this excess being almost \$1,000,000; that the space contracted for by American Airways on the southern transcontinental route was never needed, and that as a result of that concern having a contract at the maximum rate for 450 pounds of mail, instead of at the minimum rate of 40 cents, as bid, an overpayment of approximately \$2,000,000 has been made by the Government to American Airways; that the Government has paid almost \$3,000,000 more to Transcontinental & Western Air Express, Inc., for carrying the mail on the middle transcontinental route than it would have paid to the low bidder; that a saving of at least a thousand dollars a day could have been made by awarding the contract over the routes flown by Eastern Air Transport, Inc., by competitive bidding; that National Parks Airways, Inc., secured a route certificate and received under that certificate about \$650,000 more than it would have been paid under its original contract let as a result of competitive bidding; and that about \$47,000,000, all told, has been paid for air-mail service and space that was never required nor needed, and amounted to outright donations or contributions arbitrarily made by the then Postmaster General, Walter F. Brown.

It is clear from the evidence that all the so-called "extensions" of routes were made in order to avoid competitive bidding, and that these extensions amounted, in many instances, to distances greater than the original route; also that no route certificates or extensions would have been granted to the companies that received them unless it had been so agreed at the conferences between the operators and Post Office officials, held during the month of May 1930, hereinbefore referred to.

Evidence taken at a hearing before the Senate committee definitely establishes the fact that many Post Office records were burned immediately before March 4, 1933, when the new administration came into office. The contents of about 36 large filing cases were taken from the office of Postmaster General Brown and burned in the basement of the Post Office Building by direction of Postmaster General Brown or his secretary. The contents of 12 large filing cases were burned by direction of the former Second Assistant Postmaster General W. Irving Glover, after he had personally examined the files and torn into small bits certain unidentified letters and documents.

While the evidence was being heard before the Senate committee, William P. MacCracken, Jr., chairman of the spoils conference, and L. H. Brittin, of Northwest Airways, Inc., were subpoenaed to appear before the Senate committee and bring their files relating to air-mail contracts. It now develops that these records have also been destroyed in a clear attempt to prevent their being made public.

It is known that many records were made and were in the Post Office Department files at one time. They cannot be found, since the contents of the filing cases were burned. Of course, it is impossible to secure exact information as to what records were burned, but every circumstance indicates that the original opinion of the Assistant Attorney General, John Lord O'Brien, the minutes of the spoils conference, and the original of the MacCracken report dated June 4, 1930, as well as all general correspondence between air-mail operators and post office officials were burned.

The facts which have been considered were obtained from evidence found in written form in the Post Office Department records and by admissions made by the operators themselves, under oath, before the Senate committee. Numerous representatives of all these companies have testified before the committee at public hearings, and the proceedings have been officially reported. These companies have been given every opportunity to explain and justify the high-handed proceedings which I have referred to. They have not done so; but, on the other hand, their representatives freely confessed and admitted their participation in the conspiracy and combination to bring about this situation.

Positive and direct evidence establishes a conspiracy between air-mail contractors and post office officials to defraud the Government of the United States. Even if actual bribery is not proven, the beneficiaries of the conspiracy have admitted using personal and political influences to secure these contracts, extensions, consolidations, and route certificates in a manner that is vicious and fraudulent.

It is not deemed necessary to go further into the facts for the purpose of this opinion.

#### PROPOSITIONS OF LAW

The following propositions of law have been considered:

##### Proposition 1

All present air-mail contracts, whether granted by the "extension" method, awarded under advertisement, or by route certificate, and void because they were made as a result of a combination among the persons receiving such contracts (with the exception of the National Parks Airways, Inc., and Kohler Aviation Corporation), and the Postmaster General of the United States in violation of section 3950 of the Revised Statutes.

##### Proposition 2

All the present air-mail contracts (with the exception of those of the National Parks Airways and Kohler Aviation Corporation) were executed as a result of a fraudulent, corrupt, collusive conspiracy to defraud the United States between the holders thereof and Post Office Department officials, and it is the duty of the Postmaster General, in safeguarding the public interest, to annul all of such contracts promptly on the discovery of the fraud.

##### Proposition 3

The air-mail contracts on routes nos. 33 and 34 were executed by the former Postmaster General, Walter F. Brown, and the holders thereof as a result of a conspiracy to prevent competitive bidding and as a direct result of collusive agreements made between the holders of such contracts and other prospective bidders thereof, and are void from their inception.

##### Statement under propositions 1, 2, and 3

Contracts induced by a fraud are voidable by the party to the contract defrauded. It is the duty of the heads of departments of the Government to honestly and fairly administer the law relating to their departments, to safeguard the public interest and welfare, and this duty includes the duty to procure services and supplies used by the Government of the United States by competitive bidding, as provided by law.

There are numberless authorities holding that contracts induced by fraud are voidable by the party to the contract defrauded.

*Pan American Company v. United States* (273 U.S. 456, 500); *United States v. Pan American Petroleum Co.* (6 Fed. (2d) 43, 65); *Crocker v. United States* (240 U.S. 74, 81); *Tool Company v. Norris* (2 Wall. 45, 54); *Michigan Steel Box Company v. United States* (49 C.Cls. 421, 439); *Meguire v. Corvino* (101 U.S. 103, 111); *Gorman v. United States* (34 C.Cls. 237, 242); *United States v. Bentley* (293 Fed. 229, 235); *Trist v. Child* (21 Wall. 441, 448); *McGourkey v. Toledo & Ohio Central Railroad Co.* (146 U.S. 536); *Hume v. United States* (132 U.S. 406, 414).

See also: *United States v. Adams* (7 Wall. 463, 480); *Washington Irr. Co. v. Krutz* (119 Fed. 279, 285); *National Bank & Loan Company v. Petrie* (189 U.S. 423); *McMullen v. Hoffman* (174 U.S. 639); *Columbia Supply Company v. United States* (54 C.Cls. 10); *Thomas v. Brownville, etc., Railroad Company* (109 U.S. 522); *Herman v. City of Oconto* (76 N.W. 364); *Oscanyan v. Arms Company* (103 U.S. 261).

In *Pan American Company v. United States*, supra, the Supreme Court of the United States said:

"It is clear that, at the instance of Doheny, Fall so favored the making of these contracts and leases that it was impossible for him loyally or faithfully to serve the interests of the United States. The lower courts for that reason rightly held the United States entitled to have them adjudged illegal and void."

In *United States v. Pan American Petroleum Company*, supra, the court said:

"The safest salutary and correct rule concerning the validity of a public contract made by a governmental officer with a private citizen or concern, where simultaneously and concurrently with negotiations for the public contract the officer clandestinely receives and accepts a substantial amount of money from the person or concern with whom he is negotiating, and who later receives the public contract containing valuable rights to him or to his principal, is to abrogate, annul, and set aside the contract as contra bonos mores and against public policy. This rule should be applied in all such cases, regardless of whether the money transaction is a loan, a gift, or a bribe. In such a situation the whole contract and all official conduct relating thereto are tainted, and it is impossible to say to what extent the contract and official acts were influenced by the concurrent clandestine money transaction."

It was said in *Crocker v. United States*, supra:

"Of course, the secret arrangement with Machen operated to vitiate the company's contract and justified the Postmaster General in rescinding it on discovering the fraud.

"It results that no recovery could be had upon the contract with the Postmaster General, because it was tainted with fraud and rescinded by him on that ground."

From *Tool Co. v. Norris*, supra, there is quoted the following:

"All contracts for supplies should be made with those, and with those only, who will execute them most faithfully and at the least expense to the Government. Considerations as to the most efficient and economical mode of meeting the public wants should alone control, in this respect, the action of every department of the Government. No other consideration can lawfully enter into the transaction, so far as the Government is concerned. Such is the rule of public policy, and whatever tends to introduce any other elements into the transaction is against public policy. That agreements, like the one under consideration, have this tendency is manifest. They tend to introduce personal solicitation and personal influence as elements in the procurement of contracts, and thus directly lead to inefficiency in the public service and to unnecessary expenditures of the public funds."

In *Michigan Steel Box Co. v. United States*, supra, the Court said:

"It has accordingly been held to be against public policy to enforce a contract between two parties where the consideration involved the violation by one party, as agent, of a duty he owed his principal to act for and represent the latter. *Oscanyan v. Arms Co.* (103 U.S. 261.)

While an agreement to procure such a contract is void as against public policy, equally strong, and perhaps stronger, is the reason in law for saying that if the parties succeed in securing a contract with the Government by virtue of the fraudulent agreement that the agent shall aid in its procurement, and because of the agent's activities under such agreement, the Government on discovering the fraud may annul the contract, and the courts will not aid in enforcing it. In either case the contract comes under the denunciation of that class of frauds which have been declared to be an 'unmixed evil.'

In *Meguire v. Corwine*, supra, it was said:

"The law touching contracts like the one here in question has been often considered by this Court and is well settled by our adjudications (*Marshall v. Baltimore & Ohio Railroad Co.*, 16 How. 314; *Tool Company v. Norris*, 2 Wall. 45; *Trist v. Child*, 21 id. 441; *Coppell v. Hall*, 7 id. 542). It cannot be necessary to go over the same ground again. To do so would be a waste of time. The object of this opinion is, rather, to vindicate the application of our former rulings to this record than to give them new support. They do not need it. Frauds of the class to which the one here disclosed belongs are an unmixed evil. Whether forbidden by a statute or condemned by public policy, the result is the same. No legal right can spring from such a source. They are the sappers and miners of the public welfare, and of free government as well. The latter depends for its vitality upon the virtue and good faith of those for whom it exists and of those by whom it is administered. Corruption is always the forerunner of despotism."

The following is quoted from *Garman v. United States*, supra:

"This Court has always regarded the Government as somewhat in the character of a ward and its officers in the character of its guardians, and it has never given effect to a contract where it appeared that the contractor had, directly or indirectly, by direct bribes or corrupt influences, sought to impair the good faith of the guardian. The corrupt purchase of political or personal influence is more insidious and in its result as bad as direct bribery."

From *United States v. Bentley*, supra, the following is quoted:

"It is true the courts have regarded Government officers and agents, when dealing for or with the Government to which their services are due as occupying a position similar to that of a guardian transacting business for or with his ward. Note, for instance, *Garman v. United States* (34 C.Cls. 237, 242); *United States v. Carter* (217 U.S. 286, 306, et seq.; 89 Sup. Ct. 515; 54 L.Ed. 769; 19 Ann. Cas. 594); *City of Findlay v. Pertz* (66 Fed. 427, 435; 13 C.C.A. 559; 29 L.R.A. 188 (C.C.A. 6)); *Crocker v. United States* (240 U.S. 74, 78, et seq.; 36 Sup. Ct. 245; 60 L.Ed. 533). It is also true that persons dealing with Government officers and agents, whether such officers or agents represent a municipal, a State, or the National Government, are in duty bound to inquire as to and to take notice of the extent of such officers' and agents' authority and power, and are to be held to a recognition that such officers and agents must observe fairness and good faith as between themselves and the Government, and may not be swayed to the prejudice of the interests of their cestui que trust. Both are expected to exercise honest and common sense. *Wentworth v. United States* (5 C.Cls. 302); *Livingston v. United States* (3 C.Cls. 131)."

*Trist v. Child*, supra, contained the following pronouncement:

"In the Roman law it was declared that 'a promise made to effect a base purpose, as to commit homicide or sacrilege, is not binding.' In our jurisprudence a contract may be illegal and void because it is contrary to a constitution or statute, or inconsistent with sound policy and good morals. Lord Mansfield said: 'Many contracts which are not against morality are still void as being against the maxims of sound policy.'"

From *Hume v. United States*, supra, the following is quoted:

"In order to guard the public against losses and injuries arising from the fraud or mistake or rashness or indiscretion of their agents, the rule requires of all persons dealing with public officers the duty of inquiry as to their power and authority to bind the Government; and persons so dealing must necessarily be held to a recognition of the fact that Government agents are bound to fairness and good faith as between themselves and their principal. *Whiteside v. United States* (93 U.S. 247, 257); *United States v. Barlow*, ante, 271."

Generally speaking, a State has no more right than an individual to avoid a contract. But it has been clearly established that a State may repudiate a contract which was fraudulently procured (59 C.J. 186, s. 322). In the case of *People v. Stephens*, 71 N.Y. 527 (1873), an action was brought by the State to recover damages alleged to have been sustained by the people in consequence of a fraudulent combination and conspiracy between defendants to prevent competition and to deceive the contracting board in letting repair contracts for certain sections of the State canals, and to induce, and which did induce, the letting of the contracts at excessive prices. The State then sought to recover damages, but after it had waived the fraud and required the contractors to complete the contract. Although the State was nonsuited, the court repeatedly declared that the State had the right to rescind all of the contracts because of the fraud, and, in fact, a number of the contracts were rescinded. Thus the court, page 546, declares:

"The general rules condemning as unlawful combinations to prevent bidding at auction sales have with good reason been applied to offers to the Government of services or property in response to a call for proposals, with a view to contract with the lowest bidder \* \* \*. The bargain and combination of the contractors \* \* \* by which the privilege of bidding for the work upon a particular contract secured sections to one individual without competition, were against public policy and illegal, and \* \* \*

authorized a rejection of the proposal and a repudiation of the contract \* \* \*"

A case particularly in point (*State v. Cross*, 17 Pac. 190 (Kans. 1888)) sustains the principle that the State may repudiate a contract induced by fraud. In this case the defendant obtained, by bribery of those having control over such contracts, a contract with the State for the purchase of lands of the State normal school. The court states, page 192:

"A contract to induce public officers to act corruptly, or to bias them in discharge of their official duties, is against public policy; and such a contract is void. 'It would be going but half the distance required for public security if the courts would but simply deny the aid of their machinery to the corrupt participants. A contract obtained by bribery of those having control over such contracts is obtained by fraud upon the principal; and it behooves the court to leave the briber where he stands, and deny him any benefit from the contract. It is immaterial how small or trifling the bribe was, as compared with the amount involved in the contract. Principle accommodates itself only to motives of parties, not to the sum gained by corrupt action.' (Greenh. Pub. Pol. 308, 309.) In *Lindsey v. City of Philadelphia* (2 Phila. 212) Sharswood, J., said: 'It is important that corrupt contracts with public officers should be sternly repudiated by courts of justice, and that men should understand that in assenting to an allowance to such an officer of part of what they may have a claim for on the public treasury—be that allowance small or great—they absolutely forfeit all their legal rights on the public.'"

In *Dement v. Rokker* (19 N.E. 33 (Ill. 1888)) a contract was let to a firm formed for the purpose of preventing bidding on a public-printing contract, some of whose members had been paid by the others for refraining from bidding individually. Under the constitution of the State it was provided that contracts of this nature must be let to the lowest responsible bidder, and although the court did not refer to the fraud involved it was held that such a conspiracy to prevent competitive bidding made the letting of the contract in question void.

In the case of *Garman v. United States* (34 C.Cls. 237), where a mail contractor brought suit for a month's extra pay for expedited services "dispensed with", and it appearing by the claimant's affidavit made in a criminal case that he paid a large sum of money to a Government official to secure the expedited service, it was held that the act of the contractor in thus procuring the expedited service rendered it contra bonos mores and against public policy, and he cannot recover extra pay.

The right to declare contracts void which were induced by fraud may also be exercised by municipal corporations. Thus, in *Honaker v. Board of Education of Pocatello District* (24 S.E. 544 (W.Va. 1896)) a certain company, through its agents, offered to members of the board of education money and other things of value, and used various other undue, illegal, and fraudulent inducements, with the view of securing an order and contract for the purchase of certain school supplies, and injunction proceedings were instituted by taxpayers to enjoin the board of education from paying for said supplies and the injunction was granted. The court, page 546, held:

"Every public officer being a guardian of the public welfare, no transaction growing out of his official services or position can be allowed to inure to his personal benefit; and from such transactions the law will not imply a contract (*Davis v. U.S.*, 23 C.Cls. 329). When a contract grows out of and is connected with an illegal act, it will not be enforced (*Jones v. Surprise*, 64 N.H. 243, 9 Atl. 384). Courts of justice will not enforce any contract which is injurious to public rights, contravenes public policy, or violates public law. A contract with the State, procured by bribery upon the officers having power to make it, is against public policy and void (*State v. Cross*, 38 Kans. 696, 17 Pac. 190)."

See also *City of Findlay v. Pertz*, 66 Fed. 427 (Ohio 1895), where a city rescinded a sale to it because a commission was paid to its officer for bringing about the sale. These cases are in accord with the principle that a contract made by a public officer is against public policy and void if it interferes with the unbiased discharge of his duty to the public in the exercise of his office, or if it places him in a position inconsistent with his duty to the public, or even if it has a tendency to induce him to violate such duty (*Spence v. Harvey*, 22 Cal. 336; *Cheney v. Unroe*, 77 N.E. 1041).

The courts go even further and hold, by the overwhelming weight of authority, that contracts or agreements, without regard to their form, made for the purpose of preventing free and fair competition, or of stifling or chilling biddings at public sales, or in the letting of contracts by the Government, or for the purpose of giving undue advantage to either of the parties thus engaged in dealing with reference to the bidding, are contrary to public policy and void (*King v. Winants*, 71 N.C. 469; *Capital Gas Co. v. Young*, 41 Pac. 869; *San Diego v. San Diego & L. A. R. Co.*, 44 Cal. 106; *Shakespeare v. Smith*, 77 Cal. 638; *Nuckols v. Lyle*, 70 Pac. 401; *Drake v. Lauer*, 75 N.E. 1129; *Cole v. Brown-Hurley Hardware Co.*, 117 N.W. 748; *Davis v. Bolon*, 177 Pac. 903; and *Holcomb v. Summit*, 15 S.W. (2d) 362; 48 C.J. 1037, sec. 308).

#### Proposition 4

All air-mail contracts made by the so-called "extension method", whereby one extension after another was tacked on existing routes so as to build up great systems, are void because such contracts were not awarded by competitive bidding, as provided by law.

#### Statement under proposition 4

The evidence taken at the public hearings before the Senate committee and from Post Office records clearly shows that former

Postmaster General Brown and the air-mail contractors very carefully laid their plans to award the favored companies air-mail contracts by extending their routes from some point to the point desired to be reached by the extension, regardless of distance. This was admittedly done for the purpose of evading the statutes, which require competitive bidding. To illustrate, an air-mail route was built up from St. Louis to New Orleans by extensions which were made at right angles from existing routes held by American Airways; and the route of Northwest Airways was built up by extensions so as to make it considerably longer than the original route. In another case the American Airways secured a route from Louisville, Ky., to Fort Worth, Tex., a distance of several hundred miles, by extensions. The St. Louis-New Orleans route was always considered a separate route, and is now operated separately and not as a part of the routes which were extended. At the very time these extensions were made a responsible concern was endeavoring to secure a contract over the route by bidding, but was unable to persuade Brown to advertise the route.

There are two general branches of the laws requiring advertising: The first apply to supply contracts of the United States and the second to mail-carrying contracts.

#### SUPPLY CONTRACTS

41 U.S.C. 5 (3709 R.S., as amended) requires that:  
 " \* \* \* all purchases and contracts for supplies or services in any of the departments of the Government \* \* \* shall be made by advertising \* \* \* "

Certain exceptions to the provisions of 41 U.S.C. 5 have been contained in legislation enacted since the promulgation of that statute, and these exceptions are set forth in collective form in 41 U.S.C. 6. Under the provisions of 41 U.S.C. 7, authority was vested in the Secretary of the Treasury to contract, after proper advertisement, for certain miscellaneous supplies set forth in that section. The amendments to the original act did not modify the requirement that all purchases or contracts be advertised except in case of public exigency: their purpose being merely to provide a mode for carrying this requirement into effect (22 A.G. 1). The purpose of the law has been stated to be " \* \* \* a wise public policy insuring to the Government the advantage of competition in making contracts for supplies " (22 A.G. 1).

It was held in 13 A.G. 174 that a contract which the law only allows to be made in pursuance of an advertisement may not be renewed and extended at the pleasure of the Postmaster General without advertisement, as such action would defeat the purpose of the law requiring public competition. This view was upheld in 21 A.G. 209.

It was held in 15 A.G. 538 that an extension of a contract given without advertising by the Commissioner of Patents was not obligatory upon the Government. In that case the Attorney General said:

" In ordinary cases, where an agent has made a contract in excess of his powers, no doubt if the principal stand by and see the contractor in good faith incur expense to enable him to perform his engagements, such principal cannot avoid the consequences of his silence by pleading that the agent had no power to make such a contract. In many cases such conduct would amount to a ratification.

" But I think it is misconception of this well-known principle to suggest that where, as in the present case, a public statute requires officers who make contracts for the Government to do so in a way calculated 'to prevent favoritism and to give to the United States the benefit of competition' (Attorney General Berrien, 2 Opin., 259), if such officer fails to adopt such course, he, or some other officer of the United States (the latter being as much a mere agent of the principal as the former), by permitting the contractor to make expenditures in the course of his engagements, can render that contract binding upon the United States which otherwise would not be so."

*American Smelting & Refining Co. v. United States*, 259 U.S. 75, holds that the provisions of 41 U.S.C. 5 are for the protection of the Government and not the private party to the contract.

It is provided in 39 U.S.C. 803 that no contract for supplies shall be made with any person who has entered, or proposed to enter, into a combination to prevent the making of a bid for furnishing such supplies or to fix a price or prices therefor; also that if any person so combining, etc., is already a contractor, his contract may be annulled.

#### MAIL-CARRYING CONTRACTS

The requirement that general mail lettings be advertised is contained in 39 U.S.C. 421 (sec. 3941, R.S., as amended).

A limited advertisement of temporary mail lettings is provided for in 39 U.S.C. 422. The advertising requirement was specifically extended to the letting of pneumatic-tube contracts by 39 U.S.C. 423.

Although the law authorizing the employment of mail messengers contained in 39 U.S.C. 578 contains no specific provision relative to advertising, such contracts are let only after advertising, in accordance with section 1769 of the Postal Laws and Regulations, 1932.

By the provisions of 39 U.S.C. 571 it is specifically provided that advertising may be dispensed with in entering into contracts with railroad companies.

Contracts for ocean-mail service are governed by the provisions of 46 U.S.C. 891, et seq. Subsections 891 (j) and 891 (k) require advertising and the award of the contract to the lowest bidder.

Under the provisions of 39 U.S.C. 429 there is a general requirement that all contracts for carrying the mails be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement.

A clear statement of reasons for the passage of the general act (39 U.S.C. 421), as well as the purpose and the scope thereof, is found in 13 A.G. 473.

39 U.S.C. 464, providing for the transportation of domestic air mail, requires advertising.

39 U.S.C. 465a, providing for contracts covering the transportation of mail by air to foreign countries and insular possessions, requires advertising.

In 6 C.G. 557, it was held that the mere inexperience of a bidder for an air-mail contract and the fact that it was newly organized were insufficient to warrant the nonacceptance of its lowest bid and the acceptance of a higher bid.

Cited without definite application:

It was held in *United States v. Purcell Envelope Co.* (249 U.S. 313) that the judgment of the Court of Claims sustaining a contract precluded the further consideration of a charge that the Postmaster General was imposed upon in awarding a contract to a concern without financial standing.

It was held in *Crocker v. United States* (240 U.S. 74):

" No recovery can be had upon a Government contract tainted with fraud and rescinded by the proper officer of the Government on that ground."

*United States v. Carter* (217 U.S. 286) involved a collusive conspiracy between a trusted officer of the Government and independent contractors. In its decision the Court commented upon the difficulty of discovering fraud in a well-planned case of this kind but, nevertheless, gave judgment against Carter.

In *Frame v. Felix* (Pennsylvania Supreme Court, 1895), reported in 27 L.R.A. 802, the court said:

" \* \* \* It seems, therefore, to be beyond question that, under a provision requiring the submission of contracts for municipal work to competitive bidding and the awarding of them to the lowest responsible bidder, it is not lawful to fix in the specifications, on the basis of which the proposals are invited, any arbitrary sum to be paid for any part or item of the work to be done; and that the fixing of such a sum for any part or item of such work renders illegal the entire proceeding and the contract to which it may lead."

#### Proposition 5

The air-mail contracts for routes nos. 33 and 34 were void because clauses were inserted in the advertisements therefor which restricted open, free, and competitive bidding, and violated the provisions of law requiring such contracts to be awarded to the lowest responsible bidders.

#### Statement under proposition 5

In addition to other grounds, contracts held by the Transcontinental & Western Air, Inc., and American Airways, Inc., on routes nos. 33 and 34, respectively, are void under this proposition. A provision was inserted in the advertisement, arbitrarily and without legal authority, by Postmaster General Brown and his assistant, Glover, which restricted the bidding to those having flown their planes at night over a fixed schedule. The evidence shows that this provision was included in the advertisement for the sole and only purpose of freezing out competition. The uncontradicted evidence also shows that Postmaster General Brown was advised against this by Assistant Attorney General John Lord O'Brian and by the Comptroller General, who held it an illegal restriction. Nevertheless, in order to favor the operators who, it had been agreed, should receive these contracts, this night-flying provision was inserted into the advertisements under the direction of William P. MacCracken, Jr., one of the conspirators.

Clauses in advertisements for bids for Government supplies and services which tend to restrict open, free, and competitive bidding, and are not authorized by law, are violative of the provisions of law requiring such contracts to be awarded to the lowest responsible bidders.

In *Kay v. Monroe* (87 N.Y.S. 831) it appeared that the commissioner of water supply, gas, and electricity, in his advertisement limited bids in such a manner as to require bids only on a certain patented article under conditions calculated to practically exclude competition. His action was held violative of the Revised New York Charter provision enacted to afford a fair and reasonable opportunity for competition, the court basing its action on the decision in *Rose v. Low* (83 N.Y.S. 593).

In *Randolph McNutt Co. v. Eckert* (Court of Appeals, New York, 1931), reported in 177 N.E. 386, which involved a contract awarded by a board of education, the court said:

" If the board of education had violated subdivision 8 of section 875, as above quoted, by awarding a contract for school furniture in excess of \$1,000 without advertising for estimates, the contract would be illegal. If it had accomplished the same result by indirection, that is, had so fixed or manipulated the specifications as to shut out competitive bidding or permit unfair advantage or favoritism, the contract likewise would be illegal."

The court likewise quoted the following paragraphs from Dillon on Municipal Corporations (5th ed.), section 807:

" When by charter or statute a municipality can only let its contracts to the lowest bidder after advertisement, an implied condition and restriction is placed upon the proceedings of the municipality that the various steps adopted by it to let a contract shall be of such a nature and taken in such form as in good faith to invite competition. \* \* \* The plan and specification are essential to competitive bidding because it is only through their agency that there is a reasonable assurance that all bidders are competing upon the same basis and without favoritism and that no fraud enters into the award."

In *Burt et al. v. Municipal Council of City of Taunton* (Supreme Court of Massachusetts, 1931), reported in 176 N.E. 511, the question involved advertising for a pumping engine and it was required that the advertisement should "set forth the specifications." The advertisement, as published, did not print the specifications under which the bids were invited. The court said:

"Manifestly this advertisement did not conform to the terms of the order. It did not set forth the specifications, but simply referred to a place where such as existed might be found. \* \* \* The terms of the governing order are not open to doubt as to meaning. They are unequivocal and mandatory. They cannot be overridden, softened, or obliterated by custom. They must stand and be enforced in cases brought before the courts. To permit them to be frittered away would thwart their salutary design. As was said when the case was here at its earlier stage respecting that order as a whole: 'It is a provision of substance partaking of the nature of a rule for the conduct of the general business affairs of the city. Its purpose is to protect the financial interests of the city by preventing favoritism in awarding contracts and to put a limitation on the otherwise very broad powers of the city officers to bind the city by contract. Its tendency is to give full publicity to proposed city contracts, to establish genuine and open competition upon the same footing after proper advertisement, and to insure honest methods of letting contracts.'

"The conclusion is that the proceeding by the respondents as to advertising for bids was a nullity, and the bids submitted to not form the basis on which a contract can be awarded."

In *People v. City of Buffalo* (176 N.Y.S. 642, 647), the commissioner of public works, in advertising for tractors, inserted a specification that the tractors should be "interchangeable in all parts with the present tractors owned by the bureau of streets." The effect of this provision in the advertisement was such as to exclude from competition all other tractor manufacturers than the Pierce-Arrow Motorcar Co., since the trucks at that time owned were all Pierce-Arrow trucks. The court held that the restrictive provision in the advertisement was void, which automatically rendered all bids received in pursuance thereof void.

In *Mackinnon v. Mayor and Common Council of City of Newark* (Supreme Court of New Jersey, 1915), reported in 100 Atl. 694, the court said:

"Applying the general theory of these cases that all bidders must be on an equal footing and the statute that the award shall be to the lowest responsible bidder, the fifth reason is enough to vitiate the awards, viz, that the specifications required bidders to state the time of performance as well as the amount bid. This, of course, created double standard by the insertion of an element not recognized in the statute."

Cited without definite application:

*Schulte v. Salt Lake City* (Supreme Court of Utah, 1932), reported in 10 Pac. (2d) 625. It was held in part as follows:

"Independent of any statute regulating the awarding of contracts for the construction of public improvements, the city commissioners are required to act in good faith, without fraud, collusion, corruption, or palpable abuse of discretion, and with due fidelity to the public interests.

"\* \* \* The general rule deducible from the adjudicated cases and textwriters is to the effect that, where there is no statutory limitation upon the power of the proper officers of a city to let contracts for public improvement, such officers have a broad discretion. Courts refuse to interfere with their control of the matter so long as they do not exceed the power delegated to them or invade private rights or act in bad faith or palpably abuse their discretion."

It was held in *Stoll v. Mayor and City Council of Baltimore* (Maryland Court of Appeals, 1932), reported in 162 Atl. 267:

"The object sought by sections 14 and 15 of the city charter, and similar provisions, is to encourage bidding for municipal contracts and prevent favoritism and extravagance in the awarding thereof. In order to accomplish this, the plans and specifications should set forth clearly and in sufficient detail the proposed work or materials desired, to furnish the same standard for each bidder. \* \* \* Whether the city choose one or the other policy, there remains the limitation that the plans and specifications contained in the invitation to bid must be such as to insure fair competition and enable the authorities to award the contract to the lowest responsible bidder."

*Texas Electric & Ice Co. v. City of Vernon* (Ct. of Civ. App. of Tex., 1923), reported in Two Hundred and Sixty-sixth Southwestern, page 600, involved the legality of inviting bids from a few chosen bidders. The court said:

"\* \* \* The writing of a few letters by the secretary, and the fact that the company furnishing the engines sent in a sealed proposal does not comply with this requirement of the charter. (The requirement for competitive bidding.) It is contemplated that the widest publicity be given to the city's intention to purchase and not that this intention shall be made known only to a chosen few."

*Philadelphia Co. v. City of Pittsburgh* (Sup. Ct. of Pa., 1916), reported in Ninety-seventh Atlantic, page 1083. In this case the city awarded a contract to a gas company without competitive bidding, alleging that the company receiving the award was the only one which could fulfill the contract without laying pipe for a considerable distance. In rejecting this contention the court said:

"\* \* \* The parties who could determine whether, under the circumstances, it was practicable and profitable for the other two companies to compete for the present contract were not the city officials whose duty it was to let the contract, the jury or the court, but the companies themselves, and their judgment could only be ascertained in the manner prescribed in the city charter. \* \* \* It is apparent from the terms of the contract made by the city officials with the Philadelphia company that it was important for the protection of the city against exorbitant rates that there should have been competitive bidding."

3. A.A.G. P.O.D. 398 involved a fraudulent and collusive pneumatic-tube contract. The award was set aside and annulled by the Postmaster General. In the consideration of the case by this office, the following language is used:

"\* \* \* The insertion of conditions not contemplated in the advertisement, together with the reduction of the bid as submitted under the advertisement, unquestionably constituted a new proposal, and as this new proposal was not regularly and competitively made, it would seem most doubtful whether its acceptance was legal and whether the contract is good in law."

In this same opinion reference was made to an opinion of the Attorney General relative to the modification of a contract with the New York & Cuba Mail Steamship Co., which contract was awarded in pursuance of an advertisement for bids contemplating a 10-year term. The suggested modification was that the term be limited to 5 years. The Attorney General held:

"The question is not free from doubt, but in view of the strictly competitive letting enjoined by the act, the safer opinion is that the change in the term is such a material change in the contract as to require new advertisement and a new letting."

4. A.A.G. P.O.D. 258 contains a discussion by a number of State cases involving the interpretation of statutory advertising requirements and serves to emphasize the view that officers awarding a contract are vested with discretionary power which will not ordinarily be questioned in the absence of evidence of fraud.

5. A.A.G. P.O.D. 185—a memorandum for the purchasing agent—suggests that combinations to prevent or impede bidding on contracts for furnishing the Department with mail bags and sacks might constitute an offense under section 5440, Revised Statutes (the conspiracy statute).

In *United States v. Carr* (132 U.S. 644, 651), attention was invited to the fact that under section 4057, Revised Statutes, the Postmaster General is required to cause suit to be brought to recover wrong or fraudulent payments in cases "where money of the Department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or other employee in the Postal Service."

*Montana ex rel. Robert Mitchell Furniture Co. v. Toole* (55 L.R.A. 644.) In this case the court held that failure to render exact compliance with a provision of State law requiring advertising of contracts for supplies in two daily newspapers printed in the State—it appearing that such advertisement was made in only one newspaper—nullified the contract.

#### Proposition 6

The contract of National Parks Airways, Inc., is void for the reason that it is held in the form of a route certificate granted at a rate not authorized by law, and is contrary to public policy and against the public interest.

#### Statement under proposition 6

It may be said that the route certificate of the National Parks Airways, Inc., was not secured directly as a result of fraud, collusion, or conspiracy, but the fact remains, nevertheless, that it was procured through the efforts of some of the conspirators; and the route certificate was awarded to National Parks Airways, Inc., at a rate far in excess of the amount for which Mr. Alfred Frank had originally agreed to carry the mails. The Government was fully protected in this contract. The contractor was a solvent concern and could have been required to carry the mail at the old rate. Under the new rate established by the route certificate the contractor received more than twice as much as the price he had agreed upon to carry the mails, which amounted to approximately \$650,000; and it certainly is against the public interest for such a contract as this to remain in effect.

#### Proposition 7

The contract held by Kohler Aviation Corporation is a sub-contract, covering part of the route held by Northwest Airways, Inc., and is no more binding upon the United States than the contract of the original contractor; and the authority of the Postmaster General to make an extension of an existing air-mail route confers upon him the same authority to cancel the extension in the public interest.

#### Statement under proposition 7

The evidence shows that the Kohler Aviation Corporation attempted for several years to secure a contract over this route by competitive bidding. It was unable to obtain such a contract because Postmaster General Brown flatly stated that he would not establish this route by competitive bidding. He did finally offer to give an extension to the Northwest Airways, Inc., and to direct Northwest to transfer and sublet the contract to Kohler. This was done, and, without going into full details with reference to the Kohler contract, I deem it sufficient to say that the contract, regardless of the honest intentions of the Kohler Aviation Corporation and its officers, is tainted with the same fraud that

surrounded the other contracts of Northwest Airways, Inc. If the contract of the Northwest Airways should be annulled, this contract would naturally follow along with it.

#### CONCLUSION

It has been the practice of the Government of the United States for officers who are charged with administrative duties and responsibilities to promptly annul contracts which have been unlawfully obtained without going further than to satisfy themselves as to the facts. This is true as to the Post Office Department in the purchase of supplies and in mail contracts unlawfully obtained or held.

During the administration of President Lincoln the Postmaster General summarily annulled all of the star-route mail contracts in the States of Virginia, Maryland, Missouri, and Kentucky because of alleged disloyalty to the United States.

At the beginning of the administration of President Garfield the Postmaster General in his administration, Hon. Thomas L. James, found that star-route contracts on 93 routes in the Western States of California, Oregon, other States, and all Territories west of the Mississippi River had been awarded and were held as a result of combinations and conspiracies between the contractors and the Second Assistant Postmaster General. The records show that President Garfield was amazed, and in reply to questions from Mr. James respecting the policy to be pursued said: "I have sworn to uphold the Constitution and the laws; I shall do my full duty. My instructions to you are, cut the ulcer out, no matter whom it hurts."

The star routes of that day are comparable to the air-mail routes of today, and we even have a case where an air-mail contract was fraudulently obtained and annulled. In 1927 Postmaster General New, under President Coolidge, found that air-mail contractors on the route between Cheyenne, Wyo., and Pueblo, Colo., had agreed between themselves for a division of the route and that the contract might be awarded to the highest of two bidders. This contract was promptly annulled without any further ado or hearing and on the same day that the fact was brought to the attention of the Postmaster General. In that case there was no general conspiracy to parcel out all air-mail contracts of the country and divide an appropriation of almost \$20,000,000 annually, nor was the collusion and fraud participated in by Government officials as was done in this case.

The Court of Claims affords an opportunity for any person who may feel aggrieved by the annulment of his contract with the Government to enter suit for damages. I do not find a record of any suits ever having been filed in the Court of Claims respecting the annulment of fraudulent mail contracts.

For the reasons herein stated I am of the opinion that the principles stated in the foregoing authorities apply in this case. I am further of the opinion that:

First. The extension of the contract for air-mail routes nos. 1, 2, 3, 4, and 5, dated November 6, 1929, and the route certificates issued in lieu of such contracts on May 3, 1930, were void because such contracts were extended and certificates issued pursuant to an understanding between the contract air-mail operators and the Post Office Department by which it was agreed that such routes would never be opened to competitive bidding but that the certificates and orders thereafter issued should be used as a basis for awarding all domestic air-mail routes to the corporations holding such route certificates.

Second. All route certificates issued by the Postmaster General to air-mail contractors after the date of May 19, 1930, are void for the reasons:

(a) That they were awarded as a result of a secret agreement between the holders of said certificates and officials of the Post Office Department on or about June 4, 1930, in order that the holders thereof might secure permanent contracts without competitive bidding;

(b) Because such certificates were fraudulently executed as a result of an illegal conspiracy between Post Office officials and the holders of such certificates;

(c) Because the awarding of such certificates was not in the public interest.

Third. Every extension of every domestic air-mail route made after date of June 4, 1930, by the Postmaster General was illegal and void because—

(a) Such extensions were made as a result of a prearranged conspiracy and agreement between the holders of said certificates and the Postmaster General of the United States by which it was agreed that such extensions would be let only to those corporations which it had been agreed should receive them;

(b) Such extensions were used as a subterfuge to prevent competitive bidding as required by law;

(c) Such so-called "extensions" were not extensions of existing routes in fact, but constituted in each case separate and distinct air-mail routes which should have been advertised for bids.

Fourth. Contracts on air-mail route no. 33, from Atlanta to Los Angeles, and no. 34, from New York to Los Angeles by way of St. Louis, awarded in September 1930, and route certificates issued thereunder in February 1933 are void because—

(a) They were illegal in their inception in that all air-mail contractors of the United States and officials of the Post Office Department entered into an illegal conspiracy and agreement that only those who later received such contracts would bid on such routes;

(b) The advertisement for bids contained restrictions and limitations preventing free, open, and unrestricted competitive bidding by air-mail operators which was not authorized by law, including a night-flying provision;

(c) Because such restrictions in the advertisement were placed therein by collusion, fraud, and conspiracy on the part of the parties who secured contracts and the Postmaster General of the United States;

(d) Such contracts were not let to the lowest responsible bidder as provided by law.

Fifth. All domestic air-mail contracts and route certificates executed prior to March 1933 are void as against public interest and as against public policy for the reason that in each instance air-mail operators have been paid more than twice as much for carrying the mail as provided for in the original advertisements, bids, contracts, and route certificates, there having been paid to such air-mail operators for the fiscal years beginning 1930 to and including the calendar year 1933 the sum of \$78,000,000 and the air-mail space requirements having been valued at approximately \$31,000,000, resulting in overpayment to air-mail contractors of approximately \$47,000,000.

Sixth. All air-mail contracts and route certificates for domestic air-mail transportation may be annulled:

(a) By an Executive order of the President of the United States as provided in section 5 of the independent offices bill of the Seventy-third Congress;

(b) As provided in the act of Congress, as amended, of April 29, 1930; or

(c) By an order of the Postmaster General under 39 United States Code, section 432, which provides:

"No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, and if any person so offending is a contractor for carrying the mail, his contract may be annulled."

(d) By order of the Postmaster General when found to have been fraudulently or illegally awarded;

(e) Under section 1846 of the Postal Laws and Regulations, 1932, in the public interest.

Since these contracts were procured as a result of fraud, conspiracy, and collusion between Post Office officials and the holders of such contracts, it is my recommendation that if they be annulled, the action be taken on the grounds (c), (d), and (e) above mentioned.

KARL A. CROWLEY, *Solicitor.*

Mr. FESS obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. I had hoped that the Senate might dispose of the pending bill today and take a recess or adjourn over until Monday, but it appears at this juncture impracticable to complete the consideration of the bill today. I therefore intend to move a recess until 10 o'clock tomorrow morning, with the assurance, after consultation with Senators on both sides of the Chamber, that the matter may be finally disposed of at an early hour in the day tomorrow.

I understand the Senator from Ohio does not desire to proceed at this hour this afternoon?

Mr. FESS. I should prefer to wait until tomorrow.

#### APPROPRIATIONS FOR URGENT NEEDS IN PUBLIC SERVICES

Mr. McKELLAR. Mr. President, I send to the desk and ask unanimous consent for the immediate consideration of a joint resolution (H.J.Res. 332) to provide appropriations to meet urgent needs in certain public services, and for other purposes. The committee has informally approved the bill and I have been authorized to report it favorably.

There are four items involved. The first is for \$35,000 for expenses of special and select committees of the House. Of course, that is their matter, and I take it there can be no objection.

The next item is made necessary because in the Treasury appropriation bill, which was passed a short time ago and has become the law, there was a limitation of 32½ cents on print paper. Bids have been asked by the Department, and on that limitation of price none can be had. This merely repeals that limitation in the law.

The next is a matter of \$474,000, which has been saved on the new buildings for the Departments of Justice, Post Office, and Labor, and the Interstate Commerce Commission. It is desired to use that money for furniture for those buildings. It has already been appropriated, and this is merely a reappropriation for that specific purpose.

The last item is for the repatriation of unemployed aliens who have been employed in the service of the United States

Government on the Panama Canal. The President has made an arrangement about the matter.

I ask unanimous consent for the immediate consideration of the joint resolution.

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

Mr. McNARY. I have no objection.

There being no objection, the joint resolution was read twice by its title, considered, ordered to a third reading, read the third time, and passed, as follows:

*Resolved, etc.,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes hereinafter enumerated:

LEGISLATIVE

HOUSE OF REPRESENTATIVES

For expenses of special and select committees authorized by the House, fiscal year 1934, \$35,000.

TREASURY DEPARTMENT

PUBLIC DEBT SERVICE

The limitation on the price per pound permitted to be paid for distinctive paper for United States securities under the appropriation for the purchase of such paper in the Treasury Department Appropriation Act, 1935, is hereby repealed.

PROCUREMENT DIVISION

Washington, D.C., furniture for triangle buildings: The Secretary of the Treasury is hereby authorized to expend not to exceed the sum of \$472,454 out of the aggregate of the unexpended balances under the authorizations for the construction of the new buildings for the Departments of Justice, Post Office, and Labor, and the Interstate Commerce Commission, the connecting wing between the Interstate Commerce Commission and Department of Labor Buildings, and the Archives Building as may be required to provide the necessary furniture and furnishings for said buildings, and the unexpended portion of the appropriations available for the construction of such buildings is hereby made available for that purpose, and the Director of Procurement, Treasury Department, is hereby authorized to make contracts, after advertising and competitive bidding, without regard to section 4 of the act approved June 17, 1910 (ch. 297, sec. 4, 36 Stat. 531), for the purchase of said furniture and furnishings, and to make expenditures for services, supplies, material, and equipment, including moving services and the reconditioning of old furniture and the temporary rental of space therefor, and necessary travel and subsistence in connection with the inspection of commodities to be contracted for or purchased; and, when deemed desirable or advantageous by him, the said Director of Procurement is authorized to employ, by contract or otherwise, without regard to civil service laws and regulations, such temporary outside professional or technical services as he may find necessary in furnishing those portions of the said buildings requiring special treatment, all within the total amount made available herein: *Provided*, That not to exceed \$10,000 may be expended for such temporary outside professional or technical services: *Provided further*, That not to exceed \$31,515 may be expended for furniture and furnishings for the auditorium located in the connecting wing between the Interstate Commerce Commission and Department of Labor Buildings: *Provided further*, That the cost of furniture and furnishing for Cabinet officers' suites, assistant Cabinet officers' suites, executive officers' suites, and conference and hearing rooms for the Interstate Commerce Commission shall be based upon the square-foot area of the rooms to be furnished, and shall not exceed the rates set forth herein, as follows: For Cabinet officers' suites and conference rooms for the Interstate Commerce Commission, \$1.75 per square foot; for assistant Cabinet officers' suites, \$1.50 per square foot; and for executive officers' suites, \$1 per square foot.

