

## COLLECTOR OF CUSTOMS

Austin J. Mahoney to be collector of customs for customs collection district No. 8, with headquarters at Rochester, N. Y.

## UNITED STATES PUBLIC HEALTH SERVICE

William L. Smith to be senior surgeon.  
James G. Telfer to be passed assistant surgeon.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 8, 1939

The House met at 12 o'clock noon.

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

Eternal Spirit, we are grateful for a continuance of Thy mercies. Suns may forget to rise and set, tides to ebb and flow, but Thou, O Christ, art the unerring One: "The same yesterday, today, and forever." O Lord and Master of us all, whose crown of thorns mocks the diadems of mortal monarchs, whose scepter is a broken reed, sway the nations to the Christian service of man. Marshal them, we pray Thee, into forms of everlasting grace, and may they bring forth concordant raptures of fraternity and brotherhood. As the clouds that cluster about the morning star fade into a new day, so may humanity journey through the morning shades and come to the glory of a new-found vision. Heavenly Father, come and make earth's broken things whole—broken faiths, broken loves, broken hearts, and broken lives. In our dear Redeemer's name. Amen.

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3791. An act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress.

## NATIONAL-DEFENSE BILL

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3791) to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees on the part of the House: Messrs. MAY, THOMASON, HARTER of Ohio, ANDREWS, and SHORT.

## REVISION OF TRADE-MARK LAWS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANHAM. Mr. Speaker, a few days ago I introduced a bill (H. R. 4744) providing for a revision of the trade-mark laws based upon hearings at the last session of Congress. I desire at this time to make the announcement and give notice to all interested parties that hearings on this measure will be begun before a subcommittee of the Committee on Patents at 10 o'clock in the morning on March 28.

## SEIZURE OF CERTAIN AMERICAN PROPERTY IN MEXICO

Mr. BLOOM. Mr. Speaker, I present a privileged report from the Committee on Foreign Affairs on House Resolution 107, requesting information of the President on seizure of certain American property in Mexico.

The Clerk read the resolution, as follows:

## House Resolution 107

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department as to how many farms owned by American citizens have been expropriated by the Mexican Government since March 4, 1933; the total acreage and the estimated or claimed value of these farms;

(2) What information, if any, is in possession of the State Department relative to the number of American-owned factories, mills, and mines that have been expropriated by the Mexican Government since March 4, 1933, and the estimated or claimed value of these properties;

(3) What facts the State Department has with regard to the estimated or claimed value of American-owned oil properties expropriated by the Mexican Government;

(4) What information, if any, is in possession of the State Department regarding a report that oil seized from American properties was bartered by the Mexican Government for German farm, road, or factory machinery hitherto purchased from the United States;

(5) What facts, if any, the State Department has that our export trade with Mexico decreased 50 percent in 1938 whereas the German trade increased 50 percent during that period; and

(6) Whether the State Department has any facts concerning the alleged charge that United States Ambassador Josephus Daniels suppressed, for a considerable time, a note of protest from the United States Government to the Mexican Government regarding the seizure of American-owned oil properties in Mexico.

The SPEAKER. The Clerk will read the adverse report. The Clerk read as follows:

## ADVERSE REPORT (TO ACCOMPANY H. RES. 107)

The Committee on Foreign Affairs to whom was referred the resolution (H. Res. 107) requesting the President of the United States to transmit to the House of Representatives all data in regard to the seizure of certain American property in Mexico, having considered the same, submit the following report thereon, with the recommendation that it do not pass:

Such information available to the Department of State as is consistent with the public interest has been furnished your committee and is on file.

Mr. BLOOM. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

## INTERIOR DEPARTMENT APPROPRIATION BILL, 1940

Mr. TAYLOR of Colorado, from the Committee on Appropriations, reported the bill (H. R. 4852) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes (Rept. No. 161), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RICH. Mr. Speaker, I reserve all points of order on the bill.

## EXTENSION OF REMARKS

Mr. MERRITT, Mr. BUCK, Mr. BROOKS, and Mr. SHAFER of Michigan asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Brig. Gen. George Richards, United States Marine Corps.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a speech delivered by my colleague the gentleman from Ohio [Mr. MARSHALL].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a concurrent resolution adopted by the Legislature of the State of Kansas.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## FREEDOM OF RELIGIOUS WORSHIP

Mr. RANKIN. Mr. Speaker, so many assaults have been made on Christianity throughout the world that people in

every section of this country have become apprehensive. Especially is this true now in the light of certain legislation that has been introduced in Congress which many people think threatens religious freedom or the right to worship God as one pleases.

I have just received a statement from Dr. John R. Sampey, president of the Southern Baptist Seminary, at Louisville, Ky., which I am inserting as a part of my remarks.

The Baptist Church has always stood for religious freedom and for the development of the highest qualities of moral and spiritual manhood and womanhood. It has always stood for complete separation of church and state and has never asked that it be given governmental preference over other denominations.

They see in this movement a danger to religious freedom, and for that reason they are appealing to Congress not to destroy that sacred heritage, which has come down to us from former generations of brave men and brave women who helped to establish religious liberty and to make it one of the cornerstones of American institutions.

I take great pleasure in inserting Dr. Sampey's statement, and I hope that every Member of the House and the Senate will read it carefully and heed its timely warning.

The matter referred to follows:

**A STATEMENT BY THE FACULTY OF THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY CONCERNING THE AMENDMENT TO THE SOCIAL SECURITY ACT**

A new threat to religious liberty in America may develop from a bill recently introduced in Congress to amend the Social Security Act. Baptists, in particular, and Christians of all faiths who are of like mind should inform themselves of the dangerous potentialities of this bill. In 1935 Congress passed "An act to provide for the general welfare by establishing a system of old-age benefits and by enabling its several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes."

This act significantly contained an exclusion clause which omitted from the application of the act and from taxation thereunder "service performed in the employ of a corporation, community chest, fund, foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual." The bill which has been introduced into the present Congress (H. R. 101, by Mrs. O'Day) would amend the original act by striking out this exclusion clause. And it is to this amendment as it concerns the churches and other institutions of religion that we would direct the earnest attention of Baptists and of all other Christians.

What does the amendment mean? Practically it means (1) that in the future the function of providing for the economic security of employees of churches, denominational organizations, and other institutions of religion would be taken away from these groups and be made the function of the State; it means (2) that the churches and their institutions would be taxed by the State for the support of its social-security program; (3) it opens the door for the punitive coercion of the churches by the State in the enforcement of its regulations; and (4) it involves the individual workers of the churches in a direct economic dependence upon the State that will tend to dull religious conviction and stifle independent conscientious action.

The further meaning of the amendment for Baptists becomes clear when we recall their historic views. Early American history rings with their insistence upon full religious liberty for all men. In order to guarantee such liberty for the individual they further insisted on the state's recognition of the distinctive nature and distinctive function of the church in the world, warranting the demand for a free church in a free state. They believed, and Baptists still believe, that the church is not in the same category as the economic corporation, that it is the voice of God in the world, and that its spiritual function becomes impossible when its organization and methods are controlled by the state, or when it becomes economically dependent upon any other group whatsoever. The church must be free from entangling alliances if it is to remain the voice of God in human society. Although the different functions of the church and the state are complementary rather than antagonistic, they are so different that neither the church nor the state is fitted to govern the other, and that attempted domination of either by the other makes only for injustice, bitterness, strife, and disruption.

The proposed amendment, furthermore, reverses the historic judgment of the Nation. The above Baptist principles were recognized in the Bill of Rights and in the legislative policy of our Government, a policy based, we must be reminded, not upon the expediency of gratuitous exemption, but upon the essential right and requirement of the church in the exercise of its spiritual function. But the twentieth century pressure of economic and

political expediency begins to ignore the essential difference between churches and other associations, and to regard the freedom of religion as freedom of thought and worship only, without the implementation of action and method. In our sight this amendment is just another step, undiscerningly proposed perhaps, in the direction of incorporating religious organizations under the leadership and control of the state, a movement that promises as great a disaster for democratic government as for the church. We speak, therefore, not merely in defense of the freedom of the church, but as patriotic citizens we would enter our protest against a step that would further secularize the national thought, endanger the freedom and variety of democratic association, yield to the totalitarian principle another gain in its conquest of western civilization, and become the portent of national confusion.

Because we feel so deeply that this proposal is an incipient thrust at something basic in our national life we voice this warning and protest. We appeal particularly to our southern Baptist brethren to give to our historic conscience supremacy over an easy conformity. Our fathers won recognition for the high principles of religious liberty and separation of church and state at the price of hardship and blood; we must not easily surrender them or retreat from their full meaning. We must make our protest. And we suggest that Baptists urge upon their Senators and Representatives the meaning of what is about to be done and register a strong dissent. We must, furthermore, be willing to pay the price of separate action, which in this matter means adequate provision for the workers in our churches and institutions through our own agencies. The work of our relief and annuity board for the security of our preachers, teachers, and other denominational workers is already well established and making remarkable progress toward a complete service. And now a critical challenge confronts us. Shall we go on to perfect the service of our own agencies of security? Or shall we abandon them and yield our task to the state? Our answer should not be in doubt. We shall cooperate most loyally with the state in the area of its own functioning, but within the life of our churches and our denomination we shall claim the right and accept the task of caring for our own.

JOHN R. SAMPEY, *President*  
(For the faculty).

**EXTENSION OF REMARKS**

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a memorial of the Legislature of the State of Maine regarding the naval services of Capt. Jerome O'Brien in the Revolutionary War.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FAY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the St. Lawrence seaway and power project and to include therein an address made February 23, 1939, by Mr. Fred J. Freestone, past master of the New York State Grange.

The SPEAKER. Without objection, it is so ordered.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER. Mr. Speaker, I presume that 50 years from now the House will be holding a session commemorating the two hundredth anniversary of the First Congress of the United States. They will be looking for the names of the former Members of Congress serving in 1939 and at 50-year intervals since the beginning of our Government. Thus, I ask unanimous consent to extend my own remarks at this point in the RECORD and include therein the names of the President and Vice President and Congressmen who served in the First Congress, a list of those who served in the Congress 100 years ago, a list who served in the Congress 50 years ago, as well as a list of the present Congressmen, all arranged alphabetically by States.

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

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania [Mr. SNYDER] if he thinks under the New Deal and the way we are going we will have a Congress 50 years from now?

Mr. SNYDER. Oh, yes; and a much better country and Congress than now as a result of the New Deal and similar agencies.

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

There was no objection.



## FIRST CONGRESS—MARCH 4, 1789, TO MARCH 3, 1791

First session, March 4, 1789,<sup>1</sup> to September 29, 1789; second session, January 4, 1790, to August 12, 1790; third session, December 6, 1790, to March 3, 1791

Vice President of the United States: John Adams, of Massachusetts.

President pro tempore of the Senate: John Langdon,<sup>2</sup> of New Hampshire.

Secretary of the Senate: Samuel A. Otis,<sup>3</sup> of Massachusetts.

Speaker of the House of Representatives: Frederick A. C. Muhlenberg,<sup>4</sup> of Pennsylvania.

Clerk of the House: John Beckley,<sup>5</sup> of Virginia.

## CONNECTICUT

Senators: Oliver Ellsworth, William S. Johnson.

Representatives: Benjamin Huntington, Roger Sherman, Jonathan Sturges, Jonathan Trumbull, Jeremiah Wadsworth.

## DELAWARE

Senators: Richard Bassett, George Read.

Representative: John Vining.

## GEORGIA

Senators: William Few, James Gunn.

Representatives: Abraham Baldwin, James Jackson, George Matthews.

## MARYLAND

Senators: John Henry, Charles Carroll of Carrollton.

Representatives: Daniel Carroll, Benjamin Contee, George Gale, Joshua Seney, William Smith, Michael Jenifer Stone.

## MASSACHUSETTS

Senators: Tristram Dalton, Caleb Strong.

Representatives: Fisher Ames, Elbridge Gerry, Benjamin Goodhue, Jonathan Grout, George Leonard, George Partridge,<sup>6</sup> Theodore Sedgwick, George Thacher.

## NEW HAMPSHIRE

Senators: John Langdon, Paine Wingate.

Representatives: Abiel Foster, Nicholas Gilman, Samuel Livermore.

## NEW JERSEY

Senators: Jonathan Elmer, William Paterson,<sup>7</sup> Philemon Dickinson,<sup>8</sup>

Representatives:<sup>9</sup> Elias Boudinot, Lambert Cadwalader, Thomas Sinnickson, James Schureman.

## NEW YORK

Senators: Rufus King,<sup>10</sup> Philip Schuyler.<sup>11</sup>

Representatives: Egbert Benson, William Floyd, John Hathorn,<sup>12</sup> John Laurance, Peter Silvester,<sup>13</sup> Jeremiah Van Rensselaer.<sup>14</sup>

<sup>1</sup> Neither a quorum of the Senate nor of the House of Representatives appeared in their respective Chambers on Wednesday, March 4, 1789. But eight Senators appeared and the minority adjourned from day to day until Monday, April 6, when a quorum of the Senate was first present. Thirteen Members of the House of Representatives appeared on March 4, and a quorum was not present until April 6, when the body proceeded to the transaction of business. When both Houses were organized, on April 6, they met in joint convention, in the hall of the Senate, and proceeded to open and count the electoral vote for President and Vice President. John Adams, the Vice President elect, appeared in the Senate Chamber and assumed the duties of the chair on Tuesday, April 21, 1789. On May 15, 1789, the Senate determined by lot the classes into which the membership should be divided agreeably to paragraph 2, section 3, of article I of the Constitution, as follows:

Class 1, term expires March 3, 1791: Messrs. Carroll, Dalton, Ellsworth, Elmer, Macray, Read, and Grayson.

Class 2, term expires March 3, 1793: Messrs. Bassett, Butler, Few, Lee, Strong, Paterson, and Wingate.

Class 3, term expires March 3, 1795: Messrs. Gunn, Henry, Johnson, Izard, Langdon, and Morris.

<sup>2</sup> Elected April 6, 1789.

<sup>3</sup> Elected April 8, 1789.

<sup>4</sup> Elected April 1, 1789.

<sup>5</sup> Elected April 1, 1789.

<sup>6</sup> Resigned August 14, 1790.

<sup>7</sup> Resigned March 2, 1790, having been elected Governor.

<sup>8</sup> Elected to fill vacancy caused by resignation of William Paterson, and took his seat December 6, 1790.

<sup>9</sup> The election of all four Representatives was contested, but owing to the burning of the papers and documents from the First to the Sixth Congress, by the British in 1814, it is not possible to ascertain the grounds upon which the contest was based. It is known that it related to questions of regularity and procedure, and that the decision was favorable to the sitting Members.

<sup>10</sup> Took his seat July 25, 1789; term to expire, as determined by lot, March 3, 1795.

<sup>11</sup> Took his seat July 27, 1789; term to expire, as determined by lot, March 3, 1791.

<sup>12</sup> Took his seat April 23, 1789.

<sup>13</sup> Took his seat April 22, 1789.

<sup>14</sup> Took his seat May 9, 1789.

## NORTH CAROLINA

Senators: Benjamin Hawkins,<sup>15</sup> Samuel Johnston.<sup>16</sup>  
Representatives: John Baptista Ashe,<sup>17</sup> Timothy Bloodworth,<sup>18</sup> John Sevier,<sup>19</sup> John Steele,<sup>20</sup> Hugh Williamson.<sup>21</sup>

## PENNSYLVANIA

Senators: William Maclay, Robert Morris.

Representatives: George Clymer, Thomas Fitzsimons, Thomas Hartley, Daniel Hiester, Frederick A. C. Muhlenberg, John Peter G. Muhlenberg, Thomas Scott, Henry Wynkoop.

## RHODE ISLAND

Senators: Theodore Foster,<sup>22</sup> Joseph Stanton, Jr.<sup>23</sup>

Representative: Benjamin Bourn.<sup>24</sup>

## SOUTH CAROLINA

Senators: Pierce Butler, Ralph Izard.

Representatives: Aedanus Burke, Daniel Huger, William L. Smith,<sup>25</sup> Thomas Sumter, Thomas Tudor Tucker.

## VIRGINIA

Senators: William Grayson,<sup>26</sup> John Walker,<sup>27</sup> James Monroe,<sup>28</sup> Richard Henry Lee.

Representatives: Theodoric Bland,<sup>29</sup> William B. Giles,<sup>30</sup> John Brown, Isaac Coles, Richard Bland Lee, James Madison, Andrew Moore, John Page, Josiah Parker, Alexander White, Samuel Griffin.

## TWENTY-SIXTH CONGRESS—MARCH 4, 1839, TO MARCH 3, 1841

First session, December 2, 1839, to July 21, 1840; second session, December 7, 1840, to March 3, 1841

Vice President of the United States: Richard M. Johnson, of Kentucky.

President pro tempore of the Senate: William R. King,<sup>31</sup> of Alabama.

Secretary of the Senate: Asbury Dickens,<sup>32</sup> of North Carolina.

Speaker of the House of Representatives: Robert M. T. Hunter,<sup>33</sup> of Virginia.

Clerk of the House: Hugh A. Garland,<sup>34</sup> of Virginia.

## ALABAMA

Senators: William R. King, Selma; Clement C. Clay, Huntsville.  
Representatives: Reuben Chapman, Somerville; David Hubbard, Courtland; George W. Crabb, Tuscaloosa; Dixon H. Lewis, Lowndesboro; James Deilet, Claiborne.

## ARKANSAS

Senators: William S. Fulton, Little Rock; Ambrose H. Sevier, Lake Port.

Representative: Edward Cross, Washington.

## CONNECTICUT

Senators: Perry Smith, New Milford; Thaddeus Betts,<sup>35</sup> Norwalk; Jabez W. Huntington,<sup>36</sup> Norwich.

Representatives: Joseph Trumbull, Hartford; William L. Storrs,<sup>37</sup> Middletown; William W. Boardman,<sup>38</sup> New Haven; Thomas W.

<sup>15</sup> Took his seat January 13, 1790; term to expire, as determined by lot, March 3, 1795.

<sup>16</sup> Took his seat January 29, 1790; term to expire, as determined by lot, March 3, 1793.

<sup>17</sup> Took his seat March 24, 1790.

<sup>18</sup> Took his seat April 6, 1790.

<sup>19</sup> Took his seat June 16, 1790.

<sup>20</sup> Took his seat April 19, 1790.

<sup>21</sup> Took his seat March 19, 1790.

<sup>22</sup> Took his seat June 25, 1790; term to expire, as determined by lot, March 3, 1791.

<sup>23</sup> Took his seat June 25, 1790; term to expire, as determined by lot, March 3, 1793.

<sup>24</sup> Took his seat December 17, 1790.

<sup>25</sup> Took his seat April 13, 1789; on April 15, 1789, David Ramsay presented a petition claiming that Smith was ineligible because at the time of his election he had not been a citizen of the United States the term of years required by the Constitution, which was referred to the Committee on Elections; the committee reported on April 18, 1789, and on May 22, 1789, the House adopted a resolution that Mr. Smith was eligible at the time he was elected.

<sup>26</sup> Died March 12, 1790.

<sup>27</sup> Appointed to fill vacancy caused by death of William Grayson and took his seat April 26, 1790.

<sup>28</sup> Elected to fill vacancy caused by death of William Grayson, and took his seat December 6, 1790.

<sup>29</sup> Died June 1, 1790.

<sup>30</sup> Elected to fill vacancy caused by death of Theodoric Bland, and took his seat December 7, 1790.

<sup>31</sup> Continuing from preceding session; reelected July 3, 1840; March 3, 1841.

<sup>32</sup> Reelected December 9, 1839.

<sup>33</sup> Elected December 16, 1839.

<sup>34</sup> Reelected December 21, 1839.

<sup>35</sup> Died April 7, 1840.

<sup>36</sup> Elected to fill vacancy caused by death of Thaddeus Betts and took his seat June 2, 1840.

<sup>37</sup> Resigned in June 1840 to become associate judge of the court of errors.

<sup>38</sup> Elected to fill vacancy caused by resignation of William L. Storrs and took his seat December 7, 1840.

Williams, New London; Thomas B. Osborne, Fairfield; Truman Smith, Litchfield; John H. Brockway, Ellington.

## DELAWARE

Senators: Richard H. Bayard,<sup>39</sup> Wilmington; Thomas Clayton, New Castle.

Representative: Thomas Robinson, Jr., Georgetown.

## GEORGIA

Senators: Alfred Cuthbert, Monticello; Wilson Lumpkin, Athens. Representatives: Julius C. Alford, Lagrange; Edward J. Black, Jacksonboro; Walter T. Colquitt,<sup>40</sup> Columbus; Hines Holt,<sup>41</sup> Columbus; Mark A. Cooper, Columbus; William C. Dawson, Greensboro; Richard W. Habersham, Clarksville; Thomas Butler King, Waynesville; Eugenius A. Nisbet, Macon; Lott Warren, Palmyra.

## ILLINOIS

Senators: John M. Robinson, Carmi; Richard M. Young, Quincy. Representatives: John Reynolds, Cadiz; Zadoc Casey, Mount Vernon; John T. Stuart, Springfield.

## INDIANA

Senators: Oliver H. Smith, Indianapolis; Albert S. White, La Fayette.

Representatives: George H. Proffit, Petersburg; John W. Davis, Carlisle; John Carr, Charlestown; Thomas Smith, Versailles; James Rariden, Centerville; William W. Wick, Indianapolis; Tilghman A. Howard,<sup>42</sup> Rockville; Henry S. Lane,<sup>43</sup> Crawfordsville.

## KENTUCKY

Senators: Henry Clay, Lexington; John J. Crittenden, Frankfort. Representatives: Linn Boyd, Cadiz; Philip Triplett, Owensboro; Joseph R. Underwood, Bowling Green; Sherrod Williams, Monticello; Simeon H. Anderson,<sup>44</sup> Lancaster; John B. Thompson,<sup>45</sup> Harrodsburg; Willis Green, Green; John Pope, Springfield; William J. Graves, New Castle; John White, Richmond; Richard Hawes, Winchester; Landaff W. Andrews, Flemingsburg; Garrett Davis, Paris; William O. Butler, Carrollton.

## LOUISIANA

Senators: Robert C. Nicholas, Donaldsonville; Alexander Mouton, Vermilionville.

Representatives: Edward D. White, Thibodaux; Thomas W. Chinn, Baton Rouge; Rice Garland,<sup>46</sup> Opelousas; John Moore,<sup>47</sup> Franklin.

## MAINE

Senators: John Ruggles, Thomaston; Reuel Williams, Augusta. Representatives: Hugh J. Anderson, Belfast; Nathan Clifford, Newfield; Thomas Davee, Blanchard; George Evans,<sup>48</sup> Gardiner; Joshua A. Lowell, East Machias; Virgil D. Parris, Buckfield; Benjamin Randall, Bath; Albert Smith, Portland.

## MARYLAND

John S. Spence,<sup>49</sup> Berlin; John L. Kerr,<sup>50</sup> Easton; William D. Merrick, Allens Fresh.

Representatives: John Dennis, Princess Anne; Philip F. Thomas, Easton, John T. H. Worthington, Shawan; Solomon Hillen, Jr., Baltimore; James Carroll, Baltimore; William Cost Johnson, Jefferson; Francis Thomas, Frederick; Daniel Jenifer, Milton Hill.

## MASSACHUSETTS

Senators: Daniel Webster,<sup>51</sup> Boston; Rufus Choate,<sup>52</sup> Boston; John Davis,<sup>53</sup> Worcester; Isaac C. Bates,<sup>54</sup> Northampton.

Representatives: Abbott Lawrence,<sup>55</sup> Boston; Robert C. Winthrop,<sup>56</sup> Boston; Leverett Saltonstall, Salem; Caleb Cushing, Newburyport; William Parmenter, East Cambridge; Levi Lincoln, Wor-

<sup>39</sup> Resigned September 19, 1839, to become chief justice of Delaware; reelected to fill vacancy caused by his own resignation, and took his seat January 19, 1841; vacancy in this class from September 19, 1839, to January 11, 1841.

<sup>40</sup> Resigned July 21, 1840.

<sup>41</sup> Elected to fill vacancy caused by resignation of Walter T. Colquitt, and took his seat February 1, 1841.

<sup>42</sup> Resigned August 1, 1840.

<sup>43</sup> Elected to fill vacancy caused by resignation of Tilghman A. Howard, and took his seat December 7, 1840.

<sup>44</sup> Died August 11, 1840.

<sup>45</sup> Elected to fill vacancy caused by death of Simeon H. Anderson, and took his seat December 7, 1840.

<sup>46</sup> Resigned July 21, 1840.

<sup>47</sup> Elected to fill vacancy caused by resignation of Rice Garland, and took his seat December 17, 1840.

<sup>48</sup> Reelected to the Twenty-seventh Congress but resigned, having been elected Senator.

<sup>49</sup> Died October 24, 1840.

<sup>50</sup> Elected to fill vacancy caused by death of John S. Spence, and took his seat January 13, 1841.

<sup>51</sup> Resigned, effective February 22, 1841.

<sup>52</sup> Elected to fill vacancy caused by resignation of Daniel Webster, and took his seat March 1, 1841.

<sup>53</sup> Resigned January 5, 1841.

<sup>54</sup> Elected to fill vacancy caused by resignation of John Davis, and took his seat January 21, 1841.

<sup>55</sup> Resigned September 18, 1840.

<sup>56</sup> Elected to fill vacancy caused by resignation of Abbott Lawrence, and took his seat December 7, 1840.

cester; James C. Alvord,<sup>57</sup> Greenfield; Osmyn Baker,<sup>58</sup> Amherst; George N. Briggs, Lanesboro; William B. Calhoun, Springfield; William S. Hastings, Mendon; Henry Williams, Taunton; John Reed, Yarmouth; John Quincy Adams, Quincy.

## MICHIGAN

Senators: John Norvell, Detroit; Augustus S. Porter,<sup>59</sup> Detroit. Representative: Isaac E. Crary, Marshall.

## MISSISSIPPI

Senators: Robert J. Walker, Madisonville; John Henderson, Pass Christian.

Representatives: Albert G. Brown, Gallatin; Jacob Thompson, Pontotoc.

## MISSOURI

Senators: Thomas H. Benton, St. Louis; Lewis F. Linn, Ste. Genevieve.

Representatives: Albert G. Harrison,<sup>60</sup> Fulton; John Jameson,<sup>61</sup> Fulton; John Miller, Connors Mills.

## NEW HAMPSHIRE

Senators: Henry Hubbard, Charleston; Franklin Pierce, Concord. Representatives: Charles G. Atherton, Nashua; Edmund Burke, Newport; Ira A. Eastman, Gilmanton; Tristram Shaw, Exeter; Jared W. Williams, Lancaster.

## NEW JERSEY

Senators: Samuel L. Southard, Trenton; Garret D. Wall, Burlington.

Representatives: <sup>62</sup> William R. Cooper, Swedesboro; Philemon Dickerson, Paterson; Joseph Kille, Salem; Joseph F. Randolph, New Brunswick; Daniel B. Ryall, Freehold; Peter D. Vroom, Somerville.

## NEW YORK

Senators: Silas Wright, Jr., Canton; Nathaniel P. Tallmadge, Poughkeepsie.

Representatives: Thomas B. Jackson, Newtown; James De la Montanya, Haverstraw; Ogden Hoffman, New York City; Edward Curtis, New York City; Moses H. Grinnell, New York City; James Monroe, New York City; Gouverneur Kemble, Cold Spring; Charles Johnston, Poughkeepsie; Nathaniel Jones, Warwick; Rufus Palen, Fallsburg; Aaron Vanderpoel, Kinderhook; John Ely, Coxsackie; Hiram P. Hunt, Troy; Daniel D. Barnard, Albany; Anson Brown,<sup>63</sup> Ballston; Nicholas B. Doe,<sup>64</sup> Waterford; David A. Russell, Salem; Augustus C. Hand, Elizabethtown; John Fine, Ogdensburg; Peter J. Wagner, Fort Plain; Andrew W. Doig, Lowville; John G. Floyd, Utica; David P. Brewster, Oswego; Thomas C. Chittenden, Adams; John H. Prentiss, Cooperstown; Judson Allen, Harpersville; John C. Clark, Bainbridge; Stephen B. Leonard, Owego; Amasa Dana, Ithaca; Edward Rogers, Madison; Nehemiah H. Earl, Syracuse; Christopher Morgan, Aurora; Theron R. Strong, Palmyra, Frances Granger, Canandaigua; Meredith Mallory, Hammondsport; Thomas Kempshall, Rochester; Seth M. Gates, Leroy; Luther C. Peck, Pike; Richard P. Marvin, Jamestown; Millard Fillmore, Buffalo; Charles F. Mitchell, Lockport.

## NORTH CAROLINA

Senators: Bedford Brown,<sup>65</sup> Browns Store; Willie P. Mangum,<sup>66</sup> Red Mountain; Robert Strange,<sup>67</sup> Fayetteville; William A. Graham,<sup>68</sup> Hillsboro.

Representatives: Kenneth Rayner, Winton; Jesse A. Bynum, Halifax; Edward Stanly, Washington; Charles B. Shepard, New Bern; James I. McKay, Elizabethtown; Micaiah T. Hawkins, Warrenton; Edmund Deberry, Lawrenceville; William Montgomery, Albrights; John Hill, Germantown; Charles Fisher, Salisbury; Henry W. Connor, Sherrills Ford; James Graham, Rutherfordton; Lewis Williams, Panther Creek.

## OHIO

Senators: William Allen, Chillicothe; Benjamin Tappan, Steubenville.

<sup>57</sup> Died September 27, 1839, before Congress assembled.

<sup>58</sup> Elected to fill vacancy caused by death of James C. Alvord, and took his seat January 14, 1840.

<sup>59</sup> Elected to fill vacancy in term commencing March 4, 1839, caused by failure of legislature to elect, and took his seat February 7, 1840; vacancy in this class from March 4, 1839, to January 19, 1840.

<sup>60</sup> Died September 7, 1839.

<sup>61</sup> Elected to fill vacancy caused by death of Albert G. Harrison, and took his seat December 12, 1839.

<sup>62</sup> Messrs. Aycrigg, Maxwell, Halsted, Stratton, and Yorke contested the election of Messrs. Vroom, Dickerson, Kille, Cooper, and Ryall; the House at first declined to seat either set of candidates, but by resolution of March 10, 1840, the five last named were admitted "without prejudice to the final rights of the claimants," and on July 17, 1840, were adjudged entitled to their seats.

<sup>63</sup> Died June 14, 1840.

<sup>64</sup> Elected to fill vacancy caused by death of Anson Brown, and took his seat December 7, 1840.

<sup>65</sup> Resigned, effective November 16, 1840.

<sup>66</sup> Elected to fill vacancy caused by resignation of Bedford Brown, and took his seat December 9, 1840.

<sup>67</sup> Resigned, effective November 16, 1840.

<sup>68</sup> Elected to fill vacancy caused by resignation of Robert Strange, and took his seat December 10, 1840.



Representatives: Alexander Duncan, Cincinnati; John B. Weller, Hamilton; Patrick G. Goode, Sidney; Thomas Corwin,<sup>60</sup> Lebanon; Jeremiah Morrow,<sup>61</sup> Twentymile Stand; William Doan, Withamsville; Calvary Morris, Athens; William K. Bond, Chillicothe; Joseph Ridgway, Columbus; William Medill, Lancaster; Samson Mason, Springfield; Isaac Parrish, Cambridge; Jonathan Taylor, Newark; Daniel P. Leadbetter, Millersburg; George Sweeny, Bucyrus; John W. Allen, Cleveland; Joshua R. Giddings, Jefferson; John Hastings, Salem; David A. Starkweather, Canton; Henry Swearingen, Smithfield.

## PENNSYLVANIA

Senators: James Buchanan, Lancaster; Daniel Sturgeon,<sup>62</sup> Uniontown.

Representatives: Lemuel Paynter, Philadelphia; John Sergeant, Philadelphia; George W. Toland, Philadelphia; Charles Naylor,<sup>63</sup> Philadelphia; Edward Davies, Churchtown; John Edwards, Ivy Mills; Francis James, West Chester; Joseph Fornace, Norristown; John Davis, Davisville; David D. Wagener, Easton; Peter Newhard, Allentown; George M. Keim, Reading; William Simonton, Hummelstown; James Gerry, Shrewsbury; James Cooper, Gettysburg; William S. Ramsey,<sup>64</sup> Carlisle; Charles McClure,<sup>65</sup> Carlisle; William W. Potter,<sup>66</sup> Philadelphia; George McCulloch,<sup>67</sup> Center Line; David Petrikin, Danville; Robert H. Hammond, Milton; Samuel W. Morris, Wellesboro; Charles Ogle, Somerset; Albert G. Marchand, Greensburg; Enos Hook, Waynesburg; Isaac Leet, Washington; Richard Biddle,<sup>68</sup> Pittsburgh; Henry M. Brackenridge,<sup>69</sup> Tarentum; William Beatty, Butler; Thomas Henry, Beaver; John Galbraith, Erie.

## RHODE ISLAND

Senators: Nehemiah R. Knight, Providence; Nathan F. Dixon, Westerly.

Representatives: Robert B. Cranston, Newport; Joseph L. Tiltinghast, Providence.

## SOUTH CAROLINA

Senators: John C. Calhoun, Fort Hill; William C. Preston, Columbia.

Representatives: Sampson H. Butler, Barnwell; John Campbell, Farnassas; John K. Griffin, Newberry; Isaac E. Holmes, Charleston; Francis W. Pickens, Edgefield; R. Barnwell Rhett, Blue House; James Rogers, Maybinton; Thomas D. Sumter, Slatersburg; Waddy Thompson, Jr., Greenville.

## TENNESSEE

Senators: Hugh Lawson White,<sup>70</sup> Knoxville; Alexander Anderson,<sup>71</sup> Knoxville; Felix Grundy,<sup>72</sup> Nashville; Alfred O. P. Nicholson,<sup>73</sup> Columbia.

Representatives: William B. Carter, Elizabethton; Abraham McClellan, Blountsville; Joseph L. Williams, Knoxville; Julius W. Blackwell, Athens; Hopkins T. Turney, Winchester; William B. Campbell, Carthage; John Bell, Nashville; Meredith P. Gentry, Harpeth; Harvey M. Watterson, Shelbyville; Aaron V. Brown, Pulaski; Cave Johnson, Clarksville; John W. Crockett, Trenton; Christopher H. Williams, Lexington.

## VERMONT

Senators: Samuel Prentiss, Montpelier; Samuel S. Phelps, Middlebury.

Representatives: Hilland Hall, Bennington; William Slade, Middlebury; Horace Everett, Windsor; John Smith, St. Albans; Isaac Fletcher, Lyndon.

## VIRGINIA

Senators: William H. Roane, Richmond; William C. Rives,<sup>83</sup> Lindsays Store.

Representatives: Lin Banks, Madison; Andrew Belme, Union; John M. Botts, Richmond; Walter Coles, Robertsons Store; Robert

<sup>60</sup> Resigned, effective May 30, 1840.

<sup>61</sup> Elected to fill vacancy caused by resignation of Thomas Corwin, and took his seat December 7, 1840.

<sup>62</sup> Elected January 14, 1840, to fill vacancy in the term commencing March 4, 1839, caused by failure of the legislature to elect, and took his seat January 24, 1840.

<sup>63</sup> Election unsuccessfully contested by Charles J. Ingersoll.

<sup>64</sup> Died, October 17, 1840, before the commencement of the Twenty-seventh Congress, to which he had been reelected.

<sup>65</sup> Elected to fill vacancy caused by death of William S. Ramsey, and took his seat December 7, 1840.

<sup>66</sup> Died, October 28, 1839, before Congress assembled.

<sup>67</sup> Elected to fill vacancy caused by death of William W. Potter, and took his seat December 2, 1839.

<sup>68</sup> Resigned in 1840.

<sup>69</sup> Elected to fill vacancy caused by resignation of Richard Biddle, and took his seat December 10, 1840.

<sup>70</sup> Resigned January 13, 1840.

<sup>71</sup> Elected to fill vacancy caused by resignation of Hugh L. White, and took his seat February 26, 1840.

<sup>72</sup> Elected to fill vacancy in the term commencing March 4, 1839, caused by resignation of Ephraim H. Foster, in preceding Congress, and took his seat January 3, 1840; vacancy in this class from March 4 to December 14, 1839; died December 19, 1840.

<sup>73</sup> Appointed to fill vacancy caused by death of Felix Grundy, and took his seat January 11, 1841.

<sup>83</sup> Elected to fill vacancy in term commencing March 4, 1839, caused by failure of legislature to elect, and took his seat January 30, 1841; vacancy in this class from March 4, 1839, to January 18, 1841.

Craig, Christiansburg; George C. Dromgoole, Gholsonville; James Garland, Lovington; William L. Goggin, Liberty; John Hill, Buckingham; Joel Holleman,<sup>84</sup> Burnwell Bay; Francis Mallory,<sup>85</sup> Hampton; George W. Hopkins, Lebanon; Robert M. T. Hunter, Lloyds; Joseph Johnson, Bridgeport; John W. Jones, Petersburg; William Lucas, Charlestown; Charles F. Mercer,<sup>86</sup> Aldie; William M. McCarty,<sup>87</sup> Alexandria; Francis E. Rives, Littleton; Green B. Samuel, Woodstock; Lewis Steenrod, Wheeling; John Tallafiero, Fredericksburg; Henry A. Wise, Accomac.

## TERRITORY OF FLORIDA

Delegate: Charles Downing, St. Augustine.

## TERRITORY OF IOWA

Delegates: William W. Chapman,<sup>88</sup> Burlington; Augustus C. Dodge,<sup>89</sup> Burlington.

## TERRITORY OF WISCONSIN

Delegate: James D. Doty, Ashton.

## FIFTY-FIRST CONGRESS—MARCH 4, 1889, TO MARCH 3, 1891

First session December 2, 1889, to October 1, 1890; second session, December 1, 1890, to March 2, 1891; special session of the Senate, March 4, 1889, to April 2, 1889

Vice President of the United States: Levi P. Morton, of New York. Presidents pro tempore of the Senate: John J. Ingalls,<sup>90</sup> of Kansas; Charles F. Manderson,<sup>91</sup> of Nebraska.

Secretary of the Senate: Anson G. McCook, of New York. Speaker of the House of Representatives: Thomas B. Reed,<sup>92</sup> of Maine.

Clerks of the House: John B. Clark, Jr., of Missouri; Edward McPherson,<sup>93</sup> of Pennsylvania.

## ALABAMA

Senators: John T. Morgan, Selma; James L. Pugh, Eufaula. Representatives: Richard H. Clarke,<sup>94</sup> Mobile; Hilary A. Herbert, Montgomery; William C. Oates, Abbeville; Louis W. Turpin,<sup>95</sup> Newbern; John V. McDuffie,<sup>96</sup> Wayneville; James E. Cobb, Tuskegee; John H. Bankhead, Fayette; William H. Forney, Jacksonville; Joseph Wheeler, Wheeler.

## ARKANSAS

Senators: James K. Jones, Washington; James H. Berry, Bentonville.

Representatives: William H. Cate,<sup>97</sup> Jonesboro; Lewis P. Featherston,<sup>98</sup> Forest City; Clifton R. Breckinridge,<sup>99</sup> Pine Bluff; Thomas C. McRae, Prescott; John H. Rogers, Fort Smith; Samuel W. Peel, Bentonville.

## CALIFORNIA

Senators: Leland Stanford, San Francisco; George Hearst,<sup>100</sup> San Francisco.

Representatives: John J. De Haven,<sup>101</sup> Eureka; Thomas J. Geary,<sup>102</sup> Santa Rosa; Marion Biggs, Gridley; Joseph McKenna, Suisun; William W. Morrow, San Francisco; Thomas J. Clunie, San Francisco; William Vandever, San Buenaventura.

## COLORADO

Senators: Henry M. Teller, Central City; Edward O. Wolcott, Denver.

Representative: Hosea Townsend, Silver Cliff.

<sup>84</sup> Resigned in 1840.

<sup>85</sup> Elected to fill vacancy caused by resignation of Joel Holleman, and took his seat January 7, 1841.

<sup>86</sup> Resigned December 26, 1839.

<sup>87</sup> Elected to fill vacancy caused by resignation of Charles F. Mercer, and took his seat January 25, 1840.

<sup>88</sup> Served until October 27, 1840, when his term expired under the provisions of the act of March 3, 1839.

<sup>89</sup> Elected in compliance with the act of March 3, 1839, and took his seat December 8, 1840.

<sup>90</sup> Elected March 7, 1889, and April 2, 1889 (special session of the Senate); February 28, 1890, and April 3, 1890; resigned as President pro tempore, effective March 2, 1891.

<sup>91</sup> Elected March 2, 1891.

<sup>92</sup> Elected December 2, 1889.

<sup>93</sup> Elected December 2, 1889.

<sup>94</sup> Election unsuccessfully contested by Frank H. Threet.

<sup>95</sup> Served until June 4, 1890; succeeded by John V. McDuffie, who contested his election.

<sup>96</sup> Successfully contested the election of Louis W. Turpin, and took his seat June 4, 1890.

<sup>97</sup> Served until March 5, 1890; succeeded by Lewis P. Featherston, who contested his election.

<sup>98</sup> Successfully contested the election of William H. Cate, and took his seat March 5, 1890.

<sup>99</sup> Election contested by John M. Clayton, who died January 29, 1889 (before the beginning of the congressional term), while case was pending; served until September 5, 1890, when Clayton was declared to have been elected and the seat vacant; subsequently elected to fill vacancy caused by death of John M. Clayton, and took his seat December 1, 1890.

<sup>100</sup> Died February 28, 1891.

<sup>101</sup> Resigned October 1, 1890.

<sup>102</sup> Elected to fill vacancy caused by resignation of John J. De Haven, and took his seat December 9, 1890.

## CONNECTICUT

Senators: Orville H. Platt, Meriden; Joseph R. Hawley, Hartford.  
Representatives: William E. Simonds, Canton; Washington F. Willcox, Chester; Charles A. Russell, Killingly; Frederick Miles, Chapinville.

## DELAWARE

Senators: George Gray, New Castle; Anthony Higgins, Wilmington.  
Representative: John B. Pennington, Dover.

## FLORIDA

Senators: Wilkinson Call, Jacksonville; Samuel Pasco, Monticello.  
Representatives: Robert H. M. Davidson, Quincy; Robert Bullock, Ocala.

## GEORGIA

Senators: Joseph E. Brown, Atlanta; Alfred H. Colquitt, Atlanta.  
Representatives: Rufus E. Lester, Savannah; Henry G. Turner, Quitman; Charles F. Crisp, Americus; Thomas W. Grimes, Columbus; John D. Stewart, Griffin; James H. Blount, Macon; Judson C. Clements, Rome; Henry H. Carlton, Athens; Allen D. Candler, Gainesville; George T. Barnes, Augusta.

IDAHO<sup>14</sup>

Senators:<sup>15</sup> George L. Shoup,<sup>16</sup> Salmon City; William J. McConnell,<sup>17</sup> Moscow.  
Representative: Willis Sweet,<sup>18</sup> Moscow.

## ILLINOIS

Senators: Shelby M. Cullom, Springfield; Charles B. Farwell, Chicago.

Representatives: Abner Taylor, Chicago; Frank Lawler, Chicago; William E. Mason, Chicago; George E. Adams, Chicago; Albert J. Hopkins, Aurora; Robert R. Hitt, Mount Morris; Thomas J. Henderson, Princeton; Charles A. Hill, Joliet; Lewis E. Payson, Pontiac; Philip S. Post, Galesburg; William H. Gest, Rock Island; Scott Wike, Pittsfield; William M. Springer, Springfield; Jonathan H. Rowell, Bloomington; Joseph G. Cannon, Danville; George W. Fithian, Newton; Edward Lane, Hillsboro; William S. Forman, Nashville; Richard W. Townsend,<sup>19</sup> Shawneetown; James R. Williams,<sup>20</sup> Carmi; George W. Smith, Murphysboro.

## INDIANA

Senators: Daniel W. Voorhees, Terre Haute; David Turpie, Indianapolis.

Representatives: William F. Parrett,<sup>21</sup> Evansville; John H. O'Neill, Washington; Jason B. Brown, Seymour; William S. Holman, Aurora; George W. Cooper, Columbus; Thomas M. Browne, Winchester; William D. Bynum, Indianapolis; Elijah V. Brookshire, Crawfordsville; Joseph B. Cheadle, Frankfort; William D. Owen, Logansport; Augustus N. Martin, Bluffton; Charles A. O. McClellan, Auburn; Benjamin F. Shively, South Bend.

## IOWA

Senators: William B. Allison, Dubuque; James F. Wilson, Fairfield.

Representatives: John H. Gear, Burlington; Walter I. Hayes, Clinton; David B. Henderson, Dubuque; Joseph H. Sweney, Osage; Daniel Kerr, Grundy Center; John F. Lacey, Oskaloosa; Edwin H. Conger,<sup>22</sup> Des Moines; Edward R. Hays,<sup>23</sup> Knoxville; James P. Flick, Bedford; Joseph R. Reed, Council Bluffs; Jonathan P. Dolliver, Fort Dodge; Isaac S. Struble, Le Mars.

## KANSAS

Senators: John J. Ingalls, Atchison; Preston B. Plumb, Emporia.  
Representatives: Edmund N. Morrill, Hiawatha; Edward H. Funston, Iola; Bishop W. Perkins, Oswego; Thomas Ryan,<sup>24</sup> Topeka; Harrison Kelley,<sup>25</sup> Burlington; John A. Anderson, Manhattan; Erastus J. Turner, Hoxie; Samuel R. Peters, Newton.

## KENTUCKY

Senators: James B. Beck,<sup>26</sup> Lexington; John G. Carlisle,<sup>27</sup> Covington; Joseph C. S. Blackburn, Versailles.

<sup>14</sup> Admitted as a State into the Union July 3, 1890.

<sup>15</sup> In addition to the Senators named the credentials of Fred T. Dubois, who had been elected "for the term of 6 years from March 4, 1891," were presented December 30, 1890, but the Senate refused to consider them prior to the beginning of the Fifty-second Congress, when they were to become effective.

<sup>16</sup> Took his seat December 29, 1890; term to expire, as determined by lot, March 3, 1895.

<sup>17</sup> Took his seat January 5, 1891; term to expire, as determined by lot, March 3, 1891.

<sup>18</sup> Took his seat December 1, 1890.

<sup>19</sup> Died March 9, 1889, before Congress assembled.

<sup>20</sup> Elected to fill vacancy caused by death of Richard W. Townsend, and took his seat December 2, 1889.

<sup>21</sup> Election unsuccessfully contested by Francis B. Posey.

<sup>22</sup> Resigned October 3, 1890.

<sup>23</sup> Elected to fill vacancy caused by resignation of Edwin H. Conger, and took his seat December 1, 1890.

<sup>24</sup> Resigned April 4, 1889, before Congress assembled.

<sup>25</sup> Elected to fill vacancy caused by resignation of Thomas Ryan, and took his seat December 2, 1889.

<sup>26</sup> Died May 3, 1890.

<sup>27</sup> Elected to fill vacancy caused by death of James B. Beck, and took his seat May 26, 1890.

Representatives: William J. Stone, Kuttawa; William T. Ellis, Owensboro; Isaac H. Goodnight, Franklin; Alexander B. Montgomery, Elizabethtown; Asher G. Caruth, Louisville; John G. Carlisle,<sup>28</sup> Covington; William W. Dickerson,<sup>29</sup> Williamstown; William C. P. Breckinridge, Lexington; James B. McCreary, Richmond; Thomas H. Paynter, Greenup; John H. Wilson, Barboursville; Hugh F. Finley, Williamsburg.

## LOUISIANA

Senators: Randall L. Gibson, New Orleans; James B. Eustis, New Orleans.

Representatives: Theodore S. Wilkinson, Plaquemines Parish; Hamilton D. Coleman, New Orleans; Edward J. Gay,<sup>30</sup> Plaquemine; Andrew Price,<sup>31</sup> Thibodaux; Newton C. Blanchard, Shreveport; Charles J. Boatner, Monroe; Samuel M. Robertson, Baton Rouge.

## MAINE

Senators: Eugene Hale, Ellsworth; William P. Frye, Lewiston.  
Representatives: Thomas B. Reed, Portland; Nelson Dingley, Jr., Lewiston; Seth L. Milliken, Belfast; Charles A. Boutelle, Bangor.

## MARYLAND

Senators: Arthur Pue Gorman, Laurel; Ephraim K. Wilson,<sup>32</sup> Snow Hill.

Representatives: Charles H. Gibson, Easton; Herman Stump, Belair; Harry W. Rusk, Baltimore; Henry Stockbridge, Jr., Baltimore; Barnes Compton,<sup>33</sup> Laurel; Sydney E. Mudd,<sup>34</sup> Bryantown; Louis E. McComas, Hagerstown.

## MASSACHUSETTS

Senators: Henry L. Dawes, Pittsfield; George F. Hoar, Worcester.  
Representatives: Charles S. Randall, New Bedford; Elijah A. Morse, Canton; John F. Andrew, Boston; Joseph H. O'Neill, Boston; Nathaniel P. Banks, Waltham; Henry Cabot Lodge, Nahant; William Cogswell, Salem; Frederic T. Greenhalge, Lowell; John W. Candler, Brookline; Joseph H. Walker, Worcester; Rodney Wallace, Fitchburg; Francis W. Rockwell, Pittsfield.

## MICHIGAN

Senators: Francis B. Stockbridge, Kalamazoo; James McMillan, Detroit.

Representatives: J. Logan Chipman, Detroit; Edward P. Allen, Ypsilanti; James O'Donnell, Jackson; Julius C. Burrows, Kalamazoo; Charles E. Belknap, Grand Rapids; Mark S. Brewer, Pontiac; Justin R. Whiting, St. Clair; Aaron T. Bliss, Saginaw; Byron M. Cutcheon, Manistee; Frank W. Wheeler, West Bay City; Samuel M. Stephenson, Menominee.

## MINNESOTA

Senators: Cushman K. Davis, St. Paul; William D. Washburn, Minneapolis.

Representatives: Mark H. Dunnell, Owatonna; John Lind, New Ulm; Darwin S. Hall, Stewart; Samuel P. Snider, Minneapolis; Solomon G. Comstock, Moorhead.

## MISSISSIPPI

Senators: James Z. George, Carrollton; Edward C. Walthall, Grenada.

Representatives: John M. Allen, Tupelo; James B. Morgan,<sup>35</sup> Hernando; Thomas C. Catchings, Vicksburg; Clarke Lewis, Cliftonville; Chapman L. Anderson, Kosciusko; Thomas R. Stockdale, Summit; Charles E. Hooker, Jackson.

## MISSOURI

Senators: Francis M. Cockrell, Warrensburg; George G. Vest, Kansas City.

Representatives: William H. Hatch, Hannibal; Charles H. Mansur, Chillicothe; Alexander M. Dockery, Gallatin; Robert P. C. Wilson,<sup>36</sup> Platte City; John C. Tarsney, Kansas City; John T. Heard, Sedalia; Richard H. Norton, Troy; Frederick G. Niedringhaus, St. Louis; Nathan Frank, St. Louis; William M. Kinsey, St. Louis; Richard P. Bland, Lebanon; William J. Stone, Nevada; William H. Wade, Springfield; James P. Walker,<sup>37</sup> Dexter; Robert H. Whitelaw,<sup>38</sup> Cape Girardeau.

<sup>28</sup> Resigned May 26, 1890, having been elected Senator.

<sup>29</sup> Elected to fill vacancy caused by resignation of John G. Carlisle, and took his seat June 30, 1890.

<sup>30</sup> Died May 30, 1889, before Congress assembled.

<sup>31</sup> Elected to fill vacancy caused by death of Edward J. Gay, and took his seat December 2, 1889.

<sup>32</sup> Died February 24, 1891; had been reelected for the term beginning March 4, 1893.

<sup>33</sup> Served until March 20, 1890; succeeded by Sydney E. Mudd, who contested his election.

<sup>34</sup> Successfully contested the election of Barnes Compton, and took his seat March 20, 1890.

<sup>35</sup> Election unsuccessfully contested by James R. Chalmers.

<sup>36</sup> Elected to fill vacancy caused by death of Representative-elect James N. Burnes, in the preceding Congress, and took his seat December 2, 1889.

<sup>37</sup> Died July 20, 1890.

<sup>38</sup> Elected to fill vacancy caused by death of James P. Walker, and took his seat December 1, 1890.



MONTANA<sup>33</sup>

Senators: <sup>40</sup> Thomas C. Power,<sup>41</sup> Helena; Wilbur F. Sanders,<sup>42</sup> Helena.

Representative: Thomas H. Carter,<sup>43</sup> Helena.

## NEBRASKA

Senators: Charles F. Manderson, Omaha; Algernon S. Paddock, Beatrice.

Representatives: William J. Connell, Omaha; James Laird,<sup>44</sup> Hastings; Gilbert L. Laws,<sup>45</sup> McCook; George W. E. Dorsey, Fremont.

## NEVADA

Senators: John P. Jones, Gold Hill; William M. Stewart, Carson City.

Representative: Horace F. Bartine, Carson City.

## NEW HAMPSHIRE

Senators: Henry W. Blair, Manchester; Gilman Marston,<sup>46</sup> Exeter; William E. Chandler,<sup>47</sup> Concord.

Representatives: Alonzo Nute, Farmington; Orren C. Moore, Nashua.

## NEW JERSEY

Senators: John R. McPherson, Jersey City; Rufus Blodgett, Long Branch.

Representatives: Christopher A. Bergen, Camden; James Buchanan, Trenton; Jacob A. Geissenhainer, Freehold; Samuel Fowler, Newton; Charles D. Beckwith, Paterson; Herman Lehlbach, Newark; William McAdoo, Jersey City.

## NEW YORK

Senators: William M. Everts, New York City; Frank Hiscock, Syracuse.

Representatives: James W. Covert, Long Island City; Felix Campbell, Brooklyn; William C. Wallace, Brooklyn; John M. Clancy, Brooklyn; Thomas F. Wagner, Brooklyn; Frank T. Fitzgerald,<sup>48</sup> New York City; Charles H. Turner,<sup>49</sup> New York City; Edward J. Dunphy, New York City; John H. McCarthy,<sup>50</sup> New York City; Samuel S. Cox,<sup>51</sup> New York City; Amos J. Cummings,<sup>52</sup> New York City; Francis B. Spinola, New York City; John Quinn, New York City; Roswell P. Flower, New York City; Ashbel P. Fitch, New York City; William G. Stahlnecker, Yonkers; Moses D. Stivers, Middletown; John H. Ketcham, Dover Plains; Charles J. Knapp, Deposit; John A. Quackenbush, Stillwater; Charles Tracey, Albany; John Sanford, Amsterdam; John H. Moffitt, Chateaugay Lake; Frederick Lansing, Watertown; James S. Sherman, Utica; David Wilber,<sup>53</sup> Oneonta; John S. Pindar,<sup>54</sup> Cobleskill; James J. Belden, Syracuse; Milton De Lano, Canastota; Newton D. Nutting,<sup>55</sup> Oswego; Sereno E. Payne,<sup>56</sup> Auburn; Thomas S. Flood, Elmira; John Raines, Canandaigua; Charles S. Baker, Rochester; John G. Sawyer, Albion; John M. Farquhar, Buffalo; John McC. Wiley, East Aurora; William G. Laidlaw, Ellicottville.

## NORTH CAROLINA

Senators: Matt W. Ransom, Weldon; Zebulon B. Vance, Charlotte.

Representatives: Thomas G. Skinner, Hertford; Henry P. Cheatham, Henderson; Charles W. McClammy, Scotts Hill; Benjamin H. Bunn, Rocky Mount; John M. Brower, Mount Airy; Alfred Rowland, Lumberton; John S. Henderson, Salisbury; William H. H. Cowles, Wilkesboro; Hamilton G. Ewart, Hendersonville.

<sup>33</sup> Admitted as a State into the Union November 8, 1889.

<sup>40</sup> William A. Clark and Martin Maginnis presented papers purporting to be credentials of their election January 23, 1890; the four claimants were given privileges of the floor pending the contest; by resolutions of April 16, 1890, Clark and Maginnis were declared not entitled to seats and Power and Sanders entitled thereto.

<sup>41</sup> Took his seat April 16, 1890; term to expire, as determined by lot, March 3, 1895.

<sup>42</sup> Took his seat April 16, 1890; term to expire, as determined by lot, March 3, 1893.

<sup>43</sup> Took his seat December 2, 1889.

<sup>44</sup> Died August 17, 1889, before Congress assembled.

<sup>45</sup> Elected to fill vacancy caused by death of James Laird, and took his seat December 2, 1889.

<sup>46</sup> Appointed to fill vacancy in term beginning March 4, 1889, during the recess of the legislature.

<sup>47</sup> Elected to fill vacancy in the term beginning March 4, 1889, and took his seat December 2, 1889.

<sup>48</sup> Resigned November 4, 1889, before Congress assembled.

<sup>49</sup> Elected to fill vacancy caused by resignation of Frank T. Fitzgerald, and took his seat December 9, 1889.

<sup>50</sup> Resigned January 14, 1891.

<sup>51</sup> Died September 10, 1889, before Congress assembled.

<sup>52</sup> Elected to fill vacancy caused by death of Samuel S. Cox, and took his seat December 2, 1889.

<sup>53</sup> Died April 1, 1890.

<sup>54</sup> Elected to fill vacancy caused by death of David Wilber, and took his seat December 1, 1890.

<sup>55</sup> Died October 15, 1889, before Congress assembled.

<sup>56</sup> Elected to fill vacancy caused by death of Newton W. Nutting, and took his seat December 2, 1889.

NORTH DAKOTA<sup>57</sup>

Senators: Lyman R. Casey,<sup>58</sup> Jamestown; Gilbert A. Pierce,<sup>59</sup> Fargo. Representative at Large: Henry C. Hansbrough,<sup>60</sup> Devils Lake.

## OHIO

Senators: John Sherman, Mansfield; Henry B. Payne, Cleveland. Representatives: Benjamin Butterworth, Cincinnati; John A. Caldwell, Cincinnati; Elihu S. Williams, Troy; Samuel S. Yoder, Lima; George E. Seney, Tiffin; Melvin M. Boothman, Bryan; Henry L. Morey, Hamilton; Robert P. Kennedy, Bellefontaine; William C. Cooper, Mount Vernon; William E. Haynes, Fremont; Albert C. Thompson, Portsmouth; Jacob J. Pugsley, Hillsboro; Joseph H. Outhwaite, Columbus; Charles P. Wickham, Norwalk; Charles H. Grosvenor, Athens; James W. Owens, Newark; Joseph D. Taylor, Cambridge; William McKinley, Jr., Canton; Ezra B. Taylor, Warren; Martin L. Smyser, Wooster; Theodore E. Burton, Cleveland.

## OREGON

Senators: Joseph N. Dolph, Portland; John H. Mitchell, Portland.

Representative at Large: Binger Hermann, Roseburg.

## PENNSYLVANIA

Senators: J. Donald Cameron, Harrisburg; Matthew S. Quay, Beaver.

Representatives: Henry H. Bingham, Philadelphia; Charles O'Neill, Philadelphia; Samuel J. Randall,<sup>61</sup> Philadelphia; Richard Vaux,<sup>62</sup> Philadelphia; William D. Kelley,<sup>63</sup> Philadelphia; John E. Reyburn,<sup>64</sup> Philadelphia; Alfred C. Harmer, Philadelphia; Smedley Darlington, West Chester; Robert M. Yardley, Doylestown; William Mutchler, Easton; David B. Brunner, Reading; Marriott Brosius, Lancaster; Joseph A. Scranton, Scranton; Edwin S. Osborne, Wilkes-Barre; James B. Reilly, Pottsville; John W. Riffe, Middletown; Myron B. Wright, Susquehanna; Henry C. McCormick, Williamsport; Charles R. Buckalew, Bloomsburg; Louis E. Atkinson, Mifflintown; Levi Maish, York; Edward Scull, Somerset; Samuel A. Craig, Brookville; John Dalzell, Pittsburgh; Thomas M. Bayne, Allegheny; Joseph W. Ray, Waynesburg; Charles C. Townsend, New Brighton; William C. Culbertson, Girard; Lewis F. Watson,<sup>65</sup> Warren; Charles W. Stone,<sup>66</sup> Warren; James Kerr, Clearfield.

## RHODE ISLAND

Senators: Nelson W. Aldrich, Providence; Jonathan Chace,<sup>67</sup> Providence; Nathan F. Dixon,<sup>68</sup> Westerly.

Representatives: Henry J. Spooner, Providence; Warren O. Arnold, Gloucester.

## SOUTH CAROLINA

Senators: Matthew C. Butler, Edgefield; Wade Hampton, Charleston.

Representatives: Samuel Dibble, Orangeburg; George D. Tillman, Clarks Hill; James S. Cothran, Abbeville; William H. Perry, Greenville; John J. Hemphill, Chester; George W. Dargan, Darlington; William Elliott,<sup>69</sup> Beaufort; Thomas E. Miller,<sup>70</sup> Beaufort.

SOUTH DAKOTA<sup>71</sup>

Senators: Richard F. Pettigrew,<sup>72</sup> Sioux Falls; Gideon C. Moody,<sup>73</sup> Deadwood.

Representatives: Oscar S. Gifford,<sup>74</sup> Canton; John A. Pickler,<sup>74</sup> Faulkton.

## TENNESSEE

Senators: Isham G. Harris, Memphis; William B. Bate, Nashville. Representatives: Alfred A. Taylor, Johnson City; Leonidas C. Houk, Knoxville; H. Clay Evans, Chattanooga; Benton McMillan,

<sup>57</sup> Formed from a portion of the Territory of Dakota, and admitted as a State into the Union November 2, 1889.

<sup>58</sup> Took his seat December 4, 1889; term to expire, as determined by lot, March 3, 1893.

<sup>59</sup> Took his seat December 4, 1889; term to expire, as determined by lot, March 3, 1891.

<sup>60</sup> Took his seat December 2, 1889.

<sup>61</sup> Died April 13, 1890.

<sup>62</sup> Elected to fill vacancy caused by death of Samuel J. Randall, and took his seat February 24, 1890.

<sup>63</sup> Died January 9, 1890.

<sup>64</sup> Elected to fill vacancy caused by death of William D. Kelley, and took his seat February 24, 1890.

<sup>65</sup> Died August 25, 1890.

<sup>66</sup> Elected to fill vacancy caused by death of Lewis F. Watson, and took his seat December 1, 1890.

<sup>67</sup> Resigned April 9, 1889.

<sup>68</sup> Elected to fill vacancy caused by resignation of Jonathan Chace, and took his seat December 2, 1889.

<sup>69</sup> Served until September 23, 1890; succeeded by Thomas E. Miller, who contested his election.

<sup>70</sup> Successfully contested the election of William Elliott, and took his seat September 24, 1890.

<sup>71</sup> Formed from a portion of the Territory of Dakota, and admitted as a State into the Union November 2, 1889.

<sup>72</sup> Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1895.

<sup>73</sup> Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1891.

<sup>74</sup> Took his seat December 2, 1889.

Carthage; James D. Richardson, Murfreesboro; Joseph E. Washington, Cedar Hill; Washington C. Whitthorne, Columbia; Benjamin A. Enloe, Jackson; Rice A. Pierce, Union City; James Phelan,<sup>75</sup> Memphis.

## TEXAS

Senators: Richard Coke, Waco; John H. Reagan, Palestine.  
Representatives: Charles Stewart, Houston; William H. Martin, Athens; Constantine B. Kilgore, Wills Point; David B. Culberson, Jefferson; Silas Hare, Sherman; Jo Abbott, Hillsboro; William H. Crain, Cuero; Littleton W. Moore, Lagrange; Roger Q. Mills, Corsicana; Joseph D. Sayers, Bastrop; Samuel W. T. Lanham, Weatherford.

## VERMONT

Senators: George F. Edmunds, Burlington; Justin S. Morrill, Strafford.  
Representatives: John W. Stewart, Middlebury; William W. Grout, Barton.

## VIRGINIA

Senators: John W. Daniel, Lynchburg; John S. Barbour, Alexandria. Representatives: Thomas H. B. Browne, Accomac; George E. Bowden, Norfolk; George D. Wise,<sup>76</sup> Richmond; Edmond Waddill, Jr.,<sup>77</sup> Richmond; Edward C. Venable,<sup>78</sup> Petersburg; John M. Langston,<sup>79</sup> Petersburg; Posey G. Lester, Floyd; Paul C. Edmunds, Halifax; Charles T. O'Ferrall, Harrisonburg; William H. F. Lee, Burkes Station; John A. Buchanan,<sup>80</sup> Abingdon; Henry St. George Tucker, Staunton.

WASHINGTON<sup>81</sup>

Senators: John B. Allen,<sup>82</sup> Walla Walla; Watson C. Squire,<sup>83</sup> Seattle.  
Representative at Large: John L. Wilson,<sup>84</sup> Spokane Falls.

## WEST VIRGINIA

Senators: John E. Kenna, Charleston; Charles J. Faulkner, Martinsburg. Representatives: John O. Pendleton,<sup>85</sup> Wheeling; George W. Atkinson,<sup>86</sup> Wheeling; William L. Wilson, Charles Town; John D. Alderson, Nicholas; J. Monroe Jackson,<sup>87</sup> Parkersburg; Charles B. Smith,<sup>88</sup> Parkersburg.

## WISCONSIN

Senators: Philetus Sawyer, Oshkosh; John C. Spooner, Hudson. Representatives: Lucien B. Caswell, Fort Atkinson; Charles Barwig, Mayville; Robert M. La Follette, Madison; Isaac W. Van Schaick, Milwaukee; George H. Brickner, Sheboygan Falls; Charles B. Clark, Neenah; Ormsby B. Thomas, Prairie du Chien; Nils P. Haugen, River Falls; Myron H. McCord, Merrill.

WYOMING<sup>89</sup>

Senators: Joseph M. Carey,<sup>90</sup> Cheyenne; Francis E. Warren,<sup>91</sup> Cheyenne.

Representative at Large: Clarence D. Clark,<sup>92</sup> Evanston.

## TERRITORY OF ARIZONA

Delegate: Marcus A. Smith, Tombstone.

## TERRITORY OF DAKOTA

Delegate: George A. Mathews,<sup>93</sup> Brookings.

<sup>75</sup> Died January 30, 1891.

<sup>76</sup> Served until April 10, 1890; succeeded by Edmond Waddill, Jr., who contested his election.

<sup>77</sup> Successfully contested the election of George D. Wise, and took his seat April 12, 1890.

<sup>78</sup> Served until September 23, 1890; succeeded by John M. Langston, who contested his election.

<sup>79</sup> Successfully contested the election of Edward C. Venable, and took his seat September 23, 1890. It was in connection with this case that the minority party adopted for the first time the plan of withdrawing in a body from the Hall of the House, to avoid being counted as part of a quorum.

<sup>80</sup> Election unsuccessfully contested by Henry Bowen.

<sup>81</sup> Admitted as a State into the Union November 11, 1889.

<sup>82</sup> Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1893.

<sup>83</sup> Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1891.

<sup>84</sup> Took his seat December 2, 1889.

<sup>85</sup> Served until February 26, 1890; succeeded by George W. Atkinson, who contested his election.

<sup>86</sup> Successfully contested the election of John O. Pendleton, and took his seat February 26, 1890.

<sup>87</sup> Served until February 3, 1890; succeeded by Charles B. Smith, who contested his election. It was in connection with the final votes in this case that Speaker Reed, for the first time, made his parliamentary ruling regarding the "counting of a quorum."

<sup>88</sup> Successfully contested the election of J. Monroe Jackson, and took his seat February 3, 1890.

<sup>89</sup> Admitted as a State into the Union July 10, 1890.

<sup>90</sup> Took his seat December 1, 1890; term to expire, as determined by lot, March 3, 1895.

<sup>91</sup> Took his seat December 1, 1890; term to expire, as determined by lot, March 3, 1893.

<sup>92</sup> Took his seat December 1, 1890.

<sup>93</sup> Served until November 2, 1889, when the Territory of Dakota was divided and granted statehood as the States of North and South Dakota by act of Congress approved February 22, 1889.

## TERRITORY OF IDAHO

Delegate: Fred T. Dubois,<sup>94</sup> Blackfoot.

## TERRITORY OF MONTANA

Delegate: Thomas H. Carter,<sup>95</sup> Helena.

## TERRITORY OF NEW MEXICO

Delegate: Antonio Joseph, Ojo Caliente.

TERRITORY OF OKLAHOMA<sup>96</sup>

Delegate: David A. Harvey,<sup>97</sup> Oklahoma City.

## TERRITORY OF UTAH

Delegate: John T. Caine, Salt Lake City.

## TERRITORY OF WASHINGTON

Delegate: John B. Allen,<sup>98</sup> Seattle.

## TERRITORY OF WYOMING

Delegate: Joseph M. Carey,<sup>99</sup> Cheyenne.

## SEVENTY-SIXTH CONGRESS—JANUARY 3, 1939—JANUARY 3, 1941

First session, January 3, 1939

Vice President of the United States, John N. Garner, of Texas.  
President pro tempore of the Senate, Key Pittman, of Nevada.  
Secretary of the Senate, Edwin Alexander Halsey, of Virginia.  
Speaker of the House of Representatives, William B. Bankhead, of Alabama.

Clerk of the House, South Trimble, of Kentucky.