WAR DEPARTMENT

PANAMA CANAL

For repatriation of unemployed aliens who have been employed in the service of the United States Government or the Panama Railroad Co. on the Isthmus of Panama for 3 or more years at any time, and repatriation of members of families of such alien former employees, including expenses of transportation of such alien former employees and members of their families, and the payment in cash of not to exceed \$100 to each such alien former employee for assistance in rehabilitation after repatriation, \$150,000, to be expended under the direction of the Governor of the Panama Canal and to be available until expended.

CHANGE OF REFERENCE

Mr. McCARRAN. Mr. President, there is now pending before the Committee on Public Lands and Surveys a bill (S. 3033) to reserve certain public-domain lands in Nevada and Oregon as a grazing reserve for Indians of Fort McDermitt, Nev.

It is a bill which deals entirely with the transfer of public lands to an Indian reservation. It should be in the hands of

the Committee on Indian Affairs. Therefore, I ask unanimous consent that the Committee on Public Lands and Surveys be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

Mr. McKELLAR. Mr. President, has the Senator talked with the Chairman of the Committee on Public Lands and Surveys?

Mr. McCARRAN. I have not talked with the chairman of the committee, but I did talk with the Commissioner of Indian Affairs, and I understood that he talked with the chairman.

Mr. ROBINSON of Arkansas. Mr. President, may I ask what is the subject matter of the bill?

Mr. McCARRAN. It involves the transfer of public domain surrounding an Indian reservation, for stock raising on the public domain, but that particular part of the public domain to be allocated to the Indian reservation. I think the bill should be referred to the Committee on Indian Affairs. That is my view.

Mr. ROBINSON of Arkansas. I have no objection.

The PRESIDING OFFICER. Without objection, the Committee on Public Lands and Surveys will be discharged from the further consideration of the bill, and it will be referred to the Committee on Indian Affairs.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McGILL in the chair) laid before the Senate messages from the President of the United States submitting nominations (and also withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, 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, which were ordered to be placed on the calendar.

HERBERT D. RUSSELL

Mr. McKELLAR. Mr. President, I send to the desk the favorable report submitted by me yesterday on the nomination of Herbert D. Russell to be postmaster at Conway, Ark. I ask unanimous consent for the immediate consideration of the nomination.

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

Mr. NORRIS. What is the reason why the Senator wants immediate consideration?

Mr. ROBINSON of Arkansas. Mr. President, I can state the reason. The post office has been vacant for many months, and a number of investigations have been in progress and have delayed action on the appointment.

Mr. NORRIS. I have no objection.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination? The Chair hears none; and, without objection, the nomination is confirmed.

Mr. ROBINSON of Arkansas. I ask also that the President may be notified.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

The calendar is in order.

THE CALENDAR—TREATIES

The legislative clerk proceeded to read Executive B, Seventy-third Congress, second session, an international telecommunication convention, the general radio regulations annexed thereto, and a separate radio protocol, all signed by the delegates of the United States to the International Radio Conference at Madrid on December 9, 1932.

Mr. PITTMAN. Mr. President, there are two treaties on the calendar. I do not know that there will be any particular opposition to them; but they are rather long treaties, and it will probably require half an hour to read them, and probably that long to explain them. I give notice that after the pending unfinished business shall have been disposed of, I shall ask for an executive session for the purpose of acting on the treaties.

The PRESIDING OFFICER. The treaties will be passed over.

## MYRTLE HUFTY

The legislative clerk read the nomination of Myrtle Hufty to be postmaster at Paonia, Colo.

Mr. MCKELLAR. Mr. President, I thought I asked the other day—and, whether I did or not, I ask now—that this nomination be recommitted to the Committee on Post Offices and Post Roads.

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

## THE JUDICIARY

The legislative clerk read the nomination of M. Frank Hammond to be United States marshal, southern district of Texas.

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

Mr. SHEPPARD. I ask that the President be notified of the confirmation of Mr. Hammond.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the President be notified? The Chair hears none, and the President will be notified of this confirmation.

## DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of Thomas Jefferson Coolidge, of Massachusetts, to be Under Secretary of the Treasury.

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

## PUBLIC UTILITIES COMMISSION, DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Richmond B. Keech to be a member of the Public Utilities Commission.

Mr. McCARRAN. Mr. President, I ask that this nomination and that of William A. Roberts to be additional counsel, to be known as the "people's counsel", be passed over.

The PRESIDING OFFICER. The nominations will be passed over.

## COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Daniel D. Moore to be collector of internal revenue, district of Louisiana.

Mr. LONG. I object, and ask that that nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

## POSTMASTERS

The legislative clerk proceeded to read the nominations of sundry postmasters.

Mr. MCKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc with the exception of no. 2046, the nomination of William R. Taylor to be postmaster at Fulton, Mo., which I ask to go over.

The PRESIDING OFFICER. Without objection, the nominations of postmasters on the calendar, with the exception of the one referred to, will be confirmed en bloc.

That completes the calendar.

## RECESS

The Senate resumed legislative session.

Mr. ROBINSON of Arkansas. I move that the Senate take a recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate took a recess until tomorrow, Saturday, April 28, 1934, at 10 o'clock a.m.

## NOMINATIONS

*Executive nominations received by the Senate April 27 (legislative day of Apr. 26), 1934*

## COLLECTOR OF INTERNAL REVENUE

Alex McKenzie Vierhus, of Everett, Wash., to be collector of internal revenue for the district of Washington in place of John C. Bowen.

## PROMOTION IN THE REGULAR ARMY

## TO BE CHAPLAIN WITH THE RANK OF CAPTAIN

Chaplain (first lieutenant) Andrew Thomas Francis Nowak, United States Army, from April 20, 1934.

## POSTMASTERS

## ARIZONA

Waltice B. Ham to be postmaster at Somerton, Ariz., in place of O. H. Perry. Incumbent's commission expired December 8, 1932.

## CALIFORNIA

John T. Ireland to be postmaster at Pico, Calif., in place of Kittie Pennington. Incumbent's commission expired December 11, 1932.

## COLORADO

Elmer M. Ivers to be postmaster at Loveland, Colo., in place of R. R. Finley. Incumbent's commission expired April 16, 1934.

## CONNECTICUT

Felix J. Wakely to be postmaster at Central Village, Conn., in place of M. A. Tracy. Incumbent's commission expired December 12, 1932.

Joseph J. O'Loughlin to be postmaster at Lakeville, Conn., in place of J. F. Egan. Incumbent's commission expired January 18, 1933.

## DELAWARE

John B. Derrickson to be postmaster at Ellendale, Del., in place of K. M. Prettyman. Incumbent's commission expired April 15, 1934.

## IDAHO

William O. Putnam, Jr., to be postmaster at Arco, Idaho, in place of R. L. Sutcliffe. Incumbent's commission expired December 18, 1933.

Horten H. Tate to be postmaster at Glenns Ferry, Idaho, in place of W. R. Ogle. Incumbent's commission expired December 10, 1932.

Marie E. Roos to be postmaster at Weippe, Idaho, in place of M. E. Roos. Incumbent's commission expired December 10, 1932.

## ILLINOIS

Vera E. Burrell to be postmaster at Cuba, Ill., in place of M. E. Laughery. Incumbent's commission expired December 18, 1933.

John W. Hines to be postmaster at Lovington, Ill., in place of T. L. Conn. Incumbent's commission expired May 29, 1932.

Ralph W. Metcalf to be postmaster at Marengo, Ill., in place of C. T. Gilkerson. Incumbent's commission expired May 17, 1932.

Joseph A. Maier to be postmaster at Marseilles, Ill., in place of A. H. Simmons. Incumbent's commission expired January 19, 1933.

Nellie Waters to be postmaster at Murrayville, Ill., in place of G. E. Jennings. Incumbent's commission expired April 24, 1933.

Eleanor McGovern to be postmaster at Oneida, Ill., in place of Alice Murray. Incumbent's commission expired December 20, 1932.

Mary Convery to be postmaster at Raymond, Ill., in place of H. J. Henderson, removed.

James Doherty to be postmaster at Ridgway, Ill., in place of S. M. Combs, removed.

Howard P. W. Trumbull to be postmaster at River Grove, Ill., in place of O. M. Streetz. Incumbent's commission expired January 29, 1933.

Lorenz M. Lies to be postmaster at Riverside, Ill., in place of M. E. Sullivan, removed.

William W. Sloan to be postmaster at Rockton, Ill., in place of Harry Hutchins, removed.

Otis M. Lamar to be postmaster at Rosiclare, Ill., in place of Gordon McClusky. Incumbent's commission expired November 20, 1933.

E. Ross Chitwood to be postmaster at Rushville, Ill., in place of W. H. Fahnestock, resigned.

Merr L. Abbott to be postmaster at Sheridan, Ill., in place of F. B. Courtright, transferred.

Rose Zalman to be postmaster at Stewardson, Ill., in place of W. A. Denn. Incumbent's commission expired October 10, 1933.

Rudolph Lowell Lightfoot to be postmaster at Stonefort, Ill., in place of B. B. Blackman, resigned.

Raymond L. Modro to be postmaster at Varna, Ill., in place of H. E. Broadus, removed.

Irvin M. Lewis to be postmaster at Walnut, Ill., in place of H. R. Kerchner. Incumbent's commission expired February 23, 1933.

Mathew L. McHugh to be postmaster at Westmont, Ill., in place of C. A. Webster, resigned.

Charles E. Reilly to be postmaster at Winnebago, Ill., in place of U. G. Dennison, removed.

#### INDIANA

Edward V. Myers to be postmaster at Fremont, Ind., in place of G. H. Griffith. Incumbent's commission expired February 18, 1933.

Arthur G. Houser to be postmaster at Garrett, Ind., in place of W. B. Hays, removed.

Hazel R. Widdows to be postmaster at Geneva, Ind., in place of E. H. Shepherd, deceased.

Glenn R. Woods to be postmaster at Grabill, Ind., in place of Albert Neuenschwander, resigned.

John Victor Gidley to be postmaster at Hebron, Ind., in place of H. A. Marsden. Incumbent's commission expired December 18, 1933.

Adolph Seidensticker to be postmaster at Indianapolis, Ind., in place of L. D. Clancy, transferred.

Homer Stephens to be postmaster at La Fontaine, Ind., in place of L. R. Calaway, removed.

Douglas A. Blaising to be postmaster at New Haven, Ind., in place of Cora Lucas. Incumbent's commission expired May 26, 1932.

Harold C. Atkinson to be postmaster at Oxford, Ind., in place of R. B. Crow. Incumbent's commission expired January 27, 1932.

Frank L. Hand to be postmaster at Royal Center, Ind., in place of L. N. McCloud, resigned.

John F. Boyle to be postmaster at San Pierre, Ind. Office became Presidential July 1, 1926.

Louis F. Fuelling to be postmaster at Woodburn, Ind., in place of Henry Chapman. Incumbent's commission expired December 18, 1933.

#### IOWA

James A. McDonald to be postmaster at Algona, Iowa, in place of S. J. Backus, deceased.

William R. Shott to be postmaster at Birmingham, Iowa, in place of G. A. Goodman, resigned.

William A. Piester to be postmaster at Brandon, Iowa, in place of A. C. Jaeger. Incumbent's commission expired December 18, 1933.

Henry C. Finner to be postmaster at Denison, Iowa, in place of Alfred Wright. Incumbent's commission expired January 31, 1934.

E. Harold Gilreath to be postmaster at Grand River, Iowa, in place of E. R. Morrell. Incumbent's commission expired December 18, 1933.

Albert B. Mahnke to be postmaster at Greene, Iowa, in place of W. C. Moon. Incumbent's commission expired December 13, 1932.

Charles W. Taylor to be postmaster at Janesville, Iowa, in place of C. H. Howe. Incumbent's commission expired February 17, 1934.

Otha H. Darby to be postmaster at Madrid, Iowa, in place of H. C. Graves. Incumbent's commission expired April 2, 1934.

Ernest L. Wood to be postmaster at Maxwell, Iowa, in place of Ray Robertson. Incumbent's commission expired February 28, 1933.

Adolph M. Schanke to be postmaster at Mason City, Iowa, in place of G. M. Woodruff. Incumbent's commission expired January 19, 1933.

John W. Dwyer to be postmaster at Oelwein, Iowa, in place of I. J. Baldwin. Incumbent's commission expired January 19, 1933.

Joe Goodman to be postmaster at Osceola, Iowa, in place of F. M. Abbott. Incumbent's commission expired April 16, 1934.

Thomas J. Emmett to be postmaster at Reinbeck, Iowa, in place of E. L. Gibson. Incumbent's commission expired January 31, 1934.

#### KANSAS

Sophia Kesselring to be postmaster at Atwood, Kans., in place of E. M. Greason, removed.

John C. Cox to be postmaster at Augusta, Kans., in place of C. C. Wheat. Incumbent's commission expired December 16, 1933.

Charles Ward Smull to be postmaster at Bird City, Kans., in place of W. T. Venell. Incumbent's commission expired December 14, 1932.

Alvin M. Johnson to be postmaster at Canton, Kans., in place of M. B. Fretz. Incumbent's commission expired December 16, 1933.

Sam C. Scott to be postmaster at Conway Springs, Kans., in place of M. C. Carroll. Incumbent's commission expired January 28, 1934.

Harry B. Clay to be postmaster at Douglass, Kans., in place of Ruth Howard. Incumbent's commission expired January 28, 1934.

Laurence A. Daniels to be postmaster at Ellsworth, Kans., in place of H. B. Demuth. Incumbent's commission expired March 8, 1934.

Robert Focht to be postmaster at Eureka, Kans., in place of G. D. Rose. Incumbent's commission expired April 29, 1933.

Henry A. Mason to be postmaster at Gypsum, Kans., in place of C. J. Anderson, resigned.

David E. Walsh to be postmaster at Herndon, Kans., in place of F. E. Cox. Incumbent's commission expired January 30, 1933.

William A. B. Murray to be postmaster at Holyrood, Kans., in place of Emil Dolecek. Incumbent's commission expired December 8, 1932.

Michael A. Frey to be postmaster at Junction City, Kans., in place of A. P. Spessard. Incumbent's commission expired December 19, 1931.

Lafranier M. Herrington to be postmaster at Kanopolis, Kans., in place of K. L. Griffith, removed.

Loraine Champlin to be postmaster at Long Island, Kans., in place of E. I. Starr. Incumbent's commission expired December 16, 1933.

Elizabeth Mansfield to be postmaster at Lucas, Kans., in place of O. L. Walmer, removed.

Myrtle D. Fesler to be postmaster at Palco, Kans., in place of W. F. Bomgardner, removed.

Charles E. Slaymaker to be postmaster at Peabody, Kans., in place of H. H. Brindley, removed.

Robert R. Morgan to be postmaster at Rexford, Kans., in place of R. N. Nickerson, removed.

Walter S. English to be postmaster at Scandia, Kans., in place of G. P. Plotner. Incumbent's commission expired March 18, 1934.

Henry Christensen to be postmaster at Tescott, Kans., in place of U. E. Heckert. Incumbent's commission expired January 26, 1933.

James L. Morrissey to be postmaster at Woodston, Kans., in place of U. E. Van Dyke, deceased.

## KENTUCKY

Lois B. Cundiff to be postmaster at Cadiz, Ky., in place of H. R. Thomas, resigned.

John H. Mitchell to be postmaster at Salem, Ky., in place of Verda Grimes. Incumbent's commission expired December 16, 1933.

## MASSACHUSETTS

Elizabeth C. Hall to be postmaster at Point Independence, Mass., in place of T. S. Hill. Incumbent's commission expired September 18, 1933.

## MICHIGAN

Leonard J. McGraw to be postmaster at Engadine, Mich., in place of R. F. Hastings, resigned.

Elizabeth J. Shannon to be postmaster at Powers, Mich., in place of A. M. Harris, resigned.

Charles J. Schmidlin to be postmaster at Rockland, Mich., in place of C. J. Schmidlin. Incumbent's commission expired December 16, 1933.

## MINNESOTA

Alfred W. Quinn to be postmaster at Markville, Minn., in place of Edith Steinbring. Incumbent's commission expired February 25, 1933.

Ewald G. Krueger to be postmaster at Vergas, Minn., in place of Milda Rieman, deceased.

Alfred Henderson to be postmaster at Vernon Center, Minn., in place of A. W. Petrich. Incumbent's commission expired December 18, 1933.

Oscar W. Hennings to be postmaster at Wanamingo, Minn., in place of Iver Tiller, deceased.

William F. Sanger to be postmaster at Windom, Minn., in place of S. A. Brown, removed.

## MISSISSIPPI

William L. Forman to be postmaster at Meadville, Miss., in place of J. M. Reynolds. Incumbent's commission expired October 10, 1933.

Clemmie A. McCoy to be postmaster at New Augusta, Miss., in place of A. B. Terry. Incumbent's commission expired June 14, 1933.

Allen A. Edwards to be postmaster at Richton, Miss., in place of Elise Thoms. Incumbent's commission expired December 16, 1933.

Viva H. McInnis to be postmaster at Rosedale, Miss., in place of R. D. Shelby, resigned.

Susie S. Burrous to be postmaster at West Point, Miss., in place of B. L. Myers, transferred.

## MISSOURI

Thomas A. Breen to be postmaster at Brookfield, Mo., in place of C. J. Burch, removed.

Otis D. Kirkman to be postmaster at Cabool, Mo., in place of L. P. Dove. Incumbent's commission expired February 6, 1934.

Cecil G. McDaniel to be postmaster at Cainsville, Mo., in place of L. K. Glines, removed.

Max H. Dreyer to be postmaster at Festus, Mo., in place of J. C. Muellersman. Incumbent's commission expired December 10, 1932.

Roy V. Coffman to be postmaster at Flat River, Mo., in place of S. H. Ramsey. Incumbent's commission expired December 18, 1933.

John M. Moss to be postmaster at Nevada, Mo., in place of O. W. Neff, removed.

Andrew Earl Duley to be postmaster at Newtown, Mo., in place of H. C. Brantley, resigned.

Donald H. Sosey to be postmaster at Palmyra, Mo., in place of J. F. Wilson. Incumbent's commission expired December 17, 1932.

Flora E. Scott to be postmaster at Summersville, Mo., in place of R. W. Day. Incumbent's commission expired January 31, 1933.

William P. Bradley to be postmaster at Windsor, Mo., in place of W. E. Cahill, deceased.

## MONTANA

Charles A. Westphal to be postmaster at Forsyth, Mont., in place of C. E. June. Incumbent's commission expired December 20, 1932.

Isbell S. McQuitty to be postmaster at Harlowton, Mont., in place of Howard Squires. Incumbent's commission expired January 15, 1931.

Marie D. Laramy to be postmaster at Malta, Mont., in place of B. E. Nelson. Incumbent's commission expired September 30, 1933.

Lawrence H. Tooley to be postmaster at Red Lodge, Mont., in place of C. R. Northrop. Incumbent's commission expired December 18, 1933.

## NEBRASKA

Harold C. Menck to be postmaster at Grand Island, Nebr., in place of S. C. Lathen, removed.

Julius F. Gausman to be postmaster at Hubbell, Nebr., in place of D. W. Roderick. Incumbent's commission expired December 16, 1933.

## NEW HAMPSHIRE

Frank B. Farley to be postmaster at Dublin, N.H., in place of J. A. Gleason, removed.

Polycarpe Tardif to be postmaster at Somersworth, N.H., in place of E. D. Royce. Incumbent's commission expired February 28, 1933.

## NEW JERSEY

John D. Baum to be postmaster at Long Valley, N.J., in place of W. O. Schoenheit, resigned.

John F. Bigley to be postmaster at Magnolia, N.J., in place of J. E. MacIlwain. Incumbent's commission expired May 14, 1932.

Edward J. Wagner to be postmaster at Marlton, N.J., in place of C. F. Olt, deceased.

Marion M. Klockner to be postmaster at Mercerville, N.J., in place of W. C. Holzbaur. Incumbent's commission expired September 30, 1933.

Frank Martin to be postmaster at Midland Park, N.J., in place of Thomas Post, resigned.

Jeremiah B. Beaston to be postmaster at Mount Ephraim, N.J., in place of Charles Carter. Incumbent's commission expired February 8, 1933.

Charles Earle Post to be postmaster at Newfoundland, N.J., in place of C. J. Newman. Incumbent's commission expired February 12, 1933.

Francis S. Doyle to be postmaster at New Lisbon, N.J., in place of E. C. Reeves, removed.

John Ellmyer, Sr., to be postmaster at Nixon, N.J., in place of Joseph Kish. Incumbent's commission expired February 28, 1933.

Albert P. Troy to be postmaster at Palisade, N.J., in place of G. L. Meyn. Incumbent's commission expired February 28, 1933.

William T. Johnson to be postmaster at Point Pleasant, N.J., in place of H. G. Pearce, removed.

James F. Crockford to be postmaster at West Englewood, N.J., in place of C. G. Hanks. Incumbent's commission expired February 2, 1932.

## NEW MEXICO

Jesse L. Truett to be postmaster at Artesia, N.Mex., in place of E. A. Hannah, transferred.

Ray S. Soladay to be postmaster at Carlsbad, N.Mex., in place of E. H. Hemenway, resigned.

Arthur L. England to be postmaster at Clayton, N.Mex., in place of M. P. Harvey, deceased.

Arthur L. Langford to be postmaster at Hobbs, N.Mex. Office became Presidential October 1, 1930.

Aurora B. Pacheco to be postmaster at Old Albuquerque, N.Mex., in place of A. M. Gutierrez. Incumbent's commission expired April 3, 1932.

## NEW YORK

Charles Kaiser to be postmaster at Armonk, N.Y., in place of R. M. Lander. Incumbent's commission expired September 19, 1933.

Roy Blanchard to be postmaster at Oneida, N.Y., in place of Jay Farrier, deceased.

Francis P. Reilly to be postmaster at Penn Yan, N.Y., in place of J. B. Cramer, removed.

## NORTH CAROLINA

Don P. Steed, to be postmaster at Candor, N.C., in place of M. E. Johnson. Incumbent's commission expired February 10, 1934.

John A. Williams to be postmaster at Oxford, N.C., in place of W. L. Peace. Incumbent's commission expired January 28, 1934.

Leslie T. Fowden to be postmaster at Williamston, N.C., in place of J. T. Price, removed.

Paul A. Bennett to be postmaster at Winston-Salem, N.C., in place of J. T. Benbow. Incumbent's commission expired February 10, 1934.

## NORTH DAKOTA

Eugene H. Mattingly to be postmaster at Jamestown, N.Dak., in place of C. R. Hodge, resigned.

Louis J. Allmaras to be postmaster at New Rockford, N.Dak., in place of T. G. Kellington. Incumbent's commission expired April 23, 1932.

## OHIO

Paul C. Miller to be postmaster at Canal Winchester, Ohio, in place of H. S. Cannon. Incumbent's commission expires April 28, 1934.

Earl J. Brulport to be postmaster at Fayetteville, Ohio, in place of M. F. Dunham. Incumbent's commission expired December 11, 1932.

Samuel E. Fleming to be postmaster at Manchester, Ohio, in place of L. K. Carroll. Incumbent's commission expired December 17, 1931.

Lillian C. Goodell to be postmaster at Mantua, Ohio, in place of K. M. Crafts. Incumbent's commission expired February 25, 1933.

Ray S. Coates to be postmaster at Wellington, Ohio, in place of A. R. Branson. Incumbent's commission expired December 7, 1932.

## OKLAHOMA

William D. Wilkinson to be postmaster at Alva, Okla., in place of H. F. Hall, removed.

Dyke M. Wiley to be postmaster at Muskogee, Okla., in place of R. V. Anderson, deceased.

Harry James Barclay to be postmaster at Tonkawa, Okla., in place of B. A. Cockrell, removed.

## OREGON

Harold C. Kizer to be postmaster at Harrisburg, Oreg., in place of J. W. Moore. Incumbent's commission expired January 9, 1933.

Grace E. Nelbert to be postmaster at Stayton, Oreg., in place of E. S. Brown. Incumbent's commission expired December 18, 1933.

William A. Parsons to be postmaster at Waldport, Oreg., in place of W. E. Everson. Incumbent's commission expired December 13, 1932.

## SOUTH DAKOTA

William H. James to be postmaster at Martin, S.Dak., in place of W. H. James. Incumbent's commission expires April 28, 1934.

## TENNESSEE

Roy D. Murphey to be postmaster at Adams, Tenn., in place of V. E. Ridings. Incumbent's commission expired May 23, 1933.

## TEXAS

Sant M. Perry to be postmaster at Frankston, Tex., in place of B. L. Garrett. Incumbent's commission expired April 15, 1934.

## VERMONT

Ina T. Webster to be postmaster at Ely, Vt., in place of E. E. Whitcomb. Incumbent's commission expired December 11, 1933.

## WASHINGTON

Thomas H. Van Noy to be postmaster at Kelso, Wash., in place of Albert Maurer. Incumbent's commission expired January 9, 1933.

## WISCONSIN

Edward F. Butler to be postmaster at Mosinee, Wis., in place of F. S. Bell. Incumbent's commission expired March 2, 1933.

Lillian N. Hughes to be postmaster at New Richmond, Wis., in place of George Oakes. Incumbent's commission expired January 31, 1934.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate April 27 (legislative day of Apr. 26), 1934*

## UNDER SECRETARY OF THE TREASURY

Thomas Jefferson Coolidge to be Under Secretary of the Treasury.

## UNITED STATES MARSHALL

M. Frank Hammond to be United States marshal for the southern district of Texas.

## POSTMASTERS

## ARIZONA

Frank A. Rhodes, Gila Bend.

## ARKANSAS

John E. Darr, Atkins.

Laura Clements, Cherry Valley.

W. Ernest King, Clarksville.

Herbert D. Russell, Conway.

William G. Jones, Cotton Plant.

John W. Page, Dover.

Lewis Friedman, Fort Smith.

Lyle A. Wert, Garfield.

J. Neil Cooper, Hoxie.

J. Dot Fortenberry, Imboden.

Floy R. Parr, Jonesboro.

Clarine Billingsley, Kensett.

Leo C. Russell, Lamar.

Charles C. Kavanaugh, Little Rock.

Ethel L. Nall, Lockesburg.

Herbert M. Jackson, Marianna.

Claude M. Farish, Morrilton.

Byron C. Pascoe, Newark.

William F. Elsken, Paris.

Charles E. Duvall, Pine Bluff.

Charles K. Coe, Tuckerman.

Charles C. Snapp, Walnut Ridge.

Clarence J. Coffin, Wynne.

## CONNECTICUT

Edward M. Doyle, Bantam.

George H. Robertson, South Coventry.

## ILLINOIS

Joseph F. Speelman, Arcola.

Louise Rump, Beecher.

John W. Williams, Benton.

Luella C. Biggs, Blandinsville.

Elbert McDonald, Carriers Mills.

John P. Beckman, Carthage.

Harvey F. Doerge, Chester.

Walter T. McCanna, Chillicothe.

Dwight C. Bacon, Christopher.

John R. Reynolds, Colchester.

Andrew J. Paul, Dupo.

George R. Gampher, Eldorado.

Joseph Kreeger, Elgin.

Edmund J. Coveny, Elizabeth.

Ida B. Coyle, Equality.

James A. Cragan, Evansville.

George H. Fruit, Franklin Grove.

Francis R. Shannon, Franklin Park.

John A. Gill, Galatia.

Elmer R. Randolph, Golconda.

William I. Tyler, Granville.  
 Charles L. Jennings, Grayville.  
 Arthur M. Hetherington, Harrisburg.  
 Arthur H. Bartlett, Hillsboro.  
 Oliver P. Dickson, Homer.  
 Robert J. Wilson, Kewanee.  
 Fred O. Grissom, Kimmunity.  
 Charles W. Farley, La Grange.  
 Henry C. Johnson, Lawrenceville.  
 Charles E. Gillespie, Louisville.  
 George K. Brenner, Madison.  
 James Carson, Mahomet.  
 Ruth A. Tilford, Mansfield.  
 Hazel E. Davis, Minier.  
 Jesse C. Moore, Morton.  
 Lawrence E. Hodges, Mount Prospect.  
 William Raymond Grigg, Mount Vernon.  
 Henry B. Shroyer, New Windsor.  
 Warren S. Smith, Norris City.  
 William P. Carlton, Oblong.  
 Grace Hiller, Ogden.  
 John J. Hart, Ottawa.  
 William A. Mills, Salem.  
 George C. Miller, Sullivan.  
 Earl B. Strickland, Tolono.  
 Oliver M. Colwell, Toulon.

## INDIANA

Joseph A. McCormick, Ambia.  
 J. Russell Byrd, Bloomfield.  
 Joseph J. Hartman, Earl Park.  
 James E. Freeman, Ellettsville.  
 John C. Crosby, Huntington.  
 Ivan Conder, Jasonville.  
 Ira J. Dye, Kouts.  
 Jacob W. Sappenfield, Lyons.  
 Arthur J. Green, Marion.  
 Frank Chastain, Mitchell.  
 L. Edgar Feagans, Montgomery.  
 Hugh G. McMahan, Rochester.  
 Walter S. Kensler, Vincennes.  
 Mamie N. Judy, West Lebanon.

## KANSAS

Hugo A. Simonton, Alta Vista.  
 Zenobia A. Kissinger, Bennington.  
 James W. O'Connor, Chapman.  
 Carl G. Eddy, Colby.  
 William H. Danenbarger, Concordia.  
 John F. Holshouser, Dwight.  
 Fred Sessin, Ellis.  
 Joseph B. Basgall, Hays.  
 Stephen E. Murray, Jamestown.  
 Jack W. Boyle, McDonald.  
 Mary M. Browne, Norton.  
 Noah D. Zeigler, Oakley.  
 Elton L. Pounds, Smith Center.  
 Paul L. Turgeon, Wilson.

## MARYLAND

William F. Keys, Mount Rainier.

## MICHIGAN

Joseph A. Byrne, Birmingham.  
 William V. Clegg, Eaton Rapids.  
 Arthur A. Baxter, Ionia.

## NEW JERSEY

Ernest F. Rohn, Arlington.  
 Richard P. Hughes, Burlington.  
 Joseph A. Aloia, Garfield.  
 John F. Dugan, Garwood.  
 Louis C. Parker, Gloucester City.  
 Thomas F. Curtis, Lakehurst.  
 James A. Cleary, Lambertville.  
 Patrick J. Whelan, Manville.  
 Thomas L. Bell, Montclair.  
 George M. Gibson, Moorestown.  
 John J. Quinn, Perth Amboy.  
 Kathryn B. Donohue, Saddle River.

Joseph S. Devlin, Sea Girt.  
 John J. O'Hanlon, South Orange.  
 Edward J. Jennings, Trenton.  
 James J. Dunne, Woodbridge.

## NORTH CAROLINA

Berta B. White, Ellerbe.  
 Jennings M. Koontz, Kannapolis.  
 George W. Hardison, Plymouth.  
 Basil D. Barr, West Jefferson.

## SOUTH CAROLINA

William B. Smith, Greer.  
 William T. Hemingway, Hemingway.  
 Harriette H. McLaurin, McColl.  
 William W. Barr, Jr., Springfield.

## SOUTH DAKOTA

James Gaynor, Springfield.

## TEXAS

William W. Spear, Nixon.  
 Louise McElroy, Shepherd.  
 Emory S. Sell, Texline.

## WASHINGTON

Gustave A. Weber, Odessa.  
 Blanche H. Barton, Othello.  
 William H. Padley, Reardan.  
 Andrew J. Diedrich, Valley.

## WITHDRAWAL

*Executive nomination withdrawn from the Senate April 27  
 (legislative day of Apr. 26), 1934*

## POSTMASTER

Henry F. Maika to be postmaster at Chadron, in the State  
 of Nebraska. (Nominee died Apr. 21, 1934.)

## HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 27, 1934

The House met at 12 o'clock noon.

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

Gracious God, our Father, Thou who art the creator of  
 every good thing, lay Thine hand upon us and bless us.  
 Take from us the anxiety of a selfish mind and the un-  
 fruitfulness of cold affections. Grant, our Father, that all  
 who are distressed may hear Thee whispering, "Come unto  
 me and I will give you rest." As we pass through life may  
 our hands be outstretched and our hearts warm to succor  
 those who may need help and encouragement. At the close  
 of this day give us, blessed Lord God, the sweet conscious-  
 ness that we have been a little closer to the Heart Eternal.  
 In our Savior's name. Amen.

## THE JOURNAL

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that  
 the reading of the Journal be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, the Journal of the proceedings of  
 yesterday was approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling  
 clerk, announced that the Senate had passed, with amend-  
 ments in which the concurrence of the House is requested,  
 bills of the House of the following titles:

H.R. 4516. An act for the relief of B. Edward Westwood;

H.R. 4973. An act for the relief of G. C. Vandover; and

H.R. 8889. An act to provide for the custody and mainte-  
 nance of the United States Supreme Court Building and the  
 equipment and grounds thereof.

The message also announced that the Senate had passed  
 bills and a joint resolution of the following titles, in which  
 the concurrence of the House is requested:

S. 294. An act for the relief of Stanton & Jones;

S. 358. An act to authorize the Court of Claims of the United States to hear and determine the claim of Samuel W. Carter;

S. 424. An act for the relief of Hector H. Perry;

S. 1161. An act for the relief of Alice E. Broas;

S. 1162. An act for the relief of Virginia Houghton;

S. 1163. An act for the relief of Mary V. Spear;

S. 1173. An act for the relief of Gladding, McBean & Co.;

S. 1200. An act for the relief of Elizabeth Millicent Trammell;

S. 1263. An act for the relief of Wiener Bank Verein;

S. 1281. An act for the relief of Harry P. Hollidge;

S. 1505. An act for the relief of Thomas E. Read;

S. 1541. An act for the relief of Mucia Alger;

S. 1535. An act for the relief of the Black Hardware Co.;

S. 1757. An act to amend an act entitled "An act to incorporate the Mount Olivet Cemetery Co. in the District of Columbia";

S. 1803. An act for the relief of certain riparian owners for losses sustained by them on the drained Mud Lake bottom in Marshall County in the State of Minnesota;

S. 1977. An act to provide funds for cooperation with the school board at Brockton, Mont., in the extension of the public-school building at that place to be available to Indian children of the Fort Peck Indian Reservation;

S. 2322. An act for the relief of A. J. Hanlon;

S. 2357. An act for the relief of Arthur Bussey;

S. 2497. An act for the relief of Judson B. Isbester;

S. 2549. An act for the relief of Albert W. Harvey;

S. 2585. An act authorizing and directing the Secretary of the Interior to cancel patent in fee issued to Victoria Arconge;

S. 2713. An act for the relief of the estate of Anna Elizabeth Rice Denison;

S. 2744. An act for the relief of Anna Carroll Taussig;

S. 2745. An act to provide for changing the time of the meeting of Congress, the beginning of the terms of Members of Congress, and the time when the electoral votes shall be counted, and for other purposes;

S. 2769. An act to provide funds for cooperation with Marysville School District, No. 325, Snohomish County, Wash., for extension of public-school buildings to be available for Indian children;

S. 2816. An act to extend the time for the refunding of certain taxes erroneously collected from certain building and loan associations;

S. 2871. An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Cherokee Fuel Co.;

S. 2874. An act authorizing the submission of an alternate budget for the Bureau of Indian Affairs;

S. 2940. An act to provide funds for cooperation with the school board of Shannon County, S.Dak., in the construction of a consolidated high-school building to be available to both white and Indian children;

S. 2957. An act for the relief of the rightful heirs of Wakicunzewin, an Indian;

S. 2973. An act for the relief of First Lt. Walter T. Wilsey;

S. 3041. An act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent any one from receiving the compensation contracted for thereunder, and for other purposes;

S. 3117. An act authorizing and directing the Court of Claims, in the event of judgment or judgments in favor of the Cherokee Indians, or any of them, in suits by them against the United States under the acts of March 19, 1924, and April 25, 1932, to include in its decrees allowances to Frank J. Boudinot, not exceeding 5 percent of such recoveries, and for other purposes;

S. 3138. An act authorizing the Reconstruction Finance Corporation to aid in the financing exports and imports;

S. 3147. An act to amend the act approved June 28, 1932 (47 Stat.L. 337);

S. 3148. An act to amend an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims", approved May 14, 1926 (44 Stat.L. 555);

S. 3161. An act for the relief of Mary Seely Watson;

S. 3185. An act to amend the Agricultural Adjustment Act, as amended, with respect to farm prices;

S. 3349. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.;

S. 3374. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 3382. An act to cover the handling of Osage Indian alcoholics and narcotics;

S. 3393. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 3396. An act to amend the act of January 30, 1897 (29 Stat. 506, sec. 2139; U.S. Rev. Stat.; sec. 241, title 25, U.S.C.), transferring certain jurisdiction from War Department to the Department of the Interior; and

S.J.Res. 35. Joint resolution to provide for the determination and payment of claims for damage sustained by the fluctuation of the water levels of the Lake of the Woods in certain cases, and for other purposes.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2816. An act to extend the time for the refunding of certain taxes erroneously collected from certain building and loan associations; to the Committee on Claims.

S. 3349. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.; to the Committee on War Claims.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 191. An act for the relief of William K. Lovett;

H.R. 210. An act for the relief of Anne B. Slocum;

H.R. 232. An act for the relief of Anna Marie Sanford;

H.R. 233. An act for the relief of Florence Hudgins Lindsay and Elizabeth Lindsay;

H.R. 264. An act for the relief of Marguerite Ciscoe;

H.R. 323. An act for the relief of Harvey M. Hunter;

H.R. 408. An act for the relief of William J. Nowinski;

H.R. 470. An act for the relief of the city of Glendale, Calif.;

H.R. 507. An act for the relief of John Thomas Simpkin;

H.R. 520. An act for the relief of Ward A. Jefferson;

H.R. 526. An act for the relief of Arthur K. Finney;

H.R. 666. An act for the relief of Charles W. Dworack;

H.R. 768. An act for the relief of William E. Bosworth;

H.R. 879. An act for the relief of John H. Mehrle;

H.R. 880. An act for the relief of Daisy M. Avery;

H.R. 909. An act for the relief of Elbert L. Grove;

H.R. 1301. An act for the relief of M. Aileen Offerman;

H.R. 1362. An act for the relief of Edna B. Wylie;

H.R. 1398. An act for the relief of Lewis E. Green;

H.R. 1404. An act for the relief of John C. McCann;

H.R. 1418. An act for the relief of W. C. Garber;

H.R. 2040. An act for the relief of P. Jean des Garennes;

H.R. 2041. An act for the relief of Irwin D. Coyle;

H.R. 2074. An act for the relief of Harvey Collins;

H.R. 2169. An act for the relief of Edward V. Bryant;

H.R. 2337. An act for the relief of Harry L. Haberkorn;

H.R. 2512. An act for the relief of John Moore;

H.R. 2818. An act for the relief of Katherine G. Taylor;

H.R. 3542. An act to authorize the Secretary of the Navy to dedicate to the city of Philadelphia, for street purposes, a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H.R. 4423. An act for the relief of Wilbur Rogers;

H.R. 4542. An act for the relief of Frank Wilkins;

H.R. 4609. An act for the relief of Augustus Thompson;

H.R. 4784. An act to reimburse Gottlieb Stock for losses of real and personal property by fire caused by the negligence of two prohibition agents;

H.R. 4792. An act to authorize and direct the Comptroller General to settle and allow the claim of Harden F. Taylor for services rendered to the Bureau of Fisheries;

H.R. 4959. An act for the relief of Mary Josephine Lobert;

H.R. 5397. An act to authorize the exchange of the use of certain Government land within the Carlsbad Caverns National Park for certain privately owned land therein;

H.R. 5936. An act for the relief of Gale A. Lee;

H.R. 6166. An act providing for payment of \$25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States;

H.R. 6638. An act for the relief of the Monumental Stevedore Co.;

H.R. 6676. An act to require postmasters to account for money collected on mail delivered at their respective offices;

H.R. 6690. An act for the relief of certain officers of the Dental Corps of the United States Navy;

H.R. 7060. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H.R. 7200. An act to provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Park in the States of Tennessee and Georgia;

H.R. 7425. An act for the inclusion of certain lands in the national forests in the State of Idaho, and for other purposes;

H.R. 7488. An act authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, La., and for other purposes;

H.R. 7748. An act regulating procedure in criminal cases in the courts of the United States;

H.R. 7801. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg.;

H.R. 8040. An act granting the consent of Congress to the Iowa State Highway Commission and the Missouri Highway Department to maintain a free bridge already constructed across the Des Moines River near the city of Keokuk, Iowa;

H.R. 8237. An act to legalize a bridge across Black River at or near Pocahontas, Ark.;

H.R. 8429. An act to revive and reenact the act entitled "An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.," approved March 3, 1931;

H.R. 8438. An act to legalize a bridge across St. Francis River at or near Lake City, Ark.;

H.R. 8477. An act authorizing the State Road Commission of West Virginia to construct, maintain, and operate a toll bridge across the Potomac River at or near Shepherdstown, Jefferson County, W.Va.;

H.R. 8834. An act authorizing the owners of Cut-Off Island, Posey County, Ind., to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River;

H.R. 8853. An act to extend the time for the construction of a bridge across the Wabash River at a point in Sullivan County, Ind., to a point opposite on the Illinois shore;

H.R. 8861. An act to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes; and

H.J.Res. 315. Joint resolution granting consent of Congress to an agreement or compact entered into by the State of New York with the Dominion of Canada for the establishment of the Buffalo and Fort Erie Public Bridge Authority with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, N.Y., and the village of Fort Erie, Canada.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2999. An act to guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes.

## REGULATION OF SECURITIES EXCHANGES

Mr. BANKHEAD, from the Committee on Rules, submitted the following privileged report (No. 1382) for printing in the RECORD.

The resolution is as follows:

## House Resolution 363

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 9323, a bill to provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce and through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

With the following committee amendment:

Page 1, line 10, strike out the word "four" and insert the word "seven."

## ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, may I inquire of the gentleman from Tennessee about the program for next week?

Mr. BYRNS. It is expected that the Rayburn stock exchange bill will be taken up at that time.

Mr. SNELL. That will be the first thing taken up Monday?

Mr. BYRNS. Yes; unless the conference report on the tax bill may intervene. However, I understand it is not proposed to take that up on Monday.

## RECESS

The SPEAKER. Pursuant to House Resolution 327, the Chair declares the House to be in recess for the purpose of holding memorial services as arranged by the Committee on Memorials.

Accordingly the House stood in recess to meet at the call of the Speaker.

## MEMORIAL SERVICE PROGRAM

Prelude, Sacred Selections (11:30 to 12)

United States Marine Band  
Presiding Officer.....The Speaker of the House of Representatives  
Invocation.....The Chaplain, Dr. James Shera Montgomery  
Interstate chorus—Break, Break, Break [John Hyatt Brewer]

Male chorus  
Scripture reading.....Rev. ZēBarney T. Phillips, D.D.  
Prayer.....The Chaplain  
Roll of Deceased Members

The Clerk of the House of Representatives  
Devotional silence.