## LIST OF SENATORS BY STATES, 1939

Alabama: John H. Bankhead and Lister Hill.  
Arizona: Henry F. Ashurst and Carl Hayden.  
Arkansas: Hattie W. Caraway and John E. Miller.  
California: Hiram W. Johnson and Sheridan Downey.  
Colorado: Alva B. Adams and Edwin C. Johnson.  
Connecticut: Francis T. Maloney and John A. Danaher.  
Delaware: John G. Townsend, Jr., and James H. Hughes.  
Florida: Charles O. Andrews and Claude Pepper.  
Georgia: Walter F. George and Richard B. Russell.  
Idaho: William E. Borah and D. Worth Clark.  
Illinois: J. Hamilton Lewis and Scott W. Lucas.  
Indiana: Frederick Van Nuys and Sherman Minton.  
Iowa: Guy Mark Gillette and Clyde L. Herring.  
Kansas: Arthur Capper and Clyde M. Reed.  
Kentucky: Alben W. Barkley and M. M. Logan.  
Louisiana: John H. Overton and Allen J. Ellender.  
Maine: Frederick Hale and Wallace H. White, Jr.  
Maryland: Millard E. Tydings and George L. Radcliffe.  
Massachusetts: David I. Walsh and Henry Cabot Lodge, Jr.  
Michigan: Arthur H. Vandenberg and Prentiss M. Brown.  
Minnesota: Henrik Shipstead and Ernest Lundeen.  
Mississippi: Pat Harrison and Theodore G. Bilbo.  
Missouri: Bennett Champ Clark and Harry S. Truman.  
Montana: Burton K. Wheeler and James E. Murray.  
Nebraska: George W. Norris and Edwin R. Burke.  
Nevada: Key Pittman and Patrick McCarran.  
New Hampshire: Styles Bridges and Charles W. Tobey.  
New Jersey: William H. Smathers and W. Warren Barbour.  
New Mexico: Carl A. Hatch and Dennis Chavez.  
New York: Robert F. Wagner and James M. Mead.  
North Carolina: Josiah W. Bailey and Robert R. Reynolds.  
North Dakota: Lynn J. Frazier and Gerald P. Nye.  
Ohio: Vic Donahey and Robert A. Taft.  
Oklahoma: Elmer Thomas and Josh Lee.  
Oregon: Charles L. McNary and Rufus C. Holman.  
Pennsylvania: James J. Davis and Joseph F. Guffey.  
Rhode Island: Peter G. Gerry and Theodore Francis Green.  
South Carolina: Ellison D. Smith and James F. Byrnes.  
South Dakota: W. J. Bulow and Chan Gurney.  
Tennessee: Kenneth McKellar and Tom Stewart.  
Texas: Morris Sheppard and Tom Connally.  
Utah: William H. King and Elbert D. Thomas.  
Vermont: Warren R. Austin and Ernest W. Gibson.  
Virginia: Carter Glass and Harry Flood Byrd.  
Washington: Homer T. Bone and Lewis B. Schwellenbach.  
West Virginia: M. M. Neely and Rush D. Holt.  
Wisconsin: Robert M. La Follette, Jr., and Alexander Wiley.  
Wyoming: Joseph C. O'Mahoney and H. H. Schwartz.

<sup>94</sup> Served until July 3, 1890, when the Territory of Idaho was granted statehood by act of Congress approved that date.

<sup>95</sup> Served until November 8, 1889, when the Territory of Montana was granted statehood by act of Congress approved February 22, 1889; subsequently elected the first Representative from the new State.

<sup>96</sup> Formed from a portion of Indian Territory and from that portion of the United States known as the Public Land Strip and granted a Delegate in Congress by act of May 2, 1890.

<sup>97</sup> Took his seat December 1, 1890.

<sup>98</sup> Served until November 11, 1889, when the Territory of Washington was granted statehood by act of Congress approved February 22, 1889; subsequently elected Senator from the new State.

<sup>99</sup> Served until July 10, 1890, when the Territory of Wyoming was granted statehood by act of Congress approved July 10, 1890; subsequently elected Senator from the new State.



## REPRESENTATIVES, BY STATES

Alabama: Frank W. Boykin, Mobile; George M. Grant,<sup>1</sup> Troy; Henry B. Steagall, Ozark; Sam Hobbs, Selma; Joe Starnes, Gunter-ville; Pete Jarman, Livingston; William B. Bankhead, Jasper; John J. Sparkman, Huntsville; Luther Patrick, Birmingham.

Arizona: John R. Murdock, Tempe.

Arkansas: E. C. Gathings, West Memphis; Wilbur D. Mills, Kenn-  
set; Clyde T. Ellis, Bentonville; —<sup>2</sup>; David D. Terry, Little  
Rock; W. F. Norrell, Monticello; Wade Hampton Kitchens, Mag-  
nolia.

California: Clarence F. Lea, Santa Rosa; Harry L. Englebright,  
Nevada City; Frank H. Buck, Vacaville; Franck R. Havenner, San  
Francisco; Richard J. Welch, San Francisco; Albert E. Carter, Oak-  
land; John H. Tolan, Oakland; John Z. Anderson, San Juan  
Bautista; Bertrand W. Gearhart, Fresno; A. J. Elliott, Tulare; Carl  
Hinshaw, Pasadena; Jerry Voorhis, San Dimas; Charles Kramer,  
Los Angeles; Thomas F. Ford, Los Angeles; John M. Costello, Holly-  
wood; Leland M. Ford, Santa Monica; Lee E. Geyer, Gardena;  
Thomas M. Eaton, Long Beach; Harry R. Sheppard, Yucaipa; Ed.  
V. Izac, San Diego.

Colorado: Lawrence Lewis, Denver; Fred Cummings, Fort Col-  
lins; John A. Martin, Pueblo; Edward T. Taylor, Glenwood Springs.

Connecticut: William J. Miller, Wethersfield; Thomas R. Ball,  
Old Lyme; James A. Shanley, New Haven; Albert E. Austin, Old  
Greenwich; J. Joseph Smith, Waterbury; B. J. Monkiewicz, New  
Britain.

Delaware: George S. Williams, Millsboro.

Florida: J. Hardin Peterson, Lakeland; Lex Green, Starke; Mil-  
lard F. Caldwell, Milton; Pat Cannon, Miami; Joe Hendricks,  
De Land.

Georgia: Hugh Peterson, Alley; E. E. Cox, Camilla; Stephen Pace,  
Americus; E. M. Owen, Griffin; Robert Ramspeck, Atlanta; Carl  
Vinson, Milledgeville; Malcolm C. Tarver, Dalton; W. Ben Gibbs,  
Jesup; B. Frank Wheelch, Gainesville; Paul Brown, Elberton.

Iaho: Compton I. White, Clark Fork; Henry C. Dworshak, Bur-  
lew.

Illinois: Arthur W. Mitchell, Chicago; Raymond S. McKeough,  
Chicago; Edward A. Kelly, Chicago; Harry P. Beam, Chicago;  
Adolph J. Sabath, Chicago; A. F. Maciejewski, Cicero; Leonard W.  
Schuetz, Chicago; Leo Kocalkowski, Chicago; James McAndrews,  
Chicago; Ralph E. Church, Evanston; Chauncey W. Reed, West  
Chicago; Noah M. Mason, Oglesby; Leo E. Allen, Galena; Anton J.  
Johnson, Macomb; Robert B. Chipperfield, Canton; Everett M.  
Dirksen, Pekin; Leslie C. Arends, Melvin; Jessie Sumner, Milford;  
William H. Wheat, Rantoul; James M. Barnes, Jacksonville; Frank  
W. Fries, Carlinville; Edwin M. Schaefer, Belleville; Laurence F.  
Arnold, Newton; Claude V. Parsons, Golconda; Kent E. Keller, Ava;  
John C. Martin, Salem; Thomas V. Smith, Chicago.

Indiana: William T. Schulte, Hammond; Charles A. Halleck,  
Rensselaer; Robert A. Grant, South Bend; George W. Gillie, Fort  
Wayne; Forest A. Harness, Kokomo; Noble J. Johnson, Terre  
Haute; Gerald W. Landis, Linton; John W. Boehne, Jr., Evansville;  
Eugene B. Crowe, Bedford; Raymond S. Springer, Connersville;  
William H. Larrabee, New Palestine; Louis Ludlow, Indianapolis.

Iowa: Thomas E. Martin, Iowa City; William S. Jacobsen,  
Clinton; John W. Gwynne, Waterloo; Henry O. Talle, Decorah;  
Karl M. LeCompte, Corydon; Cassius C. Dowell, Des Moines; Ben  
F. Jensen, Exira; Fred C. Gilchrist, Laurens; Vincent F. Harring-  
ton, Sioux City.

Kansas: W. P. Lamberton, Fairview; U. S. Guyer, Kansas City;  
Thomas D. Winter, Girard; Edward H. Rees, Emporia; John M.  
Houston, Newton; Frank Carlson, Concordia; Clifford R. Hope,  
Garden City.

Kentucky: Noble J. Gregory, Mayfield; Beverly M. Vincent,  
Brownsville; Emmet O'Neal, Louisville; Edward W. Creal, Hodgen-  
ville; Brent Spence, Fort Thomas; Virgil Chapman, Paris; Andrew  
J. May, Prestonsburg; Joe B. Bates, Greenup; John M. Robson,  
Barbourville.

Louisiana: J. O. Fernandez, New Orleans; Paul H. Maloney,  
New Orleans; Robert L. Mouton, Lafayette; Overton Brooks, Shreve-  
port; Newt V. Mills, Mer Rouge; John K. Griffith, Slidell; René L.  
DeRouen, Ville Platte; A. Leonard Allen, Winnfield.

Maine: James C. Oliver, South Portland; Clyde H. Smith, Skow-  
hegan; Ralph O. Brewster, Dexter.

Maryland: T. Alan Goldsborough, Denton; William P. Cole, Jr.,  
Towson; Thomas D'Alesandro, Jr., Baltimore; Ambrose J. Kennedy,  
Baltimore; Lansdale G. Sasser,<sup>3</sup> Upper Marlboro; William D. Byron,  
Williamsport.

Massachusetts: Allen T. Treadway, Stockbridge; Charles E. Cla-  
son, Springfield; Joseph E. Casey, Clinton; Pehr G. Holmes, Worces-  
ter; Edith Nourse Rogers, Lowell; George J. Bates, Salem; Law-  
rence J. Connerly, Lynn; Arthur D. Healey, Somerville; Robert  
Luce, Waltham; George Holden Tinkham, Boston; Thomas A.  
Flaherty, Boston; John W. McCormack, Boston; Richard B. Wig-  
glesworth, Milton; Joseph W. Martin, Jr., North Attleboro; Charles  
L. Gifford, Barnstable.

Michigan: Rudolph G. Tenerowicz, Hamtramck; Earl C. Mich-  
ener, Adrian; Paul W. Shafer, Battle Creek; Clare E. Hoffman,

<sup>1</sup> Member-elect of 75th Cong.; elected June 14, 1938, to fill  
vacancy caused by resignation of Lister Hill, January 11, 1938.

<sup>2</sup> Vacancy caused by death of Ben Cravens, January 13, 1939.

<sup>3</sup> Elected February 3, 1939, to fill the vacancy caused by death of  
Stephen W. Gambrell, Member-elect, December 19, 1938.

Allegan; Carl E. Mapes, Grand Rapids; William W. Blackney, Flint;  
Jesse P. Wolcott, Port Huron; Fred L. Crawford, Saginaw; Albert  
J. Engel, Lake City; Roy O. Woodruff, Bay City; Fred Bradley,  
Rogers City; Frank E. Hook, Ironwood; Clarence J. McLeod, Det-  
roit; Louis C. Rabaut, Grosse Pointe Park; John D. Dingell,  
Detroit; John Lesinski, Dearborn; George A. Dondero, Royal Oak.

Minnesota: August H. Andresen, Red Wing; Elmer J. Ryan,  
South St. Paul; John G. Alexander, Minneapolis; Melvin J. Maas,  
St. Paul; Oscar Youngdahl, Minneapolis; Harold Knutson, St.  
Cloud; H. Carl Andersen, Tyler; William A. Pittenger, Duluth;  
Richard T. Buckler, Crookston.

Mississippi: John E. Rankin, Tupelo; Wall Doxey, Holly Springs;  
William M. Whittington, Greenwood; A. L. Ford, Ackerman; Ross  
A. Collins, Meridian; William M. Colmer, Pascagoula; Dan R.  
McGehee, Meadville.

Missouri: Milton A. Romjue, Macon; William L. Nelson, Colum-  
bia; Richard M. Duncan, St. Joseph; C. Jasper Bell, Blue Springs;  
Joseph B. Shannon, Kansas City; Reuben T. Wood, Springfield;  
Dewey Short, Galena; Clyde Williams, Hillsboro; Clarence Can-  
non, Elsberry; Orville Zimmerman, Kennett; Thomas C. Hennings,  
Jr., St. Louis; C. Arthur Anderson, Lemay; John J. Cochran, St.  
Louis.

Montana: J. Thorkelson, Butte; James F. O'Connor, Livingston.  
Nebraska: George H. Heinke, Nebraska City; Charles F. Mc-  
Laughlin, Omaha; Karl Stefan, Norfolk; Carl T. Curtis, Minden;  
Harry B. Coffee, Chadron.

Nevada: James G. Scrugham, Reno.

New Hampshire: Arthur B. Jenks, Manchester; Foster Stearns,  
Hancock.

New Jersey: Charles A. Wolverson, Merchantville; Walter S.  
Jeffries, Margate City; William H. Sutphin, Matawan; D. Lane  
Powers, Trenton; Charles A. Eaton, Watchung; Donald H. McLean,  
Elizabeth; J. Parnell Thomas, Allendale; George N. Seger, Passaic;  
Frank C. Osmers, Jr., Haworth; Fred A. Hartley, Jr., Kearny; Albert  
L. Vreeland, East Orange; Robert W. Kean, Livingston; Mary T.  
Norton, Jersey City; Edward J. Hart, Jersey City.

New Mexico: John J. Dempsey, Santa Fe.

New York: Leonard W. Hall, Oyster Bay; W. B. Barry, Hollis;  
Joseph L. Pfeifer, Brooklyn; Thomas H. Cullen, Brooklyn; Marcellus  
H. Evans, Brooklyn; Andrew L. Somers, Brooklyn; John J. Delaney,  
Brooklyn; Donald L. O'Toole, Brooklyn; Eugene J. Keogh, Brooklyn;  
Emanuel Celler, Brooklyn; James A. O'Leary, West New Brighton;  
Samuel Dickstein, New York City; Christopher D. Sullivan, New  
York City; William I. Sirovich, New York City; Michael J. Ken-  
nedy, New York City; James H. Fay, New York City; Bruce Barton,  
New York City; Martin J. Kennedy, New York City; Sol Bloom,  
New York City; Vito Marcantonio, New York City; Joseph A.  
Gavagan, New York City; Edward W. Curley, Bronx; Charles A.  
Buckley, Bronx; James M. Fitzpatrick, Bronx; Ralph A. Gamble,  
Larchmont; Hamilton Fish, Garrison; Lewis K. Rockefeller, Chat-  
ham; William T. Byrne, Loudonville; E. Harold Cluett, Troy; Frank  
Crowthor, Schenectady; Wallace E. Pierce, Plattsburg; Francis D.  
Culkin, Oswego; Fred J. Douglas, Utica; Bert Lord, Afton; Clarence  
E. Hancock, Syracuse; John Taber, Auburn; W. Sterling Cole, Bath;  
Joseph J. O'Brien, East Rochester; James W. Wadsworth, Geneseo;  
Walter G. Andrews, Buffalo; J. Francis Harter, Eggertsville; Plus L.  
Schwert, Buffalo; Daniel A. Reed, Dunkirk; Caroline O'Day, Rye;  
Matthew J. Merritt, Flushing.

North Carolina: Lindsay C. Warren, Washington; John H. Kerr,  
Warrenton; Graham A. Barden, New Bern; Harold D. Cooley, Nash-  
ville; Alonzo D. Folger, Mount Airy; Carl T. Durham, Chapel Hill;  
J. Bayard Clark, Fayetteville; William O. Burgin, Lexington; Robert  
L. Doughton, Laurel Springs; Alfred L. Bulwinkle, Gastonia; Zebulon  
Weaver, Asheville.

North Dakota: William Lemke, Fargo; Usher L. Burdick, Williston.  
Ohio: Charles H. Elston, Newtown; William E. Hess, Cincinnati;  
Harry N. Routhohn, Dayton; Robert F. Jones, Lima; Cliff Evenger,  
Bryan; James G. Polk, Highland; Clarence J. Brown, Blanchester;  
Frederick C. Smith, Marion; John F. Hunter, Toledo; Thomas A.  
Jenkins, Ironton; Harold K. Claypool, Chillicothe; John M. Vorys,  
Columbus; Dudley A. White, Norwalk; Dow W. Harter, Akron;  
Robert T. Secrest, Caldwell; James Secombe, Canton; William A.  
Ashbrook, Johnstown; Earl R. Lewis, St. Clairsville; Michael J. Kir-  
wan, Youngstown; Martin L. Sweeney, Cleveland; Robert Crosser,  
Cleveland; Chester C. Bolton, Lyndhurst; George H. Bender, Cleve-  
land Heights; L. L. Marshall, Euclid.

Oklahoma: Wesley E. Disney, Tulsa; Jack Nichols, Eufaula;  
Wilburn Cartwright, McAlester; Lyle H. Boren, Seminole; Mike  
Monroney, Oklahoma City; Jed Johnson, Ardmore; Sam C. Massin-  
gale, Cordell; Phil Ferguson, Woodward; Will Rogers, Oklahoma  
City.

Oregon: James W. Mott, Salem; Walter M. Pierce, La Grande;  
Homer D. Angell, Portland.

Pennsylvania: Leon Sacks, Philadelphia; James P. McGranery,  
Philadelphia; Michael J. Bradley, Philadelphia; J. Burrwood Daly,  
Philadelphia; Fred C. Gartner, Philadelphia; Francis J. Myers, Phila-  
delphia; George P. Darrow, Philadelphia; James Wolfenden, Upper  
Darby; Charles L. Gerlach, Allentown; J. Roland Kinzer, Lancaster;  
Patrick J. Boland, Scranton; J. Harold Flannery, Pittston; Ivor D.  
Fenton, Mahanoy City; Guy L. Moser, Douglassville; Albert G.  
Rutherford, Honesdale; Robert F. Rich, Woolrich; J. William Ditter,  
Amble; Richard M. Simpson, Huntingdon; John C. Kunkel, Harris-  
burg; Benjamin Jarrett, Farrell; Francis E. Walter, Easton; Chester  
H. Gross, Manchester; James E. Van Zandt, Altoona; J. Buell Snyder,  
Perryopolis; Charles I. Faddis, Waynesburg; Louis E. Graham,

Beaver; Harve Tibbott, Ebensburg; Robert G. Allen, Greensburg; Robert L. Rodgers, Erie; Robert J. Corbett, Bellevue; John McDowell, Wilkinsburg; Herman P. Eberharter, Pittsburgh; Joseph A. McArdle, Pittsburgh; Matthew A. Dunn, Mount Oliver.

Rhode Island: Charles F. Risk, Saylesville; Harry Sandager, Cranston.

South Carolina: Thomas S. McMillan, Charleston; Hampton P. Fulmer, Orangeburg; Butler B. Hare, Saluda; Joseph R. Bryson, Greenville; James P. Richards, Lancaster; John L. McMillan, Florence.

South Dakota: Karl E. Mundt, Madison; Francis Case, Custer.

Tennessee: B. Carroll Reece, Johnson City; J. Will Taylor, Knoxville; Sam D. McReynolds, Chattanooga; Albert Gore, Carthage; Joseph W. Byrns, Jr., Nashville; Clarence W. Turner, Waverly; Heron Pearson, Jackson; Jere Cooper, Dyersburg; Walter Chandler, Memphis.

Texas: Wright Patman, Texarkana; Martin Dies, Orange; Lindley Beckwith, Gilmer; Sam Rayburn, Bonham, Hatton W. Summers, Dallas; Luther A. Johnson, Corsicana; Nat Patton, Crockett, Albert Thomas, Houston; Joseph J. Mansfield, Columbus; Lyndon B. Johnson, Austin; William R. Poage, Waco; Fritz G. Lanham, Fort Worth; Ed Gossett, Wichita Falls; Richard M. Kleberg, Corpus Christi; Milton H. West, Brownsville; R. Ewing Thomason, El Paso; Clyde L. Garrett, Eastland; Marvin Jones, Amarillo; George H. Mahon, Colorado; Paul J. Kilday, San Antonio; Charles L. South, Coleman.

Utah: Abe Murdock, Beaver; J. W. Robinson, Provo.

Vermont: Charles A. Plumley, Northfield.

Virginia: Schuyler Otis Bland, Newport News; Colgate W. Darden, Jr., Norfolk; Dave E. Satterfield, Jr., Richmond; Patrick Henry Drewry, Petersburg; Thomas G. Burch, Martinsville; Clifton A. Woodrum, Roanoke; A. Willis Robertson, Lexington; Howard W. Smith, Alexandria; John W. Flannagan, Jr., Bristol.

Washington: Warren G. Magnuson, Seattle; Mon C. Wallgren, Everett; Martin F. Smith, Hoquiam; Knute Hill, Prosser; Charles H. Leavy, Spokane; John M. Coffee, Tacoma.

West Virginia: Andrew C. Schiffer, Wheeling; Jennings Randolph, Elkins; Andrew Edmiston, Weston; George W. Johnson, Parkersburg; John Kee, Bluefield; Joe L. Smith, Beckley.

Wisconsin: Stephen Bolles, Janesville; Charles Hawks, Jr., Horicon; Harry W. Griswold, West Salem; John C. Schafer, Milwaukee; Lewis D. Thill, Milwaukee; Frank B. Keefe, Oshkosh; Reid F. Murray, Waupaca; Joshua L. Johns, Algoma; Merlin Hull, Black River Falls; Bernard J. Gehrmann, Mellen.

Wyoming: Frank O. Horton, Saddlestring.

#### DELEGATES

Alaska: Anthony J. Dimond, Valdez.  
Hawaii: Samuel W. King, Honolulu.

#### RESIDENT COMMISSIONERS

Commonwealth of the Philippines: Joaquin M. Elizalde, Manila.  
Puerto Rico: Santiago Iglesias, San Juan.

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. SNYDER] has made a very valuable contribution, and the country should be very grateful to him. The eyes of the people of the United States are focused on the Congress today as never before in our history. There was a tremendous interest in the anniversary of the birth of Congress, and the splendid speeches made the people realize the importance and value of our Supreme Court and our Congress.

#### LOANS TO LITTLE BUSINESS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill H. R. 4851 which I have just introduced is sponsored by the American Federation of Little Business, a nonprofit, nonpartisan, and Nation-wide organization of independent small-business men. The bill provides for a permanent, decentralized credit system for small business and is patterned closely after the Federal home-loan bank—Federal saving and loan system heretofore provided for home owners. The intent is to set up a decentralized credit facility in which local management and responsibility and some local money will be combined with Federal regulation and some Federal money, with the requirement that after 5 years the preferred stock investment of the Secretary of the Treasury shall be progressively retired.

#### TO BRING ABOUT BUSINESS RECOVERY

Mr. Speaker, a supreme problem confronting this Congress is to bring about a business recovery. This is not a partisan problem. It is a national necessity. We cannot indefinitely preserve democratic institutions in an atmosphere of chronic economic crisis. We cannot continue forever to support twelve to fourteen million unemployed workers and their families. We cannot continue forever to spend more than we get. Somehow, someday, the health and resiliency of our economic system must be restored.

The group which this legislation is designed to benefit are our largest employers of labor. In the aggregate they pay most of the taxes for the support of local, State, and Federal Governments. Eliminate them from our economic structure—and their numbers are steadily being reduced—and the foundation of our American system will crumble.

#### HAND-OUT NOT ASKED FOR

I wish to make it perfectly clear that independent small business is not asking for a Government hand-out. It is not asking for the creation of another governmental agency in competition with private banks or other legitimate lending institutions. It is not proposing a plan which will be a burden upon the taxpayers. It is merely asking the temporary assistance of Government to enable it to establish an instrumentality of self-help. And it is not wedded to any particular ideas as to the form that such an instrumentality should take. The proposed system is modeled after one that has worked well in its field and has cost the taxpayers nothing. Perhaps a pooling of our ideas and thinking may result in an even better plan. Little business is interested in results—not in the advancement of any particular formula for obtaining them.

#### PROTECTION AGAINST INROADS OF MONOPOLY

The only change I have made in the bill as drafted by the federation is the addition of a provision for loans to cooperative purchasing associations of small independents to enable them to increase the aggregate of their buying power. This does not eliminate the disparity of position existing between the independent and the chain, but it may be helpful in some instances. Little business needs more than just another credit facility to enable it to survive against the inroads of monopoly.

#### LITTLE BUSINESS OUR PROBLEM

Most of us here represent communities in which a majority of the business is little business. Its problems are therefore our problems. For this reason I earnestly urge the Members of this House—without regard to party—to consider this problem of credit for the small independent. Perhaps, as I have said, we can improve upon the plan embodied in the bill which I have just introduced. But the important thing is that something sound and constructive be done, and that it be done now.

#### SUMMARY OF PROPOSED INVESTMENT BANK ACT (H. R. 4851)

First. The bill (H. R. 4851) is designed to provide permanent intermediate credit facilities for independent small business (\$100,000 limitation on size of loans).

Second. The proposed structure is closely patterned after the existing Home Loan Bank-Federal Savings and Loan Association system. At the top is a three-man board, appointed by the President and charged with general supervision over the banks, the associations, and the insurance corporation. The 12 regional investment banks provided for are intended to serve primarily as reservoirs for the discount paper emanating from the local investment associations, although they may make loans direct under certain circumstances. The local investment associations constitute the broad base of the system and are authorized to make loans generally for business purposes (including character loans) when credit of the type applied for is not otherwise available through the usual local commercial banking channels. Thus, the passing upon credit risks and the extension of credit is made a function of local management, although the Board and the banks keep in close touch through examinations.



Third. It is proposed that the capital be provided as follows:

(a) The capital stock of the regional investment banks: To be subscribed by the Secretary of the Treasury, the money (up to a total of \$120,000,000) to be provided by R. F. C.

(b) The capital of the local investment associations: To be provided by local investors and the Secretary of the Treasury (\$60,000,000 appropriated for this purpose—paragraph (h) of section 10), the latter being authorized to subscribe for preferred shares at a 4-to-1 ratio (to common capital) up to \$100,000 for each local association. The common stock subscriptions are protected by insurance up to \$5,000 in the case of each such investment.

(c) The capital stock of the Insurance Corporation (\$100,000,000): To be subscribed by R. F. C.

Fourth. The intent is to provide a decentralized intermediate credit system in which local management and responsibility and some local money will be combined with Federal regulation and Federal money. After 5 years, the preferred stock investment of the Secretary of the Treasury in the local associations is to be progressively retired.

Fifth. The total lending capacity of the system depends upon many factors, such as the number and capitalization of the local associations. The banks are authorized to issue their consolidated debentures in the ratio of 12 to 1 of capital. Such debentures are generally tax-exempt, but are not guaranteed by the Government.

Sixth. The proposed method of insurance, mechanics thereof, and so forth, are practically identical with those provided in connection with the Home Loan Bank-Federal Savings and Loan Association system and program.

Seventh. The bill is sponsored by the American Federation of Little Business, an independent, nonpartisan, and Nationwide organization of independent, small-business men. The active support of all Members of Congress, without regard to party affiliation, is cordially invited.

#### MEMBERS OF THE BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication from the Committee on Merchant Marine and Fisheries, which was read:

WASHINGTON, D. C., January 23, 1939.

HON. WILLIAM B. BANKHEAD,

Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of April 16, 1937 (Public, No. 38, 75th Cong., 1st sess.), I have appointed for the remainder of the first session of the Seventy-sixth Congress the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy: HON. LINDSAY C. WARREN, HON. EDWARD J. HART, and HON. RICHARD J. WELCH.

As chairman of the Committee on Merchant Marine and Fisheries I am authorized to serve as an ex officio member of the Board. Yours very sincerely,

S. O. BLAND.

Mr. COCHRAN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-five Members are present, not a quorum.

Mr. COCHRAN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Anderson, Calif.	Duncan	Johnson, Lyndon	Patton
Ball	Eaton, N. J.	Keefe	Reece, Tenn.
Casey, Mass.	Evans	Kerr	Seeger
Creal	Ferguson	McGehee	Stearns, N. H.
Curley	Flaherty	McReynolds	Sweeney
Daly	Fulmer	Maas	Vorys, Ohio
Dies	Gearhart	Martin, Colo.	Wood
Dingell	Hunter	Mitchell	Youngdahl
Disney	Jacobsen	Osmers	
Doughton	Jenks, N. H.	O'Toole	

The SPEAKER. Three hundred and ninety-five Members have answered to their names, a quorum.

On motion of Mr. COCHRAN, further proceedings under the call were dispensed with.

#### EXTENSION OF REMARKS

Mr. KEOGH asked and was given permission to revise and extend his own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the resolution of the gentleman from Missouri [Mr. ANDERSON] for an investigation of the National Labor Relations Board, which is now before the Rules Committee.

For the past 2 years I have heard discussed on the floor of this House the conduct of the Labor Board, and I have read something of it in the newspapers.

Due to the many duties of my office and the needs of my district last year, I did not give the matter the study it should have had.

However, in my home town during the past year we have had an opportunity of learning at first hand how the Board operates and its manner and methods. I have compared what we learned of its procedure in Sioux City, Iowa, my home, with what has taken place in other sections of the country, and find to my surprise a situation far worse than anything described or even intimated on this floor.

I represent a fine agricultural district. Our main products are grain and livestock. At my home in Sioux City we have a plant of Swift & Co. It serves, along with other packers, the needs of the farmers of my district.

Swift & Co. has had no trouble with its employees. Their employee plan has been satisfactory, and they have had a local employee association for many years. It was a mutual affair.

When the National Labor Relations Act was upheld the employees were told by Swift & Co. it would have to withdraw from any activity for fear of being held in violation of the act. Consequently the employees formed an independent union with a majority membership in the plant for the purpose of collective bargaining with the company.

After proving it had a majority of the membership of the company, it was given an agreement of collective bargaining with Swift & Co.

Some time later a group of C. I. O. organizers began to operate in Sioux City and formed an organization committee in the plant. At no time, however—and I quote authoritatively, because I have just completed reading the full transcript of the National Labor Relations Board case, known as case Nos. XLVII-C-188 and XVIII-R-142—did the C. I. O. union have a majority membership in the plant.

On September 27, 1938, the C. I. O. committee, in my opinion, made a deliberate attempt to coerce the management into agreeing to all their demands by calling an illegal sit-down strike in the plant. The sit-down strike was called in the departments known as the "kill" departments, where livestock is killed and moved on to the coolers to prevent spoiling.

The charge of the C. I. O. was that the management would not bargain collectively with their committee of nine members over so-called grievances. Facts are that the management had always had a policy of meeting with the aggrieved employee and a member or members of the union.

At any rate, a sit-down strike—now mark you this was late last September—was called because the employees would not permit supervisors and nonstriking employees to remove the freshly killed meat. The company suffered a loss of better than \$6,000 because this meat was condemned by Government inspectors as spoiled.

The company, after giving notice, discharged those who refused to leave the plant and many were indicted for unlawful seizure of property. The activity of outside organizers

and some of the C. I. O. group was so offensive to the public peace of the city that an injunction was granted against certain of their activities.

Now, let me paint this picture for you again. At no time did the C. I. O. have a majority at Swift & Co. for members. At no time had the company refused to discuss with the C. I. O. the demands of the organization, despite the fact that they had an agreement for collective bargaining with an independent union.

The company had been most cautious and impartial in its activities toward all organizations.

The C. I. O. started an unlawful sit-down strike in the plant and were discharged but refused to leave the plant until arrests of the ringleaders were made and others told that they must leave the property or also be arrested.

Despite that picture, on which I shall comment at length at a later date, the trial examiner ordered the company to recognize the C. I. O. as the sole bargaining agent, reinstate those whom it had discharged for illegal seizure of their property, and pay them back wages from the time of discharge until rehired.

Mr. Speaker, to say that there was no basis for these findings is putting it mildly. It appears to me that the decision in these cases is reached before the hearings are held and the hearings are merely set up for the purpose of attempting to justify to the American people, the acts of the Labor Board.

I am no lawyer, Mr. Speaker, but I have sufficient education and intelligence to know that no decision can be reached by taking the word of one union organizer and placing the wreath of sanctity on it while ignoring the directly opposite testimony of other substantial citizens.

I make the charge here now, Mr. Speaker, that, in my opinion, we are wasting the taxpayers' money in holding these hearings. The statements of fact contained in the examiner's reports are so prejudiced, unwarranted, and unfair that they prove to me that the holding of a hearing was for the sole purpose of obtaining testimony favorable to the C. I. O.

And, Mr. Speaker, here is the serious part of these "Findings of fact." If the Labor Board approves them, they cannot be reviewed by the courts of the land, since the law restricts them to a review of matters of law. In other words, this Board is holding a lot of kangaroo hearings, issuing orders for the benefit of one group, and there is nothing left for the accused to do but hope there has been a mistake in legal procedure or legal application made by the Board so that justice can be obtained in the impartial courts of the land.

I for one, Mr. Speaker, believe the Members of Congress want a full and open investigation of the Labor Relations Act and the Labor Board. I will not participate in any activity which has for its purpose the hindering of the rights of labor to organize, but I fear if this situation is not investigated it will result, as the distinguished Member from Missouri has pointed out, in a complete crushing of organized labor by an aroused and resentful public opinion against these abuses.

The American people will support any effort which is fair, but they will make their force heard and felt if the privileges of fair play are abused. [Applause.]

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 3791) entitled "An act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEWIS, Mr. LOGAN, and Mr. AUSTIN to be the conferees on the part of the Senate.

#### REORGANIZATION BILL OF 1939

Mr. COCHRAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill

(H. R. 4425) to provide for reorganizing agencies of the Government, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4425, with Mr. McCORMACK in the chair.

The Clerk read the title of the bill.

Mr. WARREN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise merely for the purpose of getting some information from the minority Members, if they can inform us at this time. It was stated yesterday by the gentleman from Illinois [Mr. DIRKSEN] that he proposed to offer what is known as the Byrd bill as an amendment to this bill. Under the procedure under which we are operating, that amendment can be offered only at the very beginning; that is, now, or at the very end of the consideration of the bill. I am wondering if the gentleman would indicate whether they intend to offer the amendment now or wait until the completion of the consideration of the bill.

Mr. TABER. I may say the amendment will not be offered to this section. The condition of the bill at the end of the day's session might make a difference as to what attitude we might take.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. HOFFMAN. Was the gentleman from North Carolina asking the gentleman from New York for a constructive suggestion this morning?

Mr. COCHRAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COCHRAN: Page 2, strike out lines 15 and 16 and insert "(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by."

Mr. ROBERTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTSON. Before the Committee rose on yesterday the Clerk had read all of section 1. Is this an amendment to section 1?

The CHAIRMAN. The Chair understand the amendment offered by the gentleman from Missouri relates to lines 15 and 16 on page 2, which are a part of section 1.

Mr. ROBERTSON. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The Chair asks the gentleman from Virginia if his amendment is a substitute for the pending amendment?

Mr. ROBERTSON. It is a substitute for the pending amendment. It amends the first part of section 1 instead of lines 16 and 17, but it covers the same subject matter.

The CHAIRMAN. The Chair may state that in the opinion of the Chair the amendment of the gentleman from Virginia does not constitute a substitute amendment. The Chair will recognize the gentleman as soon as possible.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Missouri.

There was no objection.

The Clerk again reported the committee amendment.

Mr. TABER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. When this amendment is disposed of, would a motion to strike out lines 15 to 19 still be in order?

The CHAIRMAN. It would.

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am acquainted with the amendment the gentleman from Virginia proposes to offer and I think it



fair to him to state that it is more in the nature of an amendment to the pending amendment than a substitute amendment; as a matter of fact, I believe, if the gentleman will carefully read the amendment now proposed, he will abandon the idea of offering his amendment, because the amendments are substantially the same.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROBERTSON. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ROBERTSON: On page 1, beginning in line 7, strike out all of lines 7, 8, 9, and 10, and insert in lieu thereof the following:

"SECTION 1. (a) The Congress hereby declares that by reason of continued national deficits, it is imperative to materially reduce Government expenditures; and that such reduction may be accomplished in a measure by proceeding immediately under the provisions of this act.

"Accordingly the President shall investigate the organization of all executive agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes."

Mr. ROBERTSON. Mr. Chairman, I was unable to follow adequately the committee amendment that has just been offered and adopted, but regardless of whether my distinguished friend from Georgia [Mr. Cox] is correct or not in stating that that amendment carries the essence of the amendment which has just been read, a copy of which I presented to the chairman of the committee before we met, I want to take this opportunity to express here and now my belief that in a bill designed to give us better government for less money, I am vitally interested in economy as well as efficiency.

This is no new stand for me. I was elected in 1932 on an economy platform, but that was no new stand for me. Ah, for 6 years as a legal adviser to the board of supervisors in my home county, I was on an economy platform, and for 6 years as a member of the Virginia State Senate. I entered this distinguished body in 1932 on an economy platform, and I have never departed from it. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. ROBERTSON. I yield to my friend from Georgia.

Mr. COX. Since the gentleman has had an opportunity to examine the committee amendment, it is not his opinion that it substantially embodies what is contained in the amendment the gentleman has just proposed?

Mr. ROBERTSON. I have not had time to examine it, but I showed the gentleman my amendment, and he is familiar with the other amendment. If the gentleman says they are substantially the same, then I will withdraw my amendment.

Mr. COX. I may say frankly to the gentleman, and I am not combating the argument he makes that economy is desirable and is one of the major purposes of the bill, the committee amendment that has just been adopted, in effect, states that the public interest demands economy and that it can be effectuated by carrying out the purposes of the bill. The gentleman's amendment may have suggested the amendment offered by the committee.

Mr. ROBERTSON. That was all I wanted—to send a message to the people of this Nation that this Congress, although we know we cannot immediately balance the Budget, recognizes the danger of continued deficit financing [applause], and that in our hearts we seek to correct and change that trend, recognizing what Robert Browning said that "man's reach should exceed his grasp or what's a heaven for." We reach out for a balanced Budget, we cannot get it now, but we want the business leaders of this Nation to know that and to know that we will not sit here and continue to appropriate any unnecessary money leading, eventually, to inflation or possible repudiation of debts.

I ask unanimous consent, Mr. Chairman, to withdraw my amendment, believing its purposes have been accomplished.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CROSSER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Page 2, line 11, strike out "or such functions thereof."

Mr. CROSSER. Mr. Chairman, if this amendment should be adopted, I hand to the Clerk a paper containing two other amendments for the purpose of making the bill consistent. These amendments have been prepared by the legislative drafting service. They raise the same question that I brought to the attention of the Committee a year ago when the so-called reorganization bill was before the House.

I think every one will agree that almost universally the people are under the impression, when they talk about reorganization, that what is proposed is to merge one board or commission with another or, perhaps, do away with a board altogether in order to save the expense involved in the payment of these boards. When, however, the bill proposes to authorize the abolition of functions, that is an entirely different thing. The functions are the provisions of law stating what is to be done by the agency. For instance, take the irrigation system. The agency discharges the functions, but the functions are the statutory requirements for the irrigating of the land.

This bill proposes to authorize one person to abolish any of these functions.

This is not a question of personalities. I think everyone here knows that I never resort to that sort of thing. We should dispose of this matter on the basis of principle.

The Congress of the United States by the Constitution was made the legislative authority. All legislative powers, says the Constitution, are vested in the Congress of the United States, the exact language being, "All legislative powers herein granted shall be vested in a Congress of the United States."

This was done deliberately, and for a very definite reason. Lawmaking is policy declaration, and the followers of Jefferson who were very influential in that Convention, believing thoroughly in democracy, felt that the only safe way to have policy declared is by Representatives, that is, Members of Congress, elected by the people from their own neighborhoods.

So, the legislative power, the policy-declaring power, was placed in Congress, as I think it should have been placed. When we propose by this blanket authority to make possible the abolition of the functions of more than 130 executive agencies, we are, in my opinion, if we make the proposal law, violating the spirit of our institutions. Under the language of the bill, as it is now framed, an order proposing the abolition of the law providing for irrigation of arid lands, for the abolition of the Reclamation Service, for the abolition of railroad retirement system, which was shorn since, or for the abolition of the Railroad Mediation Board, provided for several years ago could be issued.

All these institutions might not only have their boards abolished but the provisions of law in regard to reclamation projects, the provisions of law for the payment of pensions, and the provisions of law for the settlement of railroad labor disputes could be all abolished by orders issued under the terms of this bill. I think that is not what was intended by the term "reorganization." What was in the mind of almost everybody and what I am sure is in the minds of the people today is that if here and there a board is not necessary, a board whose functions could be performed by some other board, then do away with the unnecessary board and to let the functions be performed by the other board which may be qualified for the work. It was not expected by the people of the country that we authorize someone to abolish the substantive law, the provisions of law for carrying out reclamation projects, for the payment of railroad workers' pensions, or for the settlement of labor disputes.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. LEA. Does the gentleman understand that the enactment of this measure would authorize the abolition of the Mediation Board?

Mr. CROSSER. Yes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COX. Mr. Chairman, I rise in opposition to the amendment. I dislike to find myself in disagreement with my long-time and devoted friend, the gentleman from Ohio [Mr. CROSSER]. He is not only one of the most splendid gentlemen I have ever known but one of the best balanced legislators with whom I have served. I do not know even now that the gentleman and I are very far apart. I think his fears as to what might result under the language of the bill, in the event of its adoption, are not well founded. If this language were stricken out, we could have no coordination of the different departments, which is most necessary; we could have no elimination of duplications, which we know to be most necessary; and, therefore, there could be brought about no economy, which I am sure the membership of this House puts first in the purposes of the act.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. CROSSER. I do not think my good friend disputes for a single minute that definite provisions of law for the doing of certain things could be provisionally abolished by the bill as it stands.

Mr. COX. Mr. Chairman, our dispute probably grows out of a difference of understanding as to the meaning of the word "function." "Function," Mr. Chairman, has been defined as a special activity, a duty, a course of action, which pertains to office. It is said to be a power, an activity, doing a performance of work, and so forth. In Bouvier's Law Dictionary "function" is defined in the language of the court in the case of State against Hyde, an Indiana case, as being office, duty, fulfillment of a definite end, or set of ends, by the correct adjustment of means, the occupation of an office by the performance of its duty—the officer is said to be fulfilling his function.

On Monday last the gentleman from North Carolina [Mr. WARREN], in the very extraordinary statement he made to the House, cataloged a great many duplications in the work being done by a multiplicity of agencies of the Government. For instance, he developed the fact that there are at least at this time 29 agencies concerned with the lending activities of the Government, that there are 34 agencies concerned with the acquisition of land for public purposes, that there are 16 agencies engaged in wildlife preservation, and so forth, 10 agencies concerned with Government construction, 9 agencies with credit and finance, 10 agencies with materials of construction; that there are more than 100 information and publication offices in Washington, besides the Library of Congress; and he further developed the fact that there are 28 agencies in this Government handling welfare matters, 14 agencies handling forestry matters, and 65 agencies gathering statistics.

I am sure, Mr. Chairman, that we are all prepared to admit that there are too many of these agencies doing work of a similar character and that there is far too much duplication. Certainly any reorganization of the executive departments must take into consideration this condition, and by observing the instructions that are set out in this bill will be compelled to abolish certain work of certain agencies in order that the purposes of the bill may be brought about.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in support of the amendment. I concur in everything that the proponent of this amendment, the gentleman from Ohio [Mr. CROSSER] has said. I call to the attention of my colleagues on the Democratic side as well as on the Republican side the fact that we are not going to restore business confidence by merely passing resolutions or amendments such as we passed a few moments ago, declaring that we are in favor of economy and that we must reduce the expenditures of government.

Our New Deal friends passed resolutions favoring and promising a 25-percent reduction in the cost of government in 1932 and rode into office on those promises. That was prior to the date of the 1932 election. After that election the record shows that our New Deal friends were long on

promises and short on performance. They increased the cost of government more than 100 percent instead of reducing it 25 percent, as promised when fishing for votes. I call upon my Republican colleagues who during the last campaign have denounced and condemned the drunken New Deal spending spree to also act as well as talk, and stop trying to outdo our New Deal brethren in raiding the taxpayers' Treasury. We must restore business confidence. Actions and not demagogic talk will restore such confidence. I suggest that all crackpot, half-baked, Socialist-minded New Deal self-righteous Scribes and Pharisees who have been unfairly denouncing and attacking private business and hitting it below the belt be removed from public service and muzzled. Get government out of subsidized competition in private fields of business endeavor and encourage private business to expand.

Encourage expansion and increase of private business activities by removing the shackles and straitjackets of the Socialist conceptions of government imported direct from Moscow by our New Deal "brain trusters." Reduce the cost of Government and stop talking about the necessity of such reductions while trying to spend our way into prosperity.

We will then be able to furnish jobs to more than 12,000,000 of our people who today cannot find a job after more than 6 years of our New Deal administration.

If we continue to follow the road and the pace we have been traveling for the past 6 years Uncle Sam will soon be bankrupt. We will have inflation with resulting chaos, misery, suffering, and distress such as this generation has never experienced. We cannot prevent America from going into bankruptcy with resulting inflation and perhaps civil war by passing resolutions pledging economy, or amendments to legislation stating that economy is necessary. We must act as well as talk, my friends. I ask that the New Deal get down to business. You have control of the appropriating branch of the Government as well as the administrative branch. Practice what you preach and you will help restore business confidence. If you continue your unbridled expenditures and half-baked Moscow Socialist imported theories of government and attacks on legitimate private business much longer, the time will soon be here when we will not have private business to furnish jobs for our people and private business will be unable to produce the tax dollars so that our New Deal spendthrifts can furnish jobs on public pay rolls. [Applause.]

The pro forma amendment was withdrawn.

Mr. CROSSER. Mr. Chairman, I move to strike out the last two words. I simply want to say that what the gentleman from Georgia [Mr. Cox] has said is practically what I claim—namely, that what he calls "duties" are "functions."

I want to call attention to the meaning of the word "abolish," according to Webster's Dictionary. It is: "To do away with wholly; to annul; to make void; said of laws \* \* \* governments, etc."

If you do away with the function of providing for the irrigation of arid lands, for instance, you are doing away with the provision of law put on the statute books to help agriculture. Lengthy committee work, long debate in the House, all requiring much effort and time, all would go for naught.

If two boards are doing the same thing in the same way, one of those boards could be abolished. But when you abolish a function, do not fool yourselves for a single minute that you are merely tinkering with boards. You are repealing laws.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. COCHRAN. Let us assume that the President transfers five agencies to one agency. Every one of the agencies he transferred, we will say, had a statistical division. If the President is deprived of abolishing the functions, he cannot abolish the functions performed in each of those divisions with reference to gathering statistics and put them into one statistical division.

Mr. CROSSER. If all five are gathering the same statistics, four boards could be abolished, leaving one to do the work. That, however, would not mean that you were repeal-



ing the law providing for the collection of statistics. If you were to abolish the functions of collecting statistics, no statistics could then be gathered. Under the terms of this bill you could repeal half the statutes of the United States. Do not be deceived for a minute in regard to the proposition.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 109 and noes 116.

Mr. CROSSER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CROSSER and Mr. COCHRAN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 136 and noes 162.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 2, lines 17 to 19, inclusive, strike out all after the comma in line 17 and to the end of the section in line 19.

Mr. TABER. Mr. Chairman, I have offered this amendment particularly to take away from the bill the declaration of incompetency on the part of the legislature. For my own part, I believe that our House of Representatives and our Senate are competent to prepare and pass any positive legislation, any direct legislation necessary to curtail unnecessary activities of the Government.

It has been said by the President several times that no economy can be accomplished by a reorganization bill. There is not any question that this bill, as it stands, without further amendment to section 4 and section 5 is not a bill to promote economy. I want to see it made a bill to promote economy and efficiency in government. One of the worst things in the bill is section 5. I want to call to your attention at this time a provision in the Constitution. It is part of section 7 of article I, appearing on page 36 of the Manual:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him.

Under that provision, in my opinion, a resolution disproving any act of the President under section 4 of this bill would have to go over a veto in order to become effective and require a two-thirds vote to prevent it.

Mr. COX. Mr. Chairman, will the gentleman yield at that point?

Mr. TABER. I yield.

Mr. COX. I wonder if the gentleman would mind disclosing the basis for that opinion.

Mr. TABER. The language of the Constitution itself which appears in section 7, at page 36, of the Manual.

Mr. COX. Do I understand the gentleman to say that the Congress cannot constitutionally attach a condition to the grant of vacating whatever might be done by concurrent resolution of the two Houses?

Mr. TABER. I would not say that. I would say that it is not done in the language that has been provided here in this bill.

Mr. COX. What is there in the language of the bill that disturbs the gentleman on that particular point?

Mr. TABER. Whether or not a resolution of both Houses, regardless of the approval of the President of the resolution, could result in the defeat of a reorganization proposal is disputable; but whether it can be done in the particular language of this bill is not disputable, in my opinion.

Mr. COX. The gentleman means in the particular case?

Mr. TABER. Where we have attempted to do it, because we have not set forth in this bill any provision that the concurrent resolution shall operate as a veto regardless of the approval of the President.

Mr. COX. Is not the gentleman mistaken about that? Does not the bill very clearly state that in the event of dis-

satisfaction on the part of the two Houses that they may vacate the finding of the President by concurrent resolution?

Mr. TABER. It says that specifically. This provision of the Constitution, as I read it, would require the submission of such a resolution to the President for his approval.

Mr. COX. Not at all, not at all. In other words, Congress has the constitutional power to attach a condition very much more limited and restricted than the condition which is here provided.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. COX. May I proceed?

Mr. TABER. Yes.

Mr. COX. The gentleman is evidently disturbed because of an opinion rendered by Attorney General Mitchell in 1932 when Congress was considering a reorganization bill which delegated power to the then President to do the things provided in the bill and in addition thereto to make an Executive order. The Attorney General in that case said in effect that it was not within the power of the Congress either by simple or concurrent resolution to repeal a statute; which, of course, was sound to the extent that he went in that particular statement of the case. But to say that the Congress cannot attach the condition that it is within the power of either House to vacate whatever is done under the grant is clearly unsound. The condition is a part of the legislation.

Mr. TABER. There is absolutely nothing in this bill that says that such a proposed reorganization would be vetoed by a resolution passed by both Houses of Congress without the President's approval. Perhaps we might be allowed to attach that kind of condition to the bill if it can be done in that particular way. I can find nothing in the bill that says that. I may be mistaken.

Mr. COX. If the gentleman will yield right there, I would be glad to hear what the gentleman has to say as to this provision of the bill:

SEC. 5. The reorganizations specified in the plan shall take effect in accordance with the plan:

(a) Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

In the opinion of the gentleman does this not mean that Congress may, by concurrent resolution, vacate what is done?

Mr. TABER. It does not meet my objection. It does not mean that to me. The resolution, under the Constitution, would have to be submitted to the President for his approval.

Mr. COX. Not at all, sir.

Mr. TABER. If the provision stated that passage of the resolution without the approval of the President—

Mr. COX. That is certainly the intention of the committee reporting and sponsoring the bill.

Mr. TABER. But it does not say that.

Mr. COX. And I think it is the intention of the House. There is no objection to a commitment being made on that proposition, none whatever. That is exactly what the language says.

Mr. TABER. Frankly, I do not believe it says so in such a way as to be effective. I would not want to pass on the question of whether it could be effective otherwise; but I am satisfied that the present language does not make the reservation effective.

Mr. COX. A concurrent resolution is simply the joint action of the two Houses; and the bill states that the plan may be upset through the joint action of the two Houses expressed through a concurrent resolution. That is all it states.

Mr. TABER. A concurrent resolution to be effective except with reference to the question of adjournment has to be submitted to the President for his approval, under this section of the Constitution, and if he shall veto the resolution to stop a proposed reorganization, a two-thirds vote of both the House and Senate would be required.

Mr. COX. The language of the bill simply states that the plan may be upset by action that falls short of legislation. That is what the language states.

Mr. TABER. Frankly, I do not think the language in the bill is broad enough to support that proposition.

Mr. COX. The gentleman has never heard of a concurrent resolution having been submitted to the President, has he?

Mr. TABER. If it relates to legislation, and all of these things very evidently relate to legislation, the note here states:

Although the requirement of the Constitution seems specific, the practice of the Congress has been to present to the President for approval only such concurrent resolutions as are legislative in effect.

This resolution, disapproving of the reorganization plan, would be legislative in effect.

Mr. COX. The Congress provides in the instant case what it may do by way of upsetting the plan, as in the Tobacco Inspection case. In that case the Court held that the condition attached to the grant was valid, so in the instant case it must hold that the condition here attached is valid.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. TABER. Mr. Chairman, in that case there was a specific reservation, while here there is a specific reservation that must be construed under the terms of the Constitution and the practice in favor of the submission of a concurrent resolution to the President and the requirement that it be passed by a two-thirds vote over his veto.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question which the gentleman from New York [Mr. TABER] and the gentleman from Georgia [Mr. Cox] have just been debating presents a very interesting question to the House for consideration.

This bill provides (sec. 5 (a)) that any plan of reorganization submitted by the President shall take effect upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, unless during such 60-day period both Houses of Congress pass a concurrent resolution stating in substance that Congress does not favor the reorganization plan. Under this provision the enactment of a concurrent resolution gives negative effect to the plan of the President; the failure to pass a concurrent resolution presumes to give positive effect to such plan.

The gentleman from New York [Mr. TABER] has reviewed the constitutional provisions with respect to the submission of all bills, resolutions, orders, or votes to the President for signature which have legislative effect, so I will not repeat them.

This bill, suffice it to say, reverses the process by which legislation must be passed under the Constitution.

Under the practice of Congress concurrent resolutions concern only intracongressional functions and do not have the effect of law. For this reason it has not been the universal practice to submit them to the President for signature; but whether a document considered by the Congress is a concurrent resolution, a joint resolution, an order, or a bill, does not depend upon the designation of such a document but rather upon whether it contains matter which is properly to be regarded as legislative in its character and effect.

In this connection the precedents and practices are embodied in a report from the Senate Committee on the Judiciary, dated January 27, 1897, which that committee had been directed to make on the subject of joint and concurrent resolutions and their approval by the President. The report declared that concurrent resolutions have uniformly been regarded by all the departments of the Government as matters peculiarly within the province of the Congress alone. They have never embraced legislative provisions proper and, hence, have never been deemed to re-

quire executive approval. In the instant case, however, we have an entirely different situation. It is sought to give negative legislative effect to a supposedly otherwise valid program by the enactment of a concurrent resolution.

Mr. Chairman, I want to read for the benefit of the House the finding of the Judiciary Committee made back in 1897, which clearly states this principle. It was stated at that time:

We conclude this branch of the subject by deciding the general question submitted to us, to wit, "whether concurrent resolutions are required to be submitted to the President of the United States," must depend not upon their mere form but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise they need not be. In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President, to "which the concurrence of the Senate and House of Representatives may be necessary," refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President. In brief, the nature or substance of the resolution, and not its form, controls the question of its disposition.

In keeping with the Constitution, this report embodies the interpretations which have been put upon the specific provisions of the Constitution in no uncertain language. A concurrent resolution, therefore, which gives either positive or negative legislative effect to any action, comes within the category of those orders, resolutions, or bills mentioned in the Constitution, and must be presented to the President for approval. Any other procedure would not be in conformity with the Constitution. To negative the action of the President in case of a veto of the concurrent resolution provided in the bill, which, of course, would follow as a natural consequence, a mere 33 Members of the Senate might nullify the expressed will of the unanimous action of the House.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if I understand the statement just made, it is that the gentleman entertains the opinion that under the language of the pending bill nothing short of legislation could vacate the action of the President in submitting a plan. I would like to have the gentleman indicate if that is the meaning of what he has said? In other words, is it the opinion of the gentleman that under the language of the bill we have before us, nothing less than legislation would suffice in setting aside, or an attempt to set aside, any plan of reorganization that might be submitted by the President?

Mr. WOLCOTT. Section 5 of the bill provides in substance that this plan of the President shall become the law of the land unless we take negative action.

Mr. COX. Very true.

Mr. WOLCOTT. That is positive action.

Mr. COX. That is correct.

Mr. WOLCOTT. If it does not become the law of the land, it necessitates negative action on the part of the Congress and the negative action on the part of the Congress is the concurrent resolution.

Mr. COX. That is true.

Mr. WOLCOTT. Whether the concurrent resolution has a positive or negative effect does not detract from its legislative effect. We virtually—I should not use the term "repeal" in this instance because the law has not taken effect, but it nullifies the otherwise valid acts of the President, which we have delegated to him.

Two questions are involved here. One is whether we have the authority to reverse the process under the Constitution by which legislation is enacted. If we hold that this resolution is not negative in its legislative effect, then we must have to admit that we have delegated to the President the lawmaking power, which is equally unconstitutional.

Mr. COX. Is the gentleman taking the position that the condition which is here attached to the grant is ineffectual insofar as the power being employed by the Congress through concurrent resolution to vacate what might be done by the



President is concerned? Is the gentleman taking that position?

Mr. WOLCOTT. I do take the position that if this concurrent resolution is not, as provided by the bill, presented to the President for his signature it has no force and effect whatever to negative the program of the President.

Mr. COX. A concurrent resolution is not law, and law cannot be repealed by such a resolution; but in this case the concurrent resolution is a part of the law.

Mr. WOLCOTT. It is the exercise of no power so far as its legislative effect is concerned. It merely establishes what we want done but it has no legislative effect.

Mr. COX. Let us see about that by consulting what has happened heretofore and what the Supreme Court has said in interpreting a measure very similar to the bill now before us.

Mr. WOLCOTT. May I anticipate that the gentleman is going to quote again the tobacco case?

Mr. COX. Yes, of course.

Mr. WOLCOTT. May I in reply say to the gentleman we had set up machinery whereby individuals—not the people of the Government at large, for that measure had no control over the people at large—if they saw fit could cooperatively place certain restrictions upon themselves, but that was absolutely different from this matter.

Mr. COX. In other words, the exercise of a power, created under the act of either setting aside or nullifying in effect the application of a law which was conditioned upon referendum vote.

Mr. WOLCOTT. Not any more than a statement in the law that a man might come into court and waive his constitutional right to trial by jury. The same question is involved.

Mr. COX. If I understand the gentleman, he takes the position that in an instance such as the case we have before us, presented by the pending bill, the Congress has the right to attach any condition it may see fit, which in this case is a condition subsequent, and that there must be some compliance with that condition, or substantial compliance with that condition, before the law becomes effective. Is that the position of the gentleman?

Mr. WOLCOTT. I understand the gentleman's point in that connection.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Now, let us see. The Court, in interpreting the Tobacco Inspection Act of 1935, said with respect to the provision that the Secretary might provide for the setting up of regulations of a certain character which could only become effective upon a vote taken of the growers directly affected under the law.

The Court said:

So far as growers of tobacco are concerned, the required referendum does not involve any delegation of legislative authority. Congress has merely placed a restriction upon its own regulation by withholding its operation as to a given market—

Quoting from the statute—

"unless two-thirds of the growers voting favor it." Similar conditions are frequently found in police regulations.

So in the case before us we provide a condition which empowers the Congress through joint action to do with respect to the pending bill what was provided might be done by the growers of tobacco under the inspection act of 1935.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield to the gentleman from Pennsylvania.

Mr. DITTER. May I direct the attention of the gentleman from Georgia to the letter from the President last year which was labeled the letter of denial of dictatorship, and may I quote from that letter this opinion of the President:

But there are two cogent reasons why the bill should go through as it is now drawn. The first is the constitutional question involved in the passage of a concurrent resolution, which is

only an expression of congressional sentiment. Such a resolution cannot repeal executive action taken in pursuance of a law.

Mr. COX. Very true. In the bill before us there is no provision for executive action. The action of the President under the bill is not executive and it is not legislative. He is the delegate of this Congress appointed to do the will of the Congress as expressed in the law.

Let me make this observation, and I certainly have no purpose to conceal from anyone any opinion I may have as to the power of Congress to attach conditions. In the instant case the Congress in the bill before us proposes to set up a condition whereby the two Houses through joint action can negative not an Executive order but a report made by the delegate of the Congress itself, acting as a ministerial agent.

Mr. DITTER. Mr. Chairman, will the gentleman yield at that point?

Mr. COX. Now let me say this, just one more observation: It is clearly within the constitutional power of the Congress to attach even a more limited condition than is provided in the instant case, where provision is made for the two Houses acting through concurrent resolution to vacate a reorganization plan. Congress might constitutionally attach the condition that any plan submitted by the President, the agent of the Congress, as he is made in the bill before us, might be vacated, might be set aside, might be nullified, or might be entirely extinguished by a simple resolution of a single House of the Congress.

Mr. DITTER. Now will the gentleman yield?

Mr. COX. Yes; I yield to the gentleman.

Mr. DITTER. Does the gentleman admit that we constitute the President the agent of the Congress?

Mr. COX. I certainly do.

Mr. DITTER. For legislative purposes?

Mr. COX. I do not, and there is consistency in all the holdings of the courts on the question, from the time of Chief Justice Marshall.

[Here the gavel fell.]

The CHAIRMAN (Mr. WOODRUM of Virginia). The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there is an old adage which says, "You may not believe all that you hear, but you can repeat it."

I wished to take the floor rather early and before the details of the bill were reached. It is not a question of privilege, because I am not greatly disturbed, but my constituents have been fed up in the last 24 hours with the statement that I would not vote for any bill, or even for the Ten Commandments, if proposed by a Democrat. I am glad to say that I rose yesterday and indicated that I would vote for the Byrd bill if it were offered as a substitute.

The assurance was given to the gentleman from Virginia [Mr. ROBERTSON] that the committee amendment just adopted would be just as effective as the language contained in the Byrd bill. I trust we may rely on this assurance of the gentleman from Georgia [Mr. COX]. For the benefit of the newer Members of this House I may say that for 10 years I was on the majority side. I voted often with the minority and was not loaded down with honors from the Republicans, because I could not be a rubber stamp. I voted with the minority too often, probably. I even voted for the famous Goldsborough bill, which caused much annoyance among my friends, I can assure you. I voted for your wage and hour bill. Perhaps some of you do not think that was a real Democratic measure. When your President came into power in 1933 I voted for about everything he proposed during those first 6 months. Large numbers of Democrats ducked and would not support him when he attempted cuts on benefits to veterans. I supported him on the bonus veto and most of you Democrats ran out on him. Far more than you, during that period, did I support him. It was only when he began the spendthrift era that I withheld my approval.

I asked you to be generous with my statement when I declared that I did not trust the President to bring about any economy under this bill; but rather would he attempt to freeze all emergency measures into permanent agencies. Some gentlemen were so unfair as to simply repeat a portion of my remark "I did not trust the President." Just what meaning did they wish to convey? That I would not trust him with a \$10 bill or a similar trust? What were you attempting to accomplish by such tactics?

Attacks of this kind, as far as I am concerned, do not do me any particular harm I think, but I want the newer Members of the House to understand that no matter what party may be in power, I am not to be a rubber stamp. Neither did I say that I would not support or vote for any reorganization bill. Those words were spoken by others without any authority whatever. If the limitations and the instructions with respect to economy, which the gentleman from Georgia now says are equal to the language of the Byrd bill, and with proper procedure with respect to affirmative action, are put into this bill, most of us will be glad to support the measure. Why the declaration that the Republicans would not support any reorganization bill?

Let me call your attention to the bill now under discussion. When this proposition for reorganization is finally presented by the President to the Congress for either affirmative or negative action, you will be forced to vote to accept or reject it without amendment of any sort. This bill as now presented is legislation by negative action. To illustrate: you might approve of a hanging but if you had to vote affirmatively you would hesitate. If you could simply avoid any action you might accomplish your desire without expression of approval or disapproval.

We want affirmative action by the Congress and we should preserve the integrity of the legislative branch of government. That is what the people desire.

I am sorry, indeed, that the attitude of the President last year so inflamed the public mind against any proposition he may advance in the matter of reorganization. Many have been led to believe that they were elected or defeated on that particular issue.

Do I need to enlarge on this further? I close as I began, "You need not believe all you hear, but you can repeat it." In that manner much harm can be done. No rejoinder to any attack here is interesting to the newspapers and it is useless to make one. An attack is always interesting. [Applause.]

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, it seems to me that we have had a perfect example in the last 30 minutes to bear out the contention that hearings should have been held on this bill, and that further study should have been given to it before it was brought to the House. We saw two able gentlemen, one on either side of the aisle, both anxious to bring about reorganization, both anxious to have economy in Government, and they could not agree in 15 minutes' discussion as to what one section of the bill means. It bears out the contention that this bill should be sent back to the committee for further study.

I came on the floor of the House Monday morning with an absolutely open mind. I had just two thoughts in my mind in connection with this bill: First, that there are numerous boards and commissions that should be abolished or consolidated; and second, that the citizens of my district did not want the reorganization bill proposed in the last session of Congress. They do not at this time know the contents of this bill, and in that same connection reference has been made on the floor to editorial comment throughout the country. I went to the Library of Congress and looked up several of these editorials. Certainly these editorial writers are in favor of reorganization, but they did not discuss this bill, because at the time the editorials were written they had not seen the bill, and neither had we.

I listened attentively during the last 2 days and I listened for an hour to the chairman of this special committee as he reported his bill and explained its contents, and I regret,

as one seeking information, that so much of that hour was devoted to an attack on the minority members of this special committee. In the 2 days that I have sat here I have not heard one good reason advanced by the proponents of this bill why we should not so write the bill that Congress can take positive rather than negative action on the recommendation of the proposals of the President. This Congress wants reorganization, the people of the United States want reorganization, and if the reorganization committee had been given time enough it could have ironed out the differences of opinion and brought a bill to this House that Congress could have united on and that the people would have approved. I cannot help asking the question, Why the rush? Why were no hearings held on this bill, and why was not a real effort made to write a bill that we could all approve? If I understand the debate I have heard on this floor it means just one thing. Let us assume that the President, after studying the departments of the Government decides on a program and recommends that program to the Congress, and let us assume that the program contains 10 proposals, 9 of them most desirable, something we all want, and 1 that we could not in all conscience approve. In that circumstance we would have to turn down nine good proposals simply to eliminate one that might be dangerous.

Very little has been said in the last 2 days about section 301 of the bill. Perhaps it is not important but it involves quite a sum of money. It provides for six assistants for the President at a salary of \$10,000 a year each.

No Member of the Congress opposes giving the President all the help he needs, but we must bear in mind that a lot of these duties, responsibilities, and tasks that the President is now performing were taken from this Congress and from other agencies of the Government, and I predict that after 1940, no matter what party elects the President, a lot of those duties the President is now performing will be returned to the Congress. [Applause.]

In closing, just one thought. I listened attentively, as I always do, to my good friend from Massachusetts [Mr. McCORMACK] in his reference to those who had said they had lost confidence in the President. I cannot feel that there is anything disgraceful about that. There is nothing personal in it, certainly, and I say, with all sincerity, that many people of my district have lost confidence in the President, and have lost confidence in the New Deal, and they are looking to this Congress to take back the prerogatives we have turned over to the Chief Executive. Without indulging in personalities, and with the highest respect, personally, for the man who is President of the United States, I say the American people have lost confidence in this administration. [Applause.]

Mr. JENKINS of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: Page 2, beginning in line 15, strike out down through line 19.

Mr. JENKINS of Ohio. Mr. Chairman, I have offered this amendment because I am very much interested in this matter that I wish to have stricken out. We have had some very learned discussion with reference to this subsection (b), and it leaves me, as it were, out on a limb because this discussion has not been clarifying. All this discussion has indicated what this subsection does not do. I should like to find out what it does do. I maintain from my reading of it that it does not do anything that is absolutely necessary to make the bill efficient, if it is ever going to be efficient. I ask the gentleman from Georgia [Mr. Cox], in the first place, what subsection (a) does the language refer to in this language that I move to strike out.

Mr. COX. It refers to (a) in section 1.

Mr. JENKINS of Ohio. If it refers to subsection (a) in section 1, then there is little wonder that all of this learned discussion has not been especially enlightening for it referred to subsection (a) over in section 5.

Mr. COX. Subsection (a) contains everything down through line 14 on page 2, does it not?



Mr. JENKINS of Ohio. That is what I maintain, too. Now, what does the gentleman think about this? Why cannot that whole section be stricken out? What does it do?

Mr. COX. That section is retained there for the purpose of supporting the constitutionality of the act. The Congress is here setting up its reason why an agent is being appointed to do the work which the Congress has not the facilities to do. In other words, all of the detail work, all of the investigating, all of the fact-finding and filling in all the details which the Congress is clearly not in a position to do.

Mr. JENKINS of Ohio. It strikes me yet, and I think I am absolutely right in my position, that this section does not do anything in the world toward making this law a constitutional act. I took that position yesterday and I take it now.

Mr. COX. The bill sets up justification for the law.

Mr. JENKINS of Ohio. Yes; but that is not necessary.

Mr. COX. And is most essential to its validity.

Mr. JENKINS of Ohio. It is not necessary to set up explanatory language to make an act constitutional. If it has any constitutionality it gets it on its own wording.

Mr. COX. The gentleman is in error about that. You will find a statement of policy set out in the majority of the major proposals that come to this House, and they are put in for the express purpose of supporting the legality of the action taken by the Congress on the subject matter.

Mr. JENKINS of Ohio. I maintain that this subsection (b) is not necessary to do but one thing. It is employed to set out in clear language that the Congress has surrendered. It sets it out so that the Supreme Court, should it be called upon to pass upon it, would have a more direct invitation to say that the Congress has abdicated its legislative right and power.

Mr. COX. Let me ask the gentleman this question.

Mr. JENKINS of Ohio. Just wait until I make my statement.

I repeat, at the expense of being tedious, that this section is not necessary. If there is any merit to this bill the language of the bill should be sufficient without this explanatory language. If the constitutionality of subsection (a) in section 5 is safe and it will stand up, this language that I am asking to strike does not in any way strengthen it. It does no more than say that we are surrendering. We are giving up our authority to the President to do something. It is for no other purpose than that the Supreme Court may say, when it comes to construe this act, "Well, here is where the Congress itself said that it surrendered. The Congress knew what it was doing. It said that the President can do this work more efficiently than they can do it. Consequently, they are surrendering to him."

Of course, we know that without putting it into this statute. Everybody knows that we are surrendering. That is the reason I am opposed to the bill, because we are surrendering our legislative authority. All this is merely a recitation of our abject surrender. I am ashamed of this admission, and although I am going to vote against this bill, I want this language to be stricken so that there will be no open admission of our impotency.

Mr. COX. Mr. Chairman, will the gentleman yield further?

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment.

Of course, the membership of this House, if interested in the setting up of a law that will stand the test in the courts, will not support the amendment to strike this provision of the act. The language of the section does no more than state a fact. That is, that the purposes specified may be accomplished in great measure by proceeding immediately, under the provisions of the title, and can be accomplished more speedily thereby than by the enactment of specific legislation.