Soprano solo—Great Peace Have They That Love Thy Law [Rogers]  
Mrs. Esther Bibber—Edgar T. Paul, accompanist

Address.....Hon. JOHN YOUNG BROWN  
Representative from the State of Kentucky

Interstate chorus—The Long Day Closes [Sullivan].....Male chorus  
Address.....Hon. ALLEN T. TREADWAY

Representative from the State of Massachusetts  
Cornet solo—Lead, Kindly Light.....Arthur S. Whitcomb  
From United States Marine Band

Benediction.....The Chaplain

## MEMORIAL SERVICES

The SPEAKER of the House of Representatives presided.  
The Chaplain, Dr. Montgomery:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may perfectly love Thee and worthily magnify Thy holy name. Amen.

The Interstate Chorus sang "Break, Break, Break."

Rev. ZēBarney T. Phillips, D.D., Chaplain of the Senate, read the Scripture lesson of the service.

The Chaplain, Dr. Montgomery:

Eternal and ever-living God, our Father, we art met by common impulse to do honor to those servants of the public whose achievements have become a part of our Nation's his-

tory. We are grateful that their memory remains and that its influence becomes a benediction. We entreat Thee, our Father, to glorify this service by the presence of the Holy Spirit that we may be exalted, ennobled, and purified. We rejoice that we are born to a higher destiny and that there is a realm where the rainbow never fades. Strengthen us that we may cling to our faith; it will stand by us in the dying hour, in the flood, and in the dark of night. Grant, O Lord, as we look today into the future, may we have a heart for any fate that is unaffected by either laughter or tears. We pray Thee that we may pass from glory into glory until we are transformed into the complete image of the Divine. In this solemn moment we pause. Thou Savior of the world, we beseech Thee, give sweet rest to those who are in the shadows of grief and crown their souls with the simplicity of Thy truth and love. O walk with them and give them the answer to their longings until they kneel with their loved ones at the feet of God. Merciful Father, hold us all and help us to stand in the morning, in the noonday, in the evening shades until the end, and then let heaven's morning break. Savior Divine, we are pilgrims; be with us through the storm, through the sea, and through the waves until we reach that land that is unwet with the tears of human sorrow, where we shall not see through a glass darkly but face to face. In the name of our glorified Redeemer. Amen.

#### ROLL OF DECEASED MEMBERS

Mr. Patrick J. Haltigan, reading clerk of the House, read the following roll:

##### THOMAS JAMES WALSH, SENATOR FROM THE STATE OF MONTANA

School teacher; lawyer; delegate to the Democratic National Convention 1908, 1912, 1916, 1920, and 1924; permanent chairman Democratic National Convention at New York City in 1924; elected a Member of the United States Senate in 1912; reelected in 1918, 1924, and again in 1930; selected by President Franklin D. Roosevelt to be Attorney General in his Cabinet; but 2 days before his term of office would have begun, death came. Died March 2, 1933.

##### ROBERT BEECHER HOWELL, SENATOR FROM THE STATE OF NEBRASKA

Naval officer; lawyer; engineer; State engineer of Nebraska, 1895-96; city engineer of Omaha, 1896-97; Lieutenant, United States Navy, Spanish-American War; State senator, 1902, 1903, and 1904; elected to water board Metropolitan Utilities District, Omaha, 1904; reelected 1910, 1916, and 1920; chairman National Radio Service Commission, United States Post Office Department, 1921; elected to the United States Senate in 1922; reelected in 1928. Died March 11, 1933.

##### PORTER HINMAN DALE, SENATOR FROM THE STATE OF VERMONT

Soldier; business man; teacher; lawyer; chief deputy collector of customs at Island Pond from 1897-1910; chairman Republican State Convention in 1898 and 1919; judge Brighton municipal court in 1910; State senator, 1910-14; Member of the House of Representatives, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses; elected to the United States Senate November 6, 1923, and reelected in 1926 and 1932. Died October 6, 1933.

##### JOHN BENJAMIN KENDRICK, SENATOR FROM THE STATE OF WYOMING

State senator, 1910-14; delegate to the Democratic National Convention, 1912 and 1916; Governor of Wyoming, 1915-17; elected to the United States Senate in 1916, and reelected in 1922 and 1928. Died November 3, 1933.

##### CLAY STONE BRIGGS, SEVENTH CONGRESSIONAL DISTRICT OF TEXAS

Lawyer; member of the State legislature; appointed judge of the district court of the tenth judicial district of Texas, and three times elected to such office; Member of the Sixty-sixth and each succeeding Congress. Died April 29, 1933.

##### CHARLES HILLYER BRAND, EIGHTH CONGRESSIONAL DISTRICT OF GEORGIA

Lawyer; banker; elected to the State senate, of which he became president pro tempore; solicitor general of the western judicial circuit of Georgia, 1896-1906; judge of the superior courts of same circuit, 1906-17; Member of the Sixty-fifth and each succeeding Congress. Died May 17, 1933.

##### HOLIVAR EDWARDS KEMP, SIXTH CONGRESSIONAL DISTRICT OF LOUISIANA

Lawyer; member of the board of supervisors of Louisiana State University; active in the development of agricultural and trucking industries; Member of the Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. Died June 19, 1933.

##### EDWARD BERTON ALMON, EIGHTH CONGRESSIONAL DISTRICT OF ALABAMA

Lawyer; State senator, Presidential elector; judge of the circuit court of the eleventh judicial district of Alabama; member of the State house of representatives, 1910-15, and served as speaker of that body in 1911; Member of the Sixty-fourth and each succeeding Congress. Died June 22, 1933.

##### HENRY WINFIELD WATSON, NINTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

Lawyer; member of the Historical Society of Pennsylvania and the Historical Society of Bucks County; Member of the Sixty-fourth and each succeeding Congress. Died August 27, 1933.

##### LYNN SEDWICK HORNOR, THIRD CONGRESSIONAL DISTRICT OF WEST VIRGINIA

Graduated from Clarksburg High School; engaged in natural-gas production; Member of the Seventy-second and Seventy-third Congresses. Died September 23, 1933.

##### JOHN DAVENPORT CLARKE, THIRTY-FOURTH CONGRESSIONAL DISTRICT OF NEW YORK

Lawyer; assistant to the secretary of mines of the United States Steel Corporation from its formation to 1906; chairman Observance of National Forest Week in the State of New York; vice president of the New York Conservation Association; delegate to Republican National Convention, 1928 and 1932; Member of the Sixty-seventh, Sixty-eighth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. Died November 5, 1933.

##### JAMES SOUTHWORTH PARKER, TWENTY-NINTH CONGRESSIONAL DISTRICT OF NEW YORK

Teacher; member of the State assembly, 1904, 1905, and 1908-12; engaged in agricultural pursuits since 1898; Member of the Sixty-third and each succeeding Congress. Died December 19, 1933.

##### JOSEPH LAWRENCE HOOPER, THIRD CONGRESSIONAL DISTRICT OF MICHIGAN

Lawyer; circuit court commissioner of Calhoun County, 1901-3; prosecuting attorney of Calhoun County, 1903-7; city attorney of Battle Creek, 1916-18; Member of the Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. Died February 22, 1934.

##### EDWARD WILLIAM FOU, FOURTH CONGRESSIONAL DISTRICT OF NORTH CAROLINA

Lawyer; chairman Democratic executive committee of Johnston County in 1886; Presidential Elector 1888; solicitor, Fourth Judicial District of North Carolina, 1890-1901 delegate to the Democratic National Convention in 1916; Member of the Fifty-seventh and each succeeding Congress; was dean of the House of Representatives at the time of his death on April 1, 1934.

Mrs. NORTON, a Representative from the State of New Jersey, standing in front of the Speaker's rostrum, placed a memorial rose in a vase as the name of each deceased Member was read by the Clerk.

Then followed 1 minute of devotional silence.

Mrs. Esther Bibber sang "Great Peace Have They That Love Thy Law."

Hon. JOHN YOUNG BROWN, a Representative from the State of Kentucky, delivered the following address:

#### ADDRESS OF HON. JOHN YOUNG BROWN

Mr. BROWN of Kentucky. We pause from our work today to pay tribute to the memory of our colleagues who in the past year laid aside the burdens of life. On the roll call of this body, a little over a year ago, they answered with the eagerness of men ready for duty; but today, as the Clerk sounds each name, it is met by profound silence. Assembling with us now are the close friends and relatives of the deceased. No words of ours can lessen their grief or lift their burdens, but we invite them here that they might share with us the knowledge of the Nation's gratitude for the useful lives of the ones whom they mourn.

As a new Member, it was not my privilege to know personally some of those who are no longer with us. I saw them collectively, however, as they went earnestly about the task set before them. They impressed me as sincere men, devoting their energies to the people's cause. They were a cross-section of the people whom they represented. Coming from different sections of the country and representing, perhaps, different types of citizenship, they at least met in common accord to devise plans which might lessen the burdens and increase the benefits to the masses of America's people. They held the hopes and the aspirations and represented generally the best and highest ideals of their people. They assembled here to carry out the work delegated to them. Ere their work was completed, they were called from this body to take a place among the colleagues of yesterday. Who is there prepared to say that they are not now members of a more glorious assembly?

It is not improper that we for a moment allow our imaginations to range over the field of those assembling in that other body of colleagues who answer no roll call here, but

who still must look from somewhere beyond with interest upon the doings of this body. In that other group we find the founders of our Nation and those who guided zealously its course along the rocky shores of time. To me one of the most remarkable things in the history of this Republic is the type and caliber of men who have enlisted under the banners of public service.

Legislative bodies have always been the storm centers of public abuse and condemnation; and yet, in the 145 years of our existence, how few are the actual instances of corruption of public officials in this Republic! Always it has been true that selfish and greedy interests have had the best of mental talent to advance and protect their properties. The great unrepresented masses must depend upon volunteers to plead their cause. Whatever interest is taken in them is but incidental; and if a voice speaks out in their behalf, it does so usually without adequate compensation and sometimes without even commendation from the very people sought to be served. Those who have fought the people's fight in the past have done so not for remuneration but because it represented an investment of their ideas, their energy, and their talents in a cause which they believed to be just. Certainly, the harshest critic of Congress could not contend that membership in this House is sought for the sake of fortune. Private enterprise, in charting its course, may go into the markets of trade and buy the best of legal counsel. In appearing in the past before the committees of this House, business interests undoubtedly have brought here legal ability of the highest character; but certainly in the clashes with the people's interests, the people did not suffer when they had the magic mind of a Webster, the legal ability of a Clay, or the brilliant eloquence of a Bryan to plead their cause. Where could private initiative have employed men more brilliant, more devoted to the earnest pleading of their cause, or more courageous in the prosecution of their aims than the proud spirits who once stood in this well and fought the people's fight? Their public service procured for them no compensation which would provide life's luxuries, and yet it gave an opportunity for the investment of energy, intellect, character, and courage, which serves that purpose set forth in the preamble to our Constitution of promoting the general welfare and bringing happiness and liberty to the people. They blazed a new trail in the realm of government when they created and ordained a government deriving its powers and functions from the consent of the governed as against the idea of government by divine right. That this land has fallen a prey to ills they scarcely dreamed of is no fault of theirs but, rather, in contradiction to the purposes which they enunciated and to the causes for which they fought.

Few nations can boast of public servants freer from the taint of personal ambitions and greed than are ours. There have been exceptions, to be sure, but their lesser evils have been lost in the greater good. Our history has produced a long line of champions who have come here and in this well have fought to protect the people's interests, and now, to that long line of brilliant spirits of the past and to that galaxy of geniuses that have preserved this Nation we add the names of our 10 colleagues and the 4 Senators who served with us during the early months of this term. They submitted themselves to the will of the people at a time of national crisis. Many of their people were in want; and yet, amidst the pangs of hunger and the discord which hunger naturally brings, their constituency had faith in them. There has been no peril in the life of this Nation that compares in magnitude of threatened disaster with that which faced us in March of 1933. With our financial structure in collapse, with business stagnant, with only hope and faith to buoy them up, our colleagues came here to meet the peril and to do battle with the forces of adversity. They found the Nation suffering largely from diseases of its own making, bountifully supplied by nature with much more than the necessities of life, but denied by the greed of men an adequate distribution of life's benefits. With no thought

of partisanship or of personal preferment they set upon the task before them, facing it in the spirit of—

One who never turned his back but marched breast forward,  
Never doubted clouds would break,  
Never dreamed, though right were worsted, wrong would triumph,  
Held we fall to rise, and baffled to fight better, sleep to wake.

In the midst of their labors for the people they long had served, they were taken from their tasks by a Power whose decisions we cannot question. Some of them were men who had devoted a lifetime to the service of their State. Others had but started on the journey of life; but, old and young alike, they were consecrating their efforts and their abilities to the cause of helping America's people on the road toward their great objective—a more abundant life. That the impulses which they gave to that cause will continue after their departure we can have no doubt.

We are taught by the lessons of physics that in the world of nature matter is indestructible. They tell us that a pebble artlessly dropped into the Atlantic seaboard will set in motion an impulse that will not cease until it laps gently upon the brown foot of a native bathing boy on the shores of the Japan Sea. They tell us that a yodeling sound sent forth from the side of the Matterhorn will wend its way upon the waves of ether beyond the farthest star, never to cease. Science has not been able to reduce to the same certainty the indestructibility of the spirit. That has been left by the wisdom of the Almighty to the realm of faith. But can we not believe that the power that created no effect without cause, that made the ear that music might be heard, the eye that beauty might be seen, would not have created the great universal yearning of the human heart for immortality and left that yearning unfulfilled? Cato's thoughts are ours when he says:

It must be so—Plato, thou reasonest well—  
Else whence this pleasing hope, this fond desire,  
This longing after immortality?  
Or whence this secret dread, and inward horror,  
Of falling into naught? Why shrinks the soul  
Back on herself, and startles at destruction?  
'Tis the divinity that stirs within us;  
'Tis heaven itself that points out an hereafter  
And intimates eternity to man.

From the time the first savage crawled from his rude cave dwelling and bowed in worship before the rising morning sun, mankind has always yearned and dreamed for an existence after death. This yearning has not abated with the development of science and invention. It exists in the most modern of the modern with perhaps increased intensity. Of whatever state in life and without regard to creed or philosophy, there are always that inward tugging and that ray of hope that make us believe that man was not created to be eternally destroyed.

It was my privilege to travel over a number of the Western States with a former Member of this House, who represented, in my opinion, the aspirations and the hopes, and held the confidence of as many, of America's people as any individual in the last half century. I refer to the great Commoner. The common people believed in him; he had fought their fight. Wherever they needed a defense, he was there as their defender. With all his masterful oratory, the people knew that he would not play upon their sympathies and emotions and then betray them. He had been tested in too many battles where their interests were at stake, and at least the common people had never found him wanting. I saw the tanned sons of the soil as they flocked into town at the word of the coming of their champion. I watched them as they sat on the rude benches of those early Chautauqua days and with lifted eyes and lighted faces drank in the words that dropped from the eloquent tongue of this prophet of the people. He represented their hopes, and he gave to them a philosophy of faith. I can almost hear him now, as he reaches that high summation of all the hopes and faith of mortal men:

I shall not believe that this life is extinguished. If the Deity deigns to touch with divine power the cold and pulseless heart of the buried acorn and make it to burst from its prison walls, will He leave neglected in the earth the soul of man who was

made in the image of his Creator? If He stoops to give to the rose bush, whose withered blossoms float upon the breeze, the sweet assurance of another springtime, will He withhold the word of hope from the children of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never die, will the proud spirit of man suffer annihilation after it has paid a brief visit, like a royal guest, to this tenement of clay? Let us rather believe that He, who in his apparent prodigality wastes not the raindrop, the blade of grass, or the evening's sighing zephyr, but makes them all to carry out His plan, has given immortality to the mortal.

So, may we not therefore in our faith believe today that our comrades have departed for the usefulness of a richer life, leaving behind them the impulses of their courage, their inspiration, their loyalty to inspire us to the completion of the task which they had begun; that in these halls, where once they were so active in debate, they still remain watching our efforts; that they are a part of the choir invisible—

Of those immortal dead who live again  
In minds made better by their presence; live  
In pulses stirred to generosity,  
In deeds of daring rectitude, in scorn  
For miserable aims that end with self.  
In thoughts sublime that pierce the night like stars,  
And with their mild persistence urge man's search  
To vaster issues.

And now, after having listened for the last time to the roll call of our colleagues, we turn our faces from the past and set our eyes upon the future to meet new problems, to find new solutions, and may we from this occasion have gathered new faith in the eternal purpose of things, and in that faith may we be inspired to carve for the people of this Nation a destiny in the future worthy of the ideals and dreams of our comrades who are gone.

The Interstate Chorus sang "The Long Day Closes."

Hon. ALLEN T. TREADWAY, a Representative from the State of Massachusetts, delivered the following address:

ADDRESS OF HON. ALLEN T. TREADWAY

Mr. TREADWAY. Mr. Speaker, in accordance with the custom which was adopted a number of years ago, we are today assembled to pay homage to those Members of the House and Senate who during the past year answered their last roll call. They have passed on to yonder shore where, we are confident, a new life has opened for them from which we can feel they are participating in spirit with us on this occasion.

It is not for us to know what that life is, but as a reward for their faithful services here and their honorable careers in this life we believe that they are now beginning to live; to live that life of unimpaired influence and unmingled happiness for which their talents and services were destined.

These shall resist the empire of decay  
When time is o'er and worlds have passed away;  
Cold in the dust the perished heart may lie,  
But that which warmed it, can never die.

The intimate relations between Members here particularly qualify us to join in sympathetic sorrow for the kinfolk of our departed colleagues who are assembled with us on this occasion. We extend our sympathy not only to those here in person, but likewise to those relatives who for various reasons are unable to participate in these exercises today.

The consolation to us and to the bereaved families is the thought that the tasks of these men were accomplished. They were found faithful in the duties of a position of trust. They bore the burden of the affairs of Government from which springs the greatness of our Republic. We may be great in area, in natural resources, in grand mountains and verdant hills, and we may have all the underlying characteristics of a great nation, but there can be no cohesion or strength in it unless the human equation is preeminent.

As generations come and go, this country, fortunately, has enlisted in its public service the men who could bring our natural qualifications under guidance. Those guides are the selected ones of the people who represent them in these Chambers. If they should fail, the country would be the sufferer. The men whom we honor here today carried on

and made their contribution to the success of Government. Such leadership entitles them to all praise that we can bestow upon them. In behalf of the Members of Congress, it is my privilege to share in expressing our appreciation of them in these all-too-insufficient words.

Among the great compensations enjoyed by Members of Congress are the precious friendships formed here. These friendships grow up without regard to party affiliation, and in some instances closely rival the brotherly affection of Damon and Pythias and other comrades of legend.

Friendship—how sweet is this wonderful boon of earth! It involves so many things, but above all, the power of going out of oneself and appreciating whatever is noble and loving in another.

Looking back upon our associations with our late lamented brethren, we can conjure up many happy recollections. As we who are left behind continue along life's pathway, our journey will be made more pleasant as these recollections spring to mind.

Grant but memory to us—

Said the poet Whittier—

And we can lose nothing by death.

Longfellow wrote:

The grave itself is nothing but a covered bridge  
Leading from light to light through a brief darkness.

Unfortunately, it is only after these associations have been severed by the Grim Reaper that there comes to us a full realization of how much we treasured them. It is, therefore, fitting that we should pause in our deliberations for this brief period, that we may pay to their memories a final and affectionate tribute.

To live in hearts we leave behind  
Is not to die.

We whose services here extend over a period of years have seen many faces come and go. The procession is endless. Those of us who have witnessed the procession the longest naturally have made the most friends, but as we look about and reflect upon the number who have "gone before", a strange loneliness comes over us.

Men drop so fast, ere life's midstage we tread,  
Few know so many friends alive, as dead.

While we "await alike the inevitable hour", and though death is as natural as birth, yet we cannot but feel that the passing of our late colleagues in each instance was hastened by the strain and stress of the times.

The work of a conscientious Member of Congress at any time is exacting, but perhaps at no time in the history of our country has it been more strenuous than during the past few years.

What achievements have been wrought within the historic walls of these Chambers! If on every spot where some noble servant has struggled to bring this land into a harvest of promise, if on every grave of every hero of this Capitol there should spring up some vine, some fruitful tree, some spray of flowers, our whole land would be a beautiful garden and the air would be filled with fragrance.

Our departed colleagues had devoted varying periods of time to the public service, ranging from 2 years to a third of a century. Some had attained positions of high honor in their States before coming to the National Legislature. Being gifted beyond the lot of most men, they forged their way to the top of the ladder of success by their ability.

Our country grows as the years roll on; its mighty structure is builded of the living stones that marshal themselves to forms of ceaseless labor amid the responses of a free and intelligent people; and, may I add, there is only one way to have good public servants, and that is for our fellow citizens to be worthy of being well served.

Plutarch said that the measure of a man's life is the well spending of it and not the length. Our late colleagues could well afford to have their lives judged by this standard. Those dear ones who are left behind them can be justly proud of their records of service and achievement.

The passing of these distinguished men is a loss not alone to their families, but to the Nation. Skilled in statecraft, trained in lawmaking, and experienced in public affairs, their services are no longer at the call of a Nation which today stands sorely in need of all the leadership it can secure. Yet of necessity others must rise to take their places; and because these men lived, the course of those who succeed them will be made the more smooth.

With the passing of these illustrious men, we again come face to face with the age-old question, Is death the end? If this question need be answered in the affirmative, our heads might well be bowed today in grief and sorrow, and we should bid a long farewell to all that is good and great in the being of man. If the soul of man returns to dust along with his flesh, there would be occasion indeed for lamentation and despair.

There is no unbelief;  
Whoever plants a seed beneath the sod  
And awaits to see it push away the clod,  
Trusts in God.

Job asked, "If a man die, shall he live again?" Philosophers have debated this question for centuries, but it has never been answered by any definite proof. We know that men have dreamed of immortality, and we know that the desire for everlasting life is universal. Yet we cannot prove immortality. In spite of this, men have persisted in the belief that "Death is but the beginning and not the end." There are so many spiritual capacities in man which he cannot develop in this life that they point to a better and more harmonious future.

We are taught to believe that the Savior's mission on earth was to bring immortality to light, yet even He did not try to prove its existence. Neither did He argue the question, nor go into details as to what the future life would be.

In my Father's house are many mansions—

Said the Lord—

If it were not so, I would have told you. I go to prepare a place for you.

Our faith accepts this assurance. We would be questioning our own beliefs if we expected to be told of the particular mansion a man would occupy. Enough for us mortals to realize that a place has been prepared for those of us who are worthy of being received in the Father's house.

Thus our belief in immortality is based upon faith, which, we are told in Paul's Epistle to the Hebrews, is—

The substance of things hoped for, the evidence of things not seen.

We firmly believe that we shall meet our departed colleagues again in that—

House not made with hands, eternal in the heavens.

We rest assured that our dear friends have only—

Gone before  
To that unknown and silent shore.

Life is like the march of an army; it is attended by tremendous hardships and losses. How unjust, how incomplete, and how pathetic life would be without immortality.

Man is a biworld creature. The testimony of reason and experience teaches that life is too short for his unfoldings; threescore and ten years are not sufficient. St. Paul recalled his career of sufferings during which he had been mobbed, stoned, and flogged; and he said that were there no hope beyond the grave, he would be of all men the most miserable. If this world ends all, what a tragedy of injustice it all is, and nothing has been so cheap as man.

What initiative and aspirations stir in his heart. The heart will smother unless it finds breathing room in a larger world. In the London Tower Sir Walter Raleigh could pace only twice his length. How his soul cried out against the limits of his dungeon life bounded by four walls. So man rebels against those walls called the cradle and the grave. He asks all the air there is between his soul and God's throne. He wants the sweep of the eternities.

Our lives are but marches to the grave. Death is no stranger to us, but is continually in our presence. The very moment we were born we began to die, yet because we have faith in the hereafter we are not afraid. We realize that death is only the way to a fuller life.

Though we walk through the valley of the shadow of death, we fear no evil.

Sustained and soothed  
By an unflinching trust—

We are prepared to approach our grave—

Like one that wraps the drapery of his couch  
About him, and lies down to pleasant dreams.

The grave is like the gate in the old temple, iron on one side but beaten gold on the other. Dying is transportation, home-going, happiness, and a satisfied heart forever.

As I stand here today participating in these memorial services, my mind wanders back to a somewhat similar service held within these four walls a number of years ago when there lay here, still in death, all that was mortal of the illustrious and beloved former Speaker, the late lamented Champ Clark. On that occasion the then senior Senator from Missouri, the Hon. James A. Reed, delivered what to my mind was one of the most beautiful and eloquent funeral orations ever uttered. His words were so inspiring and touching, and so far beyond my power of expression, that I want to repeat now one or two passages that especially appealed to me. He said:

A wonderful stream is the river of life. A slender thread emerging from the mysterious realm of birth, it laughs and dances through the wonderland of childhood. Its broadening currents sweep between the flower-decked banks of youth, romance, and hope. A mighty torrent, it rushes over the rapids of manhood and breaks in form upon the rocks of opposition and defeat, then glides away across the barren, sterile fields of age until it is engulfed and lost within the waters of the eternal sea. There queenly robes, the beggar's rags, the rich man's gold, the pauper's copper pence, the jeweled diadem of princes, and the thorny crown of martyrs are washed and swept by the same ceaseless tides.

The miracle of birth and the mystery of death remain the unsolved problems of all time. The shepherd who 3,000 years ago upon the plains of Syria observed the procession of the planets and contemplated the decrees of fate was as wise perhaps as is the wisest of today. He only knew that, standing here upon the bank of time, his straining eyes could not glimpse even the shadowy outline of a farther shore. He only could behold the white sails of receding fleets—ships that sail out but never come again. He only knew that at the grave's dread mouth all men must cast aside alike the burden of their honors and their griefs; that man takes with him only that which he has freely given away, that even death may not despoil him of the riches of service and self-sacrifice.

Some listening to my voice heard these words delivered. Some of those whose memories we honor today were our colleagues then. In the course of inevitable changes I am repeating them today as applicable to our departed brethren of the year as they were to the former Speaker of this House in whose memory they were first uttered.

The years are forming and disappearing; they are woven and unraveled; time is speeding on. Let the chaff and the evil part of this life pass with them; let us expel from our lives all sordid aims and purposes; bring them together with all jealousies and passions and drop them into the gulf of oblivion and turn glad feet unto the way that leads unto permanent happiness and virtue.

Beyond the flood of the years lies the immortal shore. Some hour the mists will lift for us, the clouds will roll away, and the clear summits of the far-off land shall stand clothed with God's own benediction.

Blessed is he whom Thou hast chosen and taken unto Thee, for he shall dwell in Thy courts.

Arthur S. Witcomb, of the United States Marine Band, rendered as a cornet solo "Lead, Kindly Light."

The Chaplain, Rev. James Shera Montgomery, D.D., pronounced the benediction:

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost be with us all evermore. Amen.

## THOMAS JAMES WALSH

Mr. MONAGHAN. Mr. Speaker, would that my humble lips were able to proclaim the greatness of the Honorable T. J. WALSH, for if there be one man in American history whose honesty, integrity, and renown make him a fitting subject for eulogy, that man is the Honorable THOMAS J. WALSH, late of Montana.

His patriotism and love of country never faltered; his courage and fearlessness are household words in America; and the love which he bore his Nation was evidenced by his willingness to accept in his years of declining energy the arduous duties of the Attorney Generalship of the United States, at the request of the man whose candidacy he had done so much to promote, the present President of the United States, Franklin D. Roosevelt. His sole reason for acceptance of the post tendered him by the President was his desire to cooperate with that fearless champion of the people in his endeavor to bring about a new deal in America. It is well known that he would have much rather continued in the position of United States Senator, in which his judgment was free and independent and his life circumscribed only by the voter on election day, than to leave that position for higher honors.

My statement regarding WALSH is brief. He was a man, first of all, of honor, whose word was as good as his bond. He was a statesman whose knowledge of the problems of state and whose comprehensive understanding of the intricacies of governmental action constituted him a loss beyond measure to the American people. When his inscription shall have been written upon the pages of American history may it place these words upon his lips, "I have fought the good fight; I have run my course; and I have kept the faith."

Mr. AYERS of Montana. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following eulogy to the late Senator THOMAS J. WALSH by Senator BURTON K. WHEELER, of Montana:

Something like 20 ponderous historical volumes have been published about Montana. I have searched them all, and in all I find but a few scant lines about my friend, the late Senator THOMAS JAMES WALSH. He was the most distinguished citizen Montana has developed, unquestionably among the Nation's four or five greatest advocates, and one of the most able men ever to gain a seat in the United States Senate. It is shameful that such a man has not found a larger place in our histories. Therefore, this talk, planned as a eulogy, has by necessity and duty become a brief biographical sketch.

It is not such an outline as Senator WALSH's fame entitles him, for it should have been prepared by a scholar with ample time and resources and not dictated by a Senator during the rush and hurry attendant at the close of an extremely tiring session of Congress.

I knew Senator WALSH as well, perhaps, as anyone outside his own family. I loved him, and I cherish his memory. He was almost like a father to me from the day I first took my seat in the Senate in 1923 until his death, March 2, 1933. I wish that I had the time and the ability to prepare material worthy of his name.

## BORN AT TWO RIVERS, WIS.

THOMAS JAMES WALSH was born at Two Rivers, Wis., on June 12, 1859, the son of Felix and Bridget Comer Walsh. His parents were natives of Ulster, but Catholics, and the boy was brought up in the same faith. He attended the public schools and began teaching, himself, at Two Rivers at the age of 16. As he taught, he studied and proceeded to take examinations of mounting grades, county and State, so that when 21 he had gained a teacher's certificate entitling him to teach anywhere in Wisconsin for life.

That was typical of Senator WALSH. He early developed an amazing capacity for hard work. All his life he drudged and stored away in his fine mind the fruits of a wealth of basic reading. As a boy he had a purpose in life. He was not quick as many at making friends, but having made one, he never let him get away. Teaching and studying, following a rigid routine, Senator WALSH had passed all the teacher's examinations at 21. Then he carefully and methodically completed the law course at the University of Wisconsin and received his degree in 1 year.

## LOVED SPORTS AS A YOUTH

I would not have you think that, as a boy, Senator WALSH was unsocial. He was earnest, serious, and unconvivial and given to laborious days in early life as in late, but he was not entirely a grind. He loved baseball, and I have heard him tell, 40 years later, of the Centennials, as the boys called the club he organized in 1876. He played second base. He loved horseback riding. As a fisherman he was superb. Many of my most pleasant hours with him were spent in Glacier National Park trying to capture the

elusive trout. That also is a test of character, and Senator WALSH was an ideal fishing companion. In later years he developed a touch of austerity, but he always enjoyed companionship with his fellows. A game of golf, a leisurely, contented evening or dinner party with friends, was a delight to him. Devoid of witticisms, he enjoyed the talent of his companions. Always, he was courteous and willing to listen to others, unassumingly, and unassertingly. These qualities and virtues were cultivated and became ingrained in his being during the discipline of youth.

## MOVES TO SOUTH DAKOTA

Upon graduation from the law school of the University of Wisconsin, WALSH immediately formed a partnership at Redfield, S. Dak., with his brother, Henry C. Walsh. Five years later he was married to Elinor C. McClements, of Chicago. She was an inspiration and partner in her husband's extra-legal activities. One child was born to them, Genevieve, now Mrs. Emmet C. Gudger, whose husband is a naval commander.

## LOCATES AT HELENA, MONT.

A year later he moved to Montana. As to his activities in Montana prior to his election to the United States Senate, Dr. D. B. Price, of Helena, writes me as follows: "Mr. WALSH came to Montana in 1890, locating in Helena, which was his home to the close of his successful and brilliant career, March 2, 1933. He was of medium height; compactly built; graceful head; steel-gray eyes; black hair and a heavy mustache; quick of motion; mentally alert; never triflingly employed; in full command of his emotions; self-contained; self-determined; capable of giving up himself to a cause; of analyzing his own motives; self-reliant; ready to take responsibility; ever conscious of conforming to a worthy standard of conduct and thought, always avoiding excess of any kind; an indefatigable worker and student; a diplomat in that he was successful in choice of time for and adaptation of method to circumstances; the personification of courtesy. His reasoning was faultless. He was an advanced liberal in politics, aggressively progressive, supporting all the new measures which seemed to him to be for the public good, in State and national politics. As a lawyer he was devoted to his profession and to the interests of his client. He reached the heights by dint of effort and native ability.

"He came to Helena at the age of 31, at the time the State's principal industry, mining, was involved in turbulent legal battles—conflicts of years before its problems were thoroughly settled, and from which he emerged as an authority on mining law. His style was lucid, his words always conveying to the mind of the layman the points and principles of law at issue, and that right and justice constituted the essence or indispensable quality of the law, and that the law, when rationally and honestly construed, was the mighty key facts of civilization, those required for the understanding, the promotion and defense of liberty, and the essential chart of the future of human society. His exposition of the law was at once accurate and animated. His simplest sentences had the clear ring of enlightened intention. His briefest statement of fact was a blow at all that threatened the rights of humanity and his clients.

## WINS BY PRIMARY ELECTION

"Desire for public service had become the dominant purpose and aim of his life, and in 1906 he entered the campaign for Representative in Congress. One donor to his campaign fund gave \$500, saying he thought it was worth it to get his energetic and efficient competitor interested in some other activity. His campaign was unsuccessful. So also was his campaign for the Senate in 1910. Undaunted by defeat, buttressed by a deep conviction that there was a need for his services in the Congress of the United States, he continued his campaign, and by 1912 there had been enacted in primary law, and while the election was actually in the hands of the legislative assembly, its members were pledged to vote for the candidate for the United States Senate nominated by the primary. He worked hard for the election of members of the legislature favorable to his candidacy, and won the nomination in the primary and the election by the unanimous vote of the joint assembly, perhaps the only instance on record. From the beginning of his request for recognition as a suitable man for congressional honors he was his own prophet and defender, subsequent events confirming his judgment of himself and of an enlightened citizenship.

"'Know thyself; in nothing excess', the one brief sentence in all literature which does completely portray the character of T. J. WALSH. Living well is an art, and he who lives well in the relationships of husband and father, counselor, public servant, and citizen, looks back from the summit of his years, thinking, no doubt, especially of his loved ones to whom he had given constant solicitude, for as wise and good parents grow older, they experience no joy comparable to that of having founded a home and given to the world children of industry, integrity, and personal worth.

## MAN OF INTENSE IDEALS

"THOMAS J. WALSH wanted to be a lawyer, a philosopher, a statesman, a character in American annals—and he was; a man of intense ideals, capable of righteous indignation against iniquity—he proved it, and the Nation will come to appreciate it. He had an intuition for progressive movements and a quick and keen apprehension of the character and location of reactionary forces. Even his friends did not realize what he was doing, working ceaselessly. His equipage was splendid. With tireless patience he pursued the even tenor of his way with open-minded frankness, moral and intellectual integrity, courage, sound judgment, and level-headedness. His advice and opinions were highly esteemed

and were accorded sincere weight. He was conscientious in thought and action; gentle of spirit, his heart beat in unison with his fellowman, and it was not o'erleaping ambition or crass love of power or gain that caused him to devote the best part of his life to the services of his country and State. He bequeathed to posterity what is greatest of all, a record of splendid and useful achievement, a stainless reputation, and a lasting sense of gratitude in the hearts of his constituency—the people of Montana.

"His life is now beyond  
The reach of death or change."

"And, according to the assurances of his own faith, gloriously beginning. What he believed in, he stood for with unwavering fidelity and consistency. A noble and loyal husband, a devoted and proud father, a man transparently and undeniably Christian, but who never intentionally or wittingly intruded his views upon any person or into any situation, an able and sagacious lawyer, a loyal citizen, friend, and neighbor. He is gone, 'wearing the white flower of a blameless life.'"

To Dr. Price's estimate of Senator WALSH's life in Montana prior to his election as United States Senator, I would add only that he was always the friend of the underdog and the sworn enemy of land grabbers and shady concerns.

#### TELLING BLOWS FOR LABOR

Senator WALSH struck some of his most telling blows for labor. One of our greatest students of constitutional law, his first speech in the Senate was in behalf of a bill to make jury trials essential in instances of contempt of court in injunction cases. This first speech gave him the respect of his colleagues. His speeches were always crowded with facts and packed with careful reasoning. Often they did not appeal to the galleries. There was about him an air of near shyness; yet when his blows landed, his opponents were stunned because of his reliance on facts. He led the fight for the confirmation of Justice Brandeis in the Supreme Court, and his brief has been called a "model of persuasiveness and finality." He flayed the cruelties and injustices of the Department of Justice in the so-called "red scares", led by A. Mitchell Palmer. Palmer was a Democrat, but all wrongdoers were alike to WALSH. Palmer was engineering the "red raids" during the hysteria at the close of the World War. "It is only at such times", WALSH said, "that the guaranties of the Constitution as to personal rights are of any practical value. In seasons of calm no one thinks of denying them. They are accorded as a matter of course."

#### DRAFTED SUFFRAGE AMENDMENT

He helped draft the prohibition and woman suffrage amendments to the Constitution. He drew the case against the seating of Truman H. Newberry, of Michigan. He supported the child-labor amendment. He helped draw national attention to the abominable conditions that then prevailed in the steel industry by placing in the RECORD the Interchurch Report on the Steel Strike. It was WALSH who led the fight to prevent the use of Federal money to prosecute trade unions under the Sherman Act. He was a sturdy fighter for a low tariff.

He was in charge of those clauses of the Clayton Act that exempted all farm and labor organizations from prosecution under the Sherman law. I remember, especially, one magnificent fight that he made to have the status of public-utility companies investigated by a Senate committee. One of the most powerful lobbies the Capitol has ever seen—with endless money—opposed that proposal, but WALSH stood on the floor, hour after hour, making a grand fight. In the end the investigation was conducted by the Federal Power Commission. He was one of the first Senators to insist on Federal regulation of excessive stock-exchange speculation.

Senator WALSH was enthusiastic for general disarmament. When the Treaty of Versailles was before the Senate, he advocated the entry of this country into the League of Nations. Later he favored vast concessions. He was always for the World Court. When discussions came up over the Japanese situation, there were some who urged an economic boycott. WALSH, a member of the Foreign Relations Committee, pointed out the dangerous consequences. "An economic boycott", he declared, "is apt to lead to war."

He did not hesitate to criticize such large concerns as the Aluminum Co. of America and at a time when it was not popular to do so. He assailed the action of the Department of Justice in the treatment of the Aluminum Co., but his findings were not accepted by the Senate. He was firmly opposed to professional political lobbyists.

#### DEFENDS WILSON IN OIL SCANDALS

It was a dangerous undertaking to oppose this quiet-mannered gentleman in anything he undertook to know about. On one occasion a Senator from Indiana attempted to connect the Wilson administration with the oil scandals. Senator WALSH riddled the charges. In rebuttal he piled high figures, documents, quotations, and facts, facts, facts. Then he had three great maps brought in, and as the dispatches of the day said, "with a pointer, like a school teacher, illustrated his points as he went minutely into the history of the reserves to refute ROBINSON."

#### WILLIAM HARD WRITING OF WALSH

I want to give his Montana friends a true picture of Senator WALSH in the Senate. I quote from William Hard in *Colliers* for May 15, 1924:

"For years in the Senate it seemed that if a subject was peculiarly dull, it would peculiarly be Mr. WALSH who would arise to discuss it.

"Did the President appoint Senator Smoot and Representative Burton to be members of the World War Foreign Debt Commission? Did the question thereupon arise whether or not a Senator and a Representative could constitutionally be appointed to such a body? Did this question involve constitutional niceties and legalistic intricacies which hardly anybody could grasp?"

"Very well. WALSH of Montana at once arose, and from behind large books piled high upon his desk proceeded at once to deliver a speech so constitutionally learned, so legalistically subtle, so profound, so abysmal that those of his hearers who could understand it gasped, and the rest were near to swooning.

"Thus in the Senate, among his fellow Senators, Mr. WALSH rightfully gained the reputation of being one of the Senate's deepest minds; and thus for the occupants of the press gallery, who could not put disquisitions on the Constitution into their news stories, Mr. WALSH remained a total loss."

And a little later this same writer could say of him: "A modest man, a man insistent upon truth and unassertive of himself, a man who has the respect of his colleagues for his moral qualities as much as for his mental qualities, a man whose manners and methods seem to condemn him to be known and admired by the few, he is now known by the many. Yet his true title to their regard is that among the few who knew him and admired him in the days of his popular obscurity, he is still, for his unchanged heart and unchanged demeanor, just as much admired, just as much loved."

#### THE STORY OF THE OIL SCANDALS

The country has never witnessed a more surprising drive through a jungle of misrepresentation than that conducted by WALSH in the famous Teapot Dome and Elk Hill oil-reserve scandals. Because of my own close connection with that case, I give a summary by Charles Michelson as published by the *North American Review* of February 1926:

"He went into the oil investigation on a shoestring. All he had to start with was a couple of leases to Sinclair and Doheny, and some sudden prosperity of Albert B. Fall. \* \* \* The committee that inherited the investigation generally felt that, after all, the validity of the leases hinged on whether it was a good or a bad deal for the Government, and there was as much authority for the position that it was necessary to operate the reserved fields to prevent their being drained by nearby wells, as for the other theory. That committee had not been going 2 days before it changed its identity and ever after was the 'Walsh committee.' He was not its chairman; Lenroot, who had the title, was lost in the shuffle, and WALSH simply took possession of the show. When Edward B. McLean came out with his declaration that he had loaned Fall \$100,000, taking his notes and a mortgage on the Fall ranches as security, all of the Members, except WALSH, thought the bottom had fallen out of the scandal. It was so perfectly credible; just such a thing as McLean might have done, in view of his membership in the Harding circle of which Fall was so conspicuous an ornament. They advised WALSH to close the investigation and leave the matter of the validity of the leases to the courts. Not he; his nose was on the trail, and he intended to follow it, so he hiked off to Florida, put McLean under oath, and the excuse for Fall's sudden prosperity was blown sky-high with McLean's admission that the checks he handed Fall were returned uncashed, and that his previous story was merely his 'going down the line for a friend.'"

"There followed as a natural sequence the coming to the witness stand of Doheny, with his little black satchel, and the tale of an old prospector's affection for his one-time trail mate. It was an appealing picture with its mellowed reflection of the dim frontier; the soft side of a hard-bolled oil multimillionaire, of youthful companionship in poverty and hardship merging into the friendship of men in the decline of life. It sounded as plausible as the McLean story—to everybody but WALSH. To him it was only scenery along the route he had marked out, and he herded the two of them into the criminal courts."

#### A GREAT DEMOCRAT

Senator WALSH took a large and increasingly important part in the deliberations of the Democratic Party. He was a delegate to the national convention seven times, and twice chairman, in 1924 and in 1932. His address as permanent chairman at the Chicago convention was a gem of English and reasoning. It demonstrates that he was alive to the unparalleled economic conditions that confront the country.

"Prices have fallen so that debts, incalculably vast, have doubled, and they continue to fall, paralyzing industry and checking enterprise", he warned. "Out of such conditions, as history teaches, revolutionary movements arise and flourish. The plight of our own country excites concern in every patriotic mind. In desperation Congress is moved to adopt measures of relief with little regard for constitutional limitations or for what, under ordinary circumstances, would be considered as sound economic principles."

#### CALLED TO CABINET

A few weeks before his death he reluctantly accepted a call from President-elect Roosevelt to serve in the Cabinet as Attorney General. His function in the Cabinet was to have been that of a "balance wheel." He was to have a more important place than that indicated by the title of Attorney General. Rather he would have been the "elder statesman" of the Cabinet, a man of progressive views, tempered with years of experience in public life, contributing also the force of character he displayed throughout his life and especially during the Teapot Dome investigation.

## HIS STRENGTH OF CHARACTER

Senator WALSH's greatest strength was his character; his second, intellectual ability; and third, his love for hard work. A few days before his death one of the opposition newspapers said of him that "no wise Democratic politician is likely to go to him in his new job looking for special favors." "It would be", the New York Sun added, "like asking the statue of civic virtue for a chew of tobacco."