There are literally hundreds of these agencies that are sought to be dealt with under the law. Is it seriously contended that the House, dealing with each one specifically,

by specific acts, can proceed more rapidly and more effectively than would be possible under this bill, with the President acting as the ministerial agent of the Congress?

I submit, Mr. Chairman, that the section simply sets up the reason for the law and that if stricken it is doubtful if the act could withstand a test in the courts on the ground of its constitutionality.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes; I yield to my friend.

Mr. JENKINS of Ohio. Is not the real purpose of this subsection to take the place of those long oratorical preambles that marked the introduction of prior legislation brought up from the White House? Does it not have the same purpose, exactly, as a preamble and has it not been held repeatedly that a recitation in a preamble has no legalistic effect? It is not a part of the law?

Mr. COX. This sets up the reason why the Congress is delegating the power to do work which the agent is best able to do. A tremendous amount of detail is required in reorganization, and this detail Congress cannot well supply, and therefore has seen fit to delegate to the President.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield.

Mr. WHITTINGTON. Does not a similar provision obtain in the Securities and Exchange Act, the Utilities Act, and all legislation where similar authority has been conferred?

Mr. COX. Oh, and a great many others.

So, Mr. Chairman, summarizing, I say that the language is most essential to the validity of the measure, and I trust that the House will reject the amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, after the confession of the gentleman from Georgia, I know now I shall have to oppose and vote against this bill unless it is drastically amended. The gentleman from Georgia admits that the language in question is a confession that the preponderant New Deal majorities in the Senate and the House are unable to perform their duties under the American Constitution. [Laughter.] You talk about delegating powers and duties to the President because they are too involved for Congress to perform. It appears from the provisions of this bill that you are delegating your duties and powers to six petty officials whose appointments at \$10,000 a year are provided for in this bill. During the last 6 years your Democratic New Deal administration has been creating so many new Government bureaus and agencies that it takes a Philadelphia lawyer to find out how many we now have. I know that very few New Dealers, if any, could tell us the names and number of all of these New Deal Government creations.

If our New Deal President can effect savings by reorganizing and merging Government activities, why has he not made specific recommendations to Congress under the authority which he now has? Why has the New Deal controlled Congress failed to enact legislation or even consider legislation to effect such savings? The record indicates that our New Deal brethren, from the President down, do not practice economy; they only talk about the necessity of and promise economy. You talk about and promise savings by eliminating and merging Government bureaus and agencies, while the record indicates you expend and multiply said bureaus and agencies. The American people want and are entitled to something more than talk and promises. They expect Congress to practice as well as preach. We should end the drunken orgy of spending by the New Deal crackpots, brain trusters, and nitwits who are on the Federal administrative pay roll. We should stop using the taxpayers' pocket-books as guinea pigs in the laboratory of New Deal state socialism imported direct from Moscow. [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. When used in this title, the term "executive agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration, in the executive branch of the Government.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 2, line 25, insert "For the purposes of this title the Botanic Garden shall be deemed an executive agency."

Mr. WARREN. Mr. Chairman, I make a point of order against the amendment, but I reserve the point of order.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order against the amendment.

Mr. WADSWORTH. Mr. Chairman, I recognize the courtesy extended to me by the gentleman from North Carolina. He extended it to me, of course, in order that I may make my seventeenth desperate attempt, directly or indirectly, to divorce the Botanic Garden from the Congress of the United States.

Ever since 1915 I have asked upon what I supposed were appropriate occasions why it is the Congress of the United States is running a greenhouse. I have never received a satisfactory answer. This amendment, if drawn properly and if admitted to be in order, would authorize the President to regard the Botanic Garden as a football which could be kicked into the executive department, where it belongs. I believe that the Congress, Mr. Chairman, should perform legislative functions, not horticultural. [Applause.]

The CHAIRMAN. Does the gentleman from New York withdraw the amendment?

Mr. WADSWORTH. No; this is a desperate matter. [Laughter.]

The CHAIRMAN. Does the gentleman from North Carolina insist upon his point of order?

Mr. WARREN. I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WARREN. Mr. Chairman, I am really in sympathy with the object of the gentleman from New York; but this bill, of course, is a bill to reorganize the executive agencies of the Government. The Botanic Garden is a part of the legislative establishment. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The Chair feels that it is a very close and delicate question. [Laughter.] The Chair feels constrained to take the position stated by the gentleman from North Carolina, that the amendment offered by the gentleman from New York does not come within the purview of the section or the bill.

The point of order, therefore, is sustained.

The Clerk read as follows:

SEC. 3. No reorganization plan under section 4 shall provide—

(a) For the abolition or transfer of an executive department or all the functions thereof;

(b) In the case of the following executive agencies, for the transfer, consolidation, or abolition of the whole or any part of such agency or of its head, or of all or any of the functions of such agency or of its head, except the function of preparing estimates of appropriations: Civil Service Commission, Coast Guard, Engineer Corps of the United States Army, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, General Accounting Office, Interstate Commerce Commission, National Bituminous Coal Commission, National Labor Relations Board, Securities and Exchange Commission, United States Board of Tax Appeals, United States Employees' Compensation Commission, United States Maritime Commission, United States Tariff Commission, or Veterans' Administration; or

(c) For changing the name of any executive department or the title of its head, or for designating any executive agency as "Department" or its head as "Secretary."

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WARREN: At page 3, lines 8 and 9, strike out the comma and the words "except the function of preparing estimates of appropriations."

Mr. WARREN. Mr. Chairman, this is the amendment I stated on Monday that I would offer, and this is the language that we stated we would be glad to strike from the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. LUDLOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUDLOW: On page 3, line 4, after the word "thereof" and before the semicolon, insert the following: "or for the establishment of any new executive department."

Mr. COCHRAN. Mr. Chairman, this is acceptable to the committee.

Mr. LUDLOW. Mr. Chairman, I do not think this amendment requires any discussion. It is a clarifying amendment and was explained in general debate. I believe the amendment is acceptable to the committee.

Mr. COCHRAN. There is no objection from the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. RANKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: On page 3, line 18, after the word "Commission", insert the words "the Rural Electrification Administration."

Mr. RANKIN. Mr. Chairman, I have offered this amendment to exempt from the provisions of this bill the Rural Electrification Administration. As I explained yesterday, there is absolutely no reason for not doing so.

The Rural Electrification Administration is setting an example for economy in overhead expenditures that the other governmental agencies might well follow. In addition to that, it is doing its job well. You are not going to increase efficiency and you are not going to promote economy by disturbing the R. E. A. at this time. Unless exempted, this agency will be left in a disturbed condition and in a state of uncertainty for the next few months, which will have an effect from one end of the country to the other.

I pointed out yesterday that it has already been instrumental in the building of approximately 200,000 miles of rural power lines to serve approximately two and a half million people in the rural sections who never would have received electricity otherwise. Someone will say, "Oh, this is left up to the President." My understanding is that the President never asked that the Rural Electrification Administration be included; besides, we know that a board will do this reorganizing; and for this reason, and for the further reason the Rural Electrification Administration is functioning properly now, I ask that my amendment be adopted.

Mr. JOHNSON of Indiana. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Indiana.

Mr. JOHNSON of Indiana. Does the gentleman fear that the President would under the plan proposed here do away with the T. V. A. under this bill?

Mr. RANKIN. No; I am not as afraid of the President as far as the T. V. A. is concerned as I am of the gentleman from Indiana. The T. V. A. has proved its worth to the American people.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it not possible that the President might consolidate this bureau with some of the other bureaus?

Mr. RANKIN. I am not afraid of the President of the United States. I am not offering the amendment to embarrass the President in any way, and it will not embarrass him. I think if I had taken the time and had gone to him I could have got him to recommend that the amendment be agreed to or that the R. E. A. be exempted.

I am appealing to the membership of the House to exempt this agency, as the Labor Relations Board, the Coal Commission, and many other organizations have been exempted, some of which never have done and never will do as much good for the American farmers as has the Rural Electrifica-



tion Administration. I was in hope the gentleman from North Carolina would accept my amendment and not take up the time of the House.

Mr. MOTT. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Oregon.

Mr. MOTT. If the gentleman is not worried or afraid that the President may do something in regard to rural electrification, then why does he want it exempted?

Mr. RANKIN. I thought I explained that to the gentleman a moment ago.

Mr. MOTT. I listened, but I have not heard anything about that.

Mr. RANKIN. I will tell the gentleman. I do not say it will convince the gentleman, because that is an awfully hard thing for a Democrat to do sometimes.

Mr. MOTT. The gentleman from Mississippi is very convincing at times.

Mr. RANKIN. Here are my reasons: In the first place, this reorganization will go on from month to month. The Rural Electrification Administration is functioning as well as it possibly can. The uncertainty will leave them in a disturbed state, which will have an effect on the efficiency of the organization and the promotion of rural electrification in the meantime. There is no reason, in my opinion, for it being in the bill, and for this reason I ask that it be exempted.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman said that the T. V. A. was taking care of itself. What he meant to say was that the taxpayers of the various districts of this country were taking care of the T. V. A., which is losing other people's money.

Mr. RANKIN. What I am trying to tell the gentleman from Pennsylvania [Mr. RICH] is that the T. V. A. is taking care of his constituents by forcing down their electric light and power rates.

Mr. RICH. How is it forcing the rates down in Pennsylvania? They have low rates in Mississippi where the gentleman lives, but our fellows back in Pennsylvania have to pay the bills.

Mr. RANKIN. Oh, no; we have reduced rates to the people of Pennsylvania by more than \$40,000,000 a year.

Mr. RICH. The gentleman is not doing anything for our people, and with all this hub-bub it is wrong.

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

Mr. Chairman, the gentleman from Mississippi is so appealing and ingratiating that I hate very much to oppose his amendment. He says he cannot see a single reason why his amendment should not be adopted. There are exactly 270 reasons why it should not be adopted. Once you let down the floodgates and let every bureau, board, and administration come under the exemptions provided in this bill, then you have nothing whatever left and nothing to be performed by the President.

Mr. RANKIN. Will the gentleman yield?

Mr. WARREN. I am getting ready to compliment the gentleman now.

Mr. Chairman, the gentleman from Mississippi [Mr. RANKIN] has made a Nation-wide reputation on his study of the power question and related problems. This particular board or administration is very dear to his heart. I may also say, as he has well expressed it, this matter is also very dear and near to the heart of the President of the United States who formerly recommended legislation on this subject. It is inconceivable to me that the President with the authority granted only to him will set out to destroy or impair the efficiency of an agency that is so near to him. Once we adopt this amendment, or other similar amendments which will follow, then we simply open up the whole proposition, and I therefore ask that the amendment be defeated.

Mr. RANKIN. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Mississippi.

Mr. RANKIN. That logic carried to its ultimate conclusion would mean that you have opened the floodgates already when these other agencies were exempted.

Mr. WARREN. No; that does not hold true. I stated on Monday that personally I think we have too many exemptions in this bill; but most of these exemptions, in fact two-thirds of them, are the so-called quasi-legislative agencies of the Government. Certainly the Rural Electrification Administration could in no wise be termed a quasi-legislative agency.

Mr. RANKIN. These are not all quasi-legislative agencies.

Mr. WARREN. I did not say all; I said about two-thirds, but we have reasons for the others which I will be glad to give.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 54, noes 89.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment. The Clerk read, as follows:

Amendment offered by Mr. RANDOLPH: On page 3, line 7, after the word "appropriations", insert "Civil Aeronautics Authority."

Mr. RANDOLPH. Mr. Chairman, I rise with some trepidation due to the fact that the amendment offered by my beloved friend, the gentleman from Mississippi, an amendment to add an exemption, has been defeated in this Committee. I have the desire very honestly to present to this Committee in the time allotted to me the reasons why I believe the Civil Aeronautics Authority should be exempted from the provisions of the bill.

We have on this floor today the very able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from California [Mr. LEA]. He remembers very well that the creation of the Civil Aeronautics Authority took place in the closing days of the last session of the Seventy-fifth Congress, early in the summer of last year. It was not until the last of October 1938, or a little more than 4 months ago, that the Civil Aeronautics Authority began to function. I believe it is absolutely wrong after such a short period of time for this Congress to in fact nullify that which we did in the last days of the Seventy-fifth Congress.

I call attention to the message which was sent by the President of the United States to the National Aviation Forum, which met in Washington, D. C., on February 20 and 21, and I ask you to listen carefully to these words. The President said:

Civil aviation is clearly recognized as the backlog of national defense in the Civil Aeronautics Act which set up the effective machinery for a comprehensive national policy with respect to the air.

These are the words sent 2 weeks ago by the President of the United States to the National Aviation Forum, and in them he reaffirms his belief in the provisions and purposes of the Civil Aeronautics Act. The President stated that "underlying the statute is the principle that the country's welfare in time of peace and its safety in time of war rests" on the stabilization of this new and great industry.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman entertain any fears whatever about the President doing anything in carrying out the will of the Congress that would in any wise embarrass the authority to which the gentleman refers? There has not been any indication on the part of anyone connected with the Civil Aeronautics Authority indicating a desire to be exempted from the provisions of the law, has there?

Mr. RANDOLPH. I am pleased to answer the two questions of the gentleman. No official of the Civil Aeronautics Authority has approached me with reference to the amendment which I have introduced, and certainly I have no fear the President of the United States would take the action the

gentleman suggests. However, I believe it is absolutely wrong for the Congress of the United States to march up the hill and then seem to turn about and march down the hill in just the short period of a few months' time, when the provisions and reasons for the new act were given the most careful consideration by the committee and then later by the House. Let us remember that we deal not only with civil aviation but with such aviation as it affects the national defense of this country. Civil aeronautics certainly is the backlog of any true national-defense program in the days that are to come. We must, during peacetime, promote and maintain civil aviation in all its important phases. Wartime supremacy in the air is certainly based on peacetime superiority in the air.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman has referred to the fact that we are preparing to nullify what we did 4 months ago in setting up this authority. This proceeding does not nullify it or authorize anything to be done with it particularly. Further, the President recommended to the Congress only a few months ago that the Civil Aeronautics Authority be set up, and surely he has not changed his mind about it this soon.

Mr. RANDOLPH. That contention is no doubt true, but we do not know that and the gentleman, of course, does not know it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. COX. Of course the gentleman understands that under the bill the President is not authorized to abolish any activity or any agency except that which is made useless, and that would be in the form of a duplication as a result of coordination or consolidation.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. I want also to call your attention to this communication of the President within the last 2 weeks, in which he states:

This new policy set up by the Congress views American aviation as a special problem requiring special treatment.

This Congress today should reaffirm by the adoption of my amendment what it did just a few months ago when it gave special treatment to civil aeronautics.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Michigan.

Mr. DONDERO. Does not the gentleman believe the fear he expresses might best be avoided by changing section 5 of this bill so that it will require affirmative action by both branches of the Congress before a plan is adopted that might disturb the Civil Aeronautics Authority? What is the gentleman's answer to that question?

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Has not the gentleman considered the possibility that without the protection of this amendment a consolidation might abolish Langley Field as a National Advisory Committee for Aeronautics?

Mr. RANDOLPH. That could be taken into consideration.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. The gentleman has pointed out the national-defense angle of civil aviation. With reference to the question of the gentleman from Georgia as to whether or not the gentleman has any fear of the President tampering with the Civil Aeronautics Authority, is it not a fact that

what the gentleman is most interested in is not the personnel of the Board or the peace of mind of the Board itself but rather the peace of mind of the aviation industry in the United States? The Board was set up because of the very unhealthy condition of the aviation industry, and if the industry has another case of hysteria about what might happen to it, then the industry itself is the one that would suffer if the gentleman's amendment is defeated, and not the Board.

Mr. RANDOLPH. The gentleman from Oklahoma makes a splendid contribution to the argument I trust I have brought to this committee. I say to you here today that I feel it is absolutely necessary that we put this amendment in the bill. President Roosevelt said further in the letter I have quoted—

That hardly another civil activity of our people bears such a direct and intimate relation to the national security as does civil aviation.

Let us, then, allow the Civil Aeronautics Authority to function with no doubt in any citizen's mind that a change might be made. [Applause.]

Mr. COCHRAN. Mr. Chairman, I think the gentleman from West Virginia [Mr. RANDOLPH] has made the best argument that could possibly be made as to why his amendment should not be adopted. The gentleman knows, as I know, we would not have the Civil Aeronautics Authority, and the Congress of the United States would not have created it in its last session, if it had not been for the President of the United States. The gentleman has read to you the message of the President to the National Aviation Forum. Now, can anyone imagine that the President is going to abolish or cripple an agency of this character in which he himself is so greatly interested?

We all know the progress aviation is making. We all know the necessity for Government assistance. We all know the value that is going to come as a result of the Safety Board and the leadership of the Authority.

I say to the membership of this House that we do not want to fill up this bill with exemptions. The Civil Aeronautics Authority itself has never made a request upon the committee to be exempted, and I hope we can have confidence in the President, who is delegated to do the job, and that he can be trusted not to destroy that which he himself is more responsible for creating than any individual or any official of the Government. If the President can find a way to improve the administration of the act, I am sure he will do it. He is interested in aviation. Remember, he can, if he desires, add to the duties of the Authority, and I predict he will do it rather than in any way impede the progress that is being made.

Mr. LAMBERTSON. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the gentleman from Missouri has just stated a thing which I emphasized day before yesterday. He guarantees to the gentleman from West Virginia that Civil Aeronautics will not be disturbed. The President, of course, will not abolish his pets and he will, of course, try to destroy the old set-ups which do not respond so freely to him. This is just one of the things I pointed out to you as one of the reasons he should not have this power.

The gentleman from West Virginia is disturbed about what might happen to C. A. in which he is interested. The gentleman from Mississippi is disturbed about the R. E. A. We can all be disturbed about anything we have any particular interest in because the first effect of giving the President the power over all boards and commissions to consolidate or eliminate or do whatever he wants to do with them, is going to put them all at his feet. They will all bow down to him for 2 years. They will all eat out of his hand.

The gentleman from Missouri, the great chairman of this committee, has indicated the weakest thing about the whole proposition. Of course, the President would not hurt any of his own babies. I think everybody ought to be exempted in this bill except the different alphabetical set-ups and then we should let the President work on them all he wants to, after exempting everything else.



Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. Yes, briefly.

Mr. MAY. The gentleman referred to the fact that these agencies might be at the President's feet eating out of his hand.

Mr. LAMBERTSON. Yes; I think so.

Mr. MAY. What does the gentleman think he is going to have in his hand under the present set-up?

Mr. LAMBERTSON. Power and intimidation.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. In a moment I will yield.

The distinguished Chairman of the Committee of the Whole twice yesterday referred to my statement that I had lost faith in the President. I did not say that I have lost faith in the President, but I do not have faith in his inclination to save money. A man who has added one-third to our bureaucracy is naturally not qualified to reorganize it.

I do not know any better way to express it than to draw a parallel with the parable of the prodigal son. The prodigal son took his portion of the estate and wasted his substance. He came back and lived off the old folks, but the parable does not indicate anywhere that the prodigal son ever was successful afterward or that he ever did anything worth while. A leopard does not change his spots—a spender is a spender. He learned to spend with the money his parents gave him, and that is all he ever had to live on, and he spent that money riotously; the burden of the taxpayers and the sacrifice of his family never haunted him. His father did not ask him to reorganize his business. So how can a man who has done more to spend money than all the Republican Presidents since the Civil War be qualified to reorganize the Government in the interest of economy when, as the Chairman has just said, he will not hurt his babies—and his are one-third of them all? [Laughter and applause.]

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. HOFFMAN. Does not the gentleman recall that the President is the one who had something to do with aviation in connection with the mail contracts, and that he canceled them, and 12 Army boys went to their death?

Mr. LAMBERTSON. I know that he canceled the contracts and used Army planes.

Mr. HOFFMAN. And 12 of them died.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. GIFFORD. The gentleman will have to take a little comfort, as I have done, in being joined with him in an expression of lack of faith. And it is a further comfort to know that we have as much faith as one-half of you, if we are well informed about the whisperings that are going on.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. HOUSTON. The gentleman from Kansas would be for this bill if we had a Republican President?

Mr. LAMBERTSON. I would be for it with any other President, Democrat or Republican. [Laughter and applause.]

I think the amendment of the gentleman from West Virginia [Mr. RANDOLPH] should be supported and everything else exempted from this bill. [Laughter and applause.]

Mr. NICHOLS. Mr. Chairman, I am going to support this amendment, and at the outset I say that I am sure that none of my friends who have worked so hard on this committee to bring out this bill will even think that I want to do anything to hurt the bill, because I do not. I appreciate the feeling of the gentleman that it might be dangerous to let the flood-gates down by adopting an amendment which would exempt an additional department, but even in view of all that I say this. I have no interest in the Civil Aviation Authority as a board. I know no member of the Authority except one, and he was for a long time in the Post Office Department, and I knew him in that capacity and not in his capacity on the Board. I am not interested in the personnel of the Board. I am not interested in the longevity of the life of the Board, but I am interested, as I think every other citizen of the United States is interested, in the protection of an infant

industry in this country which is rapidly growing to be a major industry, and which industry forms a strong right arm for the national defense of the country, and I am talking about aviation. Today civil aviation in the United States leads civil aviation of the entire world. We are behind Germany, we are behind many other of the great nations of the world in military and naval aviation, but we lead them all in civil aviation. If my friends of the committee are right, and I think they are, that the President has no intention of bothering this Board, then let us do the thing this year that we did last year when, upon the President's suggestion, we set up a board here for the purpose of making healthy an unhealthy industry.

The aviation industry in this country, up until the creation of the Civil Aviation Authority, was an industry that was losing money every year. It was losing money largely because those interested in it could not get the proper regulations and the proper rules which would allow them to get enough for the transportation of the United States mail and for the carrying of express and passengers to permit them to earn a profit on their investment. We have now got them in a healthy state. Millions and millions and millions of dollars have been invested in this industry, just as it was in the railroads years ago, from which there has not yet been taken a profit. Let us not hold over their heads a threat that perhaps the President of the United States might, if he wants to—though he does not want to, as we all agree—do something to give this industry a serious set-back. Let us take this threat away from them and let us allow this aviation industry, which today is in its swaddling clothes, to grow to a strong, healthy industry in the United States, with no threat of interference.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. RANDOLPH. Is it not true that this is a semilegislative authority which we have created? More than a century ago American genius produced the sailing clipper and the flag of our land was borne proudly over the seven seas. Then came a decline. Is it not a fact that because of the obscurant national policy in respect to our place on the sea, our people watched American ships leave the oceans, and we were faced with humiliation, so that in 1914-18 we found we were deficient in shipping; and if we pursue a similar course in respect to aviation we may find ourselves deficient in the air. We stand in the air now where a hundred years ago we stood on the sea. But we must not remain idle. We are not unchallenged. Our clippers of the sky must not go down as did our earlier clippers of the sea.

Mr. NICHOLS. I am not sure that I can answer the gentleman in respect to this being a semilegislative authority; but I do point out, in answer to the last part of the distinguished gentleman's question, that if today we were forced into war our defenses in the air would probably have to depend upon the equipment in operation by private companies within the United States, who make up the civil aviation industry of the country today.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were—ayes 47, noes 123.

So the amendment was rejected.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts: Page 3, line 17, after the word "Commission", insert "United States Employment Service."

Mrs. ROGERS of Massachusetts. Mr. Chairman, this is a very simple amendment. It would merely insure that the United States Employment Service be kept in the Department of Labor. This amendment has the endorsement of labor, and it has the endorsement of the veterans' organizations, because labor and the veterans realize that if this service is

taken from the Department of Labor, labor and the veterans who want work will not fare so well. It is the only placement bureau that the veterans have at the present time, the only department where the veteran can go and be sure of receiving assistance in getting a job. Twenty-five thousand placements have been made during the past year.

The United States Employment Service was created under a Republican administration that has been carried on as one of the best New Deal departments since the New Deal had its existence. There are 1,600 employment offices all over the United States, and the logical place for this service is under the Department of Labor. [Applause.]

The Department knows all the regulations regarding labor, the wage and hour law, the pay, and the hours of work. It also has very complete records about children, and if children are likely to be employed and should not be, and thereby interfere with the jobs of the older men and women, those children can be prevented from working, as a humane measure. It will also give employment to the older men and women. If it should be put under the Social Security, the benefit department of the Government, it would be an insurance matter and it would be easier to pay them unemployment wages than to pay them real wages. Everybody wants real wages for the people of the country.

The Department of Labor, with its statistical department, knows where all the industries and types of industries are located where employment can be obtained.

I sincerely hope the amendment will be adopted.

Mrs. NORTON. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mrs. NORTON. I would suggest that the amendment is unnecessary because the unemployment service is now in the Department of Labor.

Mrs. ROGERS of Massachusetts. This is not unemployment. This is known as the United States Employment Service. Unemployment compensation is a different thing.

Mrs. NORTON. Of course. It has to do with unemployment, however. The Employment Service is now in the Department of Labor and we intend to keep it there.

Mrs. ROGERS of Massachusetts. Yes, I know that; but this bill does not specify the Employment Service be kept in the Department of Labor. I feel those words should be in the bill in order to clarify it. There has been a great deal of agitation about this. There have been many rumors that it would be placed under Social Security. I have a great many letters concerning it. It does belong there.

Mrs. NORTON. May I say that there is now a bill before the House Labor Committee to retain the United States Employment Service in the Department of Labor? I hope action will soon be taken on this bill, and I am sure the lady from Massachusetts will support this legislation.

Mrs. ROGERS of Massachusetts. Yes, I shall be glad to; but my amendment would keep it in the Labor Department; also it would prevent its transfer to another department, and labor as well as the veterans want it kept where it is.

Mrs. NORTON. It is now in the Labor Department. The amendment is not necessary. I believe that this matter should be dealt with by separate legislation, because it is of very great importance. The Labor Committee recognizes its importance.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts [Mrs. ROGERS].

The amendment was rejected.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of propounding a question to the committee, particularly to the gentleman from North Carolina [Mr. WARREN]. My question is this: Does the phraseology respecting the Engineer Corps of the United States Army in section 3 under consideration, in the opinion of the gentleman, preclude, without question, the transfer of flood control and river and harbor works from the War Department and from the supervision of the Chief of Engineers?

Mr. WARREN. Mr. Chairman, I will say that it most emphatically does. I do not believe there could be a Member of the House who is more interested in or who has greater respect and appreciation for the Corps of Engineers than I. I am the one who suggested, in the very first reorganization bill we ever had, that they should be completely exempted in every way, shape, and form. I believe that is in accord with the overwhelming wishes of the Congress.

Mr. WHITTINGTON. One other question: Does the term "functions" in this section, with respect to the Corps of Engineers of the United States Army, embrace or mean works and allied activities in rivers and harbors and flood-control improvements now being done by the Corps of Engineers and the Chief of Engineers in and under the supervision of the Department of War?

Mr. WARREN. It certainly does. I would also like to call to the attention of the gentleman from Texas [Mr. MANSFIELD] my answer to the gentleman. I think I can answer it in just one sentence. If it is not a function, then they are not affected by this bill. If it is not a function, then it cannot possibly be affected by this bill, for this bill provides only for the transfer or abolition of functions. If it is a function, then it is specifically exempted under section 3.

Mr. WHITTINGTON. Legislation for river and harbor and flood-control works provides for the construction of those works by the Chief of Engineers, under the supervision of the Department of War. Is the term "Chief of Engineers" synonymous with the word "head" in the section under consideration, so that the work would be done by the Corps of Engineers, under his supervision, in the Department of War, and could not be transferred, and would be exempt from the provisions of this act?

Mr. WARREN. Absolutely. I call the gentleman's attention to the fact that we cite that as a case in our report on this bill, which you will find on pages 5 and 6. We call specific attention to the very thing the gentleman is mentioning now.

Mr. WHITTINGTON. So that not only the intent but the phraseology used does exempt the flood-control, river and harbor works, and allied activities now done by the Corps of Engineers, under the Chief of Engineers, from the provisions of this bill?

Mr. WARREN. There is no question about it.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 3, line 14, after the comma, insert "Railroad Retirement Board."

Mr. VAN ZANDT. Mr. Chairman, the fact that the Railroad Retirement Board is not included in the list of agencies to be exempt from transfer, consolidation, or abolition convinces me that some plan is afoot to make some change in this set-up which affects the welfare of the railroad men of this country.

As many of you know, in June 1937 Congress approved a bill which empowered the President to set up the present Railroad Retirement Board. Up until the present time 2,300,000 individuals employed by the railroads in the United States have paid into the retirement fund of the Board \$102,000,000 as their share. Railroad management has matched this amount with \$102,000,000 as its share. This makes a grand total of \$204,000,000 that has been paid into the Government for the purpose of taking care of pensions or annuities to the railroad employees and to the survivors of deceased railroad workers.

The benefits of this agency of our Government have not cost the taxpayers of the United States one penny beyond a small administrative cost. We therefore consider the Railroad Retirement Board as the baby of the railroaders themselves. We certainly would resent the President's shifting this Board in any way which would affect the operation of the requirements of the Railroad Retirement Act. For this reason I appeal to the membership of this committee to add to those agencies to be exempted from the provisions of this bill the



Railroad Retirement Board so that it may continue to function for the benefit of the railroad employees.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?  
Mr. VAN ZANDT. I yield.

Mr. PATRICK. Has the gentleman as a Member of Congress had an appeal from the Railroad Retirement Board? Has a member of that Board communicated with the gentleman asking that they be excepted?

Mr. VAN ZANDT. They have not.

Mr. PATRICK. Are they apprehensive of this in any way?

Mr. VAN ZANDT. I did not ask them. I speak for the railroad employees of this country and not for the Railroad Retirement Board.

Mr. PATRICK. Have the railroad men been appealing to the gentleman as a Congressman to intercede for them?

Mr. VAN ZANDT. They have contacted me. I have discussed this matter with a large number of railroad men in my home city of Altoona, Pa., one of the Nation's great railroad centers.

Mr. DONDERO. They have such confidence in the gentleman that they know he would intercede for them on the floor of the House without their communicating with him.

Mr. VAN ZANDT. Exactly.

Mr. PATRICK. Have they been writing to the gentleman?

Mr. VAN ZANDT. I did not write to them. I said they had contacted me in person.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we all recall when the gentleman from Ohio [Mr. CROSSER] late one evening presented his bill creating the Railroad Retirement Board, and how the House passed it unanimously. I recall very well after that bill was passed the reception that was given to the gentleman from Ohio—the many nice speeches which referred to his long and honorable service.

With the passage of that bill, the Congress of the United States made an agreement with the railroad men of this country, and there is not a Member of Congress here who will ever live to see the day that this agreement will not be carried out. I say there is absolutely no danger of seeing that act repealed. It will be improved, not repealed. Under the circumstances there is no reason why we should exempt the Railroad Retirement Board in this bill.

I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 76, noes 93.

So the amendment was rejected.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: On page 3, line 18, after the word "Commission", strike out the word "or", and after the word "Administration" strike out the semicolon and insert the following: "National Mediation Board, National Railroad Adjustment Board, or Railroad Retirement Board."

Mr. CROSSER. Mr. Chairman, the amendment which I have just offered provides for the exemption of three agencies with the creation of which I had a great deal to do. The older Members will recall how at midnight in the closing hours of the session in 1934 I stood there where the gentleman from Utah [Mr. ROBINSON] now sits and pleaded for concurrence in the Senate amendment to the railway labor bill creating the present Mediation Board. This law has been heralded from one end of the country to the other as a means of settling disputes between employers and railroad employees. It probably suggested the establishment of the N. L. R. B. We find the N. L. R. B. exempted, but the Mediation Board is not exempted, nor is the Railroad Retirement Board. Three times we passed a Railroad Retirement Act before a retirement system actually operated in the full sense of the word.

Let me call your attention to the fact that no other agency of the Government functions exactly as do these three

agencies. They are peculiarly adapted to the needs of the railroads and the railroad workers' problems. The railroad pension bill is entirely different from anything else that the Government has established, and even to make it possible to consolidate it with something else would be a grave mistake. The same is true of the Adjustment Board. The Adjustment Board would not operate or work in the adjustment of any other labor dispute. Those who think so just do not understand the situation.

Now, Mr. Chairman, this is not only my request, but the spokesmen of all the railroad men throughout the country ask for this exemption. These men know how hard it was to have this legislation passed; and I submit to the Members here who have had to do with railway labor legislation that railroad labor never comes here with an unreasonable or foolish demand. When they do come, it is for something that is well considered and supported by sound reason.

Let me read a telegram I received the other day:

WASHINGTON, D. C., March 6, 1939.

HON. ROBERT CROSSER,

Member of Congress, House Office Building:

H. R. 4425 reported favorably to House, March 3, which I understand will likely come up for consideration early this week would, if enacted, seriously jeopardize if not destroy rights and interests which have been secured by railway labor only after 50 years of struggle. The National Mediation Board, National Railroad Adjustment Board, and the Railroad Retirement Board, agencies in which railroad labor has a vital interest, are not excluded from the bill. I am reliably informed of a well-directed effort to bring about the abolition of these boards which would unquestionably result in incalculable harm to railroad workers throughout the country. On behalf of the 20 standard railway labor organizations I urge upon you most strongly that when this measure comes up in the House if adequate provision has not been made by the committee to insure exclusion of these agencies you call upon the friends of railway labor who have so generously made possible the rights and protection now enjoyed by railroad workers under the laws creating these agencies, to amend the bill by adding to section 2, page 3, line 18, after words "Veterans' Administration," the following: "National Mediation Board, National Railroad Adjustment Board, and the Railroad Retirement Board."

GEORGE M. HARRISON,

Chairman, Railway Labor Executives Association.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

Mr. CROSSER. Mr. Chairman, there is the statement of the man who represents the great army of railroad workers throughout the United States. As I said before, these are highly honorable men, men who are intelligent, men who give sound reasons for what they ask. These men, through their official spokesman, have sent me the telegram which I have just read to you. Are we—after the many months of labor which the committees and the House and Senate have devoted to these measures—are we to make it possible to do what this telegram says may happen?

Mr. MAY. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Kentucky.

Mr. MAY. I am sure I would be entirely incapable of paying a just tribute to the gentleman from Ohio in his loyalty to the railroad men of this country; but is it not possible that your informant is laboring under a misapprehension due to the fact that certain other agencies have been exempted in the bill and he, Mr. Harrison, is under a misapprehension that those agencies not specifically exempted are being abolished, when, as a matter of fact, the President, labor's greatest and best friend, can be trusted to deal fairly with them and will undoubtedly do justice to all labor?

Mr. CROSSER. I did not yield for a speech.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I not only wish to pay the gentleman a tribute for what he has done already, but I think he is right in regard to the pending amendment. Did the gentleman not make the statement that these agencies are different from all others because they deal distinctly with the problems and also with the money of these railroad men?

Mr. CROSSER. The gentleman is correct. This railroad retirement law does not involve a single penny of Government money. Do not forget that. There are just two groups involved. The railroad men pay half the money to the Railroad Retirement Board and the railroads pay the other half. Not a single penny of Government money is expended for the system.

Mr. RISK. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Rhode Island.

Mr. RISK. Does the gentleman think this measure constitutes a threat to the well-being of the railroad laboring men of this country?

Mr. CROSSER. I have read what the president of the Labor Executives Association has had to say in reference to the matter. I add to that what the gentleman from Arizona mentioned a moment ago, namely, that the money which goes into this fund, the money to be used for pensions, is paid in one-half by the railroads and one-half by the railroad men themselves. Not one penny is paid by the Government of the United States.

Mr. COOLEY. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from North Carolina.

Mr. COOLEY. Who is it that is threatening to abolish these boards?

Mr. CROSSER. I refer the gentleman to the telegram which I have read.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CROSSER].

Mr. Chairman, during my 14 years' service in this House I have looked upon and regarded the gentleman from Ohio [Mr. CROSSER] as the authorized and responsible spokesman for the railway laboring people of this country. He has never failed to champion their cause, and, in my opinion, had contributed more to the advancement of their welfare than any other single individual or group of individuals in the Nation. [Applause.]

I expect him to take advantage of every opportunity to testify to the fine patriotism of the people in the railway service of this country. However, Mr. Chairman, I think if he has any apprehensions with respect to what may happen of an unfavorable character to these agencies, in behalf of which he now speaks, that those apprehensions are not well founded.

I am sure that the railway workers of the country look upon the President of the United States as their best friend and gladly give him credit for having done more for the workers than any other single individual who has ever occupied that high official station in the Nation. There is no one here who would participate in the setting up of any sort of situation which would admit of injury to these agencies of the Government which serve the special need of the railway workers.

The difficulty, Mr. Chairman, is that no stronger reasons can possibly be offered for exempting the agencies named in the pending amendment than may be offered by those who hold themselves out as special pleaders for many of the other agencies which could be affected as a result of performance under the law. If we open the door for the exit of the agency or agencies in behalf of which the gentleman just spoke, there will be no possibility of closing it against others who for reasons satisfactory to themselves wish to escape.

Mr. Chairman, I submit that in the interest of the bill pending before us today the amendment should be rejected. I am confident that those of us voting against the amendment will do so with complete confidence that the President in the exercise of the powers that are delegated to him will do nothing that will in any wise impede or affect the agencies in their operations.

Mr. Chairman, I ask that the amendment be rejected.

Mr. MOSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would be untrue to nearly a quarter of a century's association with labor among railroad employees if I did not rise on this occasion to support the amendment offered by the gentleman from Ohio [Mr. CROSSER].

All that he has said with respect to railroad employees I wholeheartedly endorse. But leaving it rest just at that point, I should like to leave with the Committee this thought, that were we to visualize the possibility that the Railroad Retirement Board, for example, were to be merged or placed under the control of another agency of government, it would seem to me the Social Security Board would be the logical hand of government that would reach out to grasp control of this splendid organization. To those of you who have shared with me experience in dealing with these agencies of the Government, may I say I should like to ask you to contrast your experience in dealing with Mr. Latimer and Mr. Lynch, of the Railroad Retirement Board, and the efficient railroad employees they have brought together there from the different sections of the country to deal with the Members of Congress who must contact them, and your experience in dealing with Mr. Altmeyer, of the Social Security Board, or with Mr. Bane, who is no longer with the Board, and the Council of State Governments will doubtless learn to know him as we did. You all know the distinction and the difference. I sincerely trust my friends and colleagues of this Committee will vote to endorse the amendment offered by the gentleman from Ohio [Mr. CROSSER].

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MOSER. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman recall that when the reorganization bill was before the House in August 1937, it did not exempt from its provisions the agencies in behalf of which the gentleman now speaks, that they did not ask to be exempted, and that the gentleman from North Carolina [Mr. WARREN], who was handling the bill, stated on the floor that the railway workers of the country supported the bill he was then offering?

Mr. MOSER. Some of these agencies were not in existence at that time. Moreover, I will say this regarding our vote in 1937 on the reorganization bill that passed this House at that time, if I could recall that vote, having experienced much to change my mind, I would recall it today.

Mr. Chairman, I yield back the remainder of my time.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in support of the pending amendment submitted by the distinguished friend of labor from Ohio [Mr. CROSSER]. I do not desire to trespass on your time and cover the ground which he has covered. I heartily endorse everything he has said. I am somewhat surprised to find members of the committee in charge of this bill opposing his very meritorious amendment. The argument made by the gentleman from Ohio [Mr. CROSSER] is unanswerable.

The daddy of the bill, my good friend the gentleman from Missouri [Mr. COCHRAN], with whom I served for many years on the Committee on Expenditures in the Executive Departments, should be the first man to rise in his place and accept the pending amendment, in view of his splendid labor record since he has been a Member of the Congress.

As the gentleman from Ohio indicated a reorganization or consolidation of these agencies would break faith with those whose affairs they handle and would not result in economy or greater efficiency, but would only create chaos, extravagance, and inefficiency. The great recognized railroad labor organizations are in favor of this amendment. They have never been unreasonable and this House should overwhelmingly support their position.

I sincerely hope that all of my Republican colleagues will vote for the fair and just amendment offered by our distinguished Democratic colleague, the great friend of labor and able legislator, the gentleman from Ohio [Mr. CROSSER]. If the amendment is defeated, let it not be said that Republican votes were responsible. I call upon the leadership of my party to place this amendment in our motion to recommit if it is defeated now, so that the railroad employees of the country



can see who their friends are and who their enemies are. [Applause.]

[Here the gavel fell.]

Mr. LORD. Mr. Chairman, I move to strike out the last two words.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. LORD. I yield.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 7 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the pending amendment close in 7 minutes. Is there objection?

There was no objection.

Mr. LORD. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio [Mr. CROSSER] exempting the Railroad Retirement Board from this bill. It has taken many years for the railroad men of this country to get legislation they wanted that would help to care for them in the days when they could no longer work on the railroad. To bring them under the provisions of this reorganization bill will create distrust in their minds and they will all be on edge and wonder what is going to happen. We have exempted many different departments in this bill. If there is reason for exempting any department, there certainly is very good reason for exempting the Railroad Retirement Board. This Board has only just got started, it has just got so it can function, and to give them cause for distrust, to make them wonder what is going to happen, including possibly combining them with some other department, is only going to create confusion, and it will take much longer for men who have retired to get their retirement pay than it will if the Board is permitted to continue the way it is now and knowing it will not be disturbed.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LORD. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The Bituminous Coal Commission has been in operation now for nearly 2 years. It has cost the coal people, it is charged, \$50,000,000 and the taxpayers \$20,000,000 more, but has done nothing to help the industry. Why is it exempted from this reorganization bill? Does not it need reorganizing?

Mr. LORD. That is something I cannot understand.

Mr. ROBSION of Kentucky. Then an effort is here made to subject to reorganization the Railroad Retirement Board and other boards for railroad workers which have functioned efficiently and well. I favor exemption of all these rail workers' boards.

Mr. LORD. If the Bituminous Coal Commission or the Civil Service Commission or any other of the some 16 or 18 other activities are going to be exempted, certainly the Railroad Retirement Board should be exempted from overhauling or combining with some other department.

Someone has said there has been no protest from the railroad men. This is a bill that was slipped out of committee before it was even printed and available. I tried to get a copy of this bill on Saturday and one was not available, yet they came before this House with the bill on Monday. What opportunity did the railroad men have to protest?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LORD. Not just now.

What opportunity have they had to present any objection to legislation they did not even know was being considered?

I think we will hear from the railroad men if we do not exempt them from this bill, and I hope all the friends of the railroad men will rise up at this time and support the amendment of the gentleman from Ohio [Mr. CROSSER]. [Applause.]

[Here the gavel fell.]

Mr. CROSSER. Mr. Chairman, since a number of Members seem to be somewhat in doubt about what was stated in the telegram which I read a few minutes ago, I shall read from the telegram, as follows:

I am reliably informed of a well-directed effort to bring about the abolition of these boards, which would unquestionably result in incalculable harm to railroad workers throughout the country. On behalf of the 20 standard railway labor organizations, I urge upon you most strongly that when this measure comes up in the House, if adequate provision has not been made by the committee to insure exclusion of these agencies, you call upon the friends of railway labor who have so generously made possible the rights and protection now enjoyed by railroad workers under the laws creating these agencies, to amend the bill.

This is signed, "George M. Harrison, chairman, Railway Labor Executives Association."

This association includes the heads of all railway labor organizations in the United States. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I come from a city that is entered by 32 trunk lines and no train ever goes through the city. Trains either make up or end their run in St. Louis.

I have been a friend of the railroad men all my life. They know it. I talked with the officials of the railroad organizations last Saturday and again Monday, and they promised to let me know, after the conversations I had with them, if they were not satisfied. I have not heard from them. As a friend of the railroad men, if I thought there was anything in this bill that would hurt them in the future, I would not support it. I am supporting the bill as it is, and I have just as many railroad employees in my district as practically any man in this House, and I cherish their friendship. I am satisfied they will not be harmed by this bill as it is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 126, noes 100.

So the amendment was agreed to.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania: On page 3, lines 13 and 14, after the comma in line 13, strike out the words "National Bituminous Coal Commission."

Mr. ALLEN of Pennsylvania. Mr. Chairman, so that there will be no misunderstanding regarding this amendment, let me explain that it provides for the elimination from the list of exemptions of the National Bituminous Coal Commission.

As I understand it, the prime purpose of this bill is to reduce Government expenditures and to abolish such Federal agencies and functions as may not be necessary for the efficient conduct of government. With this purpose firmly in mind it is difficult for me to understand why the National Bituminous Coal Commission, one of the most expensive and profligate and worthless agencies of government, should be placed in the list of exemptions. [Laughter and applause.]

About 2 years ago we created the Bituminous Coal Commission and since then it has spent some six or seven million dollars. I would like to ask anyone on this floor who can name one single benefit emanating from that Commission to stand on his feet and name it. It has helped neither the operators nor the miners. The operators in my district, which is one of the largest soft-coal producing districts in the United States, are worse off than they were before the passage of that bill. There is more unemployment among the miners today than there was before we created the Bituminous Coal Commission.

I have many letters in my files, and I hope to bring them to the attention of the House tomorrow when we are considering the appropriations for the continuation of the Bituminous Coal Commission, and these letters, without exception, ask that the Commission be abolished or reorganized fully. I do not want to see the Bituminous Coal Commission excluded from the possibility of abolishment in the first place, and drastic reorganization in the second. Instead of eliminating or exempting the Commission from the provisions of this bill, I believe it should be held close to the eyes of the Chief Executive for the closest possible scrutiny, and I hope the Members of the House will support this amendment and

eliminate from the list of exemptions a Commission which has been absolutely ineffective and which has failed to justify its existence in every respect. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I realize the force of the argument just made by the gentleman from Pennsylvania [Mr. ALLEN]. I would not be frank with the Committee if I did not say that the sole and only purpose of retaining this Commission in the list of exemptions is because it has been in prior bills. I do not think I have anything further to say about it. So far as we are concerned as a committee, it does not make any difference to us. It is carried simply because it was in the other bills.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. ANDREWS. I am wondering how long the gentleman considered this bill, if the only reason that this appears is because it was in other bills.

Mr. WARREN. Oh, the bill has had plenty of consideration and plenty of debate on the floor. I am frankly stating to the House why it is included, and if the House wants to take it out it is a matter for the Committee to decide.

Mr. MAY. Mr. Chairman, I move to strike out the last word. I was engaged in telephone conversation with the chairman of the Senate Committee on Military Affairs and just walked into the Chamber. I understand the proposal here is to strike the Bituminous Coal Commission out of the list of exempted agencies in section 3, whereby it is exempted from reorganization and made subject to it. Mr. Chairman, the Bituminous Coal Commission is an organization having an existence of a little over a year. It is one of those agencies of the Government that pays its own way by a tax levied against the industry itself.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MAY. Not now. There is a tax levied against its own operators and producers, and it has not asked the Government to pay any part of its expenses. The institution is just now to a point where it is able to begin to function. It has been trying to organize, to be effective as an agency, to control and regulate the sick, the desperately sick coal industry. To disturb it now and put it in a state of uncertainty would make it impossible for it to do what it was organized to do. I do not know why the amendment is offered to take it from these exceptions, because I did not hear the remarks of the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. MAY. But I do say it is suffering from one of the worst kind of politics emanating from the State of Pennsylvania. That has been one of the obstructions to its progress so far. Perhaps the gentleman can explain that, and for that purpose I yield to him.

Mr. ALLEN of Pennsylvania. If the gentleman had remained on the floor, he would have heard why I think this should be exempted from the list which appears in the bill. It is for the simple reason that after 2 years and the expenditure of millions of dollars it has failed to accomplish one single constructive act.

Mr. MAY. Is the gentleman asking me a question?

Mr. ALLEN of Pennsylvania. I am just explaining. The gentleman asked me a question and I am trying to answer him.

Mr. MAY. I think the gentleman has stated his position very well. I come from a district that produces 20,000,000 tons of coal each year. I know that the operators in my district throughout the Appalachian coal area all over the United States, with the exception of two of the larger ones that are always kicking about something, are eminently satisfied with the operation of the National Bituminous Coal Commission, and I know that the Commission is just now to a point where it is able to do that which it has been working 4 months to do, and while I do not think it would be particularly disturbed by the President in any reorganization, yet I say that it would continue this feeling of disturbance and uncertainty

which would make it impossible for it to function as the Congress intended it to.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 164, noes 53.

Mr. DOWELL. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. As many as are in favor of taking the vote by tellers will rise and remain standing until counted. [After counting.] Three Members standing, not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. MOTT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 3, line 10, after the words "Coast Guard", insert "United States Forest Service."

Mr. MOTT. Mr. Chairman, this amendment adds the United States Forest Service to the list of exempted agencies under section 3 of the bill. I think every Member of the House is familiar with the argument in support of this amendment. It was made when the last reorganization bill, in 1938, was in the House; and although that bill did not pass, it is my recollection that an amendment similar to this one was adopted.

There is every reason, it seems to me, why the United States Forest Service should be included in the list of exempted agencies. There is no real reason that I know of why it should not be so included. The Forest Service of the United States, with the possible exception of the Corps of Army Engineers, is the most competent, the most experienced, and the most expert organization of any agency in the executive branch of the Government.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman stated that the amendment was adopted. The amendments that were offered to the bill in 1937 and in 1938 were defeated. They were not adopted.

Mr. MOTT. It is my recollection that the amendment offered to the 1938 bill was adopted.

Mr. COCHRAN. Oh, the gentleman was in favor of it, but the amendment was defeated both in 1937 and 1938.

Mr. MOTT. I may be mistaken, of course, but my recollection is that it was adopted. It makes no very great difference inasmuch as the bill did not pass. If the amendment was not adopted it was at least a very close vote.

Mr. COCHRAN. Well, the RECORD will show.

Mr. MOTT. Naturally, the RECORD will show, and, of course, I stand corrected if I am in error. However, whether an amendment of this kind was adopted or not last year in the bill which did not pass, it should by all means be adopted this year in the pending bill, which most Members here believe is going to pass today.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman for a question.

Mr. WALTER. Does the gentleman propose this amendment because he is apprehensive that the Forest Service will be placed back in the Interior Department, where it was up to the time it was moved in order to give a job to Gifford Pinchot?

Mr. MOTT. Frankly, it is my opinion that if the Forestry Service is not exempted it will be transferred to the Interior Department. I did not want to go into that, but since the question has been asked directly, I will simply state what I think nearly everyone already knows. For years and years there has been agitation on the part of the Department of the Interior to take over the Forest Service. This effort has been bitterly fought by the Department of Agriculture. Most people who have had very much to do with forestry matters are of the opinion that if the Forest Service is not exempted the transfer will be made.

In every State in the Union where there are national forests private lumber concerns operate at least to some extent



in those forests. The Forest Service has the best logging system that has been devised, the best conservation methods, and the best plan of disposing of the merchantable timber which should be cut. It has been cooperating with the timber operators and sawmill operators in nearly every State in the Union, and this cooperation has been of the greatest advantage both to the Government and to the lumber industry, upon which many States depend for their major pay rolls. All timber-producing States are familiar with the policy and the methods of the Forest Service which now exist, and they are unanimously in favor of the retention of that Service in the Agricultural Department.

It would be a blow to every timber-producing State in the Union if the United States Forest Service were transferred to some other department which has had little or no experience in the administration of national forests. This certainly is not a partisan matter. I think it should have just as much support upon the Democratic side as upon the Republican side. It is a meritorious amendment, and I trust it may receive the approval of a majority of the Members on both sides of the aisle. [Applause.]

[Here the gavel fell.]

Mr. ROBINSON of Utah. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are just as many reasons for defeating this amendment as any of the others that have been defeated; in fact, possibly more.

If we permit this agency to be exempted, then, as a matter of logic and justice, there are at least 56 other agencies that should receive the same treatment, because they are in the same condition as this particular agency.

As far as I am concerned, in my State the Forest Service is a very popular agency. We think a great deal of this agency. It is doing a fine work. We have no objection to the Forest Service being operated as it is now, but there are 14 different agencies that deal with forestry in the United States. Now, get that into your minds. Fourteen different agencies. For instance, the United States Forest Service itself only operates 174,198,902 acres of forest lands. The Grazing Division operates 110,000,000 acres of land. The Biological Survey operates 11,492,165 acres, and the National Parks Service operates 15,491,165 acres. In other words, there are 14 different agencies under the Government handling our forest.

Mr. MOTT. Will the gentleman yield for a question?

Mr. ROBINSON of Utah. Now, if there is any one agency in the Government where the President should have the right to consolidate any overlappings or any other work at all in connection with the operation of those agencies, this is the agency that should receive that consideration.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. In just a moment.

I want to say further that there is no reason why the Democratic Members, or, for that matter, the Republican Members should feel at all alarmed about giving this authority to the President of the United States. There is no assurance that this will be turned over to the Interior Department.

Mr. MOTT. Will the gentleman yield there?

Mr. ROBINSON of Utah. In just a moment. If I have time, I will. The President has made no pronouncement to the effect that this will be turned over. There will be an investigation made. Facts will be found, and if the facts warrant turning over this agency to one department, then the President will come back to Congress and recommend to this Congress that that be done, and the Congress will have a chance to vote on it.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. SIROVICH. Is it not a fact that the greatest economy could be effected by uniting 14 different organizations, with their personnel, into one department so that the Republicans can help us bring about economy, in which they are interested?

Mr. ROBINSON of Utah. I am not saying that they could or could not, but I am saying that the President of the

United States should have the right to make an investigation of this department, and if, after that investigation is made, it is determined that certain things should be done with reference to those agencies, he should have the right to do it. I am saying that in face of the fact that the Forest Service is doing a fine work, and the men from the West are in sympathy with the Forest Service. We do not want anything to happen that will interfere in any way with the effective operation of the Forest Service, but we do think there can be economies made and changes effected that will help this agency.

Another thing we must bear in mind is that different agencies will operate side by side. An operator on one side of the line will be working under the Forest Service and an operator on the other side will be operating under the Biological Survey or the Department of the Interior. Is it anything more than fair that we should investigate these conditions and find out which of these agencies can best handle the operation and then when it comes back to the Congress under the recommendation of the President have the right to vote our convictions?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. MOTT. Outside of possibly the O. and C. grant lands, does the gentleman know of any forestry work of the Department of the Interior that is similar in character to the forestry work of the United States Forest Service?

Mr. ROBINSON of Utah. I will grant that there is considerable difference in the forestry of Oregon as compared with some of the other States. It stands on its own footing to a very large extent.

[Here the gavel fell.]

Mr. ELLIOTT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is not a Government agency or a department, a bureau, that has discharged its functions and duties with a higher type of efficiency and integrity than the Forest Service. It is one of the most important Government agencies we have. In the control of our watersheds, in restoration of our watersheds, and in control of floods, and our very existence is absolutely dependent on the function of the Forest Service of this Government. The Department of Agriculture wants to retain it, while another department wants to take it over and absorb it. I would like to comment on the personnel. It is the highest type to be found in any Government agency. The Forest Service should not be transferred for the best interests of agriculture as is, agriculture being the backbone of our Nation.

Let me say further that we must not forget the real extent to which we depend upon this able division of the Department of Agriculture. I do not believe the House will make any mistake in leaving it where it is. Very few times in my short career here have you heard me say a word, but I am asking the Democrats to support the amendment offered by the gentleman from Oregon. I think it is in the interest of good government to assure the perpetuation of a service that has meant so much to our Nation. I hope the amendment is adopted. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Utah to the amendment offered by Mr. MOTT: At the end of the amendment offered by the gentleman from Oregon insert the following: "of the Department of Agriculture."

Mr. MOTT. Mr. Chairman, so far as I am concerned I accept the amendment.

The CHAIRMAN. The gentleman from Utah is recognized for 5 minutes.

Mr. MURDOCK of Utah. Mr. Chairman—

Mr. COCHRAN. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. MURDOCK of Utah. I yield.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MURDOCK of Utah. Mr. Chairman, the only purpose of my offering this amendment at this time is that we have been advised that there are 14 different agencies of the Government now administering forest lands. I believe the gentleman from Oregon intends to exempt only the Forest Service of the Department of Agriculture. My amendment limits the exemption to the Forest Service of the Department of Agriculture and is offered only for the purpose of clarifying the amendment offered by the gentleman from Oregon.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Idaho [Mr. WHITE], is recognized for 5 minutes.

Mr. WHITE of Idaho. Mr. Chairman, I represent a district that contains the greatest concentration of national forests in the United States, the First Congressional District of Idaho. The land embraced in this national-forest area is not all forest land and the resources located in this mountainous section are not all timber. We have a number of Government agencies dealing with the undeveloped resources of the United States located within this section, within the boundaries of the national forests. We have within the boundaries of the district I represent what has been said by the Bureau of Mines to be one of the greatest undeveloped gold fields in the United States. Much of this country is isolated and inaccessible. Operating within this district also we have the Geological Survey, the Division of Public Grazing, the National Park Service, and a great many agencies all with divided authority and divided attention.

It is my idea that these lands should be committed to one management. Let me point out to the gentleman from Oregon that he was interested in a bill to create an entire new service, a new Forest Service, if you please, to administer the 2,500,000 acres of the Oregon-California land-grant forests which is under the jurisdiction of the Department of the Interior. We have today in the executive branch of the Government two Forest Services, one under the Department of Agriculture administering the national forests, and the other under the Department of the Interior administering the Oregon-California land grants, a duplication of service.

Let us pass this amendment, let us give somebody in the United States, to the President if you please, the man who is Commander in Chief of our Army and of our Navy, authority to put the forests under a unified control, under the same management. Let us pass this bill without this amendment.

Mr. MOTT. Mr. Chairman, let me ask the gentleman from Idaho the same question I asked the gentleman from Utah.

There are the O. and C. lands, and I know the gentleman is aware of the fact why they are in the Interior Department, because they have been there since they were revested 16 years ago. You could not put them any place else. Outside of that, does the gentleman know of any forest administered by the Interior Department that is similar in any way to a forest administered by the Department of Agriculture? In other words, are there not two distinct and separate jurisdictions and functions? The function of the Interior Department, insofar as forests are concerned, is to create national parks and conserve trees in them.

Mr. WHITE of Idaho. I did not yield for a speech. I want to use my own time.

Mr. Chairman, the gentleman has cited a divided authority. There are grazing districts within these lands that are interlaced with the national-forest lands under the jurisdiction of the Department of the Interior; and there are also some grazing lands under the jurisdiction of the Department of Agriculture. This involves some difficulty when it comes to cattle grazing on this land.

I have tried to have passed a bill to place all of this land in the national forests, so that there would be one authority, so that there might be order in handling the grazing of the cattle on public land, but I have been unsuccessful, due to

the controversy between the two Departments and the divided authority. These Departments are always at war and they are always in trouble with one another.

Let us carry out the provisions and intent of this bill and vote down the amendment. [Applause.]

[Here the gavel fell.]

#### NATIONAL FORESTS AND NATIONAL PARKS

Mr. CASE of South Dakota. Mr. Chairman, the gentleman from Utah [Mr. ROBINSON] said that there were several agencies operating these timberlands and implied that they should be under the same administration regardless of the purposes for which the timberland is operated. It does not seem to me that should be any more true than if we should say that regardless of the different purposes for birds in the country they should always be managed by a single agency. You can have birds for a circus, you can have birds for a zoo, or you can have birds for a poultry farm.

We have the National Park Service operating some timberlands for park purposes. We have the National Forest Service operating some timberland for a variety of uses. Each of those Departments in its particular field is doing a fine service. However, we have two entirely different aims, two purposes to be served.

I have seen both of these services operating in my district and I admire them both. It happens that my home town is the headquarters for the Harney National Forest, which I believe was the first forest in the country to be placed under the control and operation of the National Forest Service, in which they put into effect the principle of cropping the forest, supervising the cutting. Today the Harney National Forest stands first in the entire Denver region in the production of timber revenue to the National Government.

Mr. WHITE of Idaho. Will the gentleman yield? I think he has made a mistake.

Mr. CASE of South Dakota. The gentleman is probably proud of his forests, too. The fact is that the National Forest Service operates the forest from the standpoint of a multiple-use program. It recognizes that timberlands can be operated for grazing without interfering with the management of the timber for cropping purposes. It recognizes that mineral land within a national forest can be operated for mining without injuring timber as a crop. It recognizes, also, that you can use the national forests for certain recreational purposes without interfering with mining or timber cropping. All of these several purposes are carried out, one without interfering with the other.

When you come to the National Park Service you have a different proposition. Here the purpose is to maintain the forest in its primeval state. The National Park Service seeks to preserve the natural features of the timberland. You have an entirely different and proper park purpose to be served. The National Park Service does not want its timber cut. It does not want any mining carried on. It does not want any public recreation of the kind that would interfere with the preservation of the natural character of the timberlands. So you have two entirely different propositions.

Those of us who see them operate side by side are not aware of any conflict. In many cases timberlands of the National Forest Service are located alongside of forests of the National Park Service. I have seen the two operate in very close cooperation for fire prevention but each has a different primary purpose. The personnel of the Park Service is trained primarily to serve the traveling public; the personnel of the Forest Service is trained primarily to administer the forest for a multiple-use program of a timber crop, a grass crop, mining, and such additional public uses as can be carried on. I feel that the operation of the two should be kept separate and distinct, and I make this statement based upon personal observation.

Mr. SIROVICH. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New York.

Mr. SIROVICH. If we are to have economy why should not these 14 agencies be united into 1 group and each one subdivided to do the work the gentleman is talking



about? You people on this side stated when the bill came up this afternoon that you wanted economy, but when it hits home in your own State you are selfish enough to see that they act independently.

Mr. CASE of South Dakota. Ah, but the gentleman would not get economy; he would get waste and confusion. We are not objecting to the consolidation of timberland operations where there is the same purpose; the pending proposal only exempts the Forest Service of the Department of Agriculture. If the gentleman followed closely what I said, he would know that I was pointing out the fact you are leaving the way open for an unwise consolidation of two purposes that are entirely separate and distinct, and will mean waste instead of economy or efficiency.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman admits there are two forest services in operation, one operating under the Department of the Interior, administering the California-Oregon land grants, and another one administering the national forests. We have at the present time two forest services in operation. Does not the gentleman think they ought to be united?

Mr. CASE of South Dakota. The National Forest Service operates forests from the viewpoint of a multiple-use program, and that is entirely different from the park purposes of the National Park Service.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment. One of the greatest problems in the West is the control of grazing. A portion of the grazing area is under the supervision of the Forest Service, for whose fine work I have the highest regard. The grazing lands affected are not usually within the actual forests. The grazing lands are largely sagebrush and grass areas. Immediately adjoining them may be other areas of sagebrush and grass under the jurisdiction of the Interior Department. Sheep, cattle, and horses are grazed on this public domain under permits from the Government agency having jurisdiction. There should be only one agency. In eating its daily food the grazing animal does not know whether it is under the jurisdiction of the Department of the Interior or the Department of Agriculture. It may be violating the law, as a separate permit is required for grazing under each Division. There should be some consolidation of grazing activities. That will necessitate a change in the Forest Service organization, which the President will be empowered to make under the terms of this proposed act. The consolidation will be hampered by the amendment.

Mr. Chairman, I trust the amendment will be defeated.

Mr. MARTIN of Colorado. Mr. Chairman, I have three fine forest reserves in my district, and I am for the Forest Service just as strongly as any man in this House, but this is the practical situation I am up against. At the request of counties, towns, and civic groups who want these lands protected and reforested I introduce bills here to create small additions to national-forest reserves, and the Department of Agriculture approves the bills, and the Department of the Interior disapproves them, so they are hung across the fence, and we never get any action on them. I have had this situation existing for 4 or 5 years. These Departments hang onto these lands just as if they owned them. You never will correct this condition unless you put all the public domain under one jurisdiction. For that reason I am against the amendment. [Applause.]

Mr. COCHRAN. Mr. Chairman, if there are any agencies in the Government service that needs to be revamped it is the 14 or 15 agencies that are handling Government land. Here the gentleman from Oregon [Mr. MOTT] is attempting to take a very small unit in the Department of Agriculture and exempt it. How about all the other units in all the other departments?

You are now considering a unit of the Department of Agriculture for exemption which is the most outstanding propaganda outfit in the entire Government, the Forest Serv-

ice. I had photostatic copies of the letters of the forestry organizations and they are proof of the statement I just made.

Let me say further that I do not know why they are interested, although maybe some of the gentlemen who favor this amendment might know; but I want to tell you the big lumber interests of the western part of the country want this amendment adopted. Why? I do not know. I do not live in that part of the country where the great forests are, but when men who do live there tell you this amendment should be defeated, I know it should be defeated. I do not care where you put these units handling Government land, but they should all be under one head. When you talk about saving money, certainly you must admit that is the way to save it. You have heard how different agencies have their organizations alongside one another both doing the same kind of work, using the same kind of machinery. Picture, if you will, two adjoining farms and you have an idea of what this means. In this instance, however, the Government owns both pieces of property but two agencies, one controlling one part of the property and another controlling the adjoining one.

Mr. Chairman, Congress has placed on the statute books the laws that govern in administering these laws, and I say to you no matter what individual is in charge they are going to be administered as Congress intended they should be.

There might be some excuse for a Member offering an amendment to exempt some independent agency, but an attempt to exempt a small unit of an executive department is certainly out of reason. The amendment should be voted down. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oregon [Mr. MOTT].

The question was taken; and on a division (demanded by Mr. MOTT) there were—ayes 101, noes 148.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 3, line 21, insert the following:

- "(d) For the continuation of any temporary or emergency executive agency or function beyond the period authorized by law; or
- "(e) For the creation or establishment of any new executive agency to exercise any functions which are not expressly authorized by law in force on the date of enactment of this act; or
- "(f) For an increase in the number of executive agencies above the number in existence on the date of enactment of this act; or
- "(g) For the increase or extension of the legislative authority of any executive agency or part thereof transferred."

Mr. DIRKSEN. Mr. Chairman, the one happy circumstance about the deliberations of this Committee is that the members are acting in their free and independent right. You will recall the chairman of the committee handling this bill stated that it has never been sullied by contact with an executive department; it has never been profaned by coming before the eyes of Mr. Corcoran or Mr. Cohen. So far as anyone in this House knows, including the members of the committee, this bill may or may not be acceptable to the President of the United States. So we can operate intelligently, free of all influence and prejudice, as we consider the amendments.

It is difficult to interpret the action of the House this afternoon. If Dorothy Thompson or Walter Lippmann or General Johnson seek in their respective columns to evaluate the actions of this day, they are going to have some difficulty. Apparently we want economy in the Civil Aeronautics Authority because it has been rejected as an exempted agency, but probably not so much economy in the Retirement Board because it was included in the exceptions. We seem so anxious for economy in the Rural Electrification Administration, but we do want it in the Mediation Board. When you try to put it all together you are going to have a difficult time rationalizing this experience this afternoon, except to

say that we are voting some of our pet peeves and our pet prejudices.

However, one thing has happened. The Committee itself accepted an amendment offered by the gentleman from Indiana [Mr. LUDLOW]. It is written into section 3, on line 4, and provides that no reorganization plan under section 4 shall provide for the establishment of any new executive department. This means that the House is stating that no new Cabinet department shall be created under a reorganization plan. The Committee, under the leadership of Mr. COCHRAN and Mr. WARREN, has accepted that amendment.

Now, why do we not go a little bit further? Why do we not add to that other new executive agencies, which includes bureaus and commissions? The phrase "executive department" does not embrace a commission; it does not embrace a bureau. Why not write it in? That is what this amendment provides for. If you are going to be consistent in the interest of efficiency and economy, why not add the rest of the language so far as emergency agencies are concerned?

Under this bill you can consolidate an emergency agency with a permanent agency and very possibly translate and continue functions that you otherwise might oppose. Now, if you are interested in efficiency and economy, then support this amendment because it is in line with that purpose. It is what you have been asking for and it is what you have been protesting, and there should not be a vote on this side of the aisle against the pending amendment.

The amendment provides also that the number of agencies under any reorganization plan shall not be increased above the number that exists on the date this act goes into effect. The President could very well, conceivably, make two out of one—I do not say he will do it or that he will not do it, but I do say if you do not want the number increased, then let us state in the bill that the number shall not be increased above the number that exists at the present time.

Finally, if you want to be preciously careful that temporary and emergency functions are not extended by consolidation with some permanent bureau, commission, or agency, then you ought to vote for this amendment because it contains a provision against that possibility.

Now, Mr. Chairman, let us be fair about it. The President does not know what is in this bill. He has had no contact with it. It has not been referred to any executive agency. We are operating as independent legislators this afternoon. If you want efficiency, if you want economy, if you do not want new agencies created, then vote for this amendment. You have already stated and the committee has stated that no reorganization plan shall provide for the creation of a new executive department. This is the language of the Ludlow amendment that was adopted this afternoon. In all harmony and consistency let us go a little bit further and adopt this amendment, because it is language that was taken from the proposal made by the Senator from Virginia. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

In the first place, the amendment has no place at the point in the bill where it was offered by the gentleman from Illinois [Mr. DIRKSEN]. The gentleman has picked this up from a colloquy between the gentleman from Virginia [Mr. ROBERTSON] and myself yesterday afternoon. Early this morning, several hours before the House was in session, an amendment to clarify what I stated to the gentleman from Virginia [Mr. ROBERTSON] was very carefully prepared. I hold it in my hand and it is to be offered by the gentleman from Virginia [Mr. SMITH] as a new section. The gentleman from Illinois has gone much further than we have gone here. He provides, if I catch it right, that the President cannot even set up a new bureau or a new board. Such a restriction would absolutely defeat any form of reorganization.

We provided originally, and clarified the provision today, by the amendment of the gentleman from Indiana [Mr. LUDLOW] that he cannot create a new department of the

Government. No such power or authority as that has ever been even contemplated.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WARREN. I yield.

Mr. DIRKSEN. I am fearful the gentleman has not carefully read the language so far as the creation of a new agency is concerned. The language is "for the creation or establishment of any new executive agency to exercise any functions which are not expressly authorized by law in force on the date of the enactment of this act." It does not stop the President from creating any new agencies.

Mr. WARREN. I assure the gentleman that the amendment which I now hold in my hand, which will be offered by the gentleman from Virginia [Mr. SMITH] provides for that; but, as I understood from the gentleman's speech, he goes much further than that, and I would suggest to the gentleman, if he is interested, he should withdraw his amendment now and incorporate it as a new section in the bill, although I will not support the amendment offered by the gentleman because it goes too far. However, the amendment I have referred to has been very carefully worked out and is in line with what was stated to the House and upon which we gave assurances yesterday.