Never was there an instance in which a man in public life was more certainly the master architect of his own fortune than THOMAS J. WALSH, so far as I know. He was not an actor, but a teacher—saw his constituency, the cause he espoused, his country, and, above all, he saw himself. As an advocate or prosecutor there was a sting in his simplicity and seriousness. He was not looking for style or stage effect, but expressed what he had to say for its own sake, without a wasted word.

Emerson said: "He only is a well-made man who has good determination", and no one who knew TOM WALSH ever claimed that he lacked determination.

His attacks against wrong and injustice in high places was pungent, fearless, militant, unspoiled, untouched by any censor's squeamish or faltering hand. His courage was an inspiration. He had the gift of forcing honest and open opposition, for he never used evasive or misleading tactics in fighting a political foe or one guilty of malfeasance. One of his noticeable gifts was the knowledge of when to strike a blow—when he was prepared, when he could choose the terms of conflict, and with vigor dispatch the foe facing him.

His name had become a national household word; an atmosphere of esteem and affection had grown about his personality; he had done the day's work of a man, and who knows but that "a destiny of necessity" touched him out of life's turbulent picture at the fortunate moment.

Not that it will add one iota to his fame, but so that his friends who may treasure this volume will have available a few estimates of his achievements and character, I append but a dozen short comments from the hundreds that have come under my eye in the public print or have been sent to me by all classes of citizens. The life of THOMAS JAMES WALSH offers a fascinating field for the historian, and I am hopeful that some day in one of our colleges there will be found a man with the training and the ability to prepare a history of his life worthy of the man.

President Roosevelt: "Senator WALSH was one on whom I always relied for wise counsel and advice."

Former President HOOVER: "Senator WALSH's public service has been so varied and so distinguished as to make his fame secure and his death a grievous public loss."

Vice President GARNER: "Few men have been closer to the hearts of the American people, and no man has been more conscientious and diligent in protecting the interests of the people as a whole."

Secretary Cordell Hull: "No finer patriot or abler statesman has come into our national life during my time."

Senator ASHURST: "One of the ablest lawyers I ever knew."

Senator LA FOLLETTE: "A splendid public servant."

Former Senator Watson of Indiana: "A high-minded man, honorable in all his relations with life, clean in all his habits, and his death—a distinct loss, not only to the incoming administration, but to the whole country."

Senator BORAH: "His death was a national calamity. With all due respect to the other members of the Cabinet, he was the man who had been tried and tested in public service and who stood out as an able and patriotic public servant."

Senator JOE T. ROBINSON: "He was an outstanding leader in the Democratic Party and a man of undoubted integrity and notable ability."

Senator COPELAND: "The American people lost a great champion."

Former Vice President CURTIS: "Senator WALSH was a very valuable man, an outstanding legislator, and a man of wonderful ability."

Governor Lehman of New York: "A man of commanding ability, sterling character, and rugged honesty."

Mr. MOREHEAD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to the late Senator THOMAS J. WALSH, of Montana, by Hon. JAMES COUZENS, Senator from Michigan:

The work done by THOMAS J. WALSH, United States Senator from Montana, from 1913 to 1933, has made a place for him in the history of our country. Nothing that we can say or write would add to his renown. I wish, however, as one who served with him for a number of years in the Senate and as one who had many opportunities to know him intimately, to pay my humble tribute to him. He was a true public servant, and one who is a true public servant has fulfilled his mission in this world. By his deeds we knew him, and by his deeds the historians of the future will know him.

The life and work of Senator WALSH impressed me with another thought. More and more it occurs to me that we live by a natural and perhaps a supernatural rule. We progress. The instinct in us individually and the collective instinct are to rise to a higher plane of civilization. As we contribute to this gen-

eral effort, we live; and as we stand in the way, we perish. The fittest survive, and the fittest mean only those who desire to make this a better world in which to live, or, in other words, the spiritually fit as contrasted with the materially fit.

Senator THOMAS J. WALSH gave unstintingly of himself to make this a better world in which to live. He was an honorable man, a fine example for our young men to follow in his ideals of public service. The mills grind slowly but exceedingly fine. There is no friend of Senator WALSH who need have any fear that in this process of grinding Senator WALSH or his memory will suffer. The grinding will merely add luster to his name and his memory.

## ROBERT BEECHER HOWELL

Mr. MOREHEAD. Mr. Speaker, Senator ROBERT BEECHER HOWELL was the son of Andrew and Mary Adelia Beecher (Tower) Howell, of Adrian, Mich.; married Alice Chase Cullingham, of Omaha; civil engineer; attended public schools in Adrian, Mich.; cadet midshipman, United States Navy, 1881; graduated United States Naval Academy, 1885; attended Detroit School of Law, 1892; State engineer of Nebraska, 1895-96; city engineer of Omaha, 1896-97; lieutenant, United States Navy, Spanish-American War; State senator, 1903-4; appointed to water board, metropolitan utilities district, Omaha; elected to board, 1904; reelected, 1910, 1916, 1922; Republican national committeeman, 1912; reelected, 1916, 1920; member executive committee, Republican National Committee, 1916-24; water commissioner, Omaha, 1912; Republican nominee for Governor, 1914; elected to United States Senate, 1922; reelected, 1923.

It was my privilege and opportunity to know Senator HOWELL during his lifetime. Before entering upon his duties as United States Senator, he was active in the municipal affairs of Omaha, Nebr., as well as in the affairs of the State government; and had strong convictions. He had the courage to advocate and defend his ideals, not only in private but in public affairs. Senator HOWELL died while holding office, March 11, 1933. He was a scholar and a man of vision, ability, and intellect, thoroughly versed in business affairs, and was popular with his fellow citizens. His death seemed untimely, and was a loss to his many friends, as well as to the State and Nation. I take this occasion to pay his memory a tribute of respect. His wife survives.

Mr. MOREHEAD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to the late Senator HOWELL, of Nebraska, by Senator THOMPSON, of Nebraska:

When Senator ROBERT BEECHER HOWELL died, on March 11, 1933, he closed an enviable career of public service. His dominant mental characteristic, as estimated by those who worked with him and knew him intimately, was unselfishness. He was city-minded, State-minded, and Nation-minded. Further, he was naturally a persistent investigator in the economic field, never seeing in it any personal elements, but only those that were clothed with a public interest. It was never a question as to how he could obtain a personal profit, but how could a change be effected which would curb unfair advantage and relieve men and women from unnatural burdens, and bestow profits as nature's laws decreed. This fact showed itself in his earliest activities.

Coming to Nebraska in 1888, after having graduated as an engineer from the Naval Academy at Annapolis in 1885, he found a State whose western half was arid and semiarid; whose flowing streams were sufficient for but partial irrigation of these otherwise fertile lands; and whose legislature had failed to establish laws defining how these limited waters could be appropriated. It is not inaccurate to say that one more selfish-minded of this acquisitive era, finding such facts, and realizing the attendant opportunities, would have embarked upon a plan for a large corporation, an accumulation of thousands of arid acres and actual appropriation of the use of these waters before the legislature should act. Not so with ROBERT BEECHER HOWELL. By seeming intuition he saw the picture of these lands and these waters controlled for the benefit of the small tillers of the soil. He secured the position of State engineer, and personally investigated their location, their courses and their present usefulness. He traveled to other States, investigated their irrigation systems and their laws relevant thereto. Then he became a member of the State senate, and through his leadership the legislature passed an act which he proposed, and thereby he became, in fact, the father of the first irrigation law of his adopted State.

Then, as related by his Omaha fellow workers, some years later, while Omaha's city engineer, he penetrated the subterranean passages of the Omaha Water Co., a private corporation controlled from the Atlantic seaboard. He saw profits accruing to such company were far out of proportion to the capital invested in the enterprise. This was at the noonday of reorganizations and combinations. But to personal profit he gave no thought. His pic-

ture was of the water users—the city included—paying an inequitable, illogical, abnormal price for water, and of a stream of unmeasured dollars flowing across the city's boundary to the company's offices in the city of New York. He began to plan a way to stop this stream and to relieve the water users from overpayment. He talked of it by day and dreamed of it by night. It became a part of his being. His purpose required an act of the legislature amending the city charter so as to permit the city to acquire the plant by private bargaining or by eminent domain. How should this be accomplished? He would go to the legislature. He would have greater voice in the senate. He would go to the senate.

It was in the days of nomination by convention. As the legend runs, the Republican city central committee promised him that if he would bring in the delegation from his ward (the third), he could have the nomination. This promise was lightly made, they not believing the condition possible of fulfillment. The night of the primaries, ROBERT BEECHER HOWELL appeared at headquarters and reported that the condition was fulfilled.

The chairman, with different arrangements already made, suggested that a newcomer should not expect to run for the Senate; that he could have the nomination for the house. Mr. HOWELL withdrew from the interview disillusioned, disappointed, angry; and with two additional prominent traits of his character in the foreground—persistence which knew no limits and an enthusiasm which never failed. Thus he went out into the night to continue his fight. Before next day's sun rose over the Iowa bluffs, he had seen the leading spirit of nearly every ward and had concluded working agreements. The newcomer had broken the machine. A few days later he was nominated for the senate and in the fall elected with a good majority.

But he had not reached his goal. The water company was not without influence, and the Howell water bill was defeated. But the idea, the hope, the longing, were not defeated but intensified. Two years later Mr. HOWELL was again back in the senate, and before the session's end the second Howell water bill had become a law. And then he fought on and on. In the next city election the people adopted his plan. Bonds were provided. Then court struggles ensued. But in the end the city became the owner of the water plant. Mr. HOWELL had become known, trusted, respected. Without his really knowing it, his political career had begun.

How sound were his views was demonstrated from the very first. Water rates were cut and large surpluses reserved for payment on bonds previously issued. Then he was himself called upon to take the position of general manager of the plant. So successful was the plan, the electors supported him in the establishment of a metropolitan utilities district and in adding an ice plant and a gas plant to its ownership. Mr. HOWELL's idea and his service to the people of Omaha in carrying it out have already netted them millions of dollars, and this net will be increased year by year so long as the people of Omaha preserve those rights which he won for them by long, unceasing, intelligent labor. What greater monument could man have!

He was frank and truthful and entirely free from that cowardice which breeds deception. He was sincere in his beliefs; he was faithful to his word, and he was loyal to every cause that he espoused. He was free from narrow partisanship and enjoyed to the fullest extent the confidence and esteem of Democrats as well as Republicans. There was no sham or hypocrisy in his character. He was always frank, cordial, and courteous. In the study of economic questions he took special delight. He had decided convictions on every moral question and never hesitated to declare them in a modest way when the occasion demanded. Thus he became a recognized leader in progressive thought and action.

By his consistent and unwavering fight for municipal ownership, he gained and retained the confidence of the active business voters all over the State, this largely through his insistence that municipal ownership should be applied where that which was a natural monopoly was abusing its privilege or when a monopoly in business was operating without regard to the rights of others engaged in the same line of business and to the injury of the general public. While he was not what would be called a partisan in politics, he always retained his alignment with and in the Republican Party. Yet when a candidate, he carried with him voters of all parties. In his campaigns his appeal was to the voters generally and not specifically. His plan was for a cause and not for a party. I remember the first time I ever heard him. It was on an evening after I had my supper, and, as was my custom, I returned to my office in the second story of what then was known as the "Citizens National Bank"—raised my window overlooking the main street corner in Grand Island, Nebr., and soon I heard someone speaking; it was Mr. HOWELL.

I listened until the speech was finished. Then I went down and congratulated him. He asked how I liked his talk. I answered: "It was a very good Democratic speech—an appeal, however, without partisan bias, and if delivered to our Nebraska people generally, the Democrats will have to be mighty active if they want to beat you." To me, his best results were achieved in an open-air street-corner talk to the public. The common man believed in him and trusted him. No man could crave greater honor. As for myself, I felt highly honored when I was permitted to succeed him in the Senate. His adopted city of Omaha and the State that he honored in every position he filled will all down through the coming years remember him and profit by his labors.

Mr. MOREHEAD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to the late Senator HOWELL, of Nebraska, by Senator MORRIS SHEPPARD, of Texas:

The passing of ROBERT BEECHER HOWELL affords just occasion for the remark that if every American citizen possessed the ideals and pursued them with the energies that animated him, this Republic and its liberties would be secure. I base this assertion on intimate personal and official association with him for more than 2 decades. American history does not present an instance of more complete and disinterested devotion to the universal good than that his life exemplified.

With him the supreme test of every public question was its bearing on the general welfare. In fact this view was more than an abstract belief so far as he was concerned. It assumed the proportions of a faith, a passion in the purest and most uplifting sense. He fought with unsurpassed tenacity and intensity every endeavor of special and selfish interests to obtain unfair advantages or to establish corrupt and despotic power. In the service of the people he was a soldier whose armor was never off. His heart and soul were enlisted with his brain in the struggle of the weak against the strong; and the determination, the ability, and the devotion with which he stood against the predatory forces of society should stand out in grateful memory of all Americans as an inspiring and perpetual example.

I knew him best as a prohibitionist, an opponent of the traffic in intoxicating liquors. Recognizing in that traffic a menace to human happiness, a threat to freedom of opportunity and of progress, he threw himself into the fight against it with a vigor and an effectiveness unsurpassed in American annals. Any record of the resistance in the United States to this fundamental evil would be incomplete without mention of his efforts. He believed that liberty should be defined in terms of human welfare, that the rights of dependent ones, for instance, to a decent and comfortable existence were superior to the so-called "right" of an individual to drink intoxicating liquor.

His ability to locate and to assemble facts, a faculty all too rare and far too little cultivated, enabled him to contribute observations of profound value to any discussion in which he participated. Whether the subject was that of world financial obligations or the complicated rate structures of public utilities it remained for him above all others to supply a factual foundation involving tremendous labor, keenest discrimination, and an invincible patience. On the basis of the practical he developed his contentions and convictions, and in support of these he exhibited a militancy, a fearlessness, a sincerity, and an integrity which won the praise and respect of all.

He would never compromise his conception of the right, the just, the true. Most vividly did his attitude of opposition to what in his view was error or was wrong suggest classic examples of adherence to duty at any cost.

On the summit of the castle of St. Angelo at Rome stands the bronze figure of an angel with uplifted sword. During one of the fiercest French-Italian wars this castle had been captured by a small force of Frenchmen who were soon surrounded by the enemy in overwhelming numbers. Exhibiting the sublimest courage, the beleaguered Frenchmen resisted siege and charge for many days. It became at last apparent that their destruction was inevitable. Prompted by admiration for such valor, the enemy's commander suspended battle and summoned the French captain to surrender. "We will surrender," the brave French captain thundered in reply, "when the bronze angel sheaths its sword."

With similar courage and determination ROBERT BEECHER HOWELL faced all the problems and responsibilities which confronted him throughout his remarkable career.

Mr. MOREHEAD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to the late ROBERT BEECHER HOWELL by Senator GEORGE W. NORRIS, of Nebraska:

ROBERT BEECHER HOWELL was born in Adrian, Mich., January 21, 1864. He was educated in the public schools of that city, was appointed cadet midshipman to the United States Naval Academy in 1881, and was graduated from the Naval Academy in 1885. He located in Omaha, Nebr., in 1888, and attended the Detroit School of Law in 1892. He became State engineer of Nebraska in 1895, and in 1896 served as city engineer of Omaha.

Senator HOWELL served in the Spanish-American War as a lieutenant in the United States Navy. He served one term in the Nebraska State Senate (1903-4). Here he was instrumental in securing the passage through the legislature of a law providing for the establishment of the Metropolitan Utilities District of Omaha. After his retirement from the Nebraska Legislature in 1904, he was selected as manager of the Metropolitan Utilities District, and was reelected to that position in 1910, 1916, and 1922.

Senator HOWELL led the fight which resulted in the taking-over of the waterworks in Omaha, which city was then being supplied with water by a private company. This fight lasted for many years and was finally settled by a decision of the Supreme Court of the United States. The attempt of the Omaha Water Co., during the great business depression of 1896, to acquire what was practically a perpetual franchise to supply the city of Omaha with water, precipitated a fight for public ownership. Elected to the

State senate in 1902, Senator HOWELL led the fight to compel the council of the city of Omaha to obey the mandate of the people, to buy the Omaha water plant, and secured the enactment of a law compelling the city council to take such action. In addition, this law provided for an unusual form of organization for the control and operation of any public utilities which might thereafter be acquired by the city of Omaha. This organization was the metropolitan utilities district, governed by a board of six directors, which is empowered to choose its own chairman and general manager.

In 1912, after a contest covering 16 years, Omaha's water plant was taken over by the city at a cost of \$6,500,000, after the question had been finally settled by the Supreme Court of the United States. In 1917, authority was granted by the legislature to go into the ice business, and, in 1920, the gas plant of the Omaha Gas Co. was acquired at a cost of about \$5,000,000.

From 1913 until 1924, during all but 4 years of which period the Metropolitan Utilities District was under the management of Senator HOWELL, the water plant made eight different reductions in rates charged the consumer, in all reducing the cost through public ownership 52½ percent. The ice plant, built at a cost of approximately \$700,000, with a capacity of 200 tons per day and long storage capacity of 29,000 tons of ice, over a 5-year period, on the basis of 30 cents per hundred, paid for itself, with the exception of \$138,000 of the original cost. The gas plant, taken over in 1920, under the management of Mr. HOWELL, made a remarkable record, and in a 3-year period accumulated a reserve of \$2,378,000. These accomplishments were brought about by Omaha, when the city took the first steps in public ownership under the leadership of Senator HOWELL.

The remarkable success of Senator HOWELL in the management and control of these public utilities had an indirect effect far greater than is indicated by the above figures. He not only improved the quality of the gas and the purity of the water supplied to the people of Omaha; he not only broke the back of the Ice Trust, which had theretofore charged exorbitant rates; in addition, he created a sentiment in favor of public ownership of public utilities. The success of the public ownership of water, gas, and ice aroused public interest in favor of the public ownership of the generation and distribution of electricity. This resulted directly in the reduction of electric-light rates from 14 cents per kilowatt-hour to 5½ cents per kilowatt-hour, thus saving millions of dollars to the consumers of electricity. Although the activities of Senator HOWELL did not result in the construction of an electric-light plant, yet the very threat of such a public ownership brought about this great reduction. He became an outstanding figure in the State of Nebraska in favor of municipal ownership of all public utilities. His reputation in this respect was given great consideration by the voters of Nebraska and was one of the material factors in his subsequent nomination and election to the United States Senate.

In a State-wide primary he was elected Republican national committeeman in 1912. He was reelected to this position in 1916 and again in 1920. He was a member of the Republican National Committee from 1916 until 1924. In 1914 he was nominated as the Republican candidate for Governor of Nebraska but was defeated in the November election.

During the World War Senator HOWELL was a Reserve officer in the United States Navy and served in this capacity from 1917 until 1921. He was chairman of the radio service commission of the Post Office Department in 1921. He was nominated in a State-wide primary and elected to the office of United States Senator in 1922. He was renominated and reelected in 1928 for the term beginning March 4, 1929. While serving his second term as Senator from Nebraska, he died at Walter Reed Hospital in Washington, D.C., March 11, 1933.

Senator HOWELL was one of the most useful and valuable public servants ever to serve in the United States Senate. He was universally respected in that body by both friend and foe. Personally, he was a lovable character, with a courage that was unsurpassed. He did not hesitate to uphold and defend what he believed to be right, regardless of consequences. In politics, he was absolutely independent—he knew no master other than his own conscience. His intimate knowledge of public-utility questions from an engineering standpoint gave him a commanding influence in the United States Senate. Every Member of that body was always willing to take Senator HOWELL's conclusions without fear of being wrong. He solved every problem with mathematical accuracy, and his deductions of facts and figures were never once overthrown and very seldom even questioned.

During his long public service in behalf of his adopted city of Omaha, the State of Nebraska, and the Nation, the finger of scorn was never once pointed in his direction. His entire life was marked with distinguished ability, honesty, and courage unsurpassed. His death came as a shock to all lovers of better government and improved conditions. His life is a shining light upon the road of human progress.

#### PORTER HINMAN DALE

Mr. PLUMLEY. Mr. Speaker, tributes to the distinguished service rendered by the Honorable PORTER H. DALE in the Congress of the United States will be appropriately and adequately paid today by those whose pleasure, privilege, and good fortune it was to have been associated with him in the Halls of the House and Senate.

I come as a personal friend of long years' standing, as well as the representative of the people he served so faithfully, so illustriously, to pay to his memory their heartfelt, though brief, tribute, and my own.

He was elected to the Sixty-fourth Congress to succeed my father, who was not a candidate for reelection. Chosen, thereafter, by the people of the Second District of Vermont to represent them in successive sessions of Congress, he resigned during the Sixty-eighth Congress in order to become a successful candidate for election to the United States Senate, thereby filling the vacancy caused by the death of the late Senator William P. Dillingham.

Although advised that he was not in the best of health, we were not prepared for the tragic news of his death, which came to all as a shock, bringing home to each of us a distinct realization of the magnitude of the loss we, and the State of Vermont, had sustained. We have come to know with what fine courage he fought unflinchingly against the ill health that beset him, while he bore without complaint the burdens and until the end faithfully and unceasingly discharged the duties imposed upon him by his office.

It is superfluous to suggest that the people of Vermont believed in PORTER H. DALE. They felt that he was one of them. No one ever questioned his sincerity of purpose. Constantly loyal, his warm, friendly, and sympathetic nature won and kept for him the friendship of those thousands in the Green Mountains of Vermont who join with me today as we mourn the passing of the man. A gentleman of high ideals, he met the test of the high offices he held both courageously and well, and was held in the highest regard by all his colleagues.

His honesty of purpose, his fairness to others, the zeal-ousness, enthusiasm, loyalty and intelligence with which he espoused the cause he chose to champion, won for him the confidence, respect, and esteem of his friends and acquaintances and made him a respected adversary in legislative controversies in these Halls. Of pleasing and prepossessing personality, he was a delightful and congenial companion. The circle in which he moved is forever broken.

His passing was a distinct loss, not only to the people of the State of Vermont but to the Nation.

His life, character, and public service, not to be lightly treasured, should constitute examples to be emulated, offer an inspiration to us all, and provide his enduring monument.

Mr. PLUMLEY. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following biographical sketch of the late Senator PORTER H. DALE, by Senator WARREN R. AUSTIN, of Vermont:

Senator PORTER HINMAN DALE, who died in Westmore, Vt. October 6, 1933, had served as a Member of the National House of Representatives for 8½ years and as a Member of the United States Senate for 10 years.

Senator DALE was born at Island Pond, Essex County, Vt., March 1, 1867, son of George Needham Dale and Helen Hinman Dale. He attended the public schools and seminary at Montpelier, Vt., and after 2 years in the West, returned to study with private instructors in Boston and Philadelphia. He was principal of the Green Mountain Seminary at Waterbury, Vt., and left to become the first instructor in elocution at Bates College at Lewiston, Maine. For 2 years he was associated with the Shakespearean scholar and actor, James E. Murdoch. He studied law and was admitted to the Vermont bar in 1896, commencing practice at Island Pond with his father. In 1900 he was admitted to practice before the United States courts.

Senator Dale was deputy collector of customs at Island Pond from 1897 to 1910. He served as colonel on the staff of Gov. Josiah Grout from 1896 to 1898. He was twice chairman of the Republican State convention, once in 1898 and again in 1919, and was appointed judge of the Brighton Municipal Court by Gov. John A. Mead in 1910. He served in the State senate from 1910 to 1914.

Senator Dale married on June 1, 1891, Miss Amy K. Bartlett, of Island Pond, who died August 1, 1907. They had 2 sons and 2 daughters: Timothy C. Dale, George N. Dale, Mrs. Marian Dale Bennett, and Miss Amy Porter Dale. On June 25, 1910, he married Miss Augusta M. Wood, of Boston, Mass., who survives him.

Senator Dale was elected a Member of the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses, serving in the House of Representatives from March 4, 1915, until August 11, 1923, when he resigned to become a candidate for the United States Senate.

Senator DALE was elected to fill the vacancy caused by the death of Senator William P. Dillingham to the United States Senate on November 7, 1923, for the term ending March 3, 1927. He was reelected in 1926 for the full term ending March 3, 1933, and in November 1932 was reelected for another 6-year term.

During his long service on Congress he was a member of many important committees, and, before the change in administration in 1933, was on both the Appropriations and Rules Committees.

Senator DALE, who had had long experience in the Customs Service, was instrumental in formulating legislation for the betterment of employees in the classified service, and as chairman for many years of the Senate Committee on Civil Service was especially active in securing the passage of the Retirement Act now in operation. He also championed important legislation for postal employees.

One of the noblest traits of men who take part in the advocacy of great controversial principles is fidelity to a cause. This virtue animated Senator PORTER H. DALE. As history speaks with venerable accent, his steadfast, faithful, persistent advocacy of the rights and humane care of disabled veterans and their dependents will be lauded as a conspicuous example of his characteristic fidelity.

Mr. PLUMLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by the Senator from Vermont [Mr. GIBSON] relative to the life, character, and public service of the late Senator DALE, of Vermont.

On October 6, 1933, death called at the cottage of PORTER H. DALE. The grim messenger found him ready and fully prepared to go on the journey to the beyond.

After a busy and eventful life as a business man, lawyer, judge, member of the State house and senate, Member of the United States House of Representatives during five Congresses, three times elected to the United States Senate, a splendid citizen, a faithful public servant, a devoted and loving husband and father, he was prepared, as few are, to receive the reward of his Master.

Intimately connected during 20 years of public life, I felt keenly a sense of personal loss in his passing. As his successor, his excellent qualities will always be before me as a guide for a continuance of the type of service he gave to the State and Nation.

It is difficult to portray by the written word his many splendid qualities. The secret of his success is not difficult to find, however, because his character was the basis. He was strong in invincible religious faith, and success in material things had not dwarfed his spiritual stature. Senator DALE had a rich heritage in a long line of sturdy ancestors—the type of New England stock which is fast disappearing and which the Nation greatly stands in need of in these stressful days. PORTER DALE was a man among men whom the people of Vermont may well associate with the best the State has given, and our people can be justly proud not only of his many years of work but the kindly spirit and the sense of honor which dominated his life.

Senator DALE's outstanding characteristics were loyalty to his friends, devotion to his work, and honesty of his convictions. Few men in public life in Vermont have had so strong a personal following. This was undoubtedly true because he learned the feeling of the rank and file of all people—the high and the low, the rich and the poor; because he did not capitalize friendship for political advancement and because he never deserted his friends but rather stood with them, until, in his unselfish way, he had helped them to the utmost of his ability. Because of his sincere, sympathetic interest, his approachability, his patience, and his desire to bring happiness to others he was firmly entrenched in the affection of those with whom he came in contact.

Senator DALE was devoted to his work, and his record in the Senate was one of full performance of duty—a continuance of the same type of diligent, sincere effort which marked his years in the House of Representatives. He was a tireless worker to the end that the interests of his fellow citizens and the welfare of his country might be safeguarded. He was a successful representative of the people because he really served them. His constituents knew that when he made a promise he kept it, and he pleased them with actual accomplishment. His career in Congress resembled his career outside of it; that is, it was one of quiet work and effective performance. He worked conscientiously and unassumingly, not raising his eyes for the applause that might have come had he chosen to make known his many works. His life was not spectacular, but he was even greater than those who stood in the limelight.

Senator DALE had the courage of his convictions, and it cannot be said that his people were in doubt about his position. He had no misgivings of purpose, and his unswerving faith in a cause he believed to be right led to sharp criticism, but his opponents or criticism never caused him to deviate from his duty or dislodge him from what he believed was for the best of all. Political pressure or expediency did not cause him to waver. He did not fall into the popular march of issues for popularity's sake. It may well be said that he gained strength to defend a cause from the rugged hills of his State and was fortified by a deep consciousness that many would benefit by his position. And his opponents as well as his friends respected his sincerity. He died as he lived, true to the principles in which he believed.

Senator DALE was a particularly loyal worker in all problems concerning those who have followed our country's flag, and he gave conspicuous service in behalf of the veterans of all wars. He

also championed the cause of the Federal employees and fought with determination and zeal for legislation which he believed would benefit those of the Government's service.

Among the resolutions adopted is the following from the Vermont State Committee of the Republican Party:

"We realize the loss of a man whose love of country was paramount to party or policy; whose life was permeated by a fixity of conviction and unquestioned integrity; whose vision was unclouded; whose understanding spirit embraced the needs of all people, and whose time and energy were dedicated to a life of notable service for the people of his State."

Upon his death a friend well said of him:

"PORTER HINMAN DALE was an untiring worker, a devoted American, a loyal friend, and a true Christian gentleman. He knew the art of friendship because he really cared for all people. He added beauty and refinement to the common touch and particularly enjoyed helping ordinary folks, ever giving them new hope and joy. Those who were in need seemed to mean more to him than those who were fortified by position or wealth.

"His patience was unflinching. He was a cheerful donor of his time and energy, taking infinite pains with the small as well as with the larger problems with which he was intrusted.

"His life was rich in rare honesty and was strengthened by unhindered courage. Because of the steadfastness of his beliefs he was enabled to make the noblest use of his position, and he rested quietly in the abiding faith that he was right."

Not long before his passing he went with his devoted wife to his summer cottage, high up in the hills of his beloved State. There he had on many occasions sought peace and rest from his arduous duties. We may well honor and respect the man who loves and longs for those beautiful quiet places which seem a part of the eternal.

He held the respect of his colleagues to a remarkable degree. Of him Senator KENNETH MCKELLAR recently said:

"I considered Senator DALE, of Vermont, one of the finest men it was ever my privilege to know. He was clean, high-minded, honorable, and a man of unusual ability.

"Before Senator DALE and I were in the Senate, we served together in the House. We were on two committees together. In the committee, on the floor, in all of his personal and official dealings, and in his private contacts he was always the same—generous, gentlemanly, and a whole-souled man. While he and I differed politically, he honored me with his friendship, and I entertained for him the highest affection.

"It is a source of the greatest satisfaction that I have been given the privilege of saying these few words of him."

Senator J. G. TOWNSEND, Jr., of Delaware, paid the following tribute:

"It is a privilege to pay tribute to the memory of my departed colleague, the late Senator PORTER H. DALE. He was an able Senator and a gentleman, loyal and unassuming. His family and his constituents have much for which to be grateful in the service that he rendered."

Senator LESTER J. DICKINSON, of Iowa, expressed his appreciation of Senator DALE as follows:

"It was my privilege to serve with Senator PORTER H. DALE for many years as a Member of the House and for a number of years as a Member of the Senate.

"Senator DALE was a most conscientious public servant. He was aggressive when the interest of his State was involved. One of his outstanding characteristics was his trend toward all humanitarian matters. He was always most interested in that which was for the common good. It is pleasing to know that a proper memorial is to be published in his behalf."

JOHN BENJAMIN KENDRICK

Mr. CARTER of Wyoming. Mr. Speaker, no words of mine can adequately and fully describe the high esteem in which Senator KENDRICK was held by all who knew him. It is said the richest possession a person may acquire is the confidence, respect, and esteem of our friends and acquaintances. Senator KENDRICK had all of these, and his memory is enshrined in the hearts of the people of his State, of his former colleagues, and his host of friends in Washington and throughout the country.

We mourn the loss of a man of fine character, of a friendly, gentle nature, a man of broad human sympathy, whose heart was full of love and charity for his fellow men.

Senator KENDRICK was an ardent champion of whatever cause he espoused. He was straightforward, courageous, and honest in his views—an interesting speaker, and his direct and forceful presentation of any subject carried conviction and always commanded the respect and attention of his audience.

Senator KENDRICK was born in Cherokee County, Tex., September 6, 1857. He was educated in the public schools; went to Wyoming in 1879 and engaged in stock growing, which business he followed until his death. He was elected State senator in 1910 and served in the eleventh and twelfth State legislatures. He was elected Governor in 1914 and

served with distinction until February 1917, resigning to take his seat in the United States Senate. He was reelected to the United States Senate in 1922, and again in 1928. He died November 3, 1933.

The close intimacies of the common efforts of the Wyoming delegation in Congress make for friendships based upon respect and recognition of the finest elements of human character. By every test of such friendships Senator KENDRICK measured to the full stature of a man.

He will always live in the hearts of those with whom he was associated. To them he needs no other monument. The influence which he exerted out of his wide experience, sound judgment, and inflexible character will live on in the structure of our Government. His personality is the heritage which will be treasured in the memory of his friends and associates.

Senator KENDRICK died in the harness, working long and hard for his folks in Wyoming. And now his spirit is free to return to the land he loved—the land of which he was so much a part—the West.

Mr. CARTER of Wyoming. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement of Hon. ROBERT D. CAREY, United States Senator from the State of Wyoming:

REMARKS OF THE HONORABLE ROBERT D. CAREY, UNITED STATES SENATOR, AT THE MEMORIAL SERVICES FOR THE LATE SENATOR JOHN B. KENDRICK ON APRIL 27

Senator KENDRICK represented the very highest type of Wyoming pioneer. Coming from Texas to Wyoming as a cowboy, following a trail herd of cattle, he became through his own perseverance and industry the outstanding citizen of this State. He had little schooling, but by constant study he educated himself. With no financial backing but through thrift and hard work, he built up a large and successful business.

Two factors contributed to his success: First, his determination was unyielding once he made up his mind. Second, a personality which enabled him to make friends. He had a charm which made everyone who knew him not only like him but desire to comply with his requests.

No man was held in greater esteem in the Senate than JOHN B. KENDRICK. The friendships he established, together with his determination and persistence, made it possible for him to accomplish much in Congress.

Senator KENDRICK never failed to realize that what might be looked upon as a small matter in Washington might be of great importance to some citizen of Wyoming. While he always gave careful attention to national affairs, he never neglected his constituents or their requests. When he called at a department, he saw not only the head of the office but made friends with every clerk and employee; and on account of their liking for him there was always a desire to do what he asked.

My relations with him were most pleasant. We conferred and worked together. I went to him many times for advice, which he was always willing to give, and which was most helpful.

There has never been anyone in public life in Wyoming who has been held in greater esteem and affection by the people. Having reached such an influential position in the Senate, his death is a serious loss to the State. He will be missed by many, not only as an outstanding citizen but as a friend.

I am including as a part of my address the following tribute to Senator KENDRICK, by W. C. Deming, publisher of the leading newspaper of Wyoming:

"JOHN B. KENDRICK, THE MAN AND THE STATESMAN—A TRIBUTE TO LATE WYOMING SENATOR BY PUBLISHER OF STATE'S LEADING NEWSPAPER

"The history of the world is, after all, largely a chronicle of the affairs and achievements of men and women. Otherwise, books would be stale and uninteresting and the record of mankind dull beyond endurance.

"The life of the late United States Senator JOHN B. KENDRICK, of Wyoming, needs no encomium. His career speaks for itself and in language more forceful and fascinating than any artist, author, or orator could depict, outline, or construct.

"However, for the benefit of those who may not be altogether familiar with the circumstances, incidents, events, and accomplishments which enter into the life and success of our honored and departed friend, I shall attempt to condense them and present them this evening.

"JOHN B. KENDRICK was born September 6, 1857, in Cherokee County, Tex. The very name of the county in which he first saw the light of day suggests the pioneer history and surroundings of that section of the country. He was the son of John Harvey and Anna Maye Kendrick.

"The tendency among many boys to inherit or follow the occupation and chief interest of the father, whether in business or a profession, is exemplified in the case of young KENDRICK. His parents were cattle ranchers in a small way, and thus he came naturally by his familiarity with boots, spurs, chaps, sombrero,

quirt, and Texas saddle, all so necessary to the equipment of the cowboy on the range.

"Fortunately, for young KENDRICK there was an old-fashioned public school at Florence, Williamson County, and he availed himself of six or seven grades, so called, before going out into the world for himself. This occurred in his sixteenth year, and soon he was 'riding trail' over long distances with the oldest and best of them.

"In those days it was customary to drive thousands of cattle many miles from winter range to summer range, from a short-grass to a long-grass country, or in periods of drought, to a section, territory, or State where Providence had smiled more benignly upon man and beast.

"What opportunities for meditation and contemplation! Young JOHN B. KENDRICK did not stop merely with his musings or his wonderment at the procession of seasons or the precise movement of the stars and the planets, as he observed them during his lonely vigils when 'riding herd' upon the plains.

"He carried or borrowed books and little by little added to his store of knowledge, something he early realized would be of much value if his sphere of activities were ever measurably enlarged or enhanced.

"Perhaps it would not be an exaggeration to paraphrase Whittier in the Branded Hand when he said:

"In thy lone and long night-watches,  
Sky above and "earth" below,  
Thou didst learn a higher wisdom  
Than the babbling schoolmen know."

"Thus in March 1879, at the age of 22, he began his long trek northward, one of many Texas cowboys driving a herd of 3,000 cattle from Matagorda Bay on the Gulf of Mexico to the Running Water range in northeastern Wyoming.

"The distance was 1,500 miles, and the journey over rough roads and dusty, unbroken trails took 5 months. He arrived on August 27, 1879.

"While in this day and age, with modern transportation, one may cover that distance in 3 or 4 days by motor or in a half day by flying machine, in 1879 it was a long journey and replete with more risks and dangers from Indians, floods, droughts, accidents, or disease than a trip around the world would be today.

"Young KENDRICK experienced two narrow escapes before reaching Wyoming: one, when a large band of horses broke corral in a storm at night and stampeded, but, fortunately, the frightened animals jumped as neatly over the sleeping cow punchers as if taking hurdles at a modern horse show; the second, when as a result of fever, JOHN KENDRICK calmly advised his fellow cowboys to bury him beneath the virgin sod and complete their errand to Wyoming if he should not recover.

"His employer, upon that first journey from Texas north, was Charles W. Wulfjen, a successful cattleman who was moving his herds and his residence to this State.

"Apparently the youthful cowboy, who had recovered his health and strength, made such an impression upon his employer for industry, intelligence, and fidelity that he became foreman of the Wulfjen ranch in Wyoming, a position he held for 5 years. However, a man of JOHN B. KENDRICK's temperament could not be satisfied to work for another.

"Moreover, that fifteen-hundred-mile journey through a country in which there were few settlers and often no livestock convinced him that the opportunity of which he had dreamed was all about him and beckoned with a welcoming hand.

"Therefore, he returned to Texas in 1883 and invested his savings, less than \$200, in a small herd of long-horned cattle, and trailed them back to Wyoming, with cattle of his employer, where he enjoyed the thrill of establishing his own ranch, recording his own brand, and becoming a cattleman in his own right and name.

"The Wulfjen and the Kendrick holdings were on Lance Creek in Converse County.

"So rapidly did the young Texan make a place for himself in Wyoming that in 1885 he became foreman of the Lance Creek Cattle Co., in which he had an interest. He was range manager of the Converse Cattle Co. from 1887 to 1897, which company he took over, acquiring real estate, herds, and brands.

"During a considerable part of this time the Wulfjen family resided in Cheyenne in winter and on the Converse County ranch in summer. Thus they all had a large acquaintance in those days in southeastern Wyoming.

"An early Wulfjen home ranch in Wyoming was named the ULA, in honor of Eula Wulfjen.

"How much inspiration for Senator KENDRICK's knowledge and success resulted from the influence of that splendid lady, I shall not pretend to say; but having known JOHN B. KENDRICK for more than 20 years and appreciating the value he placed upon the finer things of life, my impression is that he gave to her the greater credit for all the happiness and success that had come to him.

"At any rate, his life story recalls that while he was riding the range by day and reading his books and papers by a dim kerosene lamp at night, his mind wandered to the home of his former employer and associate.

"The interest and admiration he experienced were mutual, and on January 20, 1891, he was married to Miss Eula Wulfjen, who, with her fine son, Manville Kendrick, and her charming daughter, Rosa-Maye Harmon, survive him.

"Year by year the range was becoming overcrowded; and as JOHN KENDRICK's herds increased, it was necessary to acquire new holdings. He did the obvious, fitting, and proper thing in pur-

chasing the remnant and the brands of the O W ranch, in the vicinity of Sheridan, formerly the home of his first employer and now one of the outstanding cattle estates in the entire West, in the management of which his brother-in-law, Clarence Wulfjen, participated.

"While he had become the big boss and the leading citizen of a wide area in northern Wyoming and southern Montana, Mr. KENDRICK was up with the sun and made a full hand at anything there was to be done. No cowpuncher could outride him, no neighboring ranchman could vie with him in the amenities that characterize a pleasant gentleman and a royal host. Such qualities and such elements of superiority do not come by chance.

"Henry W. Longfellow must have envisioned JOHN B. KENDRICK or known his like when the poet said:

"The heights by great men reached and kept  
Were not attained by sudden flight,  
But they, while their companions slept,  
Were toiling upward in the night."

"Intelligence and industry bring their own reward.

"The quality of his herds improved. He became an authority on livestock, the economic use of ditches and available water supply, cattle disease, and marketing. So much so, indeed, that the O W ranch and its owner were noted in all the great Northwest territory. He became president of the Wyoming Stock Growers Association in 1909, serving 4 years, also vice president of the National Livestock Association for 5 years."

Yet, as recently as 1910, Mr. KENDRICK was unknown as a political figure. That year he was induced by the people of Sheridan County to become a candidate for the State senate. His election followed by a flattering majority. I recall almost as if it were yesterday my first meeting with the plain, tall, bronzed but genial Democratic senator from Sheridan County. Without art or effort, he left an impression upon any or all who spent as much as 1 hour in his presence.

The foundation of his remarkable political career was laid in that session of the legislature in the month of January and February 1911. As has been well said, due to his personality, geniality, sincerity, and quick understanding of men and measures, he emerged a figure, destined to take a place among the outstanding statesmen in Wyoming and in the Nation.

"The minority party literally drafted him as a candidate for United States Senator in 1913, to oppose Hon. Francis E. Warren. While friends of these two self-made citizens permitted some bitterness to enter into the contest, the principals kept themselves upon a high plane and the "green cowpuncher", as State senator KENDRICK called himself, always referred with much respect to his distinguished opponent, who even then was a leader in the United States Senate.

Senator Warren was reelected, securing a majority in a joint session of the legislature, that election being in the days before the popular election of United States Senators.

The campaign, however, had placed the Sheridan citizen upon the map, so to speak, and he was the logical candidate of his party for Governor in 1914. His election was a triumph and marked the beginning of a real opportunity for broad, practical achievement in State and National affairs. I well remember the graciousness of Governor and Mrs. Kendrick and their interesting children at the inaugural ball, in which defeated partisans participated enthusiastically.

Governor KENDRICK lost no opportunity to drive home the fact that he was the chief executive of the State, a servant of all the people, not a mere representative of a political party.

Henceforward there was no election in which he was a candidate in which he did not secure a following from all political parties and from all walks of life. As I have often remarked, while fate and circumstances, and political training and obligation to those in my own party, placed me in opposition to Senator KENDRICK, there was never a time when I took any pleasure in working or voting against him.

Perhaps that was a reflex of Mr. KENDRICK's own feelings, because it has been said that if he ever hated his political enemies, he never showed it. After election the Republican seemed as welcome in his presence and in his office as the most rabid old-fashioned South Carolina Democrat.

Tolerance stood out conspicuously in his code of ethics and action.

Only a few months before his inauguration as Governor, following some good years in the cattle business, Mr. KENDRICK had completed his beautiful new home in Sheridan, on a hill overlooking that attractive little city, and that home is named "Trail End."

As he looked back to the decades that had elapsed since he began the long journey from the Rio Grande to the Black Hills and beyond, he, no doubt, felt that he had earned future years of rest and peace, minus the hardships of the range or the trials and exactions of public life.

But it was not to be. From his splendid private home, he came to occupy the new executive mansion in Cheyenne, where hospitality was extended to Democrat and Republican, high and low, rich and poor. Each and all in the presence of the "cowboy Governor" was made to feel perfectly at home.

Although wishing to serve out his 4-year term, Governor KENDRICK's name was written upon the ballot as the Democratic nominee for United States Senator in 1916. He made a vigorous

campaign and defeated that scholarly gentleman and fine lawyer, the incumbent, Senator Clarence D. Clark, by 3,000 votes.