Mr. DIRKSEN. Mr. Chairman, I do not feel impelled to withdraw the amendment because the provision that is to be offered later contains only one provision of the amendment that is now pending at the desk.

Mr. WARREN. I ask that the amendment be rejected on the grounds it would defeat the purposes of reorganization.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division, (demanded by Mr. DIRKSEN) there were—ayes 101, noes 157.

So the amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 3, line 9, as amended, strike out "Civil Service Commission."

Mr. NICHOLS. Mr. Chairman, I am deeply interested in the reorganization of the governmental departments and agencies. I hope that that reorganization will be carried on by the Chief Executive for the purpose of promoting efficiency in government and economy in government. I think that most of the Members of this House will agree with me that probably the biggest octopus on government today is the so-called merit system designated as civil service. I want to see in the Government of the United States a merit system and I would like to see a system inaugurated which would permit Government employees to hold their jobs only so long as they hew to a constant line of efficiency.

I would like to see a law on the books which would compel the discharge of Government employees when they go a certain distance below a constant line of efficiency, but I would like to see that law provide that promotion and advancement in salary could only be given when they have gone a certain distance above a constant line of efficiency; and to my amazement I find exempted under this bill the Civil Service Commission. I am not interested in the Commission nor any of the members of the Commission. I know none of them and have no brief for or against them, but I am interested in the system; and gentlemen know, if they have made any study of the proposition, that a cloak of protection called civil service is covering more inefficiency in this Government than anything in existence in Government today; and if we are going into reorganization—and I am for it—then let us not hide and cover up and protect from reorganization the one department of Government that needs reorganization worse than any other department in the Government. I would like to see the Chief Executive send to this Congress recommendations that would put into force and effect a real merit system. I would like to see it fixed so that you could not have blanketed into the civil service the cousin of a friend of the administrator of some department. [Applause.] I would



like to see a law written that would be so just in its operation that a recommendation from a Congressman would not guarantee an applicant for civil service that he could get a job under civil service. I would like to see an honest merit system put into operation, and the only chance to do that is to adopt this amendment, which will take the Civil Service Commission from among the exemptions in this bill—and I do not have much fear but that this amendment will be adopted by this House.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment. I think I know the feeling on this side of the House in reference to this amendment, but I am particularly interested in knowing how our friends on the minority side will vote on this particular amendment. It will be interesting to observe it. As we know, in the omnibus bill that was defeated last year, one of the titles contained provisions for reorganization of the Civil Service Commission. Many able Members of this House, and especially on the Democratic side, as well as the entire Republican minority, stated that they were bitterly opposed to that title of the bill. This is one of the things where we have to try to meet on a common ground, as I said before, to evaluate, if you please, just what were some of the objections dealing with this entire problem of reorganization. Therefore, we have decided, so far as the Committee on Government Reorganization is concerned, to abandon that phase of the problem. We have a standing committee here in the House, headed by the able gentleman from Georgia [Mr. RAMSPECK], and if there is any reorganization or legislation along civil-service lines, we feel that it should not come from the Reorganization Committee, but from our own efficient House committee, and I therefore ask that the amendment be rejected.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last word. The speech of my friend from Oklahoma [Mr. NICHOLS] comes as somewhat of a surprise to me. The gentleman from Oklahoma [Mr. NICHOLS] stood on this floor during the last session of Congress and proclaimed to the world that he was in favor of the spoils system and opposed to the merit system, and that occurred when we had under consideration the bill placing postmasters under civil service. Therefore, it is hard for me to understand his conversion here this afternoon as expressed on the floor. However, I am happy to welcome my distinguished and able friend from Oklahoma into the ranks of those who profess to believe in a real merit system, and I hope that he will join me later in this session when I bring in legislation to provide a real merit system for the entire Government service.

So I welcome the gentleman into the ranks of those who believe in the merit system.

May I say frankly that I am not satisfied with the present civil-service system. There are many improvements I would like to see made in it, but when you have had your back to the wall, fighting for existence, it is hard to make improvements. The President of the United States last June issued an Executive order to improve the merit system. It went into effect on the 1st day of February 1939, and if this Congress gives the Commission the funds to carry it out we will have a real personnel system, a real personnel officer in every department of this Government, and I think you will see many improvements in the operation of the merit system.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. NICHOLS. Does my memory serve me correctly that my distinguished friend from Georgia was on the floor last year when the reorganization bill was being considered, making an able argument in support of keeping in the bill the provision which would give the Chief Executive the right to reorganize the Civil Service?

Mr. RAMSPECK. Oh, the gentleman well knows I voted against the reorganization bill last year because it contained a provision permitting the abolishment of the bipartisan Civil Service Commission and the substitution of a single

administrator, who it was admitted, could be discharged by any President at any time. [Applause.]

I never expect to support any such legislation. That is why I am opposed to the gentleman's amendment, because I want to retain the bipartisan characteristics of the Civil Service Commission. I hope the Members of this House will not vote for the gentleman's amendment. I say to you on absolute authority that the American Federation of Labor asked its friends in this House last year to oppose the reorganization bill because of that very fact, that they wanted to retain the bipartisan Civil Service Commission. I do not believe you can have nonpartisan administration of any agency of this Government. I think the nearest we can get to it is bipartisan. I think the minority must have representation in the operation of any merit system if we are to keep public faith in that system. For that reason I hope the amendment offered by the gentleman will be defeated, so that we can go along in an orderly way, through the regular legislative committee, in our efforts to improve the merit system. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 3, line 10, strike out the words "Coast Guard."

Mr. SCHAFER of Wisconsin. Mr. Chairman, I call upon the "daddy" of this bill, the distinguished new dealer from Missouri [Mr. COCHRAN] to support this amendment and practice what he has preached on the floor of the House while opposing and supporting other amendments considered this afternoon.

Is there any valid reason why the Coast Guard, which is not a quasi-judicial branch of the Government, should be exempted? I served with the gentleman from Missouri [Mr. COCHRAN] on the Committee on Expenditures in the Executive Departments prior to 1932, when I was swept out of Congress by the New Deal tidal wave.

He knows that at that time there were presented to the Committee on Expenditures positive facts indicating that great savings could be made by consolidating certain activities of the Coast Guard with certain activities of the Immigration Bureau, certain activities of the Customs Bureau, and certain activities with reference to the enforcement of prohibition. Why does not the gentleman from Missouri support this amendment and allow the President to consider savings which might be made if Coast Guard activities are consolidated with other activities of government? If the President can effect some savings for the taxpayers' Treasury by consolidating the Customs Service with other Government activities, he should not be prevented from doing so. Why is the Coast Guard, a non-quasi-judicial body, exempted under the present bill? Is it exempted so you can hold a number of votes in line for this bill, or is it because you do not trust your own New Deal President?

If those in charge of this bill mean what they have said that they are in favor of having their President effect savings, I ask you to show that you meant what you said. If you are not going to accept this amendment I ask you gentlemen in charge of this bill to present some valid facts or reasons why you cannot trust your President to do the right thing for the Coast Guard. I know you do not like to hear the facts. You are going to hear a great many facts from now on that you do not like to hear. I intend to stand in the well of the House, under my oath of office and under my constitutional right and the rules of the House, and tell you the facts as I see them. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I think I can answer the gentleman in just two sentences. In the first place, the Coast Guard has already been reorganized, and under the

statute law immediately upon a declaration of war, without any action on the part of the Congress, the President, or anyone else, it automatically goes under the Navy. In times of peace it is under the Treasury Department, enforcing customs regulations and acting as messengers of mercy throughout this land.

I therefore ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 3, line 14, strike out "National Labor Relations Board."

Mr. HOFFMAN. Mr. Chairman, all that the gentleman from Pennsylvania [Mr. ALLEN] said about the Coal Commission can be said with equal truth about the N. L. R. B. The American Federation of Labor undoubtedly had much to do with the writing of the N. L. R. A. It had apparently nothing, or little, to do with the selection of the Board members. Since those members have been acting and the Board has been handing down decisions, the A. F. of L. has charged, and has supported its charges by evidence that cannot be disputed, that the Board in many cases has been biased and unfair in its decisions. The A. F. of L. in effect has charged, not once but many times, that the Board has acted as the organizing agent of a rival union.

There can be little question in the mind of anyone present but that the N. L. R. A. will sooner or later be amended. The whole difficulty cannot be charged to the terms of that law. Part of the trouble, much of the trouble, comes from the interpretation and the administration of the law. We know now that the President has asked the representatives of the two great rival labor unions to meet down here, and they did meet yesterday at the White House in order to adjust their differences if possible. We have had industrial strife between employer and the employee for the past 2 years that has caused the major portion of our unemployment and of our national loss. We are now having strife between the two great rival labor organizations. The parties to the battle, to a large extent, have shifted, and the trouble now is mainly between the rival labor organizations, not between employer and employee. So long as the President has asked the representatives of these two unions to meet together and to adjust their differences, why should we not place in his hands now the opportunity and the responsibility of calling in at the same time the members of the Board, the gentlemen who were appointed by him, for whose actions he is responsible, who have been interpreting, who have been enforcing this act, and let him have before him or before the Secretary of Labor all three of the parties who through consultation and a presentation of their ideas do much to arrive at a common ground of understanding, and bring nearer the end of this controversy and see if we cannot arrive at some peaceful solution of the present trouble, which must end soon if we are to have renewed business activity.

Some may say over there on the Democratic side that I do not like to place in the hands of the President the necessary authority, and that is the great argument that we have made against many of the provisions of this bill. My reason for giving to him the authority to act in this particular case is because he has the representatives of these two great organizations before him. He appointed and is responsible for these three men who are administering this law; and the Board's activities have in the judgment not only of the employers but of many employees and of the American Federation of Labor been so biased, so unfair, so un-American that it cannot be any worse; and this action may do some good. It will give the President the opportunity to exercise his great power to bring about peace here at home, where the two warring factions have made a battleground on industry's field. [Applause.]

[Here the gavel fell.]

Mr. ANDERSON of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, very few times have I ever come into the Well of the House and asked the support of any Member of this House for any bill or any amendment. Time after time I have supported amendments; and I defy any Member of this House to show where at any time I have ever voted against a legitimate labor bill of any kind in this House. My father was a laboring man. For years he held a card in a legitimate labor union. After graduation from law school in 1924 I represented a majority of the labor unions in the city of St. Louis. When I was elected prosecuting attorney in 1932 I had the whole-hearted support of union labor. In 1934 I again had the whole-hearted support of union labor for reelection. When I came to Congress in 1936 I had their support again; and last year I had the support of the American Federation of Labor.

I know anything I may say will not get one vote on the Republican side of the House. What few votes we get on this side will be gotten because the Members on the Democratic side know I am right in this contention. Gentlemen, if there is one branch of the service that should be reorganized, it is the National Labor Relations Board. It has done more to cause labor unrest than anything else in this country. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. For one question; yes.

Mr. COX. Does the gentleman not think it would be well to leave this agency in the position where the bill places it and let Congress later, by direct treatment of the problem, deal with this outfit as its scandalous performances demand? Let me say to the gentleman that I am in complete sympathy with him in his effort to straighten up or else to wipe out this agency which has so disgraced the Government in bringing it into existence because of its manner of performing under the law. [Applause.]

Mr. ANDERSON of Missouri. I thank the gentleman for the suggestion, but I think this matter should be corrected now by reorganization; if there is one branch that should be reorganized it is the National Labor Relations Board. I do not care about big business. The little-business man in my district, who has 10 or 15 employees, are the ones that have suffered from the misconduct of this agency. It is up to us to give him a helping hand in his struggle. But, if the Civil Aeronautics Authority is not exempted under this bill; and if the T. V. A. is not exempted under this bill, then the National Labor Relations Board should not be exempted; it is the same sort of an agency.

Mr. Chairman, we should support this amendment and let the little-business man back home know that we are with him, and that this body intends to straighten out the labor trouble in this country, and start us out again on the road to prosperity. Thank you. [Applause.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the question whether we approve the actions of the National Labor Relations Board or the statute that set up this Board certainly is not involved in the pending question in any way.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. If the Civil Aeronautics Authority should be reorganized and if the T. V. A. should be reorganized, does not the gentleman believe the Labor Relations Board ought to be reorganized also? What is the difference?

Mr. WARREN. There is a very decided difference. The National Labor Relations Board is a quasi-legislative agency set up by an act of Congress, and for this reason it was placed in the list of exemptions. As I have just stated, we should not be governed by our prejudices or by our likes or dislikes in reference to this Board, because that is entirely beside the question and has nothing to do with it. This particular agency was placed in here because it is a quasi-legislative agency.

Mr. Chairman, I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].



The question was taken; and on a division (demanded by Mr. HOFFMAN) there were—yeas 114, noes 140.

So the amendment was rejected.

Mr. HAWKS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HAWKS: Page 3, lines 17 and 18, strike out "The United States Tariff Commission."

Mr. HAWKS. Mr. Chairman, a great many amendments have been offered to this bill. We have just heard an argument for the reorganization of a certain department of our Government. I am offering my amendment not that we may reorganize one of the bureaus but rather that we might liquidate it.

The United States Tariff Commission is not functioning, has not been functioning, will not function, and cannot function so long as we have favored nations and just so long as we have reciprocal-trade agreements. The statement was made on the floor of the House the other day that in a great many States in 1938 the elections were won by Republicans because of local issues. I would like to call the attention of the House to the fact that in a great many States, including some of those mentioned by the gentleman the other day, reciprocal-trade agreements did more to elevate Republicans to public office than any other factor in the election.

Why am I up here advocating the elimination of the United States Tariff Commission? I am here advocating its elimination to save money. I am perfectly willing to turn this matter over to the President of the United States and let him effect a saving to the American taxpayers of approximately \$1,000,000, if he so desires. In fact, the correct figure is \$907,798.

There are six Commissioners, each of whom receives a salary of \$11,000 a year. The employees of that Commission receive in salaries \$762,371.

The claim is made that this bill is offered to save some money. You maintain it is an economy bill, still the United States Tariff Commission is put under the exempted provisions of the bill.

Mr. Chairman, this Commission is not functioning. It has done more to injure labor, the farmer, and industry of this country by its refusal to act, its refusal to defend labor, agriculture, and industry, than any other one branch of our Government. Every single function of this Commission is in the hands of the State Department today, and the State Department through reciprocal-trade agreements is pushing labor, farming, and industry deeper into despair.

Here is an opportunity to save the taxpayers a million dollars. Why not kick that agency out of this bill and put it in the hands of the President of the United States, and let him say, "Here, you are not functioning; you are not earning your salt; you are not doing the people of this country any good. I am going to get rid of you."

Because this Commission is not functioning, 11,000,000 or more men are today unemployed. Think of that. Our farmers are in worse circumstances today than they have ever been, and this dates back to 1920 when the agricultural depression began.

Talk about favored nations. What has happened to the favored people of the United States? Do we always have to think of other nations? Are the people of those nations more favored than our own kin and our own kind? Are not the twelve, thirteen, or fourteen million unemployed people of this country more a problem of ours than the problems of Canada, Great Britain, and France and should we not consider our own unemployed ahead of the people of foreign nations?

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. HAWKS].

Mr. Chairman, the question of reciprocal tariffs does not enter into this matter at all. The United States Tariff Commission is a quasi-legislative body just the same as the Inter-

state Commerce Commission. That is the reason it was placed in here.

Mr. Chairman, I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. HAWKS].

The amendment was rejected.

The Clerk read as follows:

SEC. 4. Whenever the President, after investigation, finds that—  
(a) the transfer of the whole or any part of any executive agency or the functions thereof to the jurisdiction and control of any other executive agency; or

(b) the consolidation of the functions vested in any executive agency; or

(c) the abolition of the whole or any part of any executive agency or the functions thereof, is necessary to accomplish one or more of the purposes of section 1 (a), he shall—

(d) prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan. Such plan shall also—

(1) designate, in such cases as he deems necessary the name of any executive agency affected by a reorganization and the title of its head;

(2) make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition;

(3) make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation is originally made;

(4) make provision for winding up the affairs of the executive agency abolished or the affairs of the executive agency with respect to the functions abolished, as the case may be; and

(e) transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (a), (b), or (c) of this section and specified in the plan, he has found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

The President, in his message transmitting a reorganization plan, is requested to state (in such cases and to such extent as he deems advisable) the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations specified in the plan.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 5, line 20, strike out the period and insert a comma and the following: "and shall submit a detailed report showing the increase or decrease of expenditures that will result from such plan."

Mr. TABER. Mr. Chairman, this amendment is offered so that when the President submits a reorganization plan he shall tell the Congress what saving he figures will be made as the result of the proposed reorganization. There is nothing in the bill as it is submitted by the committee that requires such a report. This is the only way the Congress has of finding out the facts and having anything to go by when it considers the reorganization. I hope the majority members of the Committee will see fit to cast aside partisanship for once in the consideration of this bill, and consider this amendment on its merits. It is to my mind very important that this information be given to the Congress when a plan is submitted.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The proposal which the gentleman submits is entirely in keeping with the practice followed by large corporations when a production manager or any other department head recommends to the policy-forming board or committee that changes be made in the general set-up of machinery or otherwise.

Mr. TABER. It is exactly the same.

Mr. CRAWFORD. As I understand the gentleman's proposal, the Congress has nothing to act upon insofar as economy is concerned unless this information is submitted with the plan.

Mr. TABER. The gentleman is correct.

Mr. Chairman, I hope the amendment will be accepted.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this certainly is a late hour for the gentleman from New York or anyone else on the other side of the aisle to raise the question of partisanship, when we have seen that side of the House voting practically as a body over the whole afternoon.

We are opposed to the amendment offered by the gentleman from New York because he seeks to require the President to submit a detailed report showing the increase or decrease in expenditures that will result from the plan. If we want to be reasonable about it, we know that such a detailed report as the amendment calls for is almost impossible to procure. It is my purpose as soon as this amendment is disposed of to offer a committee amendment to that same section striking out the lines in the brackets in lines 17 and 18 on page 5 and making it mandatory upon the President to state the reduction of expenditures which it is probable to make. For that reason I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WARREN: On page 5, lines 17 and 18, strike out "is requested to state (in such cases and to such extent as he deems advisable)" and insert in lieu thereof the words "shall state."

The amendment was agreed to.

The Clerk read as follows:

Sec. 5. The reorganizations specified in the plan shall take effect in accordance with the plan:

(a) Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) If the Congress adjourns sine die before the expiration of the 60-day period, a new 60-day period shall begin on the opening day of the next succeeding regular or special session. A similar rule shall be applicable in the case of subsequent adjournments sine die before the expiration of 60 days.

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: On page 6, line 1, after the word "the", strike out the words "two Houses a concurrent" and insert in lieu thereof the words "Senate or the House of Representatives a", and in line 2 of said page, after the word "that", strike out the words "the Congress" and insert in lieu thereof the word "it," so that subsection (a) of section 5 which it is proposed hereby to amend will read as follows:

"Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the Senate or the House of Representatives a resolution stating in substance that it does not favor the reorganization plan."

Mr. SUMNERS of Texas. Mr. Chairman, in view of the fact that some constitutional question is involved, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I very much hesitate to interpose a proposed amendment to a carefully considered bill that comes from another committee, but I believe this amendment ought to be incorporated in this bill.

Let us consider our ordinary method of procedure in determining policy. The President, for instance, if he is disposed to, sends down a message suggesting legislation. This reorganization would be akin to that. It requires the two Houses to express the will and judgment of the Congress. If either House fails to agree it is not an expression of the will or judgment of Congress. This proposed amendment holds the procedure with regard to these suggested reorganizations by the President in harmony with the general plan of procedure as between the President and the two Houses of Congress.

There is another angle I should like to submit to the consideration of the Committee, for whom I have the highest respect. It is my judgment, and I submit it to your consideration, that when we have a situation where there is sufficient opposition in one of the two Houses of Congress to a proposed reorganization to cause that House to initiate a resolution and support that resolution by an affirmative declaration of opposition, it is not wise in that situation to force that sort of a reorganization.

Let me state it another way: For a reorganization to be forced through which is against the judgment of one of the two Houses gives rise to an element of friction and discord between the Executive and that House that it is not worth the price paid for it.

In view of the fact I understand there is some notion of constitutional difficulties about having one House opposed to a proposed plan of reorganization to prevent its consolidation, I venture the opinion, and I have no uncertainty about it, that we may provide just as well for a resolution by one House to prevent a reorganization, from a constitutional standpoint, as we can by a resolution by both Houses. The two Houses do not constitute the Congress insofar as their power to legislate is concerned.

I am grateful to the Committee for giving me more time upon the amendments. I believe I have stated the main things that may not have occurred to those of you who have considered the matter, and I should like to yield to interrogation from Members of the Committee. I know you will credit me at least with the purpose of trying to be helpful.

Mr. WARREN. Mr. Chairman, will the gentleman from Texas yield?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. WARREN. I understood the gentleman to say that the two Houses do not constitute the legislative power. I wish the gentleman would elaborate on that.

Mr. SUMNERS of Texas. All right; it requires explanation.

A concurrent resolution by the two Houses of Congress which proceeds no further than that does not make a law. We know that. The two Houses of Congress are required under the Constitution to submit that thing which they agree to to the President to take the judgment of the President with reference to it. Now, you do not contemplate with regard to this particular resolution that it shall go further than the resolution agreed to by the two Houses of Congress, which my colleagues will agree does not constitute a law.

That is what I am trying to say. It is not a law, it is simply an expression of the attitude of the two Houses of Congress, and if it is effective at all it is effective because you so provide in this bill and not because of any constitutional grounds.

May I now make this observation? I am not certain, because I have not examined it, but if I may assume that you gentlemen who have drawn this bill are certain that a concurrent resolution, as you have provided, may be incorporated in the bill and that the concurrent resolution will prevent the going into effect of a reorganization, I have no hesitancy in giving assurance—and it is without proper consideration—but I have no hesitancy in giving assurance you may do the same thing with a resolution of opposition by a single House.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. GAVAGAN. Do I understand the gentleman correctly to say that in his opinion the exercise of the power of a President to ratify or to veto the act of Congress is the performance of a legislative function by the President?

Mr. SUMNERS of Texas. I would like not to go into the question of the power of the veto. It is a part of the arrangement provided for in our Constitution for the enactment of legislation, and will the gentleman please excuse me and not draw me into a detailed discussion of that matter.

Mr. GAVAGAN. I will excuse the gentleman, but I understood the gentleman's main argument to be that the President was exercising a legislative function.

Mr. SUMNERS of Texas. No.



Mr. BANKHEAD. Mr. Chairman, will the gentleman yield to me for a question?

Mr. SUMNERS of Texas. I yield to my distinguished friend, the Speaker.

Mr. BANKHEAD. Do I understand that the gentleman's amendment is based upon his conception that it is not a wise thing, from a standpoint of policy, that this bill be passed as it is or is it based upon constitutional objections?

Mr. SUMNERS of Texas. It is not based upon constitutional objections. I may say very candidly to my friend that you can just as well provide, insofar as the Constitution is concerned, for the holding up of a reorganization by concurrent resolution as you can by opposition of a single House, and, vice versa, you can provide just as well by opposition of a single House as by concurrent resolution.

Mr. BANKHEAD. So the gentleman's conclusion is based upon one of policy rather than law?

Mr. SUMNERS of Texas. That is true, but I would like to qualify that a little. Our plan of legislation is to take the agreed judgment of the two Houses, plus the agreement of the President, speaking generally, before a thing becomes operative as a law. That is our policy of legislation, and the language I suggest is in harmony with that policy.

Mr. MURDOCK of Arizona. Since the gentleman proposes this amendment as a matter of policy, the gentleman wishes to get away from the provision in the present bill which might permit one House by refusing to take action to thus permit the President's proposal to become a law.

Mr. SUMNERS of Texas. In a way I think that is true. Under our plan of operating our Government, it takes the agreement of the two Houses of Congress to express the judgment of the policy-fixing agency of the Government, which is the Houses of Congress. Now, the thing I suggest merely carries that general policy of government, which we recognize everywhere, into this arrangement.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MAY. Does the gentleman think there is any constitutional question involved in the course pursued here by reason of the fact that we pass a resolution or a bill, if you wish to call it that, which makes it possible for one branch of the Congress by failure to act, to prevent the other branch from having a say in a matter that becomes effective affecting what would otherwise be legislation?

Mr. SUMNERS of Texas. I wonder if my friend will permit me to answer his question in this way? The amendment which I propose raises no new constitutional question.

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, if a question of law or of constitutionality were involved, I would rise with great temerity to debate with the distinguished gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary, but under the questioning of the Speaker of the House, who has just participated in this debate, he admits that there is no question of constitutionality, but that it is one solely of policy. The reason why a simple resolution is much weaker constitutionally is that if the two parts of the legislative branch of the Government are in agreement, then there is no violation of the doctrine of separation of power. A simple resolution represents the judgment of only one House, and not the two Houses of Congress. The legislative power of Congress is not exercisable by a simple resolution. It is exercisable only by a resolution to which both Houses agree. To the extent that there is any question about the validity of such a provision, it is in the opinion of the Attorney General Mitchell under Mr. Hoover's administration.

Now, as to policy. This provision such as now proposed by the gentleman from Texas [Mr. SUMNERS] was incorporated in the almost unlimited grant of power that we gave former President Hoover. As has been previously stated, Mr. Hoover's own Attorney General, Mr. Mitchell, in an exhaustive opinion, said that a resolution of either house which would tend to stop an Executive order by the President—and while that was called an order, we call this a plan—was clearly invalid on its face.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SUMNERS of Texas. Did Attorney General Mitchell indicate that if that had been a concurrent resolution the question would have been at all different from the one presented?

Mr. WARREN. It is not my recollection that he did.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. COX. Yes; the Attorney General in that opinion held that nothing short of legislation would suffice to set aside an Executive order.

Mr. SUMNERS of Texas. A concurrent resolution is not legislation.

Mr. COX. That is very true, and the Attorney General held in that opinion that a concurrent resolution would not be sufficient to vitiate an Executive order.

Mr. SUMNERS of Texas. That is all right.

Mr. WARREN. Mr. Chairman, confronted with the opinion of the Attorney General while President Hoover was still in office, because this opinion was rendered January 24, 1933, I think the Congress, both Houses, if you please—and I am coming now to the question of policy that the gentleman has brought up—unanimously amended the act in two important respects. We struck out of it the objections raised by the Attorney General, to wit, a resolution by either House, and then we struck out the unlimited time feature, and limited it to a 2-year period. All of us at that time recognized—and it is the first time I have heard it said since that it was not—that the opinion of the Attorney General was sound, and we therefore made the change in the Hoover act. There is a rule in part 2 of the bill which provides for the consideration of the plan submitted by the President. The distinguished gentleman from Texas asks if it would not be a good thing if the country were aroused over some particular plan that might be sent down here and if one House was overwhelmingly opposed to it, to stop it there. Why, if that should happen in the House, if such an order should be disapproved according to the rules that we have laid down in part 2, that resolution would immediately go to the other body, and there any one Member of the Senate, any one of the entire 96, who might be opposed to that plan or anything in that plan, could simply rise and offer the resolution coming from the House or one of his own as a privileged matter, and there get a vote on it after 10 hours of debate.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COX. Mr. Chairman, I move to strike out the last word. I must defend the concurrent resolution provision of the bill. That provision, in my opinion, is unquestionably valid. Some misunderstanding as to the application of the Mitchell opinion to the question before us grows out of the fact that there is a difference between the bill before the Congress in 1932 and the bill that is now before us. In the legislation of 1932 legislative power was being delegated to the President to provide for reorganization by Executive order. Attorney General Mitchell rendered an opinion that an Executive order made under the grant of legislative power could not be vacated or set aside by any congressional action short of legislation. It is perfectly apparent to the membership of the House that this bill was drawn with the view of naming the President as the ministerial agent of the House rather than vesting in him legislative power, and therefore the provision contained in this bill whereby Congress may vacate any action taken by the President by concurrent resolution is perfectly valid, because it is a condition subsequent and is a part of the law itself.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SUMNERS of Texas. I ask my distinguished colleague if there is any difference between the constitutional status of a concurrent resolution and a resolution by one House.

Mr. COX. Let me say to my friend that because of the great concern of my colleagues on the Reorganization Committee, the gentleman from Missouri [Mr. COCHRAN] and the gentleman from North Carolina [Mr. WARREN], I experience great embarrassment in answering the gentleman's question, and yet I must not take the attitude of trying to conceal any honest opinion that I may entertain with respect to the proposition. I say to the gentleman, in answer to his question, that there is no difference whatsoever; that if it is within the competency of Congress to provide for vacating a plan that might be submitted under the bill by the President, by a concurrent resolution, it is of course equally within the right of Congress to provide that the order might be vacated by a simple resolution of either body.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am opposed to the amendment offered by my distinguished colleague from Texas [Mr. SUMNERS] because I am sincerely in favor of reorganizing the departments of the Government. In making that statement I do not intend to imply that my colleague is not also in favor of reorganization. I simply think that if this amendment is adopted there is strong probability that in the future no reorganization may come about. We have heard expressions in this House in the last 2 days that would indicate a probability that if in the future either House of the Congress was not in accord with the political views of the occupant of the White House, who had brought forward a plan of consolidation, that that House, be it this one or the Senate, would in all probability veto any reorganization bill presented by a President that they did not like politically or that they did not like personally.

I think it would be very safe for the membership of this House to follow the considered judgment of this committee, which has labored so long. [Laughter.] Well, the committee has been organized for more than 2 years and has given great consideration to this matter. I do not mind that sort of disorder, Mr. Chairman. I sometimes expect it. But I think it would be wise for us who really want reorganization—and I think the vast majority of the Members of this House do feel the necessity of some kind of reorganization—if we followed the considered judgment of this committee and made it so that before a plan of reorganization could be vetoed that it require the action of both bodies constituting the Congress of the United States. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SUMNERS].

Mr. RANKIN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Texas [Mr. SUMNERS].

There was no objection.

The Clerk again reported the amendment offered by Mr. SUMNERS of Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were ayes 153 and noes 133.

Mr. WARREN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SUMNERS of Texas and Mr. WARREN to act as tellers.

The Committee again divided; and the tellers reported that there were—ayes 176, noes 155.

So the amendment was agreed to.

Mr. KLEBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLEBERG: Page 5, line 21, to page 6, line 9, strike out all of section 5 and insert in lieu thereof:

"Sec. 5. The reorganization specified in the plan shall not become effective until after the enactment of a joint resolution specifically approving such plan. Any such joint resolution shall provide for the approval of such plan as a whole, without modifications, and shall contain no other provisions. If any such joint resolution providing for the approval of any such plan is

introduced in either House, it shall at once become the special order therein and that House shall proceed to its consideration, without reference to a committee; and, not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after the day on which such joint resolution was introduced, a vote shall be taken in that House on the question of the passage of a joint resolution approving such plan. If any such joint resolution is passed by one House, it shall be sent to the other House, and that House shall immediately proceed to its consideration, without reference to a committee. Not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after it has received such joint resolution, a final vote shall be taken in that House on the question of the passage of such joint resolution. No notice or motion to reconsider the vote shall be in order."

Mr. KLEBERG. Mr. Chairman, the hour is late and I know the patience of the membership of this Committee is at a low ebb. It will not be necessary for me to make any lengthy statement in explanation of the simple amendment which has just been read by the Clerk. It is the Wheeler amendment, an amendment offered in another body during the consideration of the reorganization bill offered in the last session of Congress.

I am deeply sorry that it is necessary for me to take the time of the House on this occasion to belabor you with still further consideration of matters in the bill under consideration which many of you know should be changed, but I must offer this amendment in order to keep a promise repeatedly made in public utterances in my district. That promise was that not by my voice or my vote would a single proposition be advanced to curtail the voice of those whom I represent, or of the people of the United States in the halls of state. [Applause.]

I feel a deep and abiding friendship for every member of the hard-worked Special Committee on Reorganization of the Executive Branch of the Government, because it is well known to every member that this committee has worked hard to satisfy the membership of this House by presenting a bill on which the Members could agree and reach an accord for the reorganization of the executive branch of the Government; and it is with that exact purpose in mind that I take the floor here this evening and urge you to go back to the simple, well-known, time-honored form of the functioning of representative democracy in order to accomplish that end.

Mr. Chairman, I can see no earthly reason for all of the devious methods of approach to the question of asking the President to reorganize the executive branch of the Government that have been discussed in connection with this bill and which have been presented to us, asking the Congress of the United States to accept a position where by negative action only can they express the wish of the people or the voice of those whom they represent. There has never been in my meager observation and knowledge any like proposition.

Mr. Chairman, it will be said when my 5 minutes are over, that the proposition I have to make will destroy this bill and we had just as well not attempt to reorganize the executive branch of the Government. I am not willing, Mr. Chairman, on this or any other occasion, to stand before the country and acknowledge the incompetence of the legislative branch of this Government to perform its constitutional functions. [Applause.]

Mr. Chairman, it is patent to even a high-school student that under this bill, under the amendment as offered by myself, when a proposal comes from the Chief Executive acting as the agent, if you please, of the Congress being requested to reorganize the executive branch of the Government, that proposal can just as well be acted upon by vote of the House in an affirmative fashion as it can by a vote in a negative manner as suggested in this bill. [Applause.] I cannot therefore accede to an argument that would claim that it is not possible to reorganize the Government by the method I propose, or that this amendment would destroy any effective effort to that end. I hope the membership of this House will adopt this amendment.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.



Mr. HOOK. If this amendment be adopted would it supersede the amendment offered by the gentleman from Texas [Mr. SUMMERS] that the House just adopted?

The CHAIRMAN (Mr. McCORMACK). In reply to the parliamentary inquiry, it is the opinion of the Chair if the pending amendment is agreed to it will supersede the amendment recently adopted by the Committee of the Whole.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. KLEBERG].

Mr. Chairman, we have now approached the very heart and essence of the entire bill. The gentleman from Texas proposes to do nothing whatsoever than stand up here and reiterate the present law of the land. He does not propose to write into this legislation one single, solitary thing that is not already guaranteed to the President of the United States under the Constitution. He comes up with a dagger and tries to strike this whole proposition down. I would not be fair with the House, I would not be fair to myself and to the committee if I did not tell you that if the amendment is agreed to then we shall move to table the bill, and let it be said that the death blow came from the majority side of the House. [Applause.]

Anyone who wants to see reorganization in the Government cannot support this amendment. Anyone who wants to see reorganization, and who has seen the many futile and fruitless attempts at reorganization over a period of years, knows if such a proposition as this is adopted, then we would go right back to 2 years ago, when we first started. All day long, since the opening of this debate, we have seen a partisan question raised here. All through today, on all of these amendments, with just one or two exceptions, we have seen the mass voting on this side of the House that the gentleman from Pennsylvania [Mr. DITTER] likes so much to boast about.

I want to talk to my fellow Democrats. I want to recall to you a story.

Have you forgotten the story of Lorna Doone—how the Doones, men of high family, who had fallen under the displeasure of the government, had betaken themselves to the Doone Valley, surrounded on all sides by precipitous mountains, and from this strongly fortified position levied their blackmail upon the surrounding country, killing and robbing and outraging the people of the land until the citizens were aroused and determined to extirpate them? Do you recall how the men of the eastern county gathered together on the eastern mountain, and the men from the western county on the western mountain, with their arms and cannon ready to fall upon the Doones and destroy them, when by some untoward accident a cannon from the western ranks was trained across the valley into the ranks of the men of the east, and while these foolish people were slaughtering one another, the Doones sallied forth and put both counties to flight and continued to rob and kill and outrage for years to come.