So great was Senator KENDRICK's modesty and so little inclined was he at any time to assume airs or a place or spurs that he had not actually won, that he sometimes spoke disparagingly of himself as a national lawmaker, and questioned whether he had really earned a right to occupy a seat in the great chamber where Webster and Hayne and Garfield and Blaine had held sway.

This man, whose political life began at 53, a time approaching the three-score line, after which most men begin to take things a bit easy and discount their own ability and judgment, performed his most arduous public duties and acquired a high place in the councils of the Nation.

The World War broadened his vision and his sympathies, extended his contacts and his activities. He was regarded by President Woodrow Wilson as a careful adviser and established himself in the hearts of his colleagues.

Reelected in 1922, he participated in the reconstruction years and worked with his senior colleague, Francis E. Warren, as if they were brothers in the same cause. Through his efforts Grand Teton National Park, of Wyoming, was established, a memorial to his name as long as those peaks endure.

Efforts to defeat him in 1928 failed, because the time had well arrived when he was regarded, like Senator Warren, as one of the venerable fathers and too valuable to be replaced upon political grounds.

Senator KENDRICK and President Calvin Coolidge always maintained a pleasant relationship. The same was true as to President Herbert Hoover, whom the Wyoming junior Senator had come to know during and after the World War, and while Mr. Hoover was Secretary of Commerce under President Coolidge.

Throughout this period, indulging the hope and the dream of a rich agricultural empire in central Wyoming, Senator KENDRICK never relaxed his efforts in behalf of the Alcova reclamation project.

At a time when engineers, specialists, writers, investigators, Cabinet heads, and Members of Congress were dismissing the proposition with a shrug of the shoulders, because of the expense of construction and the high price of water that would necessarily follow, Senator KENDRICK believed there was a way out.

His practical mind coupled with the project a great power dam which would supply electricity for farms, ranches, villages, towns, cities, mines, and possibly railroads within a radius of several hundred miles.

The election of Franklin D. Roosevelt in November 1932, together with a Congress of his own political persuasion, placed the now senior Senator from Wyoming in a position of new power and vantage.

With that energy and determination which had characterized his entire life, whether the task was large or small, he set about to realize his dream.

In the cloakroom, lobbies, corridors of the Capitol, and upon the floor of the Senate, he carried his message, strengthened by the fact that Wyoming through its oil royalties had contributed millions to the reclamation enterprises of other States.

His sincerity as to the desirability and practicability of the project, when judged over a period of 50 years, together with his mastery of the idea of fair play, carried conviction to his colleagues, to the Secretary of the Interior, and to the President of the United States.

Unexpectedly the message went forth a few months ago that the Casper-Alcova project had been approved and \$23,000,000 would be appropriated for its completion.

It was a great victory.

But it is perhaps no exaggeration or forced tribute to Senator KENDRICK when I say that he paid for this achievement with his life.

Superimposed upon the multitudinous duties which encompass a United States Senator at all times, and the inescapable demands following a change of administration, the days and nights given to the Casper-Alcova project were too much, even for a man of Senator KENDRICK's physical and mental vigor.

Returning to Wyoming, he was acclaimed on every hand, and found that a movement had been inaugurated to make him the nominee of both major political parties in 1936.

While Senator KENDRICK honestly and sincerely hoped that he would be permitted to retire and enjoy his remaining years amidst his home and family, in the State he loved so well, in all probability had he survived, public sentiment and a high sense of duty on his part would have resulted in his reelection unanimously at the hands of the people of Wyoming.

In Sheridan, at the close of Congress, he still found much to do. What with the details of his large private business, ranching and banking, consultation over State and Federal matters of importance, and the exactions arising from the disposition of patronage, Senator KENDRICK had little or no time to himself, even in the supposed quiet of his own home.

Like a bolt of lightning from a clear sky, the news came on Wednesday evening, November 1, that Senator KENDRICK had suffered an attack from which he might not recover.

Anxious days and nights followed, in which thousands of men, women, and children watched the news bulletins and reports from his bedside, hoping almost against hope that the physical vigor which so often had stood him in good stead would again avail.

But it was not to be.

On Friday, November 3, 1933, the Senator passed away, not having recovered consciousness, and, therefore, having escaped the

mental anxiety and physical pain which sometimes accompany the closing days of men and women who have passed three score and ten.

Notwithstanding the first severe storm of the winter season prevailed quite generally throughout Wyoming, by train, by automobile, by airship, friends and admirers came November 6 from every section, and some from long distances, to pay tribute to their departed friend.

In the privacy of that beautiful fireside, where he had planned to spend his declining days, the family gathered for the last opportunity to view and honor him who had been for so many years the rod and staff of the happy household.

Hundreds were gathered in the First Methodist Church, and literally thousands stood outside with bared heads, defying a bleak, chill November day as his remains were brought from the home, Trail End, for the public service.

Not the least impressive of the personal and official delegations gathered at the church was that of five Crow Indian chiefs in full tribal regalia. There they sat with solemn, bowed faces, doing their part with dignity in honoring their distinguished white brother whom they had come to know and honor as a close friend of the Great White Father in Washington.

In keeping with that modest, warm, personal, friendly spirit when he lived, Senator KENDRICK had often expressed the wish for a simple funeral, devoid of eulogy, but characterized by the hope and faith and beauty that emanate from the Holy Scripture.

There were old-time organ music and a verse of Crossing the Bar, a poem which became one of the Senator's favorites. This was read by Mrs. Clarence Wulfjen, sister-in-law of Mrs. John B. Kendrick, in lieu of the usual songs upon such an occasion.

In the midst of artistic banks of flowers, surrounding the altar and organ and reaching from the floor to the ceiling, the pastor Dr. I. B. Wood, of Cheyenne, former minister and personal friend of the deceased in Sheridan, assisted by the Reverend Charles E. Hardesty, now pastor of the Sheridan Methodist Church, conducted the service.

The ritual was brief and impressive in its simplicity and beauty. The biblical selections carried lessons of faith and cheer to all the assembled.

Perhaps, never before in Wyoming had so many people from every walk of life gathered to do honor to the dead. At the close of the ceremony and before those seated in the church were dismissed, the doors were opened and hundreds from the outside were permitted to walk through.

As the November sun was dropping down behind the Rocky Mountains, JOHN B. KENDRICK had moved from his temporal home at Trail End to the beautiful cemetery on Mount Hope where he now has peace and rest.

I regret that I never knew Senator KENDRICK during the days of his struggles. My acquaintance came at a period in his life when fortune had smiled and the future was large with honor and promise. He shared his material success with his neighbors and his friends. Parks, playgrounds, golf links, generous contributions to all public enterprises mark his citizenship.

To me, having watched Senator KENDRICK closely during the years of his political stewardship, I think the most impressive personal result was his growth as a public speaker.

All else that contributed to his value as a citizen, a chief executive, and legislator could be taken for granted.

Yet, practically without advanced schooling or training, upon occasion, when moved by his surroundings, he literally captivated an audience with his simple eloquence.

I shall recount but one incident. A few years ago while I was in Washington as president of the United States Civil Service Commission, Hon. Stephen J. Mather, Director of National Parks, issued invitations for a dinner at the Willard Hotel.

The list was confined almost exclusively to men who by reason of their past or present life, their official positions, private work or residence, would be interested in the growth and development of the National Park system.

There were about 60 present. Mr. Mather, the host, called upon each to rise and then gave a brief record of his career.

From the large list, three or four were chosen for extended remarks. The occasion had been a most happy one. Portly waiters in white jackets and spotless caps had carved immense helpings of buffalo steak from a nearby table in full sight of the guests.

It was in most ways a western occasion, although many easterners were present. In a measure, it was the crowning event of Stephen J. Mather's interest and achievements in behalf of national parks. The frontier was recalled and the future was rich with promise.

Senator KENDRICK's response was the speech of the evening. Briefly and effectively he recounted his boyhood, his early days upon the plains, and pictured for the benefit of the "tenderfeet" the herds of buffalo as he had seen them as a boy in his journey from Texas to Wyoming.

Coupled with that simple wit and humor with which he was so gifted, warmed with that smile which personified his friendliness, he drew the guests upon that occasion to him and with him as the old-fashioned horseshoe magnet attracts bits of steel.

Nothing I have said and nothing that we can now do will add to the fullness of Senator KENDRICK's life, an epic of the old and the new, the East and the West. These occasions are merely efforts

on our own part to understand, if possible, and do honor to those who have so ably borne the burden and the heat of the day.

Shakespeare sums it all up in four words when he permits Hector to say: "The end crowns all."

#### CLAY STONE BRIGGS

Mr. MANSFIELD. Mr. Speaker, the sudden death of Hon. CLAY STONE BRIGGS, on April 29, 1933, was a profound shock not only to his family but to many thousands of people of Texas who knew him so well and so favorably, and who were the chief beneficiaries of the splendid public services he had rendered.

Judge BRIGGS was born in Galveston, and this beautiful island city was his home until the time of his death. He was brought up there under the most refining influences, and it was there that he received his early education and training that so eminently qualified him for the public positions he afterward filled with honor and distinction. First attending the public schools, he then entered the Ball High School, from which he was graduated in 1894. He attended the University of Texas in the academic department, going from there to Harvard for a session. In 1899 he graduated from the law department of Yale, with the degree of LL.B.

After returning from Yale Judge BRIGGS practiced law in Galveston for several years, and represented Galveston County in the thirtieth legislature, becoming identified with several of the most important laws enacted at that time. In 1909 he was appointed by the Governor of Texas as judge of the tenth judicial district, to which position he was re-elected for three consecutive terms, resigning in January 1919 after his election to the Sixty-sixth Congress.

In Congress Judge BRIGGS was assigned to membership on the Committee on Merchant Marine, Radio, and Fisheries, taking an active interest in promoting and building up our merchant fleet, which is of such vital interest to the welfare of our Nation and particularly to that of his native State of Texas, whose foreign trade holds a very high rank among the States.

His public record, like his private life, is without stain or blemish. In my service in Congress I have never been associated with anyone who was more devoted to duty and to the interests of the country and of his constituency. He has left behind him a splendid record of achievement, as well as a host of sorrowing friends.

Mr. THOMPSON of Texas. Mr. Speaker, the sudden and untimely passing of one of my closest and truest friends was such a shock that I am still, after all these months, at a loss to find words to adequately describe and express my deep sorrow.

CLAY STONE BRIGGS was truly a friend of the people of the Seventh Congressional District of Texas, and he remained loyal to all from the very day he first entered public life as a member of the Texas Legislature until God chose to call him on that beautiful spring morning of April 29, 1933. He had no warping, but we all know that he was not afraid to go. His whole life was devoted to comforting those about him and the people of his district. He gave his own welfare little thought. He was reticent and modest when his own well-being was involved; but when he was looking after the interest of one of his people, whether a man or woman of influence or a poverty-stricken farmer or laborer, he fought hard and effectively to protect the rights of his constituents.

His memory will forever linger in the hearts of the good people of Galveston and of east Texas who were so fortunate in having him represent them for many years, for all of us know that we could have chosen no man better equipped than this great humanitarian to serve us.

Soon after I landed in Galveston as a marine during the World War, I attended service at Grace Church. I met Judge BRIGGS there, and we immediately became warm friends. We cooperated in many problems, and many times I was amazed at his ability to take hold of a difficult matter, which often appeared hopeless, and after months of almost superhuman effort succeed. Mind you, he never gave a thought to anything material for himself. Late in the after-

noon of the day before he passed on, he succeeded in obtaining a river-and-harbor project which meant a great deal to the people and commerce of his district. That was his last official act. Little did he know that when he would leave the Capitol that night, he would never see it again or his colleagues with whom he had served for so many years and whom he loved so dearly.

It seemed that his heart may have been burdened with sorrow, but he was every inch a gentleman; and if he had any misgivings, he carried them to his grave.

No nobler man ever lived on the face of the earth, and I know that God has rewarded him.

I want to incorporate in my address memorial resolutions adopted by the House of Representatives and Senate of the State of Texas soon after those two bodies learned of the passing of Judge BRIGGS:

Senate Resolution No. 99

Whereas news has been received of the sudden death of the Honorable CLAY STONE BRIGGS, Congressman of the Seventh Congressional District of Texas; and

Whereas Judge BRIGGS has long been a public servant as a Member of the House of Representatives, as district judge of his native city, and as Congressman for the Seventh Congressional District; and

Whereas he distinguished himself in his profession—law—having graduated from the law department of Yale University, and having practiced his profession in his native city of Galveston successfully and served a number of years as judge of the tenth judicial district; and

Whereas Judge BRIGGS was honored, respected, and loved by all of his constituents in the Seventh Congressional District in particular and by the whole State of Texas in general for his unselfish patriotism and loyal service in the National Congress; and

Whereas his death is not only a great loss to his wife and children but is a great loss to the State and Nation: Now, therefore, be it

*Resolved by the Senate of Texas*, That we hereby express our deep regret at the untimely passing of this great statesman and extend our sincere and deepest sympathy to his widow and children in their bereavement; and be it further

*Resolved*, That a copy of this resolution be forwarded to his family and to the House of Representatives of the National Congress by the secretary of the senate and that a page of the senate journal be set aside in his memory, and that when we adjourn the senate today, it be in honor of his memory.

Beck, Blackert, Collie, Cousins, DeBerry, Duggan, Fellbaum, Hopkins, Hornsby, Greer, Holbrook, Martin, Moore, Murphy, Neal, Oneal, Pace, Parr, Poage, Purl, Rawlings, Patton, Redditt, Regan, Russek, Sanderford, Small, Stone, Woodruff, Woodul, Woodward, Witt, Lieutenant Governor.

EDGAR E. WITT,  
*President of the Senate.*

I hereby certify that the above resolution was unanimously adopted by a rising vote, May 4, 1933.

BOB BARKER,  
*Secretary of the Senate.*

Resolution

Whereas news has just been received of the sudden death of Hon. CLAY STONE BRIGGS, Congressman of the Seventh Congressional District of Texas; and

Whereas Judge BRIGGS has led a long and useful life as a public servant, both as a Member of this body and the National House; and

Whereas he distinguished himself in his profession, the law, having graduated from the law department of Yale University and having served the tenth judicial district as judge for many years; and

Whereas Judge CLAY STONE BRIGGS is honored, respected, and loved by all of his constituents and admired by the whole State of Texas for his unselfish and patriotic service for 14 years in the National Congress; and

Whereas his death is a shock and great loss to his State: Now, therefore, be it

*Resolved by the house of representatives*, That we hereby express our deep regret at the untimely passing of this patriotic statesman and extend our unbounded sympathy to his widow and family in their bereavement; and be it further

*Resolved*, That a copy of this resolution be forwarded to his family and to the House of Representatives of the National Congress by the chief clerk of the house, and that a page of the house journal be set aside in honor of his memory, and that when the house adjourns today, it be in honor of his memory.

Daniel, Bedford, Metcalfe, Mackay, McClain, Burns, Ross, Colson, Johnson of Anderson, Moore.

PEAKE S. STEVENSON,  
*Speaker of the House.*

I hereby certify that H.S.R. No. 157 was unanimously adopted by a rising vote on April 29, 1933.

LOUISE SNOW PHINNEY,  
*Chief Clerk of the House.*

Mr. JOHNSON of Texas. Mr. Speaker, for 10 years I served in the House with Hon. CLAY STONE BRIGGS, who had been elected a Member 2 years previous to the beginning of my service here.

He was a man of the highest ethical standards, honest, conscientious, and faithful in the discharge of duty. He had a bright, well-trained mind, having been graduated from the Ball High School in Galveston, and having attended the University of Texas, Harvard University, and was graduated from the law department of Yale University in 1899.

He had had 2 years' legislative experience in the Thirtieth Legislature of Texas and also served as district judge of the Tenth Judicial District of Texas for more than 10 years. With this background he had excellent training for the experience so necessary for his service in Congress, and the splendid record which he made here was doubtless due thereto.

No Member was more jealous of the rights of his constituents and served them more faithfully than CLAY STONE BRIGGS. Galveston and other counties in his district now have Federal projects which came by reason of his untiring efforts. Almost daily he visited the various departments of the Government; and by personal contact, a pleasing personality, and his legal ability he was able to secure favorable action upon many applications which otherwise would have been denied.

He was a member of the important Committee on Merchant Marine, Radio, and Fisheries, was constant in his attendance upon the sessions of the House, manifested an interest in all bills of major importance, and was always well informed as to the provisions of legislation; and all his votes were intelligently cast.

His death was sudden and unexpected. He participated in proceedings of the House the day before. I talked with him late in the afternoon preceding his passing early the following morning, and he was apparently in good health and in excellent spirits.

CLAY STONE BRIGGS enjoyed the confidence and esteem of the entire Membership of the House, both Democrats and Republicans. He was my friend, and I had for him an affectionate regard. In his death the Seventh Congressional District of Texas, the State of Texas, and the Nation at large lost a faithful, able, and conscientious servant of the people.

CHARLES HILLYER BRAND

Mr. ROMJUE. Mr. Speaker, when I first became a Member of Congress, there came at the same time, as a Representative from the State of Georgia, the Honorable CHARLES H. BRAND, and he served in this body continuously until his death. Our friendship began with our early acquaintance, and my respect and affection for him and his many good qualities never abated at any moment.

Judge BRAND, as many of us knew him, was one of life's jewels. He embodied the highest principles of life, and to acknowledge and know him as a friend was to bring to one's self an honor.

He was strong in his convictions, taking at all times that view which he believed to be honorable and right. He was just in a very high degree. His judicial service in his own State of Georgia could not have been other than of a very high order; like his service here in Congress, it must have been full of real faithful and honest service. Judge BRAND was a true and loyal friend; he was so true and loyal that an injustice or injury to his friend was, according to his standard, an injustice and injury to himself.

One of the fond recollections of my service in this distinguished legislative body will always be that I knew well and enjoyed the friendship and companionship of Judge BRAND.

I know the good people of Georgia, of whom he was always so fond, do miss him. To those who possessed his friendship I can truthfully say, "You never had a better friend."

What a loss to those of us here engaged in public service to have had a man of his type removed from among us. While we miss him in person, his counsel and judgment shall still be cherished, and our friendship and affection for

him and the memory of his splendid service in behalf of the public shall remain undimmed.

My good friend, I shall not say farewell, for we shall meet again.

Mr. TARVER. Mr. Speaker, Judge CHARLES H. BRAND, whose memory we honor today, was one of the ablest men of his generation in Georgia public service. His record of almost 40 years in public life was one of great brilliancy and was one of unbroken continuity, that fact indicating how strong was his grip upon the minds and hearts of his people, who never denied him any preferment that he asked and were always glad to utilize his capabilities in whatever capacities he was willing to serve them.

He began and ended his career in legislative service; first, for one term in the Georgia Senate, 1894-95, during which he was signally honored by selection as president pro tempore, and, last, by approximately 16 years' continuous service in Congress. Between these periods he served with distinction as solicitor general and as judge of the western judicial circuit of Georgia. The keenness of his mind, the broad scope of his legal knowledge, and his admirable judicial temperament, will be attested to not only by those who were associated with him in that service, but also by those who in later years saw these qualities secure for him in the Halls of our National Legislature the respect of all his fellows, and enable him to perform services for his people that a man of ordinary capabilities would have found impossible.

His successful career as business man in connection with his public and professional work also gave him an experience which added to his qualifications for congressional service and contributed largely toward securing for him the important place on the major Committee on Banking and Currency, which he held at his death.

His colleagues loved him, however, not so much for his attainments, for many men possess these without at the same time having qualities which draw their fellows close to them, but for his warm heart, sunny spirit, and unselfish willingness to help others, whether colleagues or his people at home, in every way that lay within his power. He was a prince of good fellows, a loyal friend, an able assistant of whosoever needed help that he could give; in short, he was entitled to high distinction on account of unusual qualities both of mind and heart, and his memory will live always with every man, woman, and child who came in contact with him in his long and useful life.

Mr. PARKER. Mr. Speaker, the service that our late colleague, CHARLES HILLYER BRAND, rendered to the people whom he represented and to the country at large constitutes a memorial to his memory that cannot be matched by any humble words that I might utter in his praise.

For years his life had been devoted to the service of the people whom he loved, and their devotion to him is evidenced by their unflinching loyalty in returning him, time after time, to the seat in the House that he filled so well.

From 1917 until the spring of 1933 Judge BRAND was a Member of this body, but his public service cannot be measured by the noble work alone that he performed in Congress. For years prior to his entrance into Congress he was a devoted public servant, and he endeared himself to his people by serving them in many capacities.

Those of us who served with him here know full well of his tireless efforts in behalf of constructive legislation, and the number of you who served with him longer than I did are better acquainted with this phase of his public life than am I. For years before he entered this body, Judge BRAND, as he was known and loved in Georgia, served the people whom he loved with unflagging energy and zeal.

His career in public life began in 1894 when he served with distinction in the Georgia State Senate and was elected president pro tempore of that body during his first term.

This distinguished young statesman was soon promoted, and in 1897 he took office as solicitor general of the western judicial circuit of Georgia. For 8 years he served in this

capacity, and so well did he perform his duties that he was elevated to the position of judge of the circuit.

For more than 10 years he graced the bench of this large circuit of north Georgia, and his marked ability soon placed him among the foremost members of the Georgia judiciary.

Promotion was again accorded Judge BRAND in 1917, when he entered the House of Representatives as the Member from the Eighth District of Georgia. In this body he served faithfully and ably for 16 years, and the work that he did here lies recorded in the deathless records of the Congress of the United States.

But, my colleagues, it was not in the realm of politics and law alone that our departed comrade distinguished himself. His industry and foresight early established him as a constructive business man, and until the time of his death he was active in promoting the development of the section that he loved so well.

Judge BRAND was president of the Brand Banking Co., of Lawrenceville, Ga., and his labors in the banking field aided greatly in the development of northeast Georgia. His wisdom, acumen, and integrity were recognized in his election to the board of directors of the Southern Mutual Life Insurance Co., of Athens, Ga.

Despite the demands of many official duties that were made upon him, Judge BRAND, with indefatigable energy, discharged the many pressing problems with which his business interests confronted him. He never neglected his constituency for his private business in any conceivable way, and yet his enormous capacity for work enabled him to carry on business enterprises that would occupy the full time of a man less able than he.

It is not always, however, the official records that portray a man's real worth. The image of a man that is held in the hearts of his friends signifies most clearly his real worth. How he is regarded by his friends and neighbors means more in determining his true value than all the printed references to which one might allude.

In this connection, permit me to dwell for a minute on one of the most touching scenes that I have ever witnessed—a scene, my colleagues, that demonstrated more emphatically than any words in man's command, the respect, reverence, and love with which CHARLES H. BRAND was held by his fellow men, the men and women who had been his companions, his neighbors, his friends, down the years. It is their testimony that speaks so clearly of his humanity, his friendship, and his devotion to the people whom he served.

I had the honor of attending his funeral as a representative of his colleagues in the House, and it was this occasion that brought home to me so forcefully the fact that he was not merely a representative of his people, but their counselor, their servant, their friend.

In the rolling red hills of north Georgia the mortal remains of CHARLES H. BRAND were laid to rest by the people whom he loved, and the sorrow of the hundreds who were in attendance testified more eloquently than words to the splendid qualities of our late comrade.

The brave women and strong men who knew him best gave vent to unashamed tears as CHARLES HILLYER BRAND's body went to its last resting place. The people whom he loved and who loved him thronged the peaceful cemetery to pay their last respects to their departed friend.

Graphic realization that a friend of man was being laid to rest, as well as a patriot, was brought to me by the sight of this sorrowful multitude gathered in the quiet beauty of a peaceful cemetery set upon a wooded, red-clay hill that CHARLES HILLYER BRAND knew and loved so devotedly.

Mr. BROWN of Georgia. Mr. Speaker, the State of Georgia and the entire Nation sustained a great loss in the death of Hon. CHARLES HILLYER BRAND.

Born in Loganville, Walton County, Ga., on April 20, 1861, the son of Egbert M. and Julia Ann Cooper Brand, he was reared to young manhood there. He attended the University of Georgia, and after his graduation in 1881 he located in Lawrenceville, Ga., where he began the practice of law and

was admitted to the bar in September 1882. He possessed judicial temperament and was a lawyer of ability and integrity. He loved his profession, and it was ever his purpose to uphold the high ideals of this calling.

He was a member of the State senate for the 1894-95 term and was president pro tempore of that body. He served as solicitor general of the western judicial circuit from January 1, 1897, to 1905 and served as judge of said circuit from 1906 until his election to Congress in 1917.

From the time he was first elected to Congress on January 11, 1917, until the date of his death on May 17, 1933, he served his district, State, and country with honor and distinction. He was an able member of the Banking and Currency Committee for many years and was keenly interested in all legislation referred to this committee, being the president of one of the strongest banks in Georgia.

Judge BRAND was a man of keen intellect and sound judgment. He was innately fearless and courageous. He was firm in his conviction and always stood for what he thought to be right. He championed the cause of the masses and was ever ready and willing to assist those in need. He was a faithful public servant, a loyal friend, and a devoted and loving father.

Mr. OWEN. Mr. Speaker, in the death of Hon. CHARLES H. BRAND not only the State of Georgia but also the Nation sustained a great loss.

It was not my privilege to serve in Congress with Judge BRAND, but I knew him for a long number of years as a man and as a jurist. Before he came to Congress, he presided over several terms of court in the judicial circuit in which I was Solicitor General, and he impressed everyone with his eminent fairness, impartiality, and high legal attainments. He was indeed one of the greatest superior-court judges that the State of Georgia had. He possessed a judicial temperament and was devoted to his chosen profession of law.

He began his public career as a member of the State senate for the term of 1894-95 and was elected president pro tempore of that body. He was solicitor general of the western judicial circuit from 1897 to 1905, when he was elected judge of that circuit, serving until his election to Congress in 1917.

Throughout his entire public career, in the various responsible trusts that he held, he served with courage and ability. He was uncompromising in his devotion to what he believed to be right, yet fair and generous to any who might disagree with him. He possessed a keen intellect and sound judgment. He was a faithful public servant and a loyal friend.

Mr. CASTELLOW. Mr. Speaker, it is obvious that man receives his mental stimulus from numerous sources which, however, become selective in conformity with individual natures.

Intimate contact with cross-sections of life affords opportunities for knowledge otherwise inaccessible. Seeing the world and associating with its peoples store in the reservoirs of memory inspirations without which life to me would be infinitely poorer. An outstanding feature of the service here is the delightful fellowship with the Members of this splendid body. The rapidity, however, with which its personnel changes is most impressive.

At the time of my recent election to Congress, that distinguished gentleman, the Honorable CHARLES H. BRAND, was among our most prominent Members from Georgia. He ably filled an important post on the Banking and Currency Committee, in which his fearlessness and alert judicial mind rendered his services most valuable. Although I was not personally acquainted with Judge BRAND, our mutual friends were numerous, and I followed with interest his activities, anticipating with pleasure our prospective associations. However, his extended illness and subsequent death prevented the fruition of these hopes. I know him only by the record of his achievements and the kindly expressions of his associates. From these I have learned of his untiring devotion, not only to the service of his own district and

State but also to every matter of national concern. Basing my judgment upon the opinion of those who knew him best, I feel that through the passing of Judge BRAND, our Nation, as well as the State of Georgia, has lost a notable Representative and most worthy citizen.

Mr. VINSON of Georgia. Mr. Speaker, we are here today to pay honor and respect to those of our colleagues who have passed on to the great beyond, "from whose bourne no traveler returns." We are somewhat consoled at our loss and at the Nation's loss when we recall to mind the noble records of service and achievement, such as those left behind by the late Congressman CHARLES HILLYER BRAND, who for many years represented the old Eighth, now Tenth, Congressional District of Georgia.

Judge BRAND, as he was universally known among his friends and constituents, was born in Loganville, Walton County, Ga., April 20, 1861, and educated in the public schools of his home town and the University of Georgia, graduating from this institution with an A.B. degree in 1881. The following year he began the practice of law in Lawrenceville, Ga., was elected to the State senate for the years 1894-95, serving as president pro tempore of that body. It was during this period of public service that his remarkable ability as legislator and as leader of men began to exhibit itself and won for him the esteem and respect of many men of prominence from over all the State, who remained his lifelong friends and supporters. Upon the expiration of his term of office as a State senator he was elected solicitor general of the western judicial circuit of Georgia by the general assembly. After serving in this capacity with energy and distinction for several years he was elevated to the judgeship through appointment by Governor Terrell. He remained in this position until he was elected to the Sixty-fifth Congress, January 11, 1917. From that time until his death on May 17, 1933, he served his country and district faithfully and well. Being a member of the important Committee on Banking and Currency, he took an active part in the drafting and enactment of much important legislation affecting the banking and currency systems of the Nation.

He charted his life's course with thought and wisdom and pressed forward to the goal with unswerving determination. His outstanding traits of character were loyalty, truthfulness, determination, and perseverance. He never deserted a friend nor harbored malice for an opponent. The welfare of his country and constituency was his personal concern. When in the last years of his life, after the ravages of time and disease had already taken a heavy toll, it became necessary for him to choose between the conservation of his fast-waning strength and the continued performance of his arduous official duties, he chose to pour forth his last remaining energy, as he had always done, in the interests of his friends and constituents, who had for so long a time honored him with their suffrage.

When on that beautiful spring day he answered the final roll call, he left behind a glorious record of public service and a host of sorrowing friends, who will always cherish in their hearts the memory of many kind deeds and valuable services, rendered by a noble and distinguished public servant.

Mr. RAMSPECK. Mr. Speaker, one of the sad things about life is that as we grow older we must suffer the passing of our friends, and they cannot be replaced.

In the death of the Honorable CHARLES H. BRAND the Congress was deprived of one of its most alert and able Members. Until his last sickness overtook him, he was active and aggressive in his attention to his duties. He served his district with zeal and discharged his obligations as a member of the important Banking and Currency Committee with fidelity.

He was a strong character, a man loyal to his friends and devoted to the people whom he served. His life was full of service in important positions of trust and responsibility,

all of which he discharged with credit to himself and in a manner satisfactory to his people.

In his passing we have lost a tried and true public servant, a beloved friend, and a citizen in whom all Georgians felt a justifiable pride.

**BOLIVAR EDWARDS KEMP**

Mr. FERNANDEZ. Mr. Speaker and gentlemen of the House, what greater tribute can we pay to our beloved dead than to impose upon our time and to devote these few moments in deep reverence, respect, and memory of our endeared colleagues, and to hope and pray for the repose of their souls, in the name of God?

My association with Hon. BOLIVAR EDWARDS KEMP was not in the least remote. The occasion of our first meeting was, indeed, one that I have always cherished—it was when I was elected to the Constitutional Convention of the State of Louisiana in 1921. Mr. KEMP was at that time a member of the board of supervisors of the Louisiana State University. It was his fine work in connection with educational matters that attracted my attention. We became close and stanch friends, and no occasion had intervened to mar our friendship; therefore our close alliance enduring until his death.

Mr. KEMP rendered a great public service. He was very active in promoting and developing agriculture and truck farming in Louisiana, and, indeed, was devoted ardently to that work and vital matters pertaining to his own congressional district.

Through his service on the board of the Louisiana State University, under Governor Hall in 1910, and through consecutive reappointments under succeeding Governors Pleasant, Parker, and Simpson, he fostered a love among his people that left in his wake a feeling of deep gratitude for the meritorious services he rendered.

Mr. KEMP's first political office was his nomination for Congress to represent the Sixth Louisiana District; and as a result of his nomination, he was elected and thereby became a Member of the Sixty-ninth Congress. He was consecutively reelected to the Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. It was during the summer of 1933, just after recess of the first session of the Seventy-third Congress, that my esteemed and distinguished colleague from Louisiana expired. He leaves behind in our endeared State of Louisiana a public service that will perpetuate his memory.

Mr. MONTET. Mr. Speaker, the death of our colleague, Hon. BOLIVAR E. KEMP, was not only a loss to his constituents but to the State of Louisiana and the Nation as well. He rendered many years of useful service to the country. His death was untimely. By reason of his intellectual attainments, his broad knowledge of law, and his many years of intelligent service in Congress, he had achieved in Congress the recognition to which his many outstanding qualifications entitled him when called to join the great multitude.

He was held in the highest esteem by those who many times honored him with election to this body. The honors that came to him were but incidents in his unselfish life, and, in themselves, were to him but as sounding brass and tinkling cymbals if he could not, as he did, make them instruments for good for his fellowmen. While he was respected as a lawmaker, people loved BOLIVAR KEMP, the man. And as the period which knew him in the flesh recedes into the past, he will be remembered for his deeds and words of love when his official acts shall have been forgotten. His patriotism was of the highest type. As a public servant, never a breath of scandal or suspicion attached itself to any of his public or private acts. Without parading it, he had a contempt for all shady or crooked transactions. His political life as well as private life was an open book. He was democratic in his mental methods, in his religion, and in his private life and habits; and while he loved peace, he never flinched in battle. If the people he represented could voice adequately the love their hearts feel for him, there would rise up paeans of praise that would echo through heaven's arches. He had the heart of a child, innocent,

pure, trustful, hopeful, happy. Thrice blessed is he who is thus certified at the bar of heaven.

Nothing can now be done to bring him back to the useful life he lived, but the services rendered by him to his country as well as his fine character as a man will live on forever.

Mr. MALONEY of Louisiana. Mr. Speaker, on this day, set aside by us as memorial day to give thought to and to pay respect to the memory of those of our colleagues who have departed, our thoughts become solemn as we reflect and realize how time moves on with its many, many changes; and as we look around and miss the faces of those who were with us—it seems only yesterday—but are not with us today, it causes us to reflect more seriously for a better understanding of the beginning and ending of our days on this earth. With these thoughts in our minds, we are reminded of a distinguished Representative from Louisiana who has responded to the call of our Creator; I refer to the Honorable BOLIVAR E. KEMP, who had the honor to serve his fellow citizens of his native State of Louisiana in this august branch of the Government for many years.

Mr. KEMP was one of our most beloved citizens. He comes from a family of Kemps that have been favorably and well known in Louisiana for many generations. In addition to professional duties as an attorney, he gave his time unstintingly for the betterment and welfare of his State. Many years ago citizens who knew him, and there were many, realizing his sterling qualities, insisted upon his representing them in this congressional body. They continuously honored him by reelection, thereby attesting their confidence and high regard for his capacity and reliability. He was not found wanting in his duties and served faithfully.

At the conclusion of the Seventy-second Congress, which was a most extraordinary session in many ways, Mr. KEMP discharged every public obligation and worked faithfully and diligently to assist in restoring this country to a normal condition. Shortly after Congress had adjourned, he was fatally stricken upon his arrival at his home in Louisiana, and that day, Mr. Speaker, was a day of great sorrow for the thousands of fellow citizens of his home State, as it was a distinct loss to his community.

BOLIVAR KEMP served his country patriotically and well. He has been missed in presence and service, as he was a man of fine personality and a ruling spirit. He carried on his work for the welfare of the Nation with much courage and ability. In his private life he was known as a dutiful son, a loving husband, an indulgent father, and a true friend.

I join with the Members of this House this day with bowed heads in paying reverence to his memory and extend my deepest sympathies to those endeared to him.

**EDWARD BERTON ALMON**

Mr. ROMJUE. Mr. Speaker, in the passing from this life of the Honorable EDWARD B. ALMON, Representative from the State of Alabama, one of the most trustworthy and faithful Representatives that has ever served in this House passed to his reward.

Those who served with him and lived close to him knew him well enough to properly evaluate his life and character, and they know as I know that in his death his congressional district, his State, and his country lost a valuable and loyal friend.

It was my good fortune to have lived near him for quite some time while here in Washington, and I never knew a time when he was not glad and willing to render a service whenever he could properly do so. He lived as truly by the golden rule, I believe, as anyone with whom I ever had the pleasure of being acquainted. He appreciated his friends deeply, but preferred to help them whenever he could rather than to call on them for assistance.

He served his State for some years in a judicial capacity—before coming to Congress—and I have not the least doubt he served his constituents in that capacity as he served them here in this legislative body.

There was no bluster, no false pretense, no sham, no self-glorification about EDWARD ALMON. His was a character rich in the finer impulses and fabric of life.

Many times he showed his kind heart and warm personal friendship.

He was a very hard-working Representative of the people, and in my judgment would be living today, except for the great strain he took upon himself in his continuous effort to serve his people in the very best way possible.

He was charitable to the extreme,  
He was generous beyond measure;  
He was held in greatest esteem,  
He was in the highest sense a real treasure.

Those who served with him here, as well as his friends elsewhere, shall not soon forget him nor his splendid public service.

Mr. McDUFFIE. Mr. Speaker, I find it impossible to adequately express my grief at the passing of my warm personal friend, Judge EDWARD B. ALMON, whose outstanding career came to an end on June 22, 1933. I shall never forget his many courtesies to me throughout our association here, and though my senior in years, there were strong ties of friendship and comradeship between us that I shall always treasure.

Few men in the history of Alabama were in the public service longer than Judge ALMON. Beginning as a judge of the eleventh judicial circuit of Alabama in 1898, he held public office for a period of 35 years, 20 years of which he was a Member of the Lower House of Congress. This long service attests not only the esteem and affection of his people but his outstanding ability. In his death Alabama and the Nation have lost a most valuable public servant. Gentle, kind, and generous, his heart overflowed with love for his fellow man. No man in the history of the Congress of the United States or in the public life of Alabama devoted himself more assiduously to his duties than did Judge ALMON. There can be no doubt that the intensity with which he applied himself to his duty in Washington shortened his useful life.

Coming to Congress on the eve of the World War, he became a prominent figure in the Wilson administration under which the governmental activities at Muscle Shoals were initiated in his district. From time to time, year after year, all the multiplied questions and problems involved at Muscle Shoals fell upon him more than on any other individual connected with the legislative branch of the Government. Regardless of the final status of that great enterprise and whatever valuable service it may render the people of the Nation, its development and its utilization must forever be linked with the name of EDWARD B. ALMON. During the last few years of his life I often regretted that Muscle Shoals was in his district, because I observed the telling effects upon his physical self resulting from his anxiety and his unflinching efforts to settle that problem, which was fraught with so many difficulties, and which was a national issue for so many years.

Judge ALMON served in both Houses of the Legislature of Alabama and was overwhelmingly elected as speaker of the house of representatives. In this position he presided with that sense of fairness which was so characteristic of him, and with his usual poise and dignity. In this position his outstanding service made him one of Alabama's most distinguished men. I doubt if there ever was a speaker of the Alabama Legislature more beloved by his colleagues, nor one whose labors were given more enthusiastically for the welfare of the people of his State. Both as a circuit judge and as a speaker, his sense of justice and his high ideals of citizenship endeared him to every man, woman, and child who knew him. The record of that service appealed to the intelligent people in the eighth district, who saw fit later to commission him as their Representative in Washington for so many years.

In the dark hour of sorrow and distress over his untimely death, it is consoling to his dear and devoted wife and family, as well as to those of us who served with him, to

recall the affectionate esteem in which he was held on both sides of the aisle of the House. Judge ALMON's death touched deeply the heart of everyone with whom he served in Congress. Without guile, without sham, with a genuineness and sincerity of purpose, with lofty ideals and purest patriotism, he walked his honor-strewn pathway of life, doing well his full duty at all times and under all circumstances as a citizen and as a prominent figure in the public affairs of his Nation. What more could be said of any man? While the human mind cannot invade the recesses of the great beyond, I thank God for that faith which gives me the unflinching belief that the upright soul of EDWARD B. ALMON has found its resting place in that "house not made with hands, eternal in the heavens."

As a citizen of Alabama, as one who held for him and holds for his family a genuine affection, I mourn the passing of my friend.

Mr. GILLESPIE. Mr. Speaker, EDWARD B. ALMON was born on a farm in Lawrence County, Ala. In the common schools and the university of his State he prepared himself for a long life of public service, and his name is written upon the judicial and political history of his State and the Nation.

He was a member of both houses of the Alabama Legislature and was chosen speaker of the lower house of that body. In 1898 he was elected circuit judge of the eleventh judicial circuit of Alabama and was reelected in 1904. Before his term as circuit judge expired, he was chosen to represent his district in the National House of Representatives and served continuously for 19 years and was a Member of Congress at the time of his death, June 22, 1933.

No Member stood higher in the estimation of his colleagues than EDWARD B. ALMON. He became Chairman of the great Committee on Roads and was a most efficient and industrious chairman and had the affection and respect of every member of the committee. I was assigned to that committee and had the pleasure of working with him throughout the special session of the Seventy-third Congress.

EDWARD B. ALMON was noted for his persistent industry, impeccable honesty, and uniform courtesy to his colleagues and toward all with whom he came in contact. But the outstanding trait or attribute of his character was his love for family and home, and this attribute was symbolic of his great love of country and his patriotic loyalty. EDWARD B. ALMON was in the true sense an American, and in all my life I have met no man of more sterling character and worth. It has been so often said that the death of a distinguished man was a great loss to the Republic. This can be truly said of EDWARD B. ALMON.

When I learned that he had lost the battle of life, and for this world was no more, there came across my mind, all uncalled, the lines of Whittier:

How strange it seems with so much gone  
Of love and life, to still live on?

Mr. ALMON was stricken with his first serious illness near the beginning of the special session of the Seventy-third Congress and fought patiently and determinedly all through that session and never gave up hope of ultimate recovery but performed the duties that devolved upon him as chairman of his great committee and all his congressional duties despite pain and his enervated physical condition.

He discharged many of his official duties from a bed of pain, and by his bedside was ever found his faithful wife, anxious, watchful, and alert to minister in every emergency and to comfort him all the way. His devotion to his family was beautiful.

I deeply sympathize with his family and all who mourn his loss, and I account the memory of EDWARD B. ALMON a treasure of real value.

Mr. BANKHEAD. Mr. Speaker, it is with a sense of very deep and genuine personal sorrow that I undertake to pay a brief tribute to the private character and public services of my late friend, Judge EDWARD B. ALMON, for whom I have

held not only a very great admiration for his public services over a long period of years but especially because of my warm personal attachments and affection for him. When I received the distressing intelligence of his departure from the scenes of his earthly labors, it was to me a genuine personal grief and sorrow. Almost from the days of my boyhood I had been associated with him in many activities, and his genial nature, his fine personal character, and his admirable qualities of heart and head had drawn me to him with a very warm tie of esteem and admiration.

Judge ALMON was entirely a self-made man. I mean by that that he did not have the early advantages of wealthy environments, or of influential and powerful friends to advance his interests. He was born and reared on a farm in north Alabama and knew the fatigue of plowing the fields and of performing the usual tasks of a country-reared boy. However, there developed early in his life grim determination not only to secure an adequate education but also to make for himself a worthy career, and before the conclusion of his life he had accomplished, in a very large degree, his youthful ambitions. Early in life he developed a great aptitude in the field of politics and during his life held many positions of great trust and responsibility. He not only served in both branches of the State legislature but was elected speaker of the house of representatives in 1911, a position which he held with credit to himself and profit to the State of Alabama. His legal attainments were of such high quality that he was elected for a period of 12 years to adorn the bench as a circuit judge in Alabama, and in the performance of his official duties left a very enviable record for judicial achievements.

Judge ALMON was elected to the Sixty-fourth Congress, and was continually elected from term to term thereafter up until the time of his death. In the House he served on many important committees, and at the time of his death was Chairman of the Committee on Roads, which gave him an opportunity to be of very great service not only to his State but to the entire country in securing very generous appropriations for the maintenance and improvement of our highway system. Every public highway under Federal jurisdiction constructed within the last few years is an everlasting monument to the foresight and wisdom of this great Alabama advocate of good roads.

After the first development of the great Muscle Shoals project in Alabama Judge ALMON was recognized as the leader in Congress of every movement looking toward the further improvement and utilization of that great national project, and to his untiring energies was very largely due the credit of the present magnificent prospect for the further utilization of Muscle Shoals and its Federal activities for the building of a great empire in the Tennessee Valley.

In addition to Judge ALMON's splendid public services, I also desire to pay brief tribute to his fine personal qualities. I have never known any man who was more warmly attached to his real friends or who would make greater efforts to serve their interests. He was never a man to forsake an old and tried friend in order to try to make a new one. He was a man of very fine spiritual vision and of deep religious convictions. He was devoted to his church and to every social movement which had for its purpose the elevation of mankind. I had frequent opportunities to observe the very tender and everlasting devotion which he exhibited for his beloved life companion and also for his children and the other members of his family. I think that no higher tribute can be paid to a man than to say of him that he was a good husband and a good father. I had the distressing privilege of attending the last obsequies of my beloved friend, and the great multitude of people from his home city and his congressional district and all parts of Alabama testified to the great veneration and affection in which he was held by the people whom he had so long served and who knew of his many estimable qualities. I shall always esteem it a high privilege to cherish an affectionate memory of the admirable qualities of this great and good son of Alabama.

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Mr. CARMICHAEL. Mr. Speaker, my friend, Judge E. B. ALMON, was my immediate predecessor as a Member of the House of Representatives in the Congress of the United States.

I am living in and enjoying the "aftershine" of his long and useful service. He was elected a Member of the Sixty-fourth and of each subsequent Congress, and those of you who knew him will bear testimony that he was a buoyant public servant. Probably no Congressman ever appraised more highly than did Judge ALMON the distinguished honor of being a Member of the greatest legislative body on earth. He was happy in the many races that he made for public office and in the faithful all-time discharge of his duties. Fully conscious of his obligations and eager to discharge them, he carried victory with modesty; he was not puffed up; did not behave himself unseemly even in the glow of success. Judge ALMON was really very happy to know people. He loved them without simulation, and they loved him. He was interested in the state of the Union and in all its people in a big way, but in a very definite and active way he served each one of his constituents as legislator, patriot, and friend. The name and face of each of his constituents were hidden in his heart.

Judge ALMON was born and reared in Lawrence County, Ala. His family was solid and substantial and well established in Alabama. He attended the common schools and afterward took his degree in law at the University of Alabama. For many years he was a busy, successful lawyer. He served as circuit judge for 12 years in succession. He was a member of the Legislature of Alabama, during which time he was the able speaker of the house of representatives. He was a Democrat and was frequently called on to do party services, which he did with zeal and ability.

During his professional career I knew him best. He and I went to Tusculumbia, Ala., in the Muscle Shoals district, about the same time. We practiced law at all the court-houses in the circuit after the old style. We attended the same church and the same Masonic lodge. In those days fraternal and church life had not been crashed by modern thought. The Constitution was considered a sound foundation and the Bible the Rock of Ages. Judge ALMON was true and safe in all the relations of life.

Let me, in truth and sincerity, give him the highest attribute a man can receive—"He loved his fellow man."

These remarks would not be complete without allusion to Luie Clopper Almon. In early manhood my friend married Miss Luie Clopper, a young woman of remarkable mentality. They went along hand in hand, and both acquired culture and political acumen. It is sure no man ever had stronger support as he advanced to the heights.

The capstone of Judge ALMON's career was the passage by the Congress of the act which provides for the operation of Government properties at and near Muscle Shoals, in the State of Alabama, by the Tennessee Valley Authority. By Judge ALMON's long-time, able, and heroic effort in co-operation with other Members of Congress, the Tennessee Valley Authority will give opportunity to all people within its domain to live and to enjoy a fuller life. Maybe the Golden Rule, "Therefore all things whatsoever ye would that men should do to you, do ye even to them", will be enacted into inexorable law.

In the leafy month of June 1933, my good friend and your fellow worker was called from labor to refreshment, was summoned to service in a country where there are no experiments or adventures, in a land—

Where there is no night, where there are no tears, \* \* \* and the gates thereof shall not be shut by day, for there shall be no night there.

He answered the summons cheerfully. Today he enjoys the full compensation of duty well done, a faithful son in the presence of his Father. We shall miss him.

Mr. BANKHEAD. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following article by

W. C. Markham, executive secretary, American Association of State Highway Officials, on EDWARD B. ALMON:

Almost within the sound of the rushing waters of the Tennessee River at Muscle Shoals, Ala., a boy was born April 18, 1860, who for many years has been a constructive leader in both State and national life.

EDWARD B. ALMON has been a member of the House Committee on Roads of the National Congress ever since 1915, and therefore was there to help report out of committee the first Federal-aid appropriation for roads.

But his interest in highways did not begin then. Raised on a farm on which, as early as 8 years of age, he was compelled to plow the fields and help gather and market the grain, he early learned that the highway was the commercial artery for the farmer. Persistently determined to have an education, he attended a normal school in his own county, and this was followed by a law course at the State university. After several years in the practice of his chosen profession, his legal education and experience led his neighbors to elect him judge of the circuit court.

Then followed service in both branches of the State legislature; and here, while speaker of the house, he was author of the bill, passed in 1911, providing for the State to take upon itself authority to improve the highways. It was at his suggestion and through his influence that the late lamented W. S. Keller, whom he had known from boyhood, was appointed the first State highway engineer of Alabama. Mr. Keller will be remembered as one of the founders of this organization, a former president and a potent influence for many years in its constructive operations.

Judge ALMON, as we all loved to call him, took an active and guiding part in Federal legislation for highways from the beginning of congressional interest in these matters. His manner of approach was quiet and modest in the extreme; but his persistence and thoroughness made him an authority on the subject. For the past 2 years he was the chairman of this important committee and worked assiduously for needed Federal legislation.

In the shifting of political fortunes, Judge ALMON insisted that need for improved highways should have no sectional or party considerations. When the last Congress faltered in its allegiance to regular Federal policies for roads and members of his committee wavered, he quietly informed them that the House Committee on Roads in the 18 years of its deliberations had always voted to report a bill by unanimous accord, and his quiet persuasion won the day.

Burdened with years and a failing heart throb, he carried on during the strenuous days of the extra session last spring. Rising from his bed and leaning on my arm, he appeared before the Committee on Ways and Means in behalf of the unemployed who might get some means of support through building roads.

On May 26th last, he appeared in the well of the House to add his spoken influence in behalf of this legislation. Congress had hardly adjourned when, the immediate task being finished, he passed on to the Beyond, at early dawn of a brilliant day.

A public official in whom there was no guile, a citizen of the entire Republic, a heart mellowed with human kindness, and a soul stirred with the highest type of service—we pause today in sincere gratitude for the effective accomplishments of his undertakings, remembering with deep appreciation his personal interest in this work in which we are now engaged.

Mr. OLIVER of Alabama. Mr. Speaker, EDWARD B. ALMON was first elected a Member of the Sixty-fourth Congress and to each succeeding Congress until his death in June 1933. In his passing Alabama lost an illustrious son, the country a sincere patriot, the Congress a tireless worker, and the wide circle of his colleagues a loyal friend.

I will leave to others the office of speaking of the particulars of his birth, education, and life. From a long association with him in Congress and from contacts with his home constituents, there was thrown on my mind and heart a composite picture of him, which I shall never forget, and which I will always cherish as one of the most pleasant memories of my life. That picture represents, I feel, the views of his colleagues who were associated with him in the House. With all individual views merged, interwoven, and overshadowed into one, the picture of the true man stands forth in my mind clean-cut, complete in outline, and beautiful, and my only regret is that feeble words cannot reproduce the view of a perfect picture of this friend.

The men are few in active political life, who have the intelligence, tolerance, and moral strength to withstand the searchlight of daily familiarity with a large local constituency and rise above local jealousies and criticisms. Few there are who can stand forth unsullied, transparent, and flawless under the X-ray of public opinion, but Judge ALMON came as near meeting such a test as anyone I ever knew.

He never grew away from his friends, the common people, as he climbed the ladder of political preferment, but he seemed to cling closely to the plain people—friends and

fellow citizens of his early life—and as years and honors were added to his useful life, he continued to command and enjoy their respect and confidence, which is the one goal that every true public servant cherishes above all else.

Into his work as a Member of this body he threw all of his splendid energies; and his refusal, when stricken with a serious physical disability, to follow the advice of physicians and friends, to devote more time to quiet and rest, unquestionably hastened his untimely death; his strongest desire was to continue to the end as an active, vigorous worker.

Mr. Speaker, to my mind the life of Judge ALMON, as he was familiarly known to all his colleagues, teaches a fruitful lesson and shines forth as a beacon of hope for this Republic. Simplicity, sincerity, and honesty were the forceful characteristics of his long public service, and just so long as men of pure lives, unselfish motives, and untiring devotion to the interest and welfare of the masses, from whom they spring, continue in control of our public affairs—and I believe they will—this Government is amply safeguarded and will survive.

There are innumerable features of our governmental system of which we are justly proud, and with ample reason; but to my mind all others are of little moment compared with the fact that the plain men of simple tastes and inexpensive habits, pure and unselfish motives, are the rulers of this land.

Where 1 man attains high station through great riches, 10 men of the stamp and mold of my lamented friend, Judge ALMON, reach equal station and wield, man for man, much greater influence in the affairs that shape our destiny, and never was this truer than at present.

Simple in his tastes, frank in all his dealings, trusting and forgiving in his nature, conspicuous in his devotion to his family, with an ability which enabled him to cope well with the questions of the time, he commanded the respect of all.

I was in his home city the day of his burial, and you could read his death in the face of everyone. I never saw a more marked manifestation of grief and sorrow by an entire community than I witnessed on that day. The zenith of any man's glory is reached when at the end of his public career he can lie down, as Judge ALMON did, to his eternal sleep, truly loved, respected, honored, and mourned by all his neighbors—those of high estate and low. History will preserve his name, but his home community, his fellow townsmen, will never cease to consider it as their special possession and will transfer it with grateful pride to posterity.

Mr. BANKHEAD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to the late EDWARD B. ALMON by Senator JOHN H. BANKHEAD, of Alabama:

EDWARD B. ALMON was born in Lawrence County, Ala., on April 18, 1860. He lived nearly three quarters of a century and died at Washington on June 22, 1933. Judge ALMON's parents were worthy pioneers in a new country. He was born about 41 years after Alabama was admitted to the Union, and at the time of his death, in June 1933, his life had spanned nearly two thirds of the life of his State.

As a boy EDWARD never saw a surfaced road. The cumbersome stagecoach and the slow freight wagon, moving over almost impassable roads, furnished the chief means of transportation. Towns were small and far apart. Life in North Alabama in those days was entirely rural and agricultural. Thirty miles meant a day's journey when the roads were dry, and all communication was practically stopped when the roads were soaked with rain. Whole families and communities were frequently marooned during the long parts of the winter as completely as if they had been on an island in the sea.

Such are the possibilities of American life, that the boy, reared among those surroundings, became in later life a member, and afterwards the Chairman of the Committee on Roads of the National House of Representatives, and played a large part in bringing into being a mighty system of national highways stretching from ocean to ocean, and linking together the 48 States of the Union in new indissoluble bonds of commerce and social interchange.

Judge ALMON received a common-school education in the rural schools of Lawrence County, completed his academic education at the Normal College at Florence, Ala., and afterward was graduated from the law department of the University of Alabama. He was admitted to the bar in 1885 and began the practice of law at Tusculumbia, where he maintained his home for nearly 50 years. He

became an aggressive, forceful, and successful lawyer. In his office he was a sound, able, and prudent adviser. He took a deep and abiding personal interest in his clients, and in advising them looked solely to their well-being. As he grew in prestige, he was always a fine influence in the life of his community. In his office, he not only gave sound legal advice, but radiated good will, kindness, and good fellowship. He was a tireless worker and a careful and painstaking student.

Judge ALMON was at his best as an advocate. He loved the court room. He knew men and their motives and understood juries and their mental processes. He prepared his cases thoroughly and brought to their trial accurate legal knowledge, fine common sense, an acute knowledge of human nature, and a genial, kindly humor. Judge ALMON was a successful trial lawyer and was for many years a conspicuous figure in the courts of his and surrounding counties.

In length and variety of public service, as well as in the distinguished character of that service, Judge ALMON's life was a very full and useful one. He served in the Alabama State Senate during the session beginning in 1892 and ending in 1894. He became judge of the Circuit Court of the Eleventh Judicial Circuit of Alabama in 1898 and served as judge of that circuit until 1906. He was elected to the Alabama House of Representatives in 1910 and served for a term of 4 years, becoming speaker of the house in 1911. He was elected as a Democrat to the Sixty-fourth Congress and to every succeeding Congress until the time of his death on June 22, 1933.

Judge ALMON came to Washington at the mature age of 55 years. He brought with him to the Nation's Capitol the dignity, poise, and sense of fairness of a judge, the knowledge of parliamentary procedure and of legislative methods which he had gained as a State senator and as a member and speaker of the Alabama House of Representatives, and the powers as a debater gained through many years of trial work in the various courts of north Alabama.

EDWARD B. ALMON was not only a successful lawyer and an able and trusted public servant but his life radiated the fine social graces so necessary to a well-rounded manhood. For almost two generations the Almon home at Tusculum was a center of domestic happiness and of a most charming and informal hospitality. In early life he married Luie Clopper, a charming daughter of his adopted town. They had a lovely household. Mrs. Almon, a gracious, kindly, and brilliant hostess, contributed much to the delightful atmosphere of pleasant cordiality which pervaded this fine old southern home, where relatives, friends, and the stranger within the gates enjoyed the welcoming smile, the warm hand-clasp, the pleasant humor, and the fine conversation which give essence and character to the best American home life.

The thing which impresses us most as we reflect on the life and character of Judge ALMON is the completeness of his life and the well-roundedness of his character. He was a successful lawyer, a communicant of the Methodist Episcopal Church South, quietly but deeply religious, a loving husband, a wise and kind father, an unselfish friend, a public-spirited citizen, a just and capable judge, and an able legislator.

The keynote of Judge ALMON's life was service. To his family, his friends, his church, his community, his clients, his country, he gave his best for half a century.

Few congressional districts in the United States have received the same character of service which Judge ALMON gave to the Eighth District of Alabama. In volume, his personal correspondence with his constituents was colossal. Almost every man and woman in the seven counties of his district regarded him as a friend, and he encouraged them all to call on him for any service he could render them. It has often been said that he had more calls on his time from individual constituents than any other Member of the House, and every call, however humble the applicant, received his earnest personal attention.

Judge ALMON always had time for what we call the little things, but in giving them the most minute attention, he did not let the multitude of these interfere with the big things which his duties as a Congressman imposed upon him. He was elected to 10 successive Congresses and played a large part in shaping the enactment of much useful legislation. He was an ardent party man; but when the policies and purposes of partisanship ran contrary to the national interest, he always submerged them to what he conceived to be the good of his country. His untiring work in helping to promote a great system of State and national highways, financed jointly by the States and the Federal Government, have resulted in untold benefits to the people of the United States. He served for many years with great distinction as a member of the Committee on Public Buildings and Grounds. His ceaseless efforts, during almost 10 terms of Congress, for the development of water power and the promotion of navigation on the Tennessee River, culminating in the building of the Wilson Dam and in the creation and organization of the Tennessee Valley Authority, constitute the crowning achievement of his congressional career.

National policies change to meet altering conditions and changes of public opinion and of administrations; hence it is that much of our most important national legislation is but temporary. The two great objects to which Judge ALMON dedicated his activities as a Member of Congress are permanent. The good roads of the United States will be rendering their contribution to easy and pleasant transportation, to the fostering of commerce and interchange of goods among our people, to the bringing of far places close together, and carrying the life of the country to town and

city people and the pleasures of city life to our farms, as long as this Government exists.

The Wilson Dam is as permanent as the National Capitol. Already two other great dams are in course of construction on the Tennessee River and its tributaries, and three others are under consideration. The day will come when navigation on the Tennessee River will move for almost its entire length along a mighty chain of lakes and will lock through a series of great dams, and these lakes and dams will form a system of correlated transportation and power distribution unsurpassed in the world.

The practical mind of our friend and colleague saw this vision 20 years ago. He devoted much of his congressional life mainly to its accomplishment. Many others saw the same vision and have helped to make of it a reality. While to other Members in Congress it was a matter for serious but occasional attention, to him it was the one imperative task—a life work, an obsession which filled his mind and heart for almost a generation. Who can say that this great work would ever have been accomplished without him?

We but perform a simple duty when we render this and other tributes to the life and character of our departed friend. While they add little to his stature, the study of a life like his, actuated by the motives that impelled him and made sacred by the devotion and consecration which he carried to his tasks, help the student to a finer manhood and a nobler character.

Mr. HILL of Alabama. Mr. Speaker, as we contemplate the life and death of Judge EDWARD B. ALMON, we are reminded of the story of the life and death of the great Jewish Lawgiver. For 40 years Moses had borne the burdens of state, shaped the Jews into a nation, determined their civil and religious polity, administered their laws, directed their steps, or dwelt with them in all their wanderings in the wilderness. He had suffered in their punishment and led them in wars until the end of their labors drew nigh. Only Jordan lay between them and the Promised Land. Then came to Moses the word of the Lord: Thou mayest not go over; get thee up into the mountain, look upon it, and die.

With eager longing, with breaking heart, the great leader looked upon the Promised Land and then lay down and died. For more than a quarter of a century, Judge ALMON worked and wrought and toiled for the development of the Valley of the Tennessee with its conjunctions of coal, iron, water-power, and other resources more fateful than the conjunctions of the stars. This marvelous development with its untold possibilities for the welfare and the happiness of the people was to him the promised land. Day after day and year after year the manifold difficulties and problems of the long struggle with all its temporary defeats and disappointments fell upon Judge ALMON. He carried them upon his heart. He labored all the more assiduously to overcome them. In the end he triumphed but did not live—to see his own work out and watch the sandy footprints harden into stone.

Within a few brief weeks after the enactment of the legislation making possible and insuring the wonderful development Judge ALMON paid the toll for his long and laborious efforts and lay down forever. But the great project with its benefits and its blessings to all the people must forever be linked with the name of EDWARD B. ALMON. And as the waters of the Tennessee roll on to the sea through the ages, they will sing his praises and chant his requiem.

Judge ALMON loved people. He possessed the smile and grasp of friendship. He was never so happy as when he was home mixing and mingling with his constituents, giving an account of his stewardship to them at their barbecues or breaking bread with them at their picnics. He had that human, intimate touch that caused little children to love him, that bound men to him with hoops of steel, that led the people to know the warmth and the grace of his soul and that won for him the affectionate esteem in which he was held by all with whom he served in this House. He delighted in serving his constituents. No man was ever more indefatigable or more painstaking or more resourceful in meeting the many calls that come to a Member of this body. It might be a request of petty significance from the humblest of persons, but it always received the very best and most expeditious attention possible at Judge ALMON's hands.

Judge ALMON had the genius of common sense. He never tried to fit square pegs in round holes. He knew and understood human nature and saw deep into the motives of men. He had faith in the people. He believed in their final judgment and in the moral standards that moved and at last controlled them. He was chief among them because he was the servant of all of them.

Usually it is through physical and mental stress and strain that one battles his way through the years to a place in the Congress. Judge ALMON had step by step mounted the ladder to this eminence. He served in both houses of the Legislature of Alabama. He was overwhelmingly elected speaker of the house of representatives; and history records that he was one of the fairest, ablest, and most popular speakers that ever won distinction in that position. By his work, by the causes he advocated, by the high order of his leadership, he wove his name into the warp and woof of the life of the State. For 12 years Judge ALMON set an example as a just and upright judge, holding evenly the scales of justice as he sat upon the bench of his circuit. For 35 years he held public office. Twenty of these years he spent in this House. Such a long and varied service attests the ability, the character, and the genius of the man more enduringly and more significantly than words can express. No appreciation of Judge ALMON and his services could be complete without a word of tribute to her who for nearly half a century was the companion of his love, the helpmate of his career, his kindest critic, his best friend, his brave and devoted wife.

Judge ALMON was my friend from the days of my beginning in this House. My senior by many years, he seemed ever eager to help me along the way and to direct me to the right road. He was kind, generous, and good to me. I am among the hundreds who loved him and who mourn his passing. I salute his memory and shall ever cherish the rich treasure of his friendship.

His gentleness, his tenderness, his fair courtesy,  
Were like a ring of virtues 'bout him set,  
And Godlike charity, the center where all met.

Mr. STEAGALL. Mr. Speaker, the death of Judge EDWARD B. ALMON brought to an end the career of one of Alabama's most beloved sons. His record is a source of pride to the people of his State and typical of the possibilities awaiting the youth of the Nation. He was born on a farm, and his early years were marked by heroic struggles against adversity and in an environment of limited opportunities. During these early years he learned of the hardships experienced by the great body of our citizenship attached to the soil. It was in these experiences that he developed those rugged qualities that endeared him to those about him and armed him with an understanding of his people and of the problems that were to confront him in public life.

His rise was by gradual processes. He improved every opportunity to gain an education. He attended the common schools, the State Normal College at Florence, from which he was graduated, and he became a graduate of the University of Alabama. He was admitted to the bar and attained high rank as a lawyer. The people soon discovered in him the rare qualities that fitted him for service on the bench. He was elected circuit judge, in which office he served with a distinction that won for him reelection without opposition.

He served as elector for the State, as representative in the legislature, as senator, and again as a representative in the legislature and speaker of the house of representatives. In the legislature he was a leader and won an admirable place in the esteem of the people of the State.

He was a leader in the good-roads movement in Alabama and author of the law establishing a highway commission for the State.

He was elected to Congress from the Eighth District in 1914 and served continuously to the time of his death, June 22, 1933. His hold upon the confidence and affections of his people was such that he had come to be invincible in his district. As a Member of Congress he made a contribution to the development of good roads throughout the Nation that

gives him a place among those who rank first in the promotion of that national movement.

The son of a farmer, of the soil, and loving it, he could not escape the sincere conviction that the ills of the farmer were at the bottom of all the economic adversities afflicting the Nation. The conviction furthered a determination to dedicate his talents and services to the task of winning for agriculture an equitable place in our economic structure.

The paramount endeavor of his public career was in connection with the development of Muscle Shoals. To this he devoted the best years and labors of his life. That contest presented especial need for the marvelous energy, the dogged persistence, the splendid legal training, the high order of diplomacy, and the superb political acumen which he displayed to a degree seldom surpassed. He supplied the leadership around which were rallied the forces that fought and won the struggle for the development of Muscle Shoals and its dedication to the cause of agriculture and the general welfare.

His was the labor of a great man devoted to a great task. Forgetful of himself, heedless of opposition and temporary disappointment, his eyes were fixed always on a star whose brilliance no passing cloud could dim.

So devoted was he to the purpose of public service that all warnings of his physician and of loved ones were disregarded. Happy coincidence that he should have lived to witness the fruition of his labors.

He met every test as citizen, as father, as husband, as public servant. He was true to his family, true to his church, true to his State, true to the best traditions of the Republic.

It has been my privilege to form many dear and lasting friendships since I became a Member of Congress. This is especially true as to those who were contemporary with my entrance. Among all those whose friendship I hold dear, none has held higher place in my heart than Judge ALMON. I gained much of inspiration from him, and his wise counsel often guided me in matters of momentous importance. I loved him, and I shall never cease to miss him.

I made the journey with friends and loved ones who accompanied his body to his home in the city of Tusculumbia. I watched the throng of loyal friends from all walks of life who gathered to pay their tributes of admiration and devotion. They came from far and near—many with flowers and all in tears—to pay honor to their friend and beloved public servant. Such honors were worthy of the noble life and character. His body was laid to rest in the soil of his native State, on the banks of his beloved Tennessee. Its waters will sing a ceaseless requiem to his memory. The record of his public service is the proud heritage of an unforgetful people. Alabama will honor and cherish his name through future years as a loyal son and faithful public servant.

HENRY WINFIELD WATSON

Mr. RICH. Mr. Speaker, our colleague, Hon. HENRY W. WATSON, dean of the Pennsylvania delegation, has gone to his reward. He rendered faithful service to this country, to the State of Pennsylvania, and to the Republican Party—service that was outstanding and meritorious.

HENRY W. WATSON was a man in the true sense of the word. He was sensible, reasonable, dependable, and was honored by all his colleagues in the House of Representatives. He was a member of the Ways and Means Committee, one of the most important committee assignments one can have as a Representative; and he filled the post with credit and honor to himself and to his country. He never aspired to prominence in the ordinary business of the House. With abundant capacity for the most important public service, his modesty constrained him to allow to others all that conspicuous display which attracts the admiration of the world outside. He was dean of the Pennsylvania delegation and respected most highly by all its members.

I counted him whom we mourn as my friend. He was a man among men, a venerable scholar in politics. No one

could help but be impressed with his placid dignity, his serenity, his patience, and his quiet courage.

HENRY WATSON performed most patriotic services. In Congress he expressed the will of the people, and he interpreted it for their best interest.

But all earthly work must end; life is a continuous procession of events. Our words of farewell to a fellow worker should not be alone those of grief that man's common lot has come to him, but of pride and joy for all the good he has accomplished. "One generation passeth away, and another generation cometh; but the earth abideth forever."

The progress of the world goes on, and we realize in every step more and more its upward purpose. If we and all things are not working together for good, if our life is but a breath exhaled and then forever lost, our work means little. Our duty is not only to pay tribute to the dead but to cheer the living. May we say to those left behind:

Early parting is the bitterest experience of human life.

Death is the dawn of morning.

The dawn will be eternal life.

Eternity will see the glad reunion.

Mr. DARROW. Mr. Speaker, my heart was filled with grief and deep sorrow when, on that beautiful Sunday, August 27, 1933, I learned of the death of my close personal friend and colleague, Hon. HENRY W. WATSON.

HENRY WATSON and I formed an intimate friendship from the day both of us entered our official duties in the Sixty-fourth Congress, and this devotion continued to the end. Our congressional districts were adjoining, and most of their interests were common to each other.

Mr. WATSON's work here was characterized by a quiet reticence, although his influence was extensive, and his accomplishments for his district were recorded indelibly in the hearts of his constituents. Recognition and appreciation of the high type of public service he rendered and the degree of confidence and esteem in which he was held by his constituency were evidenced by his continued reelection to Congress with increased majorities.

Always a staunch Republican, Mr. WATSON believed in and fought for the adoption of his party's principles. He performed his duties as he believed to be right. He was a hard-working, painstaking legislator, with a mind that was keen and alert. He rendered valuable service to his district, State, and country, and has left affectionate recollections in our hearts.

May he rest with his fathers in the peace he has earned.

Mr. HAINES. Mr. Speaker, I desire to take this opportunity to pay tribute to the memory of the late Honorable HENRY W. WATSON, my colleague from the great Keystone State.

HENRY WATSON was a distinguished Member of this House, having served his people faithfully for 18 years, and his sudden death is mourned by every Member who knew him.

It was not my privilege to be associated with him in this House for more than one session, but during that short time I learned to respect and love him.

He was intensely interested in the people he represented, always anxious to serve them, deeply mindful of what he believed to be their best interests. No greater tribute can be paid to any man than to say that he was faithful to the trust imposed upon him by the people.

I join with his host of friends who mourn his loss, knowing that the country has lost a useful and devoted servant and this legislative body a great legislator.

Mr. KINZER. Mr. Speaker, in the death on August 27, 1933, of our colleague, Hon. HENRY W. WATSON, the Nation, as well as the State of Pennsylvania, lost the services of one of its most able and faithful public servants. Born in Bucks County, Pa., on June 24, 1856, he pursued his education in private schools, studied law, and was admitted to the bar in 1881 and became an honored member of the Philadelphia bar.

Early in his life he took interest in public affairs and was ever engaged in the people's fight. His friends and the citizens of the Ninth Congressional District of Pennsylvania, appreciating his worth and ability, sent him to the Sixty-fourth Congress; and to their credit and in recognition of Mr. WATSON's faithful, honest, and effective services, his constituency returned him to each succeeding Congress until death removed him from the scene of his earthly activities.

As a Member of the Sixty-fourth and each succeeding Congress, his influence grew and his grasp of public affairs increased, and he brought to the powerful Ways and Means Committee that ability, devotion, and effective service which he so ably and willingly contributed.

As dean and chairman of the Pennsylvania Republican delegation, we all enjoyed his kindly spirit, helpful advice, and sincere friendship. We, his colleagues, have each and all suffered a distinct loss in his death.

Mr. BACHARACH. Mr. Speaker, we gather today to pay our respects to our colleagues who have departed this life in the past year. Among them we mourn the loss of HENRY WINFIELD WATSON, of the State of Pennsylvania, a gentleman of the "old school", and my personal friend. We were both elected to the Sixty-fourth Congress, and for a number of years we were associated very closely as members of the Committee on Ways and Means. A staunch Republican and a firm believer in the principles of a protective tariff, we were usually found voting together on all legislative matters relating to the tariff.

Quiet and unassuming in his manner, he possessed a keen mind and intellect, and his judgment was unfailingly sound. He was ever zealous for the welfare of the great Commonwealth of Pennsylvania, and his work on the Ways and Means Committee in behalf of that great industrial State is written in bold relief upon the records of Congress. In his death not alone the Ninth District of Pennsylvania suffers the loss of a devoted Representative in the Congress of the Nation but the State of Pennsylvania and industrial America as well.

My association with HENRY WINFIELD WATSON in Congress and the friendship that existed between us will always remain a happy memory. He has gone to reap that final reward which he so justly deserved, but we shall ever keep in our hearts cherished recollections of the courtly and distinguished gentleman from Pennsylvania.

Mr. STOKES. Mr. Speaker, HENRY WINFIELD WATSON passed away peacefully and without suffering, succumbing to a heart attack, at his home in Langhorne, Bucks County, Pa., on August 27, 1933, at the ripe age of 77 years.

At the time of his death he was serving his ninth consecutive term as Congressman from the Ninth District of Pennsylvania. He was the oldest Member of the House in point of years and one of the oldest in length of service.

He was first elected in 1914 to the Sixty-fourth Congress; and throughout the ensuing 19 years, to the time of his passing on August 27, 1933, he continued to serve in this body with credit and distinction and with the esteem of his fellow Members.

Although a Republican of the staunchest type, his judgment and tact and personal charm were such that he enjoyed the respect and confidence of every President under whom he served, Democrat and Republican alike.

Neither in his political philosophy nor in the other characteristics of his life was Congressman WATSON of the roving kind. Born in Buckingham, Bucks County, June 24, 1856, the son of Mitchell and Anna Bacon Watson, our honored colleague lived his 77 years in that county, which was one of the two constituting the congressional district he represented.

And likewise in his political creed. To his lasting credit and esteemed memory let it be said that there was never any doubt as to where Congressman WATSON stood on any public question. He led no political double life. He was anchored to those fundamentals which characterize what is termed

the "conservative." He was a staunch and able defender of constitutional government, and he was a vigorous, uncompromising advocate of that Republican doctrine of protection which Henry Clay so aptly described as constituting the American system.

Educated in private schools, Congressman WATSON studied law under that noted Philadelphia lawyer, F. Carroll Brewster, Esq., and was admitted to the bar in 1881. Prior to entering Congress he was connected with a financial institution, and for many years he was friend, patron, and adviser to innumerable activities in which his own constituents were directly and indirectly concerned.

He was a member of the important Committee on Ways and Means.

His last campaign was one of the hardest in his life, and he was delighted to be reelected in November 1932 by a margin of a few thousand votes, having lost Lehigh County but fortunately winning Bucks County by a sufficient margin to secure his victory.

When the Saturday before the election came, he thought he might rest from his strenuous efforts but received a late telephone message to come to Allentown that evening. Tired as he was, he started off and arrived there at 9 o'clock. He was a tireless fighter and an interesting and forceful speaker.

One evening he called me on the telephone to ask me to join him at the Press Club supper in celebration of the legalization of beer. I gladly accepted, and we drank some beer which had been sent from his district. Going home I urged him to let me take him in a taxi, remembering he was not a young man; but he said he preferred walking, and he strode along the half hour's walk as rapidly as a man 20 years younger.

He resided at 1765 Massachusetts Avenue, in a handsome house he had formerly purchased from the estate of Henry Cabot Lodge. Many times I dined there and enjoyed the pleasure of his and Mrs. Watson's cheery company. They were exceedingly pleasant, hospitable, and kindly.

Very often I called upon him for advice and found his judgment unusually sound.

He was looking forward, he told me, to one of the greatest eras of prosperity this country had ever had, provided we were safely and wisely led out of the depression.

And in conclusion I shall add the following from St. Paul, I Corinthians xv : 49 :

And as we have borne the image of the earthy, we shall also bear the image of the heavenly.

Mr. DITTER. Mr. Speaker, it is with a sense of profound respect that I endeavor to express my feelings over the loss of our esteemed colleague, the Honorable HENRY W. WATSON. While his death on the afternoon of August 27, 1933, caused sorrow to his wide circle of associates in the House, to me it meant the passing of a close friend, a wise counselor, a loyal supporter.

Previous to 1932 the Ninth Congressional District of Pennsylvania comprised the counties of Bucks and Montgomery. From 1914 to 1932, Mr. Watson represented this district with outstanding ability. As a result of a reapportionment, Montgomery County became a separate congressional district, and I was honored in being elected as the first Congressman from the new district. Words fail me in paying my appreciation to my predecessor for his guidance and counsel and for the spirit of unselfish service which characterized his cooperation in the early days of my congressional experience. Though no longer a part of his district, Mr. Watson's interest in Montgomery County and her welfare continued to the day of his death; and in his passing, not only his district but the entire Commonwealth of Pennsylvania and the Nation lost a devoted, conscientious public servant.

Mr. Watson was a worthy representative of one of the oldest and most prominent families in eastern Pennsylvania. His great-great-grandfather, Dr. Thomas Watson, came from High Moor, Cumberland County, England, in 1701, and settled in Bucks County, Pa. On his maternal side, Mr.

Watson was a lineal descendant of Sir Nicholas Bacon, lord keeper to Queen Elizabeth.

Our colleague was born June 24, 1856, and received an excellent academic education. Upon the completion of his collegiate training he read law under Hon. F. Carroll Brewster, a leader of the Philadelphia Bar. In 1881, Mr. Watson was admitted to practice and immediately gained the confidence of a wide and influential clientele. He became identified with many civic and public institutions and contributed unselfishly in service to the development of noteworthy county and State projects. His election to Congress in 1914 was a fitting recognition of years of devotion to the public welfare. His record here in the House stands out as an enviable one for industry, application, and understanding.

Mr. Watson was always a strong and loyal Republican. He contended at all times for its principles. He justified his espousal of party position by logical and forceful argument. He was recognized by his party leaders as an able advocate and rewarded for his ability by appointment to the Ways and Means Committee. Republicanism has lost a staunch supporter.

To me it has meant the loss of a loyal friend, and such losses are irreparable.

Sunset and evening star,  
And one clear call for me!  
And may there be no moaning of the bar,  
When I put out to sea,  
But such a tide as moving seems asleep,  
Too full for sound and foam,  
When that which drew from out the boundless deep  
Turns again home.  
Twilight and evening bell,  
And after that the dark!  
And may there be no sadness of farewell,  
When I embark;  
For tho' from out our bourne of Time and Place  
The flood may bear me far,  
I hope to see my Pilot face to face  
When I have crossed the bar.

—Tennyson.

#### LYNN SEDWICK HORNOR

Mr. SMITH of West Virginia. Mr. Speaker, on September 23, 1933, this Congress suffered the loss of one of its most useful and esteemed Members when Hon. LYNN SEDWICK HORNOR, Representative from the Third District of West Virginia, passed away in Washington, D.C. His untimely death closed a brief but honored public service to his State and Nation.

As a member of the committee appointed by the House of Representatives, I attended his funeral at his residence in Clarksburg, W.Va., and the great throng of friends who were there from all parts of the State to pay their last tribute of respect was evidence of the esteem in which he was regarded by those who knew him best.

Representative HORNOR was a native of Harrison County, W.Va., where he was born November 3, 1877. His entire life was spent in that community. He attended the public schools and other institutions of learning in his home city, and after diligent application equipped himself to become one of the outstanding business men of West Virginia. From a humble beginning and without financial aid he amassed a considerable fortune, but with which he was always liberal, and many struggling youths of his home county were aided by him in their efforts to obtain an education.

No one will ever presume to claim for LYNN HORNOR that he was outstanding in the Congress of the United States, but he was a gentleman of modest mien, on whose judgment one could well rely. He did not invite public acclaim and only consented to become a candidate for Congress at the urgent demand of his fellow citizens, who best knew his ability and integrity, and believed that his election was certain, despite his membership in the minority party of his district. His ability was early recognized in the House, and he was appointed on the following important committees: Mines and Mining, District of Columbia, Labor, Census, Public Buildings and Grounds, and Election of President, Vice President, and Representatives in Congress.

After his election to the Seventy-second Congress he worked untiringly for the enactment of legislation that would benefit his constituents, and his health was impaired to such an extent that he requested his party to select someone else to succeed him in the Seventy-third Congress. But he was again nominated over his protest and triumphantly elected by an increased majority. Continued ill health kept him from attending but few meetings of the extraordinary session of the present Congress.

Representative HORNOR was one of the most lovable characters it has been my pleasure to know. His acquaintance was soon general with all his colleagues, and this body has not lost a Member who will be more generally missed and mourned.

Mr. EDMISTON. Mr. Speaker, having been elected to succeed the Honorable LYNN SEDWICK HORNOR of the Third Congressional District of West Virginia, and on behalf of the West Virginia delegation in Congress, I desire to pay a tribute to the memory of my distinguished predecessor.

LYNN SEDWICK HORNOR was born in Harrison County, W. Va., on November 3, 1877, the son of Ferdinand N. and Mary E. Hood Hornor. He is survived by his wife, formerly Miss Emma N. Hume, of Washington, D. C.

Mr. HORNOR early in life became actively engaged in the industrial development of the State of West Virginia, and particularly in the county of Harrison. For a number of years he was teller of the Traders Bank at Clarksburg, W. Va., which was one of the leading banking institutions in the Monongahela Valley at that time. Mr. HORNOR grew and developed with his native community, and his interests increased with such development. He was not only a banker; he was interested in real estate; took an active part in the development of the coal, oil, and gas industries in central West Virginia; formed and became actively associated with the establishment of several very successful manufacturing enterprises. While busily engaged in all these things, he always had time to serve his community in other respects. He was president of the Clarksburg Board of Trade, and it was during his tenure of such office that many worth-while industries were persuaded to build factories in Clarksburg. He was an active member of Christ Episcopal Church and a member of several fraternal organizations. In fact, he was never too busy to lend not only his financial aid but his personal effort in behalf of any activity that he believed would contribute to the betterment of the community in which he lived. In the later years of his life he was vice president of the United Carbon Co., being one of the founders of that company, together with other personal friends who had long been associated with him in the gas business in West Virginia. While Mr. HORNOR was always interested in public questions, he himself never sought public office until he was persuaded to run for Congress and was elected a Member of the Seventy-second Congress. He was reelected a Member of the Seventy-third Congress, during which session he died, on September 23, 1933.

Mr. HORNOR will not only be missed by his family and a host of close personal friends, but he will be also greatly missed by a large number of people to whom he rendered financial assistance. He made no show whatever of any charitable deeds which he performed, and but few people know the extent of his philanthropies, because he held such things very sacred. He was a person to whom the general public felt it could turn, knowing that anyone who sought him for assistance would be received kindly and in most cases substantially relieved.

Mr. HORNOR's record as a statesman, business man, and philanthropist was such as but few men ever equaled. He was in every respect the sort of son of whom West Virginia may justly be proud and the type of man future generations should strive to emulate.

While his colleagues in the House of Representatives miss him greatly, and often so express themselves, the greatest tribute to him, in my mind, is the fact that he will be missed the most "back home."

Mr. Speaker, I include as a part of my address the following tribute to Mr. HORNOR's life and character by Hon. Robert L. Hogg, a former Member of the House from the Fourth District of West Virginia:

One of the natural impulses of man is to complain of his adversity and lament of his losses. But when we mourn the passing of a true friend, we bring into bold relief his virtues and the qualities of manhood that have woven the silken threads of affectionate attachment, which the hand of Fate has so ruthlessly severed.

Today the legislative machinery of a great nation is silenced in commemoration of the lives and characters of colleagues who have been summoned from their fields of service. We again live with them in the past. Time shuts out the blinding light of partisanship. Our departed friends are appraised by true standards of worth, uninfluenced by the blighting powers of sectionalism or the hypocritical standard of political differences. They stand forth as men, differing possibly in details but all united in a conscientious effort to solve the problems of the country they loved and served.

LYNN S. HORNOR now stands before us as such a man. He was my friend as he was the friend of all who knew him. He is gone. Silence today as the House pays this formal tribute to his memory, is to stifle beyond restraint a desire to express my appreciation of his life, his character, and his record. The cold facts of a biographical sketch are not recorded through ties of friendship. What a man does in life does not stand as a tribute to his memory unless these deeds are evidences of his character. Such a biography may be written of LYNN S. HORNOR. Born during a period of industrial awakening, his life's work was one of advancement of his native State and especially of the community in which he lived. He cleared his path before him. The tools he used were of his own making. His efforts were crowned with success, and during his entire career he bore a reputation of unquestioned honesty. In all his contacts he inspired confidence. His antagonists in business were frequently his close personal friends. They trusted and believed him.

After years of success in business, at a time when he might rightly expect a relaxation of his efforts, he assumed the arduous duties of public office. To this new field he carried the same sense of honesty, sacrifice, and devotion which characterized his private life. The merciless and distorting factors in partisan politics never tarnished his name. The searching lights of public office revealed no flaws in his private or public life but rather brought to the front the high type of his character.

As one of his former colleagues, I join with the hosts of his friends in expressing a profound feeling of personal loss. We are overcome by that empty feeling of helplessness when we ponder over the Divine plan which takes from us a noble character.

Yet we are consoled with the knowledge that there remain throughout the corridors of our Capitol, as well as over the highways and byways of his native State, indelible evidences of his journey through life. The poet aptly reminds us of his living memory with these words:

I shot an arrow into the air,  
It fell to earth, I knew not where;  
For, so swiftly it flew, the sight  
Could not follow it in its flight.  
I breathed a song into the air,  
It fell to earth, I knew not where;  
For who has sight so keen and strong  
That it can follow the flight of song?  
Long, long afterward, in an oak  
I found the arrow, still unbroke;  
And the song, from beginning to end,  
I found again in the heart of a friend.

LYNN S. HORNOR's character was a song—now enshrined in the hearts of his friends.

I also include the following letter received by me from Hon. John J. Cornwell, of Baltimore, former Governor of the State of West Virginia:

THE BALTIMORE & OHIO RAILROAD CO.,  
OFFICE OF GENERAL COUNSEL,  
Baltimore, Md., April 24, 1934.

HON. ANDREW EDMISTON, JR.,  
House of Representatives, Washington, D. C.

MY DEAR MAJOR: I understand memorial services to deceased House Members will be held Friday next. Assuming you will have something to say with respect to your predecessor, who was my friend as he was yours, I am sorry I cannot be present to hear you.

While LYNN HORNOR, I am told, was respected by his associates in the House because of his genial personality and understanding of public questions, were I called upon to speak of him I would emphasize particularly his integrity and usefulness as a private citizen.

While your State and mine can boast of many native sons, most of whom remain within her borders but many of whom have established homes elsewhere, who are an honor and credit to her, none excel in the fine qualities of citizenship the one whose memory you will honor.

While he was a business man in the true sense of the term, he was likewise a patriotic, public-spirited citizen, a home builder and a home lover. His example was worth all the preachments of a platoon of those who would reform the world with advice, alone.

Modest, unpretentious, unassuming, his life was an inspiration to all who touched it.

You are fortunate in having inherited the tradition he established of a faithful public servant.

Respectfully,

JOHN J. CORNWELL.

TRIBUTE TO LYNN S. HORNOR BY HUGH IKE SHOTT, FORMER MEMBER OF THE HOUSE FROM THE FIFTH DISTRICT OF WEST VIRGINIA

It was my privilege to serve with LYNN S. HORNOR in the Seventy-second Congress. I knew him well. He was every inch a man and a Representative diligent in his duties and ever mindful of the high obligation of American citizenship. He held a first-rank place in patriotism and veneration for the institutions and traditions of West Virginia. He was alive to every opportunity to be of service to his district and his people. Others will review his career in business and industry, and tell the fine story of his public and private life, but I want to testify to an acquaintanceship in which LYNN HORNOR grew stronger in my esteem and confidence, and in which his association became more valued and an influence that bettered and inspired from the morning of the first day until the last, the afterglow of which still paints the sky.

I wish that he might have lived to come into that greater usefulness his enthusiastic desire and his training in Congress would have developed. West Virginia lost a splendid son, and those who knew him lost a friendship unspoiled by any ungracious act of his. Only the wayward and the faithless really die, but those with beauty of attitude and sublimity of hope shall put on immortality beyond the stars.

Mr. RANDOLPH. Mr. Speaker, it is with more than formal duty that I ask permission to pay tribute to the late Hon. LYNN S. HORNOR. He was not only my colleague in Congress, but he was a lifelong friend as well. Both my father and my grandfather were business associates of Mr. HORNOR. He was a leader in many of the largest industrial and business enterprises of Harrison County, where I was born. He was successful in accumulating a substantial fortune, and I am sure that it all came as the result of useful service rendered by him. He was a member of a very large family of Hornors, all of whom have distinguished themselves in some sort of useful endeavor which has been of service to our State. On the floor of the House Mr. HORNOR was always pleasant, and those who knew him there recognized him to be an able and honorable statesman, and I am sure that his colleagues have been greatly grieved, as I have been, by his untimely death. I cherish his memory and shall always be grateful for the influence he had upon me as a friend.

JOHN DAVENPORT CLARKE

Mr. SNELL. Mr. Speaker, the New York delegation in this Congress has been bereft of two of its Members, both having been summoned away from us suddenly, and within a brief time of each other, our friends and colleagues, JOHN DAVENPORT CLARKE and JAMES SOUTHWORTH PARKER. To the latter's long and useful service in this House I have paid feeble tribute.

And now I would also bow my head and pay tribute to my friend JOHN CLARKE. His was of a sunny, happy nature. Here he relieved many a somber, prosaic occasion with pleasantries, and oftentimes his quick wit and humor relieved tension and created laughter. No one could be in the company of JOHN CLARKE without feeling the benign influence of his smile and his kindly nature. He fairly exuded good will and fraternal feeling. To him life was a grand adventure, full of interest and very much worth while. If ever he was despondent or discouraged, as probably he was at times, he carefully concealed his feelings under an outward cloak of cheerfulness, for his philosophy was to radiate encouragement and to impart hope. To his friends who were acquainted with his life's work, this disposition of our late colleague to be a friend of man was not surprising. It was because he loved nature and natural things and the highest form of natural life—man himself; it was also because he kept close to mother earth and studied practically the riches enfolded in her bosom and

the secrets of her bountiful gifts to mankind and because he had contact and experience with the soil that he aimed to apply his knowledge as a legislator for the betterment of conditions in agricultural pursuits, from whence is derived whatever measure of prosperity the people enjoy. JOHN CLARKE was an agriculturist in the broadest sense of the word; as some people would say, "a real dirt farmer."

The Greek myths, many of them, tell the story of strength renewed by touching the earth. In this country and, in fact, in all countries, in the main, the men who lead in achievements are of the generation or near to a generation that has touched the earth.

But it was not alone as an agriculturist or dirt farmer that our friend JOHN CLARKE distinguished himself, although that classification itself would have given him the place of prominence he held in this House as a reliable authority on that and kindred subjects, for, in addition to his knowledge of farming, he was also deeply interested in the treasures hidden in the bowels of the earth, far below its surface, and before taking up the practice of law was engaged in a number of mining pursuits and identified as an officer in various mining companies. He was versatile. Before taking up any business or profession, he qualified in a post-graduate course in economics, thus laying a splendid foundation for the lines of work in which he was most interested and could be the happiest and most useful to his fellow men and for which he felt he was best suited. His natural bent was agriculture in its diversified forms, and so he became actively engaged in the cultivation and management of a farm which he acquired in Delaware County, N.Y., where he was born and where he received his early education. He possessed a broad and comprehensive knowledge of farming in all its ramifications; but if there was any one phase of the subject of more interest and concern to him than another, it was dairying. In this branch of the business he was a recognized expert, which led to a directorship in the Dairymen's League, and the chairmanship of that organization for 2 years.

Being an ardent lover of nature in its manifold forms, he was, of course, interested in trees and was profoundly concerned about all that pertained to forestry and the conservation of our watersheds. He became vice president and president of the New York Forestry Association and vice president of the New York Conservation Association. He was coauthor with Senator McNARY of the law that established the reforestation policy of the United States, which is administered in cooperation with nearly every State, and in our Territories and possessions.

Is it any wonder, therefore, with this rich background of experience and resultant knowledge of the science of agriculture and its related phases, that JOHN CLARKE was selected for service on the Committee on Agriculture of the House, and that on that committee he rendered valuable service while both a majority and minority member? In the committee room in the formulation of legislation he was quick to apply his scientific knowledge, and members, regardless of party, were glad to follow his advice. While on the floor of the House, in the consideration of bills affecting agriculture or cognate subjects, he did not exploit his knowledge, he was always alert and ready to speak and to offer constructive suggestions; and when he did speak, he received attention and spoke to the point, as would be expected of one who knew his subject. He was regarded an authority on those subjects to which he had devoted long study and practical application—agriculture, forestry, and mining. His advice and wise counsel in our deliberations are missed, but more than anything else about him we miss the man himself and the good cheer and friendliness of his genial disposition.

In Republican councils also he leaves a pleasant memory of his efficient services as secretary of the Republican caucus.

Mr. MILLARD. Mr. Speaker, today we rest our activities to pay tribute to the Members of this House whom death has called, and it is fitting and proper that we should render this tribute of official respect to our dead.

I give my tribute of deep affection to the late JOHN DAVENPORT CLARKE.

The years of our association in the House of Representatives by no means cover the period of our friendship. I knew him probably earlier than any other Member of this body, for we prepared for college together at Phillips Academy, Andover, where we were both interested in athletics, and the bond so commenced ripened into long friendship. I have rarely known a man who reacted more fully to friendship than did JOHN CLARKE, and I am proud and honored to have been numbered among his friends.

JOHN CLARKE was completely and typically American, endowed with a good mind, a warm heart, and an unquenchable ardor for living, complemented by keen wit and enviable humor, which carried him over many rough places. His personal charm drew to him many who, like myself, held him in warm admiration and affection.

JOHN CLARKE was loyal to his political party. He was imbued with a spirit of helpfulness and was infused with the finest Americanism in his tolerance of others. His intelligence and common sense won for him general confidence and esteem, while his unfailing friendliness made him universally beloved.

Throughout his service in the House, CLARKE championed the cause of the farmers. His was a thorough understanding of their needs. He lent his untiring efforts to the solving of the problems of agriculture; was the farmers' friend in the highest sense. Had he no other accomplishment, this will remain a monument to his memory, one with which he would be well content.

John's work is appropriately and ably continued by Mrs. CLARKE, who has been elected to fill his place, a graceful tribute to him by the people whom he represented in the Congress.

A man of the people, JOHN CLARKE indulged no consciousness of superiority; separated from them neither by pride nor eccentricity he was incapable of arrogance. He was conversant with the strivings of his constituency and eagerly worked for their prosperity. He exemplified in his office the spirit of brotherly understanding, clothed it with a garment of gentleness, common sense, and sympathy—the stamp of American character.

Mr. REED of New York. Mr. Speaker, Representative JOHN D. CLARKE, whose death we mourn today, was one of nature's big-hearted men. We know his fine legislative record. He was an outstanding and successful lawyer before coming to Congress. The constituency which he so ably represented loved him as a kindly neighbor and thoughtful friend.

Endowed as he was with the faculty of radiating sunshine, his irresistible good humor calmed many tempestuous debates over highly controversial questions in Congress.

He was a man of deep convictions in regard to public questions. The work which he sponsored along the lines of agriculture, conservation, forestry, and mining was of a highly constructive character. I believe it is conservative to say that he was one of the foremost exponents of forestry in the Empire State. The successful legislation which he sponsored in Congress has a survival value. The program of conservation which he launched will benefit many generations yet unborn.

I know that I express the sentiments of the Members of this House when I say that the untimely death of our dear colleague is felt by each of us as a personal loss.

Mr. TABER. Mr. Speaker, JOHN D. CLARKE represented the Thirty-fourth District of New York State for 10 years until the time of his death. It was my privilege, as a member of the committee appointed by the Speaker, to attend the services which were held for him at Delhi, within a few miles of his home. I have never seen a larger nor more impressive attendance on such an occasion. It bore evidence of the sincere affection which the people of his own community had for JOHN CLARKE.

He was a kind man; and when I first came to Congress, he went out of his way to make things comfortable for me and to make me feel at ease. He did that with everyone with whom he became acquainted, and his circle of friends in the House was unlimited. He will be missed by all of us.

JOHN CLARKE left his undeniable imprint on agricultural legislation which was passed during his service here. He was a member of the Agricultural Committee during his entire service, was the author of the reforestation bill, and took a very active part in all measures which were brought forward for farm relief and to help adjust the agricultural problems.

He was always sincere, always active, energetic, and faithful to the interests of his constituents. I do not believe any Member of Congress ever worked harder or more devotedly than he did.

We all regret his being taken away from us at a time when men of his sterling qualities are so badly needed.

As indicative of the high regard in which JOHN CLARKE was held by his home people, I append a copy of the minutes adopted by the Kiwanis Club of Endicott, N.Y., where he was a general favorite:

Whereas we the members of the Endicott Kiwanis Club do feel deeply grieved over the untimely passing of our late beloved friend and fellow Kiwanian, JOHN D. CLARKE; and

Whereas he has by his faithfulness, honesty, ability, and friendliness won a deep place in the heart of every Kiwanian who will keenly miss his gracious presence at our meetings; and

Whereas the people of our community and the entire congressional district whom he so capably and unselfishly served as their Representative in Congress, have sustained a great loss in his passing: Be it

Resolved, That the Endicott Kiwanis Club express its profound sorrow and regret for his tragic death and that this resolution be spread upon the secretary's minutes: And be it further

Resolved, That a copy of this resolution be transmitted to the members of his family and to the Memorial Committee of Congress.

Mr. WHITLEY. Mr. Speaker, in the passing of JOHN DAVENPORT CLARKE the State of New York and the National Government have lost an able and faithful servant. He was known to all of us and beloved by all of us, especially those who knew him best and were privileged with intimacy in his sparkling everyday life. He was endowed with a singular faculty for making and retaining friends. JOHN DAVENPORT CLARKE is now a mere name and memory, a name representing nothing more than a green mound in an acre where we all have our dear ones.

Only a name! Yet that name calls before us a life lived, a record made, and honors achieved. His years were crowded with much work, much business, much politics, but in them was the joy of life, the happiness of seeing efforts crowned with success. An abounding geniality made Mr. CLARKE one of the pleasantest of men to meet.

To us, who knew him so well, it seems strange and out of place, indeed, to think of him shrouded and silent in the darkness of the grave; he, who but yesterday, as it were, was one of us and with us, so full of life, so strong, so hearty; whose handclasp conveyed so much of friendship.

In this House he was never known to champion an unjust cause, to vote other than according to the whisperings of conscience. His political, as well as his social and business life, was all frank, open, and aboveboard. No secrecy, no subterranean wirepulling, no plots hatched at midnight for him—all was as open as the day, as clear as the noontide.

Mr. CLARKE was a man of independent thought and action. He acted after consideration and firm conviction, well founded. He was not like a weathercock, turning hither and thither, swayed by every popular breeze, but was rather a leader of public opinion. He could and did express his opinion upon legislative questions intelligently and fearlessly. No man could swerve him from the path of duty as he saw it, and none could deliver him on any question. Let me here put my convictions on record in the expression that in all places and at all times, and in the largest and truest sense, he was an honest man and an incorruptible public servant. Fidelity to principle was the chart of his

life; discharge of duty, the rule of his action. While not pretentious in the expression of his convictions, he maintained them with inflexible firmness—not with a firmness born of self-conceit, but that which is prompted by a consciousness of right and modest merit. He was safe, reliable, and useful.

Mr. MEAD. Mr. Speaker, last fall we were all shocked to hear of the sudden and untimely passing of one of our most beloved colleagues, the Honorable JOHN DAVENPORT CLARKE, of New York. I take this opportunity to pay tribute to his memory.

Although his death came much too soon, JOHN CLARKE enjoyed a full and active lifetime. He possessed a genuine character and a rare sense of good humor that won him friends everywhere. JOHN CLARKE was a lover of the soil. Beginning humbly on a farm, he never lost sight in all his years of public service of the agricultural problems. His mellow philosophy smacked of those hardy pioneers who founded this great Nation and the sturdy farmers who have perpetuated the real spirit of America and preserved for the future our democratic institutions. Much of his versatile career was spent in the interest of nature. The milestones which mark his life show many pursuits in behalf of the welfare of our natural resources. Interested in forestry and conservation, he became president of the New York Forestry Association and later vice president of the New York Forestry Conservation Association. At another time he was chairman of the board of directors of the Dairymen's League in New York State.

JOHN CLARKE served in the Congress for six terms. During those years I came to know him well. But I am only one of many who have served here for many years and who shall keenly miss his cheerful countenance and welcome word. For several years he was a member of the Committee on Agriculture, and he became an outstanding authority on the legislation which came before that important committee. Quite naturally, his chief interests centered around agriculture, forestry, and mining, and his contributions and counsel in connection with such legislation carried real weight on the floor of the House.

His widow, Mrs. CLARKE, is filling his place. We welcome her and extend every cordial good wish for her success in the work of her illustrious husband. JOHN CLARKE was an intelligent legislator, a happy companion, and a clean, hard-fighting partisan.

We all shall miss him.

Mr. CULKIN. Mr. Speaker, the passing of our beloved colleague, JOHN DAVENPORT CLARKE, is an occasion of keen sorrow and regret, not only to his immediate constituency but also to his colleagues in the House of Representatives. His passing involves a grievous loss to the cause of forestry in America. It is likewise a heavy loss to the cause of agriculture, in which he had a deep and abiding interest.

He was the father of the Clarke-McNary bill, which established the national reforestation policy of the United States now being cooperated in by 41 States, together with Hawaii and Puerto Rico. He was instrumental in the passage of legislation which at first salvaged what remained of our great natural wealth in forests and then instituted a program of reforestation to restore to America the timber which had been so ruthlessly destroyed.

Owing to his efforts, forest economics is now receiving much attention by Congress and the various States. He was a master of all the technique which had to do with the question. He was an expert in the matter of forest protection through the operation of control measures. He was among the first to appreciate the necessity of new plantings in order to prevent soil erosion and to effect the preservation of our various watersheds. This, to my mind, was the great constructive work of JOHN D. CLARKE's life. He loved the great open spaces, and his efforts in this direction were influenced by a desire to pass the accomplishments on for the benefit and happiness of posterity.

There is no man in the history of Congress who was held in deeper esteem by his constituents. The impressive scenes at his funeral and the obvious grief of all participants indicated most clearly the affection in which he was held. His passing is a distinct loss to the Congress and to the cause of forestry.

Mr. DICKSTEIN. Mr. Speaker, it was my privilege and honor to be among the acquaintances and friends of the late lamented Congressman JOHN D. CLARKE, and I should be doing violence to the memory of that friendship did I not on this occasion pay my tribute of love and respect. Once more death has entered our ranks, found a shining mark, and with relentless stroke quenched the activities of a busy and useful life. In the flower of his manhood his passing was, indeed, untimely. He was a man of true nobility of soul, of fine intellect, character, and ability; a man of strong and true convictions; a man who believed above all in his country. He was a typical native son of the Empire State.

There was nothing of the sham about him; he abhorred hypocrisy; he accomplished results without ostentation. He found recreation, entertainment, and pleasure in outdoor life; he loved to get close to nature. The hills, the valleys, the streams, the mountains—all were majestic to him. He was a great reader, a natural student from childhood, and therefore acquired and retained a wealth of information; he was truly an educated gentleman of the highest type. He will be missed by all who knew him, and his friends were numbered by his acquaintances.

Mr. SISSON. Mr. Speaker, it is especially fitting that I pay this brief but profoundly sincere tribute to the memory of Hon. JOHN D. CLARKE, late Representative in Congress from the neighboring district to my own—the Thirty-fourth New York District—since I was born in Unadilla, Otsego County, N.Y., a town in that district.

However, my tribute is offered primarily because of my affection and admiration for JOHN CLARKE, rather than because of the mere fact that I happened to first see the light of day only a short distance from the township in which he made his home. If the homes of the two of us had been as far apart as the antipodes, the tribute would be equally in order. And it is all the more earnest because I am a Jeffersonian Democrat and Representative CLARKE was a consistent Republican of the ultraconservative school.

I am today honoring the man, JOHN D. CLARKE, for his lovable, kindly, genial qualities, his generous heart, his helpful disposition, his sound judgment, and his faithful service. I differed fundamentally with him on many points and in my general political philosophy, yet there are few men for whom I have felt warmer attachment and more genuine respect. Such friendship and appreciation are pleasant and commendable incidents that frequently arise in the life of a public man, and fortunate is the political leader who wins the hearty good will and cordiality of those in the opposing party.

Tolerance is one of the finest elements and requirements of the best patriotism. JOHN D. CLARKE manifested this quality to a marked degree. Battling vigorously for the policies in which he believed, he never retained personal bitterness against members of the opposition. Most of us who are Members of the Congress seek to show the same tolerance, but not all of us succeed to the same extent as Congressman CLARKE.

Perhaps no man who ever served in the House of Representatives had more practical experience in agriculture and felt a stronger desire to improve the lot of the farmer and dairyman than the late Representative from the Thirty-fourth District. His thorough familiarity with the problems of the man who tills the soil and furnishes the milk and vegetables and grain for the food of the Nation was recognized by all his associates. His practical common sense and his knack of quickly sizing up a situation were of immense value in the work of lawmaking.

Yet the outstanding qualities of Congressman CLARKE were his lovable, kindly, genial personal qualities to which I have alluded.

Sam Walter Foss, the poet, might well have dedicated to JOHN D. CLARKE—had he been living at the time—his famous poem, *House by the Side of the Road*, when he wrote:

There are hermit souls that live withdrawn  
In the place of their self-content;  
There are souls like stars, that dwell apart,  
In a fellowless firmament;  
There are pioneer souls that blaze their paths  
Where highways never ran—  
But let me live by the side of the road  
And be a friend to man.  
  
Let me live in a house by the side of the road,  
Where the race of men go by—  
The men who are good and the men who are bad,  
As good and as bad as I.  
I would not sit in the scorners' seat,  
Or hurl the cynic's ban—  
Let me live in a house by the side of the road  
And be a friend to man.

Mr. HANCOCK of New York. Mr. Speaker, to those who knew JOHN CLARKE casually the quality that distinguished him was his unflinching cheerfulness. He radiated good cheer. No matter what his own troubles might be, he always showed the world a gay and carefree exterior. Men welcomed his society, for there could be no gloom in JOHN CLARKE'S presence.

Only those who knew the man himself realized that he had a deeply religious nature. While still strong and vigorous and with no intimation of impending tragedy, he wrote detailed instructions for his own funeral services, which were faithfully carried out by his lifelong friend, Rev. W. Courtland Robinson, in the little Presbyterian Church, at Delhi, N.Y. He requested that the funeral sermon should be brief and should "emphasize that without service life has no significance. I have kept the faith and expect that the trees will sing my requiem mass as my soul soars on, for I have an abiding faith in our Master and the future life." In these solemn words he revealed the simple creed by which he lived—service to his fellowman and faith in the life to come.

He had an active and varied career, and his success was not without struggle. He was a lawyer, mining executive, farmer, and Member of Congress, and with characteristic zest and enthusiasm entered into the numerous movements for civic and social welfare of his district. In Congress he became the ranking minority member of the Committee on Agriculture and particularly interested himself in legislation which promoted conservation or reforestation or benefited dairy farmers, but he was alert and aggressive in protecting the great industrial interests of his district as well as in giving service to his humblest constituent.

His service in Congress is an honorable record of devotion to duty and useful accomplishment, but we will remember our friend for his happy, sunny disposition, his generous impulses, his truly democratic spirit, and the joy of his companionship.

Mr. CROWTHER. Mr. Speaker, JOHN D. CLARKE was one of the most companionable men I ever knew. He was a universal favorite in the House of Representatives and counted his many friends on both sides of the Chamber.

He was graduated in economics and history from Colorado College, which he attended after graduating from Lafayette College of Easton, Pa. He was afterward graduated in law from the Brooklyn Law School. Always interested in agricultural pursuits, he purchased a farm in his native county of Delaware in 1915.

His services on the Agricultural Committee of the House were most valuable, and he brought to the consideration of its legislation a practical knowledge of the farmer and his problems. The restoration of our American forests was his particular hobby, and the Clarke-McNary bill that he introduced and which became a law carried out his plan for national reforestation.

He had a keen sense of humor, and his quips and impromptu poetry added a lighter vein to the somber and technical discussions in committee and on the floor of the House. "We shall mourn and we shall miss him."

JAMES SOUTHWORTH PARKER

Mr. SNELL. Mr. Speaker, no truer words ever were uttered than these: "In the midst of life we are in death." My late colleague, JAMES SOUTHWORTH PARKER, or as he was familiarly and affectionately known to us, JIM PARKER, was beckoned away from us suddenly, almost without warning, by the summons that cannot go unheeded. Just a few days before being stricken he was in my office at a conference, and there was then no intimation or warning of his impending departure. His separation from us was a shock to me and to his friends here and to his constituents whom he had served so well and so long.

JIM PARKER'S career in the House, covering a period of nearly 11 consecutive terms or 22 years, exemplifies the value of long service in the House, which the late Speaker Champ Clark emphasized as important to the country in the case of a Member who demonstrates his fitness, as did our colleague, Mr. PARKER.

At the time of his death only 6 men outranked him in point of service and only 8 others equaled his record. He preceded me by 2 years, and in those 2 years got his bearings, so that he was enabled somewhat to master the intricacies of legislative procedure and customs and to impart his knowledge to fledgling colleagues, which he did most cheerfully and obligingly I being among the Members who received the benefit of his information and advice.

He and I became staunch friends and coworkers. We had much in common; our congressional districts were contiguous and our local interests identical. And in our political philosophy we thought very much alike. Through 2 decades of service in the House we were yoked together in a common bond of personal and political aims and objectives. During 8 years of that time we served in the minority, including the period of the World War, and this experience without the responsibility of party leadership was a season of valuable preparation for the exacting and responsible duties that were to fall to his lot and to mine in the succeeding years of Republican control of the House.

Representing, as Mr. PARKER did, a part of the great State of New York, with its multifarious industries and interests in every field of human endeavor, and particularly in the realm of commerce, both domestic and international, it was most fitting that the State of New York should be represented on the great Committee on Interstate and Foreign Commerce, with its broad jurisdiction of matters relating to our domestic and foreign commerce. By assiduous application to the duties imposed upon him by membership on that committee and by unremitting study of the many complex questions presented to it, Mr. PARKER increased in wisdom and mental stature, and from a lowly position on the committee he rose to the highly important, influential, and responsible post of chairman.

During his chairmanship unusually great, far-reaching, and vexatious questions affecting the welfare of the country arrested the attention of the committee. The question of commercial aviation, then practically in the experimental stage, was one demanding consideration in the realm of transportation facilities—a new and untrodden path in the matter of legislation. By virtue of his position as Chairman of the Committee on Interstate and Foreign Commerce and in recognition of the value of Mr. PARKER'S experience and broad knowledge of transportation problems, President Coolidge, in 1926, appointed him as a member of what was designated the "President's Aircraft Board." This Board held its meetings, over which Mr. PARKER presided with tact and ability, in his committee rooms; and after lengthy hearings, Chairman PARKER submitted a report covering 1,500 pages, embodying recommendations. This was a pioneer movement.

Upon the suggestion of Mr. PARKER and at his insistence, the House, in the Seventy-first Congress, authorized the Committee on Interstate and Foreign Commerce to investigate the ownership and capital interests in any common carrier engaged in transportation of persons or property in interstate commerce. This was a herculean task, to which Mr. PARKER and his associates devoted themselves in and out of season; the subject was highly technical and intricate, requiring close application, intensive study, and expert knowledge. Nothing daunted him, however. Mr. PARKER, with characteristic zeal and energy entered upon this self-imposed task with determination, and I cannot but feel that his labors in this respect superinduced the insidious physical ailment that resulted in his sudden break down. It may therefore be said literally that he died at his post of duty. The results of his labors in this one respect alone, as embodied in his reports and speeches on the subject, are illuminating and will be found of inestimable value in the consideration of transportation problems.

Mr. Speaker, in the councils of his party in the House JIM PARKER was prominent. As the New York member of the Republican Committee on Committees, he represented our delegation with rare judgment and wise discrimination. He was always frank, candid, and fair, and in him his colleagues reposed absolute confidence and sought his advice.

Personally, I feel greatly the loss of his support and his sage wisdom in party councils as well as his cooperation in legislative matters. When in retrospect I review my association with my friend and colleague over a period of 20 years, I can think of no man who was more devoted, more conscientious, more energetic, or more unselfishly wedded to his great tasks than was JIM PARKER.

Mr. REED of New York. Mr. Speaker, if we are to continue to be a great nation and to perpetuate it, there is no method by which that end may be attained except by the earnest efforts of sincere, devoted, and patriotic men. Hon. JAMES S. PARKER, of New York State, whose death we mourn today, was of this type. The service he rendered here was during the most critical time in our Nation's history, the period of the World War, when the stress and strain on the mind and body of every legislator was terrific. The conclusion of the war did not lessen the burden of his official duties, but added to them. Even though he was endowed with a splendid and powerful physique, it was finally bent, and at last broke under the heavy and ever-increasing load of official responsibilities.

The rugged honesty of Representative PARKER commanded respect. He was strong in his convictions and very aggressive in fighting for them. He brought to this House a storehouse of legislative information. His distinguished service in the State Legislature of New York enabled him to give wise counsel touching many intricate problems relating to questions in which the State and the National Government had a common interest. This Nation can ill afford to lose the services of such a man.

The constituency which he loved and served so faithfully gave evidence of their confidence in his integrity and ability by returning him to Congress over a long period of years. The legislative record of Representative PARKER speaks for itself. No man could have transacted the business of his constituency with greater fidelity than did he. I say this advisedly, because he was unremitting in his toil and never faltered in his attention to his official duties until ill health made it impossible for him to carry on further.

I feel that I have lost a very dear personal friend. I knew him, and knew him well, for more than a quarter of a century. I am proud to have known him. It is enough to say that in every respect he measured up to the highest expectations of his friends and fulfilled in the highest degree the standards required of a worthy and distinguished citizen.

Mr. KENNEDY of New York. Mr. Speaker, as we assemble in this Chamber to pay tribute to the memories of our departed colleagues, we become conscious of the value of their associations and services and of the responsibilities

and duties left by them to us. We apprise and appreciate the dead, free from the grosser attributes of human nature. In death all are equal—prince and mendicant, sultan and slave, sage and simple—all march to the same music through that grim and ghostly cordon beyond which we may well all meet when the sun goes down.

Death is a true and pure democracy. In the democracy of the dead all men at last are equal. There is neither rank, station, nor prerogative in the republic of the grave. At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent. The poor man is as rich as the richest, and the rich man is as poor as the pauper. There the proud man surrenders his dignities; the statesman, his honors; the worldling, his pleasures; the invalid, his rack; and the laborer rests from unrequited toil.

Here at last is nature's final decree in equity. The wrongs of time are redressed. Injustice is expiated; the irony of fate refuted. The mightiest captain succumbs to that invincible adversary who disarms alike the victor and the vanquished.

It therefore becomes my sad duty today to recall briefly the life, character, and accomplishments of him who as a Member of this great body I had the privilege of knowing intimately and well, JAMES SOUTHWORTH PARKER. Born in Great Barrington, Mass., June 3, 1867, and educated in its public schools, he completed his education at Cornell University. In 1888 moved to Salem, Washington County, N.Y. In 1904 he was elected to the State assembly and served several terms, beginning in that year, up until 1912, when he was elected a Member of Congress. He was reelected to Congress and served continuously until his death, on December 19, 1933. Here he served untiringly not only in the interest of his party but for the greater good of his country. We who were his intimates and friends regret his untimely call to eternal rest and peace.

His family life was an example and inspiration to those favored with the opportunity to observe it. While our hearts go out in sympathy and sorrow to his widow, we would remind her that he left behind a memory of fidelity and love which as time goes on will become as sweet as the fragrance of a perfumed flower. Truly he has left footprints on the sands of time.

Let us, the living, pause and heed the fact of death. Those who yesterday were here have answered the summons to eternity. No man knows but that the tomorrow will never dawn for him. So in the vast company of the dead let us gain from their lives those virtues which in life we cherished most in them, to the end that we may heed the warning:

So live, that when thy summons comes to join  
The innumerable caravan, which moves  
To that mysterious realm, where each shall take  
His chamber in the silent halls of death,  
Thou go not, like the quarry-slave at night,  
Scourged to his dungeon, but, sustained and soothed  
By an unfaltering trust, approach thy grave,  
Like one who wraps the drapery of his couch  
About him, and lies down to pleasant dreams.

Mr. TABER. Mr. Speaker, JAMES S. PARKER died December 19, 1933. For more than 20 years he had been one of the most valuable Members of the House of Representatives. No man in the House ever had more influence with the Membership in general than did JIM PARKER. His advice was sought on every conceivable subject by members of both parties, and it was always given in the kindest spirit. No other Member of Congress did as much as he to help make easy the path of the young and inexperienced Member of the House. He would go out of his way on any occasion to do a favor for a friend, and very seldom would the friend forget.

His long service in Congress proves that he faithfully, honestly, and effectively represented his district, the Twenty-ninth District of New York State. The position which he held on the Committee on Interstate and Foreign Commerce for so long is ample evidence of his great ability in handling intricate problems of legislation. He so held the confidence of the House that when he said a piece of legislation was sound and was needed, it was customary for his

declaration to carry great weight with the Membership. When he took part in debate, it was always along constructive lines, and what he had to say was very effective.

For years he was the New York member of the committee on committees; and because of that position, he had a large part in the assignment of new Members of the House to their committees. He had unusually good judgment and was able to size up a man's capacities about as well as anyone I have ever seen. This made him exceedingly valuable not only to his party but also to his country.

In a campaign, his work for the Republican Party was always most effective, and many in the last 35 years have been helped by his interest and support.

We shall all miss him and shall all regret that he was called so soon.

Mr. WHITLEY. Mr. Speaker, Representative PARKER was 66 years of age when he died. He had been in public life almost continuously for 30 years, serving his district in the New York State Legislature and then as a Member of this body since the Sixty-third Congress. This brief statement shows that he was an unusual man. But, Mr. Speaker, he deserved this recognition at the hands of his fellowmen, by the faithful manner in which he discharged every public trust. No request of any constituent ever went unheeded. It was not because of political considerations that he did this but because of his kindness of heart.

Representative PARKER was a kind man. He loved to do good to others for the pleasure it gave him. He was continually sacrificing himself for someone else. No man was too poor to receive his attention. His life was given to the service of others. He believed that it was our duty to pluck the flowers that 'round us grow, scattering fragrance as we go. It was for this reason that he was so universally liked. It was for this reason that he maintained the love of the people whom he represented. It was because of his innumerable, nameless, and unrecorded acts of kindness and of love that so many will long for the touch of the vanished hand and the sound of the voice that is still.

By his unusual executive ability he did much for his State and country. His hosts of friends will appreciate him now the more that he is gone. To his strong character and unimpeachable integrity and honesty must be added a genial disposition; his temper was seldom ruffled. He was calm while others were disturbed. He smiled while others frowned. He was unselfish. The world was brighter because he lived; he gave to life more than he received. With all his graces of mind and character he was a modest man, quiet, and retiring. He was willing that others should indulge in oratorical flights; he was satisfied to be judged by what he did rather than by what he said. He was reticent because he was thoughtful. He loved his fellow man. Is it any wonder that we liked this man and that we mourn his death? This is not a fulsome eulogy perfunctorily delivered but only an imperfect picture of the life of a simple, faithful public servant, whose death has caused genuine sorrow to all who knew him.

Mr. Speaker, to such a one death has no terrors; it is an awakening to a higher life; it is not a good night but rather a good morning.

Green be the turf above thee,  
Friend of my better days;  
None knew thee but to love thee,  
Nor named thee but to praise.

Mr. CULKIN. Mr. Speaker, the death of JAMES S. PARKER removed from Congress an experienced legislator of ability, integrity, and high intelligence. As Chairman of the Interstate and Foreign Commerce Committee of the House, he came to know intimately the transportation and other interstate problems of the American Union. No more intricate, delicate, or difficult problem confronts Congress than the matter of legislating upon the interstate powers and duties of public utilities. A false step or erroneous legislation will either do great injustice to the people of the country who are dependent upon transportation, or it will do

economic injustice to the railroads and other common carriers.

During the long period of his service on this committee JAMES S. PARKER held the scales of legislation evenly and fairly. During his day the relation of government to the great transportation corporations changed materially. Owing to his wisdom, his sense of fairness, and outstanding loyalty to what was necessary for the development of America, much necessary and wholesome legislation was enacted by Congress.

Congressman PARKER's outstanding personal characteristics were courtesy and tolerance. He was painstaking in his efforts to assist his junior colleagues, of whatever party. In his day and generation he made a notable contribution to the orderly commercial development of America. His sound advice and counsel will be greatly missed by his colleagues. His kindly, wholesome personality will continue to be a pleasant memory for all those who contacted him during the years of his service.

Mr. THOMAS. Mr. Speaker, we are assembled at this time in the Halls of Congress, laying aside our legislative duties, to pay deserved tribute and honor to the memory of our departed colleagues.

I feel greatly honored to be chosen to express in my humble way my feeling of admiration and respect for one whom I have been called to succeed and to carry on the duties which he so ably performed.

Coming as I do from the Twenty-ninth Congressional District of the State of New York which has been so long and ably represented by my close personal friend and adviser, the Honorable JAMES SOUTHWORTH PARKER, it is fitting and proper that I, in behalf of the district, pay proper tribute to his memory.

My acquaintance with JIM PARKER, as he was affectionately known to all his friends, began when I was yet a very young man. I well remember his frequent calls upon my father at our home, where he was always a welcome guest. He was gifted with that rare trait of radiant friendliness which left those who were privileged to enjoy his friendship with the feeling that they were better for having known him.

Our district was honored by his services in the New York State Legislature where he served in the assembly for a number of years. His real worth was recognized, and he was chosen to represent this district as a Member of Congress in 1912, where he served continuously until the time of his death on December 19, 1933. When news of his sudden passing came to us, it was a severe shock, and the sympathy of the entire community went out to his widow. We had looked forward to many more years of his valued services in public life. Personally, I have always looked upon my friend JIM PARKER as my real adviser, one to whom I could go with my troubles and be sure of sympathetic and sound advice. Congressman PARKER not only was a refined, cultured gentleman but also had the faculty of sympathetic friendship toward his fellow man. He was always ready to be of assistance; in fact, service was his watchword. His character might well be expressed in these words:

Not what you get  
But what you give.  
Not what you say  
But how you live.  
Giving the world  
The love it needs  
Living a life  
Of noble deeds.

Not whence you came  
But whither bound.  
Not what you have  
But whether found  
Strong for the right,  
The good, the true—  
These are the things  
Worth while to you.

Mr. HANCOCK of New York. Mr. Speaker, I shall always remember JIM PARKER with affection and gratitude,

because of his manly attributes and his many kindnesses to me. He was never too absorbed in his own problems to feel a concern for those of others, particularly of young and inexperienced Members, and he was never too busy to lend a helping hand and an encouraging word.

He was one of the leaders when I first took my seat in Congress—head of the New York delegation, member of committee on committees, Chairman of the important Interstate and Foreign Commerce Committee. He enjoyed prestige, power, and popularity. But he was too big and too fine to be conscious of his position, too much of the thoroughbred gentleman ever to be arrogant or condescending. He was always kindly JIM PARKER, and he wore his honors gracefully. I doubt whether any Member of the House had more friends than he during his long service here. Good partisan though he was, I do not believe he harbored ill-feeling for any man. There was no place for malice in his nature.

His career as a legislator was long and honorable. For 8 years he served in the legislature at Albany, and he represented his district in Congress for nearly 21 years. His constituents trusted him and delighted in honoring him. Many important pieces of legislation bear the imprint of his sound judgment. In debate he spoke briefly, directly to the point, and without rhetorical flourishes, but with a sincerity that carried conviction.

When others were swept off their feet by sudden fads and popular waves of hysteria, he kept his sanity. JIM PARKER'S influence was considerable, and his contribution in the Nation's councils is of great and permanent value.

Naturally a man of keen perceptions, he offered us the mature judgment which only comes with long years of experience and close application to the legislative work he loved so well. The country has lost a useful and devoted servant, and we mourn the passing of an honored colleague and a good friend.

Mr. MEAD. Mr. Speaker, I want to pay deserved respect to my friend and colleague from New York, Hon. JAMES S. PARKER, who passed away last December.

It was my happy privilege to serve with JIM PARKER during my 16 years in Congress, and I can say with sincerity and from experience that he did his job well and has left a heritage of faithful public service which will be difficult to duplicate.

JIM PARKER served over 20 years as a Member of this House, representing the Twenty-ninth Congressional District of New York. Previous to that he was elected six times to the New York State Legislature. With a careful observation of humanity and a keen interest in the rural classes, he worked his way diligently and honorably to a high place in this body. For many years he was a member of the committee on committees, and his fairness and impartiality won him lifelong friendships in Congress. His excellent services as a ranking member of the Committee on Interstate and Foreign Commerce stand as another tribute to his hard work and honest efforts. His opinion, when expressed here on the floor, was always held in high regard.

Through our many years of personal friendship and close association I learned on countless occasions the true warmth of his heart and the kindness of his spirit. New Members, particularly, found in him a genuine friend and counselor. Members of both parties often called on him for advice, and out of his ripe experience and well-seasoned judgment he was forever eager to cooperate and assist.

JIM PARKER will be especially missed by the leaders of his own party, but his memory, too, shall live long in the hearts of all of us who worked so long with him and learned by intimate contact of his legislative ability, his depth of understanding, and his unquestioned integrity.

Mr. WADSWORTH. Mr. Speaker, it is hard to find the proper words with which to express my feelings concerning Congressman PARKER. He and I were old friends—intimate friends. We met for the first time back in 1905 as members of the New York Legislature. For 6 years I had the pleasure of serving with him in that body. For many months in each

of those years we saw each other every day. We were more than mere legislative colleagues; we became intimate friends. That friendship lasted until the day of his death.

As an assemblyman at Albany, Mr. PARKER wielded an important influence. His fine judgment, his ability to analyze legislative proposals, his knowledge of the problems of Government and of business, and the confidence he enjoyed among his colleagues, lifted him quickly to a place of power and responsibility. I remember very well the splendid work he did as chairman of the committee which had in charge a series of bills which, when enacted, brought about fundamental reforms with respect to the relationship existing between public utilities and the State. He was largely responsible for these measures which today stand upon the statute books of New York, and which have proved to be of great usefulness to the people of that great Commonwealth. That was 30 years ago. So vivid is my recollection of him that it seems but yesterday. That recollection of our younger days is the more vivid, because Mr. PARKER and I took part, shoulder to shoulder, in some exceedingly interesting and hard-fought political battles. I am not sure that we were right in all our contentions, but I know one thing, and that is that JIM PARKER was a square fighter, generous in victory, and smiling in defeat. It was inevitable that he should be promoted. From the New York Legislature he came to Congress, representing that fine congressional district which lies along the eastern boundary of up-State New York—a section of country throbbing with the best of American traditions.

I followed him to Washington in 1915 and found him once more hard at work for all that is best in legislation and in government. While we served at opposite ends of the Capitol in those days, we got together frequently, talked over old times, compared notes, and tried to understand the problems of the Nation as we used to try to understand the problems of the State. Always he was sound; always was his advice valuable. He had a knack of seeing things in their true light, and I found very shortly that his colleagues in the House were having the same confidence in him as his old colleagues in the Albany legislature. I need not review his career as a Member of the House of Representatives. It is long, and it is honorable to the highest degree. He rose to the chairmanship of the Committee on Interstate and Foreign Commerce, and in that position he was one of the most influential public men in Washington. An impress of his sound judgment and his ceaseless industry is to be found upon many a statute of the United States. Through all his labors he exhibited that finest of all capacities, the capacity for friendship. Now that he has gone, it is that element in his character which lives most vividly in my mind. It is that day-to-day friendship which he gave us that we miss most of all. He was so sympathetic; his understanding was so keen; he was so constant. It is a pity that he had to go.

Mr. DICKSTEIN. Mr. Speaker, I should feel that I had neglected to perform a duty I owe to the memory of our dear friend, JAMES S. PARKER, were I not to add a brief tribute to his memory.

Representative PARKER was genial in temperament and a delightful man to meet. He made his constituency a good Representative, and his popularity with the people is indicated by his successive elections to Congress by his substantial majorities.

He received political preferment in his home State, was a member of the State legislature for many years before being elected to Congress, and his popularity was ever on the increase, which was indicative of a splendid official service.

He was in such favor with his party, and his services so well recognized, that he became a member of one of the most influential committees in the House—the Committee on Interstate and Foreign Commerce—thus showing his merit was duly appreciated and his ability acknowledged.

His death has removed one of our ablest and most popular Members, and in his death Congress and the country have sustained a severe loss. His departure is sincerely mourned

as a national loss; and by those who were associated with him, as well as by those who knew him best, his memory will be cherished as a loyal and delightful friend, a congenial associate, a patriotic and devoted servant to his people, and a lover of his country.

The public have a very meager understanding of the strain to which a Member of the House or Senate is subjected. Those Members among you who have been serving here for even a few terms have seen, time and time again, the health of your comrades shattered, and you have seen them enter an early grave because of the often serious injury to health the services in this body have brought. Under the strain of the labors of political life the health of JAMES S. PARKER gave way, and he surrendered to death.

By his education, experience, and training, based upon his native ability and strong and charming personality, our colleague was equipped for what he became—an ideal Member of Congress.

He deeply respected the wishes of his constituents, and labored manfully to comply with their desires, so far as he could do so without doing injustice to his judgment as to what was right and best.

But I think no fear of political consequences or personal welfare ever turned him from what his own best judgment approved.

But our friend and colleague has passed on to a better world. He sleeps the sleep of the just. He was a good man, a good citizen, a loyal friend, and an able legislator, and in honor of his memory may I say:

Green be the turf above thee,  
Friend of my better days;  
None knew thee but to love thee,  
Nor named thee but to praise.

Mr. WIGGLESWORTH. Mr. Speaker, few Americans are privileged in public office to serve the people of their State for upwards of 6 years and the people of the Nation as a whole for over 20 years. Hon. JAMES SOUTHWORTH PARKER enjoyed that privilege, commanding the confidence and affection of those whom he served until the very end when death brought to a sudden close his long and useful career of distinction.

He not only won the confidence of those he served at home but also enjoyed throughout the House, regardless of party affiliation, respect and popularity in abundant measure. Those who knew him well will always recall him with high regard and genuine affection.

Ability and industry were his. These qualities brought him to Congress and enabled him to rise in authority in the House until he became chairman of the powerful Committee on Interstate and Foreign Commerce—a committee which he himself had done much to make powerful.

Judgment was also his—a practical judgment based on years of experience, which made his counsel of especial value in matters of policy.

Understanding and ready sympathy were his, especially for those with less experience in the House.

I knew him first as one of the older Members of the House when first elected to Congress. I shall always recall the hand of friendship which he held out to me at that time—a hand which was always available during 6 years of association in the House.

State and Nation have lost a faithful and effective public servant. Many of us have lost a friend.

Mr. CROWTHER. Mr. Speaker, in the passing of Representative JAMES S. PARKER, of Salem, N.Y., not only the Twenty-ninth District but the Congress of the United States suffers a distinct loss. During a continuous service of 21 years, his ability as a legislator and his broad viewpoint on questions of national policy have commanded the respect and admiration of the Members of the House of Representatives.

As Chairman of the House Interstate and Foreign Commerce Committee over a long period of years, his executive ability was outstanding. He was possessed of a marked personality, and his advice was sought by many of the leaders in his party. He was endowed with a combination of politi-

cal acumen and business sense that made him a most valuable member. His friends were legion, and his death was a loss not only to his immediate family and friends but to his district, his State, and the Nation.

Well may the Biblical salutation be his epitaph, "Well done, thou good and faithful servant."

JOSEPH LAWRENCE HOOPER

Mr. DINGELL. Mr. Speaker, dare I to rise during this solemn period and attempt a eulogy of that noble soul which until a short time ago dwelt among us within the modest clay habitat that was once the Honorable JOSEPH L. HOOPER, of Michigan.

Realizing, as I do, my limitation of expression, I hesitate, lest in my deficiency I fall short of paying a tribute that is befitting his public service, his sterling character, his exemplary honesty and fairness. I have searched the innermost recesses of my mind so that I might say something that is worthy of his unblemished character and, as in my heart, may remain a lasting tribute to his imperishable soul.

I was privileged to know him and work with him for the brief span of 1 year. In this association I have grown richer in character. Through it I learned to know the finest impulses that motivated his every movement. To be with him at work or at play was a pleasure never to be forgotten, the mellow character and sound philosophy of JOSEPH L. HOOPER were like a glow of light in which I was happy to bask when occasion permitted.

He had served his State and his district loyally, consistently, and with distinction. Partisanship, when the welfare of the people was at stake, was unknown to him. His prime purpose in life was to serve his country and the people. Realizing this, the people of the Third District of Michigan reelected him consistently since the Sixty-ninth Congress. His work in Congress is a record that will be a model and an inspiration to his successor.

The loss of JOSEPH L. HOOPER to the people of the State of Michigan, and particularly to his constituency, is beyond calculation and replacement. I am happy in the thought of having known him, of having associated with him. I feel rich in that I may share the grief of his family. The equity, though small, is priceless.

I believe that what is commonly supposed to be the end is but the beginning of a greater and a more glorious existence. I pray that the Lord may rest his weary soul.

Mr. DONDERO. Mr. Speaker, the death of the Honorable JOSEPH L. HOOPER, of the Third Congressional District of Michigan, removes from public service one of Michigan's most able men in this House of Representatives.

For 10 years he served the constituency of the Third Michigan District ably and well. He was a man possessed of rare intellectual attainments and a retentive memory seldom found among men. He was devoted to his work here in the Congress of the United States and brought to it a polished, legal mind which contributed much through his service on the Judiciary Committee. Using a somewhat ancient phrase, "he was a man of parts", of unquestioned integrity, and possessed of an unusual command of the finest English. He was a man of sterling character and an affable disposition. Always an intense Republican, nevertheless he had the confidence of the men on both sides of the aisle, Democrats and Republicans alike.

As a new Member of this body, it was my privilege to know him intimately but little more than a year; but in that period of time, I came to admire and respect him for his high attainments and manly attributes. He has passed on. He will be remembered by those who knew him best, and he will be missed by all of us who took counsel with him.

The State of Michigan has lost a splendid, stalwart citizen and the Nation an able counselor and legislator. The Third District of Michigan mourns him and misses him.

It can be truly said of Mr. HOOPER, as someone has so aptly put it:

As the years roll by, the milestones become headstones,  
And beneath every one a friend.

May we, who remain, be soothed and sustained by that unflinching faith which attended him, is the wish of one who admired him in life and reveres him in death.

Mr. SADOWSKI. Mr. Speaker, I rise for the purpose of paying a brief and humble tribute to the memory of my distinguished colleague, JOSEPH L. HOOPER, of Battle Creek, who, with marked ability and distinction, for 9 years served in this great legislative body the Third Congressional District of Michigan.

The sudden death of Congressman HOOPER on February 22, 1934, came as a distinct shock to all. Seemingly enjoying his usual good health and in the best of spirits, he spoke before the House of Representatives that afternoon. After the adjournment of the House for the day, he returned to his office, as was his custom, and was later found dead, the result of a heart attack.

Although I had had the pleasure of serving with Mr. HOOPER but one term, I had come to know and respect him as a man of unusually high principles and ideals, one who always followed what he considered to be the path of truth and wisdom. Although we were members of different political parties and were in disagreement on many subjects, I had great admiration for Mr. HOOPER as a man of convictions and courage to back up these convictions.

Our association during my service in Congress was most pleasant, and I deeply mourn the loss of a good friend, with whom I was happy to serve.

Mr. TABER. Mr. Speaker, JOSEPH L. HOOPER served in Congress for nearly 10 years from the Third District of Michigan. In the House of Representatives, when his party was in power over the major part of his service, he was frequently called upon to preside when the House was in Committee of the Whole. He made one of the ablest presiding officers we had; always courteous, dignified, and always had himself in hand. His knowledge of parliamentary law was probably as great as that of any other Member of the House. He took a keen interest in his work. For years he served on the Committee on Banking and Currency and was on the Committee on Insular Affairs. In his last term he was a member of the Judiciary Committee and had important assignments on the subcommittee having to do with the investigations which have been undertaken by that committee in recent years.

JOE HOOPER was a patriot. He was not only a party man but he was a lover of the American Constitution and of American liberties. He felt, as keenly as any of us can feel, the dangers to American liberties in the trend which the present administration has developed. It was just after making an impassioned appeal for liberty and our Constitution on the floor of the House that he suffered a heart attack and was taken from us. America never needed men of his type and his caliber more than it did at the time he was taken.

He was an outstanding, exceedingly able, and efficient legislator. The people of his State, and the people of the country as a whole will miss him.

Mr. LEHR. Mr. Speaker, in the death of Hon. JOSEPH L. HOOPER this Congress has lost one of its most able and conscientious Members; the Third Congressional District of Michigan has lost its most prominent citizen, and the State of Michigan has been deprived of the services of one of its most loyal servants, and I feel most deeply the loss of a friendship which has been one of my most cherished associations in my service with this Congress.

Many years ago I had become acquainted with JOE HOOPER, then a young lawyer in his home city of Battle Creek, Mich., and that acquaintanceship became renewed during my service in this session of the Congress. On more than one occasion it was my privilege to discuss with Mr. HOOPER matters of legislative moment, and I learned to have the greatest degree of respect for his mental attainments and his knowledge of public affairs and his sincerity of purpose. While he was deeply partisan, he was con-

scientiously so. His partisanship was not of a blind character that sees nothing good in the principles of the opposition. He was deeply sensible of the responsibilities of his public position, and he entertained a keen sense of his responsibility to his constituents at home.

There was no man in our Michigan delegation for whom I had a more profound respect and admiration than I had for JOE HOOPER. That respect was entertained by me not only because of his ability as a lawyer and a legislator but also because of his honesty and sincerity of purpose. We may differ in matters of policy; but when we differ conscientiously and honestly, then no one can question the propriety of such differences.

JOE HOOPER was a cultured gentleman, a scholar, and a student in all that those terms imply, and above all else, to those of his associates for whom he had a high regard he was the truest kind of friend. Our friendship became very close and very dear in our renewed association in this Congress.

He had planned on not seeking reelection to the next Congress, feeling, in justice to himself, that he should withdraw from public life and take up again the active practice of his profession. And he had looked forward, as I well know, with pleasurable anticipation to the time when he could again be within the bosom of his friends at home, devoting himself to the further enlightenment of his mind and to the rehabilitation of his private fortune. But "man proposes and God disposes", and his ambition to retire from public life and take up again the reins of his private life among his friends at the conclusion of this term of Congress was not to be carried out, in accordance with the will of the Almighty. His death came as a great shock to us who had been so intimately connected with him.

And so as a Democrat, I consider it a privilege to pay this little meed of respect to my Republican colleague. He was a man among men, a loving husband and father, a splendid citizen, and a friend whose memory I shall cherish in my heart as long as time lasts.

Mr. McLEOD. Mr. Speaker, I am indeed grateful for this opportunity to raise my voice in tribute to the memory of my late colleague and fellow Member from Michigan, the Honorable JOSEPH L. HOOPER. Mr. HOOPER was my warm personal friend. It was my privilege to know and work with him in the most cordial of relations since he was first elected to Congress. Mr. HOOPER devoted himself unselfishly to his career of public service, and during his long term in the House of Representatives his stalwart uprightness of character and proven ability won for him the esteem and respect of all with whom he came in contact.

Mr. HOOPER represented the finest type of American citizen, and his early training was of that sort which produces the strong and noble character possessed by him. He was born in Battle Creek, Mich., December 22, 1877. Since early manhood he had been a member of the legal profession. He launched his career of public service as city attorney of Battle Creek, later accepting the position of prosecuting attorney of Calhoun County. After serving with distinction as prosecuting attorney, his call to serve the public led to his election to the Sixty-ninth Congress, where he served brilliantly and with distinction until his unfortunate demise in the early part of this session.

His sudden death came as a great shock to his colleagues in the House of Representatives and to his host of friends throughout the State and the Nation. His outstanding achievements and his lovable personality will cause his name to be long remembered in the State and Nation for whose advancement he devoted his life.

Mr. WOODRUFF. Mr. Speaker, in these parlous times, when the fate of a nation and the future of a people, shrouded in the still impenetrable mysteries confronting a troubled world, there was perhaps no Member of the House of Representatives whom the country could more ill afford to lose than the Honorable JOSEPH L. HOOPER, of Battle Creek, in the Third Congressional District of Michigan.

Representative HOOPER was one of the high types of legislator with a fine philosophy and sincere desire to do his duty according to his conscience and ability, coupled with indefatigable energy, which made him wellnigh irreplaceable as a servant and a representative of his people in this body.

Not only did his work on the Banking and Currency and Insular Affairs Committees of the House of Representatives reflect these high ideals, that fundamental philosophy and integrity of purpose which characterized Representative HOOPER's life and acts, but his sincerity and energy in studying and analyzing the fundamentals of the problems which confronted his country and his people, in seeking to find solutions and remedies therefor, made his influence felt far beyond the range of the immediate activities to which he had been attending as a minority Member of this body.

As a man and a friend, he was as sincere and loyal as he was in his legislative capacity, and he came to the hour of his passing under conditions afforded few men in this life. If JOSEPH L. HOOPER could have arranged the way of his departure from this earthly scene, undoubtedly he would have preferred to have it come as it did, in the midst of his labors for his country and his people, and in the midst of his activities in the Capitol.

The circumstances of Representative HOOPER's passing are perhaps too well known to require recitation here. Suffice it to say that apparently in 1 hour he was in the full glow of health and in the optimistic spirit which always characterized him in his dealings with his fellow man; and in another hour, while in his office alone at his labors, he had come to the great adventure and had passed beyond the mortal phase.

It is a source of great consolation to his friends to know that his passing was without pain, apparently, and without struggle; a simple laying down of his earthly tasks and a taking on, perhaps, of new duties in another phase.

At all events, his was a joyous life, because he was conscious of giving the best of which he was capable to the service of his people and his country. His faith in his Nation and his Government was profound. His untiring energy and sound philosophy made life for him a period of achievement in the service of others. When the moment of departure came, he was still in the midst of his activities in this service to his people; and he must have passed on with a deep sense of having done his best while among men and with eager anticipation of whatever might lie beyond the portals of death.

More than this, no man may ask. And this much to few men is vouchsafed.

Mr. MUSSELWHITE. Mr. Speaker—

Sunset and evening star,  
And one clear call for me!  
And may there be no moaning of the bar,  
When I put out to sea.

—Tennyson.

There is no partisanship in death. The Grim Reaper, inexorable, relentless, mows down without discrimination the most useful plants in the garden of humankind.

And so, in the full flower of his usefulness, JOSEPH LAWRENCE HOOPER was taken from us. Member of Congress for the past 8 years, he was stricken in his office on February 22, Washington's Birthday, after having delivered a scholarly and stirring address on the floor of the House.

JOE HOOPER devoted the last 8 years of his life to a high public service. He was honest, he was honorable, and he was conscientious. And more than that, he was a true friend, a consoler in grief, and a wise counselor in trouble. As a new Member of Congress, and of the opposite political faith, I confided in Mr. HOOPER, and I acknowledge my indebtedness to him for his sympathetic understanding and friendly advice.

Friend and comrade, JOE HOOPER has been taken from us. I would feel remiss in my obligation of friendship if I did not in these few simple words commemorate his passing.

It is one of the inexplicable twists of destiny that the useful should be taken, while so many of the unfit live on, and on, and on. But we cannot quarrel with destiny. The tragic fact persists; JOE HOOPER is gone.

Everyone who knew him is better for having known him. The world is better from his having lived in it. His memory we cherish. It is imperishable.

To those nearest and dearest to him we extend our heartfelt sympathy. Words are futile things. But on his tombstone might well be graven, in all sincerity, these words: "Down this way a gentleman, a patriot, and a statesman has gone."

Mr. WIGGLESWORTH. Mr. Speaker, the tribute in the House to the memory of Hon. JOSEPH L. HOOPER by colleagues on both sides of the aisle on the morning after his sudden and untimely death emphasized clearly the place which he had won in the minds and hearts of his associates.

He had served his State and Nation with ability and distinction during five successive terms of Congress.

He had proved himself to be a good lawyer, a good debater, a good parliamentarian, and a good presiding officer.

He had demonstrated sanity and courage. He had shown unflinching consideration for the views of others.

No one who knew him well could fail to sense his sincerity or his devotion to principle in the service of his country.

Quick to accord credit to others, he would probably have been surprised at the extent of his influence in the House. We shall miss him.

Mr. MAPES. Mr. Speaker, JOSEPH LAWRENCE HOOPER was born in Cleveland, Ohio, December 22, 1877, the son of Dr. Joseph R. and Florence R. Hooper. At the age of 5 he moved with his parents to Wellsville, Columbia County, Ohio, and at the age of 13 to Battle Creek, Mich., where he lived continuously until his death.

He acquired his education in the public schools of Battle Creek, graduating from the high school in 1896. Afterward he took a course in stenography in the Battle Creek Business College and then entered the law office of Williams & Lockton as a stenographer. While acting as stenographer he studied law and, after 3 years' study, successfully passed the bar examination and was admitted to practice at the Michigan bar in 1899, at the early age of 21. In November 1900 he was elected circuit court commissioner of Calhoun County, and in November 1902 prosecuting attorney. He served as prosecuting attorney 4 years, from January 1, 1903, to December 31, 1906, making an enviable record for himself and acquiring a State-wide reputation as the brilliant boy prosecutor of the State. During the war he served two terms as city attorney of Battle Creek and was elected to Congress August 18, 1925, at a special election, to fill the vacancy caused by the death of Hon. Arthur B. Williams. He served as a Member of this body continuously from that date until his death, February 22, 1934.

Mr. HOOPER was self-educated. He frequently expressed regret that he had not had the benefit of a college training, yet he was one of the best educated of men. He was an omnivorous reader and had a marvelous ability to assimilate and memorize what he read. He was familiar with several languages, and there seemed to be scarcely any limit to his ability to quote from the classics and other literature. As stated in one of the newspapers at the time of his death:

To friends it was a never-failing source of astonishment that Mr. HOOPER could quote in full almost any poem they might mention. Given the first line he would finish up the poem, and it might be that Mr. HOOPER had not seen or thought about the poem for years. His associates relate that they have seen him on numberless occasions read a long poem through once, close the book, and recite from memory without an error the full text.

In high school he studied Greek, but after leaving school he acquired of his own study a good knowledge of Spanish and French. On a congressional junket to the West Indies he accompanied the mayor of a town to the high school and gave a talk in Spanish to the pupils. He could recite Cicero in Latin and turn from that to a poem in French. His mastery of the latter language was such that he often held lengthy visits with Mme. Albertine Bernard, high-school French instructor, in the tongue.

One of his early ambitions was to be a writer and author, and his friends have no doubt but that he would have made a marked success in that field if he had devoted himself to it. He often expressed himself in poetry. Upon his death his friends recalled a poem written by him upon the occasion of the removal of an old and respected friend and prominent citizen of Battle Creek to the city of New York as best expressing the sentiment which they felt toward him:

IN FRIENDLY HEARTS YOU HAVE BUILT IT  
Giant, you are kindness,  
As giant in heart, in thew;  
You have bullded a loftier castle  
Than the olden giants knew;  
In friendly hearts you have built it,  
All solid and strong and high—  
The hearts of your friends who bid you,  
O kindly giant, good-bye.

At another time, at a dinner given on the eightieth birthday anniversary of one of his friends, he expressed himself in poem as follows:

TO CHARLES AUSTIN  
O good gray friend, we do not come to greet you,  
As one bowed down by weight of fourscore years;  
As young men to the young we come to meet you,  
A peer among your peers.

Those 80 years are naught but 80 pages,  
Read in a book whose tale is yet untold;  
Your soul is youthful, though the body ages,  
And you have not grown old.

You, who have parted with youth's callow blindness,  
The care-free heart, the careless-speaking tongue;  
You who have grown in sympathy and kindness,  
You are not old, but young.

You who are looked upon with glances grateful,  
By men whom you have helped to act as men;  
You who have learned that wrong is ever hateful,  
And right prevails again.

You are young as we, your friends who know and love you,  
For all we deem the worthiest and best;  
And though the branches of the trees above you  
No longer shade the west,

We hold you young in heart and strong in duty,  
We know your years of manliness and truth;  
We know your life's full need of love and beauty—  
This is not age but youth.

Having chosen the law as his profession, he devoted himself assiduously to it and was at the time of his election to Congress one of the leading lawyers in his section of the State and was especially effective and successful as a trial lawyer. As is well known by his colleagues here, he had announced his intention to retire from Congress at the expiration of the term for which he had been elected, for the purpose of returning to the practice of the law which he loved so well. During his service in the House he did what few lawyers here do. He kept up with the current decisions of the courts in anticipation of his eventually returning to the law.

He was an orator of the first mark. During his service in Congress he was perhaps called upon more frequently than any other Member to campaign in other States and make public addresses on important occasions in different parts of the country, and he gave his services in this respect willingly and ungrudgingly.

The death of no Member of the House in recent years, perhaps, caused so much sincere regret and mourning as that of Mr. HOOPER. He occupied a unique position in the hearts and affections of his colleagues on both sides of the aisle, and his death came as a distinct shock to them. As for the people of his district, a friend of broad experience and observation wrote me after his funeral:

I think I have never seen in this section such genuine and universal sorrow in the passing of a public man.

The services in his home city were conducted by the Reverend Carleton Brooks Miller, minister of the First Congregational Church of Battle Creek. He preached a beautiful sermon, brief extracts from which I quote as follows:

There are three things concerning the life of JOSEPH L. HOOPER that I would pick out to mention today: His patriotism, his public speaking, and his friendships.  
Joseph was a staunch patriot.

How we liked to hear him speak. Words came from him so easily and fluently. His was a vibrant voice set in a luminous, radiant personality. His mind was well furnished to give hospitality to his ideas. Joseph was a great reader. To spend an evening in his presence was to spend much of the time talking about books, particularly biography. But he had read most of the classical English literature as well as the Victorian and early American poets. Gifted with a marvelous memory, he could quote almost endlessly as need arose. His illustrations were apt and striking. He always had an audience in his eye. By absorbing the language and assimilating the thoughts of his reading, he would transmute them by the flame of his own passion, and, as he reached the climax of his speech, dramatically carried his listeners with him. It is said that God gives every man his chance at life. When we remember that JOSEPH HOOPER was self-educated, we can see from what he was and what he accomplished that he made so very much of his chance.

But the larger part in the nature of our friend was his kindly, smiling friendship.

Joseph was a carrier of friendliness. Men caught friendship from his very presence.

He died in full possession of his powers. Apparently in his usual good health, he took part in the debate of the session of the House late in the afternoon of the last day of his life, and a few minutes after adjournment was stricken and died alone in his office.

He was an able, conscientious, active, and influential Member of this body; a patriotic and loyal American, devoted to his family and friends, true to every trust imposed upon him, and a man of the highest character and integrity. His place will be hard to fill in the hearts and affections of his friends and in the councils of his State and Nation.

#### EDWARD WILLIAM POU

Mr. DOUGHTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following tribute to the late EDWARD W. POU by Senator ROBERT R. REYNOLDS, of North Carolina:

EDWARD W. POU belonged to that constellation of great men who have shone so brightly in public life. For 17 consecutive terms he was elected and reelected as a Member of the House of Representatives. At the time of his death he was its dean from the standpoint of continuous service.

Unfortunately for me, my associations with him in an official capacity were limited to less than a single term. But all my observation of him, and his whole manner toward me, went to confirm the reputation of his outstanding character, and qualities of head and heart. It would be difficult to figure the ideal of a statesman more complete than he was in reality—plain, solid, wise as a counsellor, ripe in political knowledge, courteous, and benevolent.

His whole manner was reflected in his deportment. Urbane in his manners, amiable in temper, scrupulously impartial, attentive to duty, perfect in his knowledge of the rules, and firm in his purpose, he won the affection and support of his colleagues not by the authority of the high office he held as Chairman of the powerful Rules Committee but rather by the graces of his deportment and his eminent qualifications as a man.

Although politically he was classed as a Democrat, he was as much a favorite on one side of the House as on the other. This was true even in time of war when party spirit was intense.

The career of Eb. Pou, extending over a period of nearly half a century, will forever be an inspiration to those who knew him. He seemed born for his station.

Mr. McDUFFIE. Mr. Speaker, I prize this privilege of paying tribute to one for whom I held so much admiration and genuine affection. Few men have been blessed with such power to make friends and hold them throughout a lifetime as that possessed by the late EDWARD W. POU. The ties with which he bound men to him were like "hoops of steel." Such power is not possible in one who lacks that sincerity and ability which characterized his whole life. Few men lived for their friends as he did, and no man possessed a higher degree of patriotism and love for public service.

In his 30 years of service in the House of Representatives, men may have differed with him, but no one has ever questioned his superb integrity in all things, both great and small. In his official life, a rare moral and political courage,

together with his broad grasp of public affairs, made him essentially one of the outstanding statesmen in his day and generation. The name of EDWARD W. POU will go down in the history of North Carolina along with Vance, the revered war governor; Aycock, the great educator; Macon; and others who have added luster to the brilliant records of the Old North State.

His life was an inspiration to those of us who were privileged to serve with him in the Halls of Congress, as well as to those who will come after him. His lofty ideals and love for the fundamental institutions of the American Government stimulated in others a desire to emulate his public service.

In times like these this Nation can ill afford to lose men of his type. The removal of his keen eye and his steady hand, which have been so powerful and effective in the guidance of the Nation, is an irreparable loss.

The people of Alabama, his native State, in whose soil his forbears sleep, share with North Carolina, his adopted State, not only that pride which all North Carolinians have in his exemplary record but their great grief in the passing of a beloved national figure.

EDWARD W. POU will be remembered as "a gentleman unafraid, who never betrayed a trust and who never weakened on a friend."

His passing is a personal loss to me. The memory of his loyal friendship is to me a priceless treasure.

His life was gentle, and the elements  
So mixed in him, that nature might stand up,  
And say to all the world, This was a man!

Mr. UMSTEAD. Mr. Speaker, the death of Hon. EDWARD W. POU, Representative from the Fourth District of North Carolina, on April 1, 1934, brought sadness to all those who knew him.

It was not my privilege to know Mr. POU until after I was elected a Member of Congress. When I came to Washington, Mr. POU, as dean of the North Carolina delegation, extended to me every possible kindness and courtesy, and from then until the time of his death I saw him frequently, and every contact with him increased my affectionate regard for him personally and officially.

Mr. POU was richly endowed with the beautiful qualities of gentleness, kindness, and generosity. He was one of the most unselfish men I have ever known in public life. His ability, strength of character, courage, loyalty, and long tenure of service gave him a unique place in the House of Representatives. During the special session of the Seventy-third Congress, although ill physically, Mr. POU, as Chairman of the Rules Committee of the House, did as much, I think, as any other one man in America to enact into law the program of President Franklin D. Roosevelt.

As a new Member, I was impressed by his frankness, his courage, and his loyalty. I was also impressed by his faithfulness to the duties of his office and his desire to serve the people of his district, State, and Nation. He was to me, during the time I knew him, an inspiration and a fine example of a patriotic statesman. When he answered the last roll call, his congressional district, his State, and his Nation suffered a distinct loss, and his life of public service will continue to be a source of encouragement to all those who knew him.

Mr. CLARK of North Carolina. Mr. Speaker, though I had known him by reputation for years, as he was so well and favorably known to all the people of his State, it was not my privilege to know Hon. EDWARD W. POU personally until I attended my first session of Congress in 1929. He was at that time dean of the North Carolina delegation and had long occupied a high position of leadership in Congress.

The coming of a new Member of Congress, even in his own delegation, was certainly no new experience for Mr. POU. During his long and honorable service he had seen countless Members come and go. Yet when I met him, he was so exceedingly courteous to me and treated me with so much fine consideration as to make me feel that my presence in the delegation really amounted to something. He won

my heart from the very beginning, and my admiration of him increased with the passing years. I soon learned that the fine manner in which he treated me, his beautiful courtesy, and his uniform consideration were but the natural expression of a splendid and lovable personality. These characteristics, so pronounced in him, must account in large measure for his unusual popularity and the high esteem in which he was held by his colleagues of every political faith. He was indeed a gentleman of the old school, and few men have held a higher place in the esteem of their fellow men.

As a legislator Mr. POU's career was unique and remarkable. He possessed a fine and accurate knowledge of public questions. His mental processes were logical. His presentation of a question was brief, clear, pointed, and forceful. He was fearless and courageous. He never hesitated to take a position upon any question, and having done so, it was boldly asserted and plausibly maintained. His career set a high mark to be aimed at by those of us who are still permitted to labor in the field that he loved so well. As Chairman of the Rules Committee in the national crisis incident to the World War and again in the same position during the crisis through which the Nation is now passing, he rendered a distinct and very fine service to the country that he loved so passionately and made for himself a permanent place among distinguished North Carolinians.

I count it a high privilege to have known and worked with him for a brief spell.

Mr. WARREN. Mr. Speaker, loving him while he lived and treasuring his memory now that he is gone, I pause to pay tribute to my close personal friend, EDWARD W. POU, of North Carolina. Shortly after I entered the Congress, there grew up a relationship between us almost like that of father and son, and many times I sought his wise counsel and advice and his broad sympathetic interest. He was a man without guile—completely free from hypocrisy, political or otherwise, and he lived out his life with the high ideals that actuated his every course. Privileged to serve his State and Nation almost longer than any other man in the history of the House of Representatives, he charted his path as a statesman and legislator along national lines that made an indelible impress in the far-reaching legislation of his day.

He was one of the fairest and most honorable men I have ever known. He looked with contempt upon those who would take short cuts. He was slow to promise, but once his word was given it was his bond. In committee and in debate, he only desired to assure himself that a matter was right, and then he became a powerful advocate with the zeal of a crusader. He was as gentle as a child. He could never hate, and men were tied to him with hooks of steel.

Twice chairman of the great Committee on Rules, he was the trusted counselor and the strong legislative arm of Woodrow Wilson and Franklin D. Roosevelt in two of the greatest and most interesting periods in the life of the Nation. They leaned heavily on him, for they knew that he was devoid of selfishness and that patriotism was his guide star.

It is not given to many to receive the confidence and trust and public acclaim as did Mr. POU. One could not have reached his commanding position either by accident or seniority. He was one of that brilliant coterie of young men whom Simmons and Aycock gathered about them and made their lieutenants in a trying era in North Carolina, and he had won the gratitude of the people and showed his mettle even before he entered Congress. From then up to the time of his passing his name was a synonym in our State for character, force, integrity, and ability.

The Congress was richer by reason of his distinguished and enviable service, and he will not be forgotten here at the scene of his many triumphs where his personality and beauty of soul was all-pervading.

Mr. LAMBETH. Mr. Speaker, I had the privilege of knowing EDWARD W. POU only in his latter years when he was in the second half of life "for which the first was made." I shall not trace his lineage or development; I cannot explain all the factors, all the vicissitudes of fortune

which molded his career. But I do wish to offer my tribute of respect to the maturity of his intellect and character.

On the floor of the House, as Chairman of the Rules Committee, or in whatever responsibility devolved upon him, Mr. Pou was steadfast and direct. In the midst of the conflict, when doubt and uncertainty confused other minds, he was unperplexed. His spirit seemed imbued with a profound calm.

With all his firmness, Mr. Pou possessed rare tact. I think that he was permeated by a certain innate gentleness which is not often found in men of public life. Regardless of party affiliations, Members of Congress loved and respected him. He was the incarnation of candor and kindness. As one of his younger colleagues, I can testify to his unflinching thoughtfulness and consideration.

But the crowning glory of Mr. Pou's personality was his love for humanity, his sympathy with the unfortunate and the afflicted. In the words of his chosen epitaph, he was "never mean enough to despise a man because he was poor, because he was ignorant, or because he was black."

He represented his district ably; he labored for his State and Nation through two periods of greatest stress and strain; he served humanity. And now that he has passed Beyond, he "leaves a lonesome place against the sky."

I insert as a part of my remarks a brief eulogy written by Joseph P. Tumulty, former secretary to President Wilson:

In the death of EDWARD W. POU, a congressional landmark has passed. Here was a life wholly and unselfishly given to public service. Never dramatic nor demagogic, with quietude and serenity he wended his modest way, drawing men to his side in bonds of the warmest affection, scorning the smooth velvet path of expediency, never surrendering to the illusions of the present day, always seeing straight and true in a perplexed and distracted age.

Fortunately, in these days when scandals in public life screech from the headlines, it was a comforting and consoling fact to have living in our very midst this knightly figure of the South, who, having about him the grandeur of the old-fashioned, lived and labored for his country and his people. As an associate of Woodrow Wilson during the critical days of the war, I can testify to the loyal way he stood by the side of the President, never flinching, always moving forward, as one of the principal congressional aids of his Commander in Chief. The death of Edward Pou brings a pang of sorrow to everyone who knew and loved him.

Mr. DOUGHTON. Mr. Speaker, it is with a sense of profound respect that I endeavor to briefly express my feelings over the loss of our esteemed colleague, the Honorable EDWARD WILLIAM POU.

His passing is a distinct loss to the House of Representatives in which he served and gave his wise counsel for the past 33 years, and to me the loss of one of the most lovable characters I have ever been privileged to call "my friend."

Mr. Pou was educated at the University of North Carolina. He served with distinction as solicitor of the fourth judicial district of North Carolina, to which position he was first elected in 1890, and reelected in 1894 and 1898. While serving in his third term as solicitor, he was chosen by the people of his district as their Representative and spokesman in the Congress of the United States.

His unselfish devotion and tireless work in Congress endeared him more and more to the people of his district, who at the last election gave him the largest majority of his long and notable career.

No Member of the House enjoyed the respect and confidence of his colleagues more than did Ed Pou. Intellectually honest, always candid, sincere, and straightforward, he abhorred hypocrisy in all its forms. Throughout his long, eventful, and distinguished public career he followed the path of duty outlined clearly and unmistakably by a conscience that was responsive always to the noblest impulses of true manhood. That was his crowning characteristic.

During the administration of Woodrow Wilson he served his country with marked distinction as Chairman of the powerful Rules Committee of this House and was again serving in that capacity at the time of his death.

His life was characterized always by intense patriotism and devotion to duty. His love for his country was surpassed by no man. His career has been notable. His life work has

been worth while. His ability and fidelity were unsurpassed. His years have been full of work and deeds well done.

In his death all of us who were so closely associated with him experience a strong sense of personal loss. We shall all miss him, not only now but in the future. He was a man we all loved, because he had the qualities of mind and heart which endeared him to those who knew him. He has finished his work, he has gone to his reward, but we are happier because we knew him, and the world is better for his example.

#### AFTER RECESS

At the conclusion of the recess the Speaker called the House to order, and then, pursuant to House Resolution 327, as a further mark of respect to the memory of the deceased, declared the House adjourned.

#### ADJOURNMENT

Accordingly (at 1 o'clock and 30 minutes p.m.), in accordance with its previous order, the House adjourned until Monday, April 30, 1934, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

430. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 27, 1934, submitting a report, together with accompanying papers, on a preliminary examination and survey of Smith River, Oreg., authorized by the River and Harbor Act approved July 3, 1930 (H.Doc. No. 322), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WILSON: Committee on Flood Control. H.R. 3353. A bill to provide a preliminary examination of Stillaguamish River and its tributaries in the State of Washington, with a view to the control of its floods; without amendment (Rept. No. 1376). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON: Committee on Flood Control. H.R. 3354. A bill to provide a preliminary examination of Snohomish River and its tributaries in the State of Washington, with a view to the control of its floods; without amendment (Rept. No. 1377). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON: Committee on Flood Control. H.R. 3362. A bill to provide a preliminary examination of the Nooksack River and its tributaries in the State of Washington with a view to the control of its floods; without amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON: Committee on Flood Control. H.R. 3363. A bill to provide a preliminary examination of Skagit River and its tributaries in the State of Washington, with a view to the control of its floods; without amendment (Rept. No. 1379). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON: Committee on Flood Control. H.R. 5175. A bill to provide a preliminary examination of the Green River, Wash., with a view to the control of its floods; without amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON: Committee on Flood Control. H.R. 8562. A bill to provide for a preliminary examination of the Connecticut River, with a view to the control of its floods and prevention of erosion of its banks in the State of Massachusetts; without amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD: Committee on Rules. H.Res. 363. Resolution for the consideration of H.R. 9323, a bill to

provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes; with amendment (Rept. No. 1382). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H.R. 9323. A bill to provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce and through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes; without amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENNEDY of Maryland: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Treasury Department (Rept. No. 1384). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H.R. 9385) to authorize the Federal Radio Commission to purchase and enclose additional land at the radio station near Grand Island, Nebr.; to the Committee on Merchant Marine, Radio, and Fisheries.

By Mr. STUBBS: A bill (H.R. 9386) authorizing the Secretary of Commerce to dispose of the Morro Rock Lighthouse Reservation, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H.R. 9387) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.

By Mr. BLOOM: Concurrent resolution (H.Con.Res. 37) providing for a joint session of the two Houses of Congress for appropriate exercises in commemoration of the one hundredth anniversary of the death of Gilbert du Motier, Marquis de La Fayette; to the Committee on Rules.

#### MEMORIALS

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

By the SPEAKER: Memorial of the Legislature of the State of New York, regarding the treatment of Radio Station WLWL; to the Committee on Merchant Marine, Radio, and Fisheries.

Also, memorial of the Legislature of the State of New York, memorializing Congress to adopt the report of the President's Committee on Wild Life Restoration as a basis for legislation and executive action designed to increase and protect the wild life of the Nation; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CARMICHAEL: A bill (H.R. 9388) for the relief of Susan Lawrence Davis; to the Committee on Claims.

By Mr. DARROW: A bill (H.R. 9389) for the relief of Martin J. Costello; to the Committee on Naval Affairs.

By Mr. KENNEDY of Maryland: A bill (H.R. 9390) for the relief of Fred. M. Cramer; to the Committee on War Claims.

#### PETITIONS, ETC.

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

4323. By Mr. ANDREW of Massachusetts: Resolution adopted by members of the Opportunity Club of the North Congregational Church of Cambridge, Mass., requesting an investigation of the communist movement in the United States; to the Committee on the Judiciary.

4324. By Mr. BRUNNER: Resolution of Carol Follen Unit, No. 103, of the Steuben Society of America, Richmond Hill,

N.Y., desiring to go on record as unalterably opposed to the entrance into the League of Nations, its World Court, or any foreign-controlled tribunal; to the Committee on Foreign Affairs.

4325. By Mr. CULLEN: Petition of the Assembly and Senate of the State of New York, urging Congress to enact with all convenient speed, such measures as may be necessary to increase the broadcasting time of educational and religious associations to one quarter of all the radio-broadcasting facilities; to the Committee on Merchant Marine, Radio, and Fisheries.

4326. Also, petition of the Senate and Assembly of the State of New York, urging the Congress to adopt the report of the President's Committee on Wild Life Restoration as a basis for legislation and executive action designed to increase and protect the wild life of the Nation; to the Committee on Agriculture.

4327. By Mr. ELLENBOGEN: Petition containing 2,752 names from Pittsburgh, Pa., reading as follows: "We believe that the policy of the Post Office Department, in curtailing service at the expense of increased unemployment, is directly contradictory to the Government's reemployment drive; we, therefore, urgently request that you take immediate action to have the Government and all its departments conform to the rules and spirit, which it has laid down for private industry in the articles of the National Recovery Administration; and we deem it quite necessary that this be done in order that the leaders of industry may know that the Government is sincere in its attempt to bring back prosperity"; to the Committee on the Post Office and Post Roads.

4328. By Mr. FITZPATRICK: Petition of the parish of the Sacred Heart, Yonkers, N.Y., signed by Cyprian Abler, O.M.Cap., urging the support of the amendment to section 301 of Senate bill 2910, providing for the insurance of equity of opportunity for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations seeking licenses for radiobroadcasting; to the Committee on Merchant Marine, Radio, and Fisheries.

4329. By Mr. GOODWIN: Petition of the New York State Association of Highway Engineers, urging support of the Whittington bill providing an additional grant of Federal money for highway construction under the Public Works program; to the Committee on Roads.

4330. Also, petition of the Senate of the State of New York (if the assembly concur), that the people of the State of New York, through their representatives in the senate and assembly, request the President and Congress to adopt the report of the President's Committee on Wild Life Restoration as a basis for legislation and Executive action designed to increase and protect the wild life of the Nation; to the Committee on Agriculture.

4331. Also, petition of New York Typographical Union, No. 6, urging support of the amendment to section 301 of Senate bill 2910, providing for the insurance of equity of opportunity for labor unions, educational, religious, agricultural, and cooperative organizations, and all similar non-profit-making associations seeking licenses for radiobroadcasting, by incorporating into the Statutes a provision for the allotment to said non-profit-making associations of at least 25 percent of all radio facilities not employed in public use; to the Committee on Merchant Marine, Radio, and Fisheries.

4332. Also, petition of the Senate of the State of New York (if the assembly concur) that the Congress of the United States be, and it is hereby, memorialized to enact with all convenient speed, such measures as may be necessary to increase the broadcasting time of education and religious associations to one quarter of all the radiobroadcasting facilities; and that Radio Station WLWL, owned and operated by the Missionary Society of St. Paul the Apostle, in the city of New York, State of New York, be granted a reasonable extension of its broadcasting time; to the Committee on Merchant Marine, Radio, and Fisheries.

4333. By Mr. LINDSAY: Petition of the Senate of the State of New York, Albany, urging the enactment of legis-

lation increasing the broadcasting time of educational and religious associations to one quarter of all the radiobroadcasting facilities; to the Committee on Merchant Marine, Radio, and Fisheries.

4334. Also, petition of the Senate of the State of New York, Albany, urging the adoption of the report of the President's Committee on Wild Life Restoration; to the Committee on Agriculture.

4335. Also, petition of the New York Typographical Union, No. 6, New York City, approving the proposed amendment to section 301 of Senate bill 2910, as contained in House bill 8977; to the Committee on Merchant Marine, Radio, and Fisheries.

4336. By Mr. RUDD: Petition of the Eliza M. Stevenson Council, No. 62, Sons and Daughters of Liberty, Ozone Park, Long Island, N.Y., favoring restricted immigration; to the Committee on Immigration and Naturalization.

4337. Also, petition of the New York Typographical Union, No. 6, New York City, favoring the proposed amendment to section 301 of Senate bill 2910, as contained in House bill 8977; to the Committee on Merchant Marine, Radio, and Fisheries.

4338. Also, petition of the Air Preheater Corporation, New York City, favoring certain modifications to House bill 8720, stock exchange bill; to the Committee on Interstate and Foreign Commerce.

4339. Also, memorial of the Legislature of the State of New York, favoring the proposed amendment of the Very Reverend John B. Harney, C.S.P., to section 301 of Senate bill 2910, as contained in House bill 8977; to the Committee on Merchant Marine, Radio, and Fisheries.

4340. Also, memorial of the Legislature of the State of New York, favoring the adoption of the report of the President's Committee on Wild Life Restoration; to the Committee on Agriculture.

4341. By the SPEAKER: Petition of the Motion Picture Theatre Owners of America; to the Committee on Patents.

4342. Also, petition of the Municipal Council of Cajidocan, Romblon, P.I., opposing an excise tax of 5 cents per pound on coconut oil; to the Committee on Ways and Means.

4343. Also, petition of the municipal government of Despujols, Romblon, P.I., opposing the excise tax on coconut oil; to the Committee on Ways and Means.

4344. Also, petition of Sons and Daughters of Liberty, No. 2 Council, supporting restricted immigration; to the Committee on Immigration and Naturalization.

4345. Also, petition of Holy Name Society, Branch No. 297, Bronx, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4346. Also, petition of St. Mary's Church, Canton, Ill., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4347. Also, petition of the Holy Name Society, Mary Queen of Heaven, Brooklyn, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4348. Also, petition of Herkimer Council, Knights of Columbus, urging the adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4349. Also, petition of St. Joseph's Rectory, of Narick, R.I., urging the adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4350. Also, petition of St. Paul's Parish, of Vicksburg, Miss., urging the adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4351. Also, petition of the Holy Trinity Parish, of Webster, N.Y., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4352. Also, petition of the Holy Name Society, of Webster, N.Y., urging adoption of the amendment to section 301 of

Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4353. Also, petition of Phil Sheridan Council, No. 2229, Knights of Columbus, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

4354. Also, petition of the Church of St. Mary Magdalen, of Melvindale, Mich., urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

## SENATE

SATURDAY, APRIL 28, 1934

(Legislative day of Thursday, Apr. 26, 1934)

The Senate met at 10 o'clock a.m., on the expiration of the recess.

### THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal for the calendar days Thursday, April 26, and Friday, April 27, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Couzens	Kean	Russell
Ashurst	Davis	Keyes	Schall
Austin	Dickinson	King	Sheppard
Bachman	Dietrich	La Follette	Shipstead
Bankhead	Dill	Logan	Smith
Barbour	Duffy	Loneragan	Stetler
Barkley	Erickson	Long	Stephens
Black	Fess	McCarran	Thomas, Okla.
Bone	Fletcher	McGill	Thomas, Utah
Borah	Frazier	McKellar	Thompson
Brown	George	McNary	Townsend
Bulkley	Gibson	Murphy	Tydings
Bulow	Goldsborough	Norris	Vandenberg
Byrnes	Gore	O'Mahoney	Van Nuys
Capper	Hale	Overton	Wagner
Caraway	Harrison	Patterson	Walcott
Carey	Hastings	Pittman	Walsh
Clark	Hatch	Pope	Wheeler
Connally	Hatfield	Reynolds	White
Coolidge	Hayden	Robinson, Ark.	
Costigan	Johnson	Robinson, Ind.	

Mr. ROBINSON of Arkansas. I regret to announce that the Senator from California [Mr. McANOO] and the junior Senator from North Carolina [Mr. REYNOLDS] are detained from the Senate on account of illness.

I desire also to announce that the senior Senator from North Carolina [Mr. BAILEY], the senior Senator from Virginia [Mr. GLASS], the junior Senator from Virginia [Mr. BYRD], the Senator from Florida [Mr. TRAMMELL], the Senator from Illinois [Mr. LEWIS], the Senator from West Virginia [Mr. NEELY], and the Senator from New York [Mr. COPELAND] are necessarily detained from the Senate.

Mr. FESS. I wish to announce that the Senator from Pennsylvania [Mr. REED], the senior Senator from Rhode Island [Mr. METCALF], the junior Senator from Rhode Island [Mr. HEBERT], the Senator from North Dakota [Mr. NYE], and the Senator from New Mexico [Mr. CUTTING] are necessarily absent.

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

### AMENDMENT OF SECTION 5153 OF THE REVISED STATUTES (S.DOC. NO. 175)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 5153 of the Revised Statutes, designed to clarify the situation with respect to the giving of security by national banks for deposits of public moneys, which, with the accompanying papers, was referred to the Committee on Banking and Currency and ordered to be printed.