Let us heed the lesson, my fellow Democrats. Let me say to the gentleman from Texas and those on this side who might follow him: The Doones are in the valley. I pray you gentlemen, train your guns a little lower. [Applause.] [Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. KLEBERG].

The question was taken; and on a division (demanded by Mr. KLEBERG) there were—yeas 139, noes 176.

So the amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 6, after line 9, insert a new section to read as follows:

"Sec. 6. No reorganization under this title shall have the effect—  
 "(a) of continuing any executive agency or function beyond the time when it would have terminated if the reorganization had not been made; or

"(b) of continuing any function beyond the time when the executive agency in which vested before the reorganization would have terminated if the reorganization had not been made."

Mr. COCHRAN. Mr. Chairman, will the gentleman yield? Mr. SMITH of Virginia. I yield to the gentleman from Missouri.

Mr. COCHRAN. Mr. Chairman, the committee accepts the amendment just offered by the gentleman from Virginia [Mr. SMITH].

The amendment was agreed to.

The Clerk read as follows:

Sec. 6. For the purposes of this title any transfer, consolidation, abolition, designation, disposition, or winding up of affairs, referred to in section 4 (d), shall be deemed a "reorganization."

Sec. 7. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred to, or consolidated with, any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred to, or consolidated with, any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect.

Sec. 8. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Sec. 9. Whenever the employment of any person is terminated by a reduction of personnel as a result of a reorganization effected under this title, such person shall thereafter be given preference, when qualified, whenever an appointment is made in the executive branch of the Government, but such preference shall not be effective for a period longer than 12 months from the date the employment of such person is so terminated.

Sec. 10. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

Sec. 11. No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before January 21, 1941.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that the section numbers in title I be changed where necessary so they may be arranged properly.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee.

Is it purposed by the chairman to offer motions that will bring part 2 of the bill into line with the amendment that was adopted by the Committee?

Mr. WARREN. I do not think so.

The Clerk read as follows:

#### PART 2

Sec. 21. The following sections of this part are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec. 22); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Sec. 22. As used in this part, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan No. \_\_\_\_\_ transmitted to Congress by the President on \_\_\_\_\_, 19\_\_\_\_," the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

Sec. 23. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

Sec. 24. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to 20 minutes, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

Sec. 25. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to, recommit the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Sec. 26. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Sec. 27. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 24 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

#### TITLE II—BUDGETARY CONTROL

Sec. 201. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 edition, title 31, sec. 2), is amended by inserting after the word "including" the words "any independent regulatory commission or board and."

#### TITLE III—ADMINISTRATIVE ASSISTANTS

Sec. 301. The President is authorized to appoint not to exceed six administrative assistants and to fix the compensation of each at the rate of not more than \$10,000 per annum. Each such administrative assistant shall perform such duties as the President may prescribe.

Mr. COCHRAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4425) to provide for reorganizing agencies of the Gov-

ernment, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COCHRAN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. COCHRAN. Mr. Speaker, I demand a separate vote on the Summers amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Summers amendment.

The Clerk read as follows:

On page 6, line 1, after the word "the", strike out the words "two Houses a concurrent" and insert in lieu thereof the words "Senate or the House of Representatives a"; and in line 2 of said page, after the word "that", strike out the words "the Congress" and insert in lieu thereof the word "it", so that subsection (a) of section 5, which it is proposed hereby to amend, will read as follows:

"Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the Senate or the House of Representatives a resolution stating in substance that it does not favor the reorganization plan."

The SPEAKER. The question is on the amendment.

Mr. COCHRAN. Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 209, not voting 32, as follows:

[Roll No. 26]

YEAS—193

Alexander	Dowell	Kean	Rockefeller
Allen, Ill.	Drewry	Kennedy, Martin	Rodgers, Pa.
Allen, Pa.	Dworshak	Kinzer	Rogers, Mass.
Andersen, H. Carl	Eaton, Calif.	Kleberg	Routzohn
Anderson, Mo.	Edmiston	Knutson	Rutherford
Andresen, A. H.	Elliott	Kunkel	Sandager
Andrews	Elston	Lambertson	Satterfield
Angell	Engel	Landis	Schafer, Wis.
Arends	Englebright	Lanham	Schiffler
Ashbrook	Faddis	LeCompte	Secombe
Austin	Fenton	Lemke	Secrest
Barton	Fish	Lewis, Ohio	Shafer, Mich.
Bates, Mass.	Ford, Leland M.	Lord	Short
Beckworth	Gamble	Luce	Simpson
Bender	Gartner	McDowell	Smith, Maine
Blackney	Gehrmann	McLaughlin	Smith, Ohio
Bolles	Gerlach	McLean	South
Bolton	Gibbs	McLeod	Spence
Boren	Gifford	Maas	Springer
Bradley, Mich.	Gilchrist	Mapes	Stefan
Brewster	Gillie	Marshall	Sumner, Ill.
Brown, Ohio	Graham	Martin, Iowa	Summers, Tex.
Burdick	Grant, Ind.	Martin, Mass.	Taber
Caldwell	Griswold	Mason	Talle
Cannon, Fla.	Gross	May	Taylor, Tenn.
Carlson	Guyer, Kans.	Michener	Thill
Carter	Gwynne	Miller	Thomas, N. J.
Case, S. Dak.	Hall	Monkiewicz	Thorkelson
Chapman	Halleck	Moser	Tibbott
Chipherfield	Hancock	Mott	Tinkham
Church	Harness	Mundt	Treadway
Clason	Harter, N. Y.	Murray	Van Zandt
Clevenger	Hawks	O'Brien	Vorys, Ohio
Cluett	Heinke	Oliver	Vreeland
Coffee, Nebr.	Hess	Patton	Wadsworth
Cole, Md.	Hinshaw	Pierce, N. Y.	Welch
Cole, N. Y.	Hobbs	Pittenger	West
Collins	Hoffman	Plumley	Wheat
Corbett	Holmes	Poage	White, Ohio
Crawford	Hope	Powers	Wigglesworth
Crosser	Horton	Rankin	Williams, Del.
Crowther	Hull	Reece, Tenn.	Winter
Culkin	Jarrett	Reed, Ill.	Wolcott
Curtis	Jenkins, Ohio	Reed, N. Y.	Wolfenden, Pa.
Darrow	Jensen	Rees, Kans.	Wolverton, N. J.
Dirksen	Johns	Rich	Woodruff, Mich.
Ditter	Johnson, Ill.	Risk	
Dondero	Johnson, Ind.	Robertson	
Douglas	Jones, Ohio	Robison, Ky.	

NAYS—209

Allen, Ia.	Beam	Bradley, Pa.	Buckley, N. Y.
Arnold	Bland	Brooks	Bulwinkle
Barden	Bloom	Brown, Ga.	Burch
Barnes	Boehne	Bryson	Burgin
Barry	Boland	Buck	Byrne, N. Y.
Bates, Ky.	Boykin	Buckler, Minn.	Byrns, Tenn.



Byron	Gore	McMillan, John L.	Sabath
Cannon, Mo.	Gossett	McMillan, Thos. S.	Sacks
Cartwright	Grant, Ala.	Maciejewski	Sasser
Casey, Mass.	Green	Magnuson	Schaefer, Ill.
Celler	Gregory	Mahon	Schuetz
Chandler	Griffith	Maloney	Schulte
Clark	Hare	Marcantonio	Schwert
Claypool	Harrington	Martin, Colo.	Scrugham
Cochran	Hart	Martin, Ill.	Shanley
Coffee, Wash.	Harter, Ohio	Massingale	Shannon
Colmer	Havener	Merritt	Sheppard
Connerly	Healey	Mills, Ark.	Sirovich
Cooley	Hendricks	Mills, La.	Smith, Conn.
Cooper	Hennings	Monroney	Smith, Ill.
Costello	Hill	Mouton	Smith, Va.
Cox	Hook	Murdock, Ariz.	Smith, Wash.
Crowe	Houston	Murdock, Utah	Smith, W. Va.
Cullen	Hunter	Myers	Snyder
Cummings	Izac	Nelson	Somers, N. Y.
D'Alessandro	Jacobsen	Nichols	Sparkman
Darden	Jarman	Norrell	Steagall
Delaney	Johnson, Luther A.	Norton	Sullivan
Dempsey	Johnson, Okla.	O'Connor	Sutphin
DeRouen	Johnson, W. Va.	O'Day	Sweeney
Dickstein	Jones, Tex.	O'Leary	Tarver
Dingell	Kee	O'Neal	Tenerowicz
Doxey	Keller	O'Toole	Terry
Duncan	Kelly	Owen	Thomas, Tex.
Dunn	Kennedy, Michael	Pace	Thomason
Durham	Kennedy, Md.	Parsons	Tolan
Eberharter	Keogh	Patman	Turner
Ellis	Kilday	Patrick	Vincent, Ky.
Fay	Kirwan	Pearson	Vinson, Ga.
Fernandez	Kitchens	Peterson, Fla.	Voorhis, Calif.
Fitzpatrick	Kocialkowski	Peterson, Ga.	Wallgren
Flaherty	Kramer	Pfeifer	Walter
Flannagan	Larrabee	Pierce, Oreg.	Warren
Flannery	Lea	Polk	Weaver
Folger	Leavy	Rabaut	White, Idaho
Ford, Miss.	Lesinski	Ramspeck	Whittington
Ford, Thomas F.	Lewis, Colo.	Randolph	Williams, Mo.
Fries	Ludlow	Rayburn	Woodrum, Va.
Fulmer	McAndrews	Richards	Zimmerman
Garrett	McArdle	Robinson, Utah	The Speaker
Gathings	McCormack	Rogers, Okla.	
Gavagan	McGranery	Romjue	
Geyer, Calif.	McKeough	Ryan	

## NOT VOTING—32

Anderson, Calif.	Doughton	Jenks, N. H.	Osmer
Ball	Eaton, N. J.	Johnson, Lyndon	Seeger
Bell	Evans	Keefe	Starnes, Ala.
Creal	Ferguson	Kerr	Stearns, N. H.
Curley	Gearhart	McGehee	Taylor, Colo.
Daly	Goldsborough	McReynolds	Wheelchel
Dies	Hartley	Mansfield	Wood
Disney	Jeffries	Mitchell	Youngdahl

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "nay."

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Eaton of New Jersey (for) with Mr. Doughton (against).  
 Mr. Jeffries (for) with Mr. Mansfield (against).  
 Mr. Keefe (for) with Mr. Curley (against).  
 Mr. Stearns of New Hampshire (for) with Mr. Bell (against).  
 Mr. Hartley (for) with Mr. Kerr (against).  
 Mr. Ball (for) with Mr. Starnes of Alabama (against).  
 Mr. Jenks of New Hampshire (for) with Mr. McReynolds (against).  
 Mr. Osmer (for) with Mr. Evans (against).  
 Mr. Seger (for) with Mr. Daly (against).  
 Mr. Youngdahl (for) with Mr. McGehee (against).  
 Mr. Anderson of California (for) with Mr. Disney (against).

General pairs:

Mr. Dies with Mr. Gearhart.  
 Mr. Taylor of Colorado with Mr. Creal.  
 Mr. Wood with Mr. Mitchell.  
 Mr. Ferguson with Mr. Wheelchel.

The result of the vote was announced as above recorded.

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

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

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Select Committee on Government Organization with instructions to report the same back forthwith with the following amendment: Page 5, line 21, to page 6, line 9, strike out all of section 5 and insert in lieu thereof:

"Sec. 5. The reorganization specified in the plan shall not become effective until after the enactment of a joint resolution specifically approving such plan. Any such joint resolution shall provide for the approval of such plan as a whole, without modifications, and shall contain no other provisions. If any such joint resolution providing for the approval of any such plan is introduced in either House, it shall at once become the special order therein and that House shall proceed to its consideration, without reference to a committee; and, not later than 1 hour after the House meets on the twentieth calendar day (Sundays excepted) after the day on which such joint resolution was introduced, a vote shall be taken in that House on the question of the passage of a joint resolution approving such plan. If any such joint resolution is passed by one House, it shall be sent to the other House, and that House shall immediately proceed to its consideration, without reference to a committee. Not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after it has received such joint resolution, a final vote shall be taken in that House on the question of the passage of such joint resolution. No notice or motion to reconsider the vote shall be in order."

Mr. COCHRAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

Mr. TABER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Does this motion to recommit contain the so-called Kleberg amendment in disguise?

The SPEAKER. The Chair is not prepared to answer that parliamentary inquiry.

The question was taken; and there were—yeas 163, nays 236, not voting 34, as follows:

[Roll No. 27]

YEAS—163

Alexander	Eaton, Calif.	Kinzer	Rodgers, Pa.
Allen, Ill.	Elston	Kleberg	Rogers, Mass.
Allen, Pa.	Engel	Knutson	Routzohn
Andersen, H. Carl	Englebright	Kunkel	Rutherford
Andresen, A. H.	Fenton	Lambertson	Sandager
Andrews	Fish	Landis	Schafer, Wis.
Angell	Ford, Leland M.	Lanham	Schiffler
Arends	Gamble	LeCompte	Secombe
Austin	Gartner	Lemke	Secrest
Barton	Gerlach	Lewis, Ohio	Shafer, Mich.
Bates, Mass.	Gifford	Lord	Short
Bender	Gilchrist	Luce	Simpson
Blackney	Gille	McDowell	Smith, Maine
Bolles	Graham	McLean	Smith, Ohio
Bolton	Grant, Ind.	McLeod	Springer
Bradley, Mich.	Griswold	Maas	Stefan
Brewster	Gross	Mapes	Sumner, Ill.
Brown, Ohio	Guyer, Kans.	Marshall	Taber
Burdick	Gwynne	Martin, Iowa	Talle
Carlson	Hall	Martin, Mass.	Taylor, Tenn.
Carter	Halleck	Mason	Thill
Case, S. Dak.	Hancock	Michener	Thomas, N. J.
Chapman	Harness	Miller	Thorkeison
Chipperfield	Harter, N. Y.	Monkewicz	Tibbott
Church	Hawks	Mott	Tinkham
Clason	Helms	Mundt	Treadway
Clevenger	Hess	Murray	Van Zandt
Cluett	Rinshaw	O'Brien	Vorys, Ohio
Cole, N. Y.	Hoffman	Oliver	Vreeland
Corbett	Holmes	Pierce, N. Y.	Wadsworth
Crawford	Hope	Pittenger	West
Crowther	Horton	Plumley	White
Culkin	Hull	Powers	White, Ohio
Curtis	Jarrett	Reece, Tenn.	Wigglesworth
Darrow	Jenkins, Ohio	Reed, Ill.	Williams, Del.
Dirksen	Jensen	Reed, N. Y.	Winter
Ditler	Johns	Rees, Kans.	Wolcott
Dondero	Johnson, Ill.	Rlch	Wolfenden, Pa.
Douglas	Johnson, Ind.	Risk	Wolverton, N. J.
Dowell	Jones, Ohio	Robison, Ky.	Woodruff, Mich.
Dworshak	Kean	Rockefeller	

NAYS—236

Allen, La.	Boykin	Cannon, Fla.	Cooper
Anderson, Mo.	Bradley, Pa.	Cannon, Mo.	Costello
Arnold	Brooks	Cartwright	Cox
Ashbrook	Brown, Ga.	Casey, Mass.	Crosser
Barden	Bryson	Celler	Crowe
Barnes	Buck	Chandler	Cullen
Barry	Buckler, Minn.	Clark	Cummings
Bates, Ky.	Buckley N. Y.	Claypool	D'Alessandro
Beam	Bulwinkle	Cochran	Darden
Beckworth	Burch	Coffee, Nebr.	Delaney
Bland	Burgin	Coffee, Wash.	Dempsey
Bloom	Byrne, N. Y.	Cole, Md.	DeRouen
Boehne	Byrns, Tenn.	Colmer	Dickstein
Boland	Byron	Connerly	Dingell
Boren	Caldwell	Cooley	Doxey

Drewry	Hunter	Mills, Ark.	Satterfield
Duncan	Izac	Mills, La.	Schaefer, Ill.
Dunn	Jacobsen	Monronney	Schuetz
Durham	Jarman	Moser	Schultz
Eberhart	Johnson, Luther A.	Mouton	Schwert
Edmiston	Johnson, Okla.	Murdock, Ariz.	Scrugham
Elliott	Johnson, W. Va.	Murdock, Utah	Shanley
Ellis	Jones, Tex.	Myers	Shannon
Faddis	Kee	Nelson	Sheppard
Fay	Keller	Nichols	Sirovich
Fernandez	Kelly	Norrell	Smith, Conn.
Fitzpatrick	Kennedy, Martin	Norton	Smith, Ill.
Flaherty	Kennedy, Michael	O'Connor	Smith, Va.
Flannagan	Kennedy, Md.	O'Day	Smith, Wash.
Flannery	Keogh	O'Leary	Smith, W. Va.
Folger	Kilday	O'Neal	Snyder
Ford, Miss.	Kirwan	O'Toole	Somers, N. Y.
Ford, Thomas F.	Kitchens	Owen	South
Fries	Kocalkowski	Pace	Sparkman
Fulmer	Kramer	Parsons	Spence
Garrett	Larrabee	Patman	Steagall
Gathings	Lea	Patrick	Sullivan
Gavagan	Leavy	Patton	Summers, Tex.
Gehrmann	Lesinski	Pearson	Sutphin
Geyer, Calif.	Lewis, Colo.	Peterson, Fla.	Sweeney
Gibbs	Ludlow	Peterson, Ga.	Tarver
Gore	McAndrews	Pfeifer	Tenerowicz
Gossett	McArdle	Pierce, Oreg.	Terry
Grant, Ala.	McCormack	Poage	Thomason
Green	McGranery	Polk	Tolan
Gregory	McKeough	Rabaut	Turner
Griffith	McLaughlin	Ramspeck	Vincent, Ky.
Hare	McMillan, John L.	Randolph	Vinson, Ga.
Harrington	McMillan, Thos. S.	Rankin	Voorhis, Calif.
Hart	Maclejewski	Rayburn	Wallgren
Harter, Ohio	Magnuson	Richards	Walter
Havenner	Mahon	Robertson	Warren
Havener	Maloney	Robinson, Utah	Weaver
Healey	Marcantonio	Rogers, Okla.	Welch
Hendricks	Martin, Colo.	Romjue	White, Idaho
Hennings	Martin, Ill.	Ryan	Whittington
Hill	Massingale	Sabath	Williams, Mo.
Hobbs	May	Sacks	Woodrum, Va.
Hook	Merritt	Sasscer	Zimmerman
Houston			

NOT VOTING—34

Anderson, Calif.	Doughton	Johnson, Lyndon	Starnes, Ala.
Bell	Eaton, N. J.	Keefe	Stearns, N. H.
Bell	Evans	Kerr	Taylor, Colo.
Collins	Ferguson	McGehee	Thomas, Tex.
Creal	Gearhart	McReynolds	Whelchel
Curley	Goldsborough	Mansfield	Wood
Daly	Hartley	Mitchell	Youngdahl
Dies	Jeffries	Osmers	
Disney	Jenks, N. H.	Seger	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Eaton of New Jersey (for) with Mr. Doughton (against).  
 Mr. Jeffries (for) with Mr. Mansfield (against).  
 Mr. Keefe (for) with Mr. Curley (against).  
 Mr. Stearns of New Hampshire (for) with Mr. Bell (against).  
 Mr. Hartley (for) with Mr. Kerr (against).  
 Mr. Ball (for) with Mr. Starnes of Alabama (against).  
 Mr. Jenks of New Hampshire (for) with Mr. McReynolds (against).  
 Mr. Osmers (for) with Mr. Evans (against).  
 Mr. Seger (for) with Mr. Daly (against).  
 Mr. Youngdahl (for) with Mr. McGehee (against).  
 Mr. Gearhart (for) with Mr. Thomas of Texas (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Creal.  
 Mr. Wood with Mr. Mitchell.  
 Mr. Ferguson with Mr. Whelchel.  
 Mr. Dies with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. COCHRAN. Mr. Speaker, on the final passage I ask for the yeas and nays.

Mr. TABER. Mr. Speaker, I also ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 153, not voting 34, as follows:

[Roll No. 28]

YEAS—246

Allen, La.	Bland	Buck	Cannon, Fla.
Anderson, Mo.	Bloom	Buckler, Minn.	Cannon, Mo.
Arnold	Boehne	Buckley, N. Y.	Cartwright
Ashbrook	Boland	Bulwinkle	Casey, Mass.
Barden	Boren	Burch	Celler
Barnes	Boykin	Burgin	Chandler
Barry	Bradley, Pa.	Byrne, N. Y.	Chapman
Bates, Ky.	Brooks	Byrns, Tenn.	Clark
Beam	Brown, Ga.	Byron	Claypool
Beckworth	Bryson	Caldwell	Cochran

Coffee, Nebr.	Green	Maclejewski	Ryan
Coffee, Wash.	Gregory	Magnuson	Sabath
Cole, Md.	Griffith	Mahon	Sacks
Hare	Hare	Maloney	Sasscer
Colmer	Harrington	Mapes	Satterfield
Connery	Hart	Marcantonio	Schaefer, Ill.
Cooley	Harter, Ohio	Martin, Colo.	Schuetz
Cooper	Havener	Martin, Ill.	Schultz
Costello	Healey	Massingale	Schwert
Cox	Hendricks	May	Scrugham
Crosser	Hennings	Merritt	Shanley
Crowe	Hill	Mills, Ark.	Shannon
Cullen	Hobbs	Mills, La.	Sheppard
Cummings	Hook	Monronney	Sirovich
D'Alesandro	Hope	Moser	Smith, Conn.
Darden	Houston	Mouton	Smith, Ill.
Delaney	Hull	Murdock, Ariz.	Smith, Va.
Dempsey	Hunter	Murdock, Utah	Smith, Wash.
Izac	Izac	Myers	Smith, W. Va.
Dickstein	Jacobsen	Nelson	Snyder
Dingell	Jarman	Nichols	Somers, N. Y.
Doxey	Johnson, Luther A.	Norrell	South
Drewry	Johnson, Okla.	Norton	Sparkman
Duncan	Johnson, W. Va.	O'Connor	Spence
Dunn	Jones, Tex.	O'Day	Steagall
Durham	Kee	O'Leary	Sullivan
Eaton, Calif.	Keller	O'Neal	Summers, Tex.
Eberhart	Kelly	O'Toole	Sutphin
Edmiston	Kennedy, Martin	Owen	Sweeney
Elliott	Kennedy, Michael	Pace	Tarver
Ellis	Kennedy, Md.	Parsons	Tenerowicz
Faddis	Keogh	Patman	Terry
Fay	Kilday	Patrick	Thomason
Fernandez	Kirwan	Patton	Tolan
Fitzpatrick	Kitchens	Pearson	Turner
Flaherty	Knutson	Peterson, Fla.	Vincent, Ky.
Flannagan	Kocalkowski	Peterson, Ga.	Vinson, Ga.
Flannery	Kramer	Pfeifer	Voorhis, Calif.
Folger	Larrabee	Pierce, Oreg.	Wadsworth
Ford, Miss.	Lea	Poage	Wallgren
Ford, Thomas F.	Leavy	Polk	Walter
Fries	Lesinski	Rabaut	Warren
Fulmer	Lewis, Colo.	Ramspeck	Weaver
Garrett	Ludlow	Randolph	Welch
Gathings	McAndrews	Rankin	White, Idaho
Gavagan	McArdle	Rayburn	Whittington
Gehrmann	McCormack	Reece, Tenn.	Williams, Mo.
Geyer, Calif.	McGranery	Richards	Wolverton, N. J.
Gibbs	McKeough	Robertson	Woodrum, Va.
Gore	McLaughlin	Robinson, Utah	Zimmerman
Gossett	McMillan, John L.	Rogers, Okla.	
Grant, Ala.	McMillan, Thos. S.	Romjue	

NAYS—153

Alexander	Elston	Kleberg	Routzohn
Allen, Ill.	Engel	Kunkel	Rutherford
Allen, Pa.	Englebright	Lambertson	Sandager
Andersen, H. Carl	Fenton	Landis	Schafer, Wis.
Andresen, A. H.	Fish	Lanham	Schiffler
Andrews	Ford, Leland M.	LeCompte	Secombe
Angell	Gamble	Lewis	Seefast
Arends	Gartner	Lemke	Shafer, Mich.
Austin	Gerlach	Lord	Short
Barton	Gifford	Luce	Simpson
Bates, Mass.	Gilchrist	McDowell	Smith, Maine
Bender	Gillie	McLean	Smith, Ohio
Blackney	Grahan	McLeod	Springer
Bolles	Grant, Ind.	Maas	Stefan
Bolton	Griswold	Marshall	Summer, Ill.
Bradley, Mich.	Gross	Martin, Iowa	Taber
Brewster	Guyer, Kans.	Martin, Mass.	Talle
Brown, Ohio	Gwynne	Mason	Taylor, Tenn.
Burdick	Hall	Michener	Thill
Carlson	Halleck	Miller	Thomas, N. J.
Carter	Hancock	Monkiewicz	Thorkelson
Case, S. Dak.	Harness	Mott	Tibbott
Chiperfield	Harter, N. Y.	Mundt	Tinkham
Church	Hawks	Murray	Treadway
Clason	Heinke	O'Brien	Van Zandt
Clevenger	Hess	Oliver	Vorys, Ohio
Cole, N. Y.	Hinshaw	Pierce, N. Y.	Vreeland
Corbett	Hoffman	Pittenger	West
Crawford	Holmes	Plumley	Wheat
Crowthor	Horton	Powers	White, Ohio
Culkin	Jarrett	Reed, Ill.	Wigglesworth
Curtis	Jenkins, Ohio	Reed, N. Y.	Williams, Del.
Darrow	Jensen	Rees, Kans.	Winter
Dirksen	Johns	Rich	Wolcott
Ditter	Johnson, Ill.	Risk	Wolfenden, Pa.
Dondero	Johnson, Ind.	Robson, Ky.	Woodruff, Mich.
Douglas	Jones, Ohio	Rockefeller	
Dowell	Kean	Rodgers, Pa.	
Dworshak	Kinzer	Rogers, Mass.	

NOT VOTING—34

Anderson, Calif.	Doughton	Johnson, Lyndon	Starnes, Ala.
Bell	Eaton, N. J.	Keefe	Stearns, N. H.
Bell	Evans	Kerr	Taylor, Colo.
Cluett	Ferguson	McGehee	Thomas, Tex.
Creal	Gearhart	McReynolds	Whelchel
Curley	Goldsborough	Mansfield	Wood
Daly	Hartley	Mitchell	Youngdahl
Dies	Jeffries	Osmers	
Disney	Jenks, N. H.	Seger	

So the bill was passed.



The Clerk announced the following additional pairs:  
On this vote:

Mr. Doughton (for) with Mr. Eaton of New Jersey (against).  
Mr. Mansfield (for) with Mr. Jeffries (against).  
Mr. Curley (for) with Mr. Keefe (against).  
Mr. Bell (for) with Mr. Stearns of New Hampshire (against).  
Mr. Kerr (for) with Mr. Hartley (against).  
Mr. Starnes of Alabama (for) with Mr. Ball (against).  
Mr. McReynolds (for) with Mr. Jenks of New Hampshire (against).  
Mr. Evans (for) with Mr. Osmer (against).  
Mr. Daly (for) with Mr. Seger (against).  
Mr. McGehee (for) with Mr. Youngdahl (against).  
Mr. Disney (for) with Mr. Anderson of California (against).  
Mr. Thomas of Texas (for) with Mr. Gearhart (against).  
My Lyndon B. Johnson (for) with Mr. Cluett (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Creal.  
Mr. Wood with Mr. Mitchell.  
Mr. Ferguson with Mr. Whelchel.  
Mr. Dies with Mr. Goldsborough.

The result of the vote was announced as above recorded.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### INDEPENDENT OFFICES APPROPRIATION BILL, 1940—CONFERENCE REPORT

Mr. WOODRUM of Virginia. Mr. Speaker, I submit a conference report on the bill (H. R. 3743) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1940, and for other purposes, for printing under the rule.

#### DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOODRUM of Virginia. Mr. Speaker, I submit a conference report and statement on the bill (H. R. 2868) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide supplemental appropriations for the fiscal year ending June 30, 1939, and for other purposes, for printing under the rule.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WHELCHER, indefinitely, on account of illness.  
To Mr. JEFFRIES (at the request of Mr. WOLVERTON), indefinitely, on account of illness.  
To Mr. KRAMER, for 7 days, on account of official business.  
To Mr. STARNES of Alabama (at the request of Mr. SPARKMAN), for the remainder of the week, on account of important business in his district.  
To Mr. FADDIS, for 2 days, on account of important business.

#### MILK INVESTIGATION—DISTRICT OF COLUMBIA

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following resolution (Rept. No. 180) for printing under the rule.

#### House Resolution 113

*Resolved*, That the House Committee on the District of Columbia, or a duly authorized subcommittee thereof, be, and is hereby, authorized and directed to make a full and complete investigation of (1) the sources and purity of the milk and cream supply of the District of Columbia; (2) of any violation of the law of the District of Columbia or regulations of the District Commissioners made pursuant thereto with respect to the importation of milk or cream into the District of Columbia or importation of unlicensed milk or cream into the District of Columbia and the method by which such violations are perpetrated; (3) the possible effect upon the health of the community by reason of the unlawful importation of unlicensed milk or cream into the District of Columbia; (4) whether and to what extent cream for ice cream purposes, under section 4 of the 1925 Milk Act of the District of Columbia, is being diverted unlawfully to milk or cream for fluid consumption; (5) whether any conspiracy exists on the part of any distributor of any dairy products to violate the provisions of the 1925 District Milk Act or the regulations made pursuant thereto.

The said committee or any subcommittee thereof is hereby authorized for the purpose of this resolution to subpoena and require the production of the books and records of any person, firm, or corporation licensed to import milk or cream into the District of Columbia or of any person, firm, or corporation which it has reason to believe is unlawfully importing milk or cream into the District of Columbia or unlawfully selling the same.

For the purposes of this resolution, the said committee or any subcommittee thereof is hereby authorized to sit and act at such times and places within the United States, whether the House is sitting or has recessed or has adjourned, to hold such hearings,

to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpoena or otherwise, to take such testimony and records, and to employ such clerical and other assistants as it deems necessary. Subpoenas shall be issued under the signature of the Speaker of the House at the request of the chairman of the committee and shall be served by the Sergeant at Arms of the House or by such person or persons as may be designated by him. The chairman of the committee or any member of the committee may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said special committee or any subcommittee thereof, or having been required to produce necessary books or papers or documents or vouchers by authority of said special committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the study and investigation heretofore authorized, or who fails to produce such books or papers or documents or vouchers as required by subpoenas, shall be held to the penalties provided in section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

That the committee or duly authorized subcommittee is authorized to call upon any agency of the District or Federal Government for the purpose of rendering assistance in carrying out the terms of this resolution.

That the said committee shall report to the House of Representatives at the earliest practicable date the result of its investigation, together with its recommendations for the enactment of desirable or necessary legislation or regulations.

#### EXTENSION OF REMARKS

Mr. SABATH asked and was given permission to revise and extend his own remarks.

#### LEAVE OF ABSENCE

Mr. SABATH. Mr. Speaker, I ask unanimous consent for leave of absence for 5 days on account of a death in my family, of which I have just received notice.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

#### EXTENSION OF REMARKS

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by including a speech delivered on the floor of the House.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a speech made by the gentleman from Illinois [Mr. SMITH].

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GERLACH] may be allowed to address the House for 20 minutes on Monday next after the completion of the legislative program for the day and such other special orders as may have been entered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### REORGANIZATION BILL

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. CHURCH. Mr. Speaker, whatever defects the pending bill for the reorganization of the Government may have, it must be said it is far superior to the measure which the administration unsuccessfully endeavored to have enacted by the last Congress. This pending proposal at least makes some attempt to place some limitations on the power to be delegated to the President, whereas the defeated proposal of the Seventy-fifth Congress would have vested in the President practically unlimited powers.

Those who are familiar with the original reorganization bill, so called, which the President suggested, will well remember that it was so designed as to enable the President to abolish the entire executive branch of the Government if he so desired, with absolutely no check on the exercise of that sweeping power. He could have abolished all the independent agencies and commissions, quasi judicial and quasi

legislative in character. The power to be delegated under the original proposal was so broad that, as one commentary put it, the President could abolish his own office.

It will always be difficult for the American people to understand why a measure of that kind and character should even so much as enter the minds of men living in a free country, much less be recommended for enactment to the free representatives of a free people charged with the responsibility of preserving our constitutional form of government. And it will always be difficult for the American people to understand why the President stubbornly resisted the attempts then made in Congress so to amend the proposed bill that the Congress might retain some check on the exercise of the great power it was asked to delegate. It has caused thoughtful men and women to wonder as to the true motives of those who sought such power and who insisted that no limitations be placed on it.

That is now history. Posterity will better understand and appreciate that crucial period for American democracy than those of us who lived through it and met the test.

The significance of the victory for our system of government that was won in the defeat of the New Deal reorganization bill by the Seventy-fifth Congress is, to some extent, reflected in the character of the reorganization bill now being considered by the Seventy-sixth Congress. Rather than again recommending a broad delegation of power without any limitation whatsoever, the pending bill at least attempts to place some limitations on it and at least makes semblance of leaving a check in Congress.

But the question is, How real are the limitations and how effective is the check Congress is to have under the terms of this bill on the possible arbitrary exercise of delegated power?

Before turning to the provisions of this specific measure, I should like to make a few observations on the subject of Government reorganization generally. I should like to comment briefly on the different kinds of reorganization plans and on the different legislative methods of putting those plans into effect. By such an examination of the subject we will bring ourselves to a better understanding of the approach this particular bill before us makes to the problem and what other methods are open to us to employ for reorganization.

From such study as I have been able to make of the problem of government reorganization, State and Federal, there seem to be three general concepts. In other words, practically all the government reorganization proposals I have had occasion to examine may be classified in one of three general concepts, dependent upon the approach each makes to the problem.

First. There is the reorganization proposal that emphasizes as its objective a transfer and regrouping of executive agencies so as to provide for a greater coordination of activities and a larger degree of supervision and control by the Chief Executive. A proposal of this character has coordination and control as its primary objective rather than economy.

Second. There is the reorganization proposal that emphasizes as its objective the actual reduction in the cost of government. It seeks a simplification of the processes of government and the elimination of all unnecessary activities with a view to obtaining actual savings for the people who bear the ever-increasing cost.

No hard and fast line can be drawn between these two classes or concepts of reorganization. The distinction lies in where the emphasis is placed and what constitutes the immediate objective, whether simply in a reshuffling of bureaus and agencies or in reducing the expense of government. Both look to a surgical operation on the executive body on which all manner of bureaus and agencies have affixed themselves.

And there is a third type of reorganization proposal which especially commends itself to me as representing the really practical approach. It is the plan which not only looks to immediate reorganization of the Government in the interest of economy and efficiency but also definitely establishes a legislative mechanism for the orderly consideration of or-

ganization problems as they arise in the future. It must not be forgotten that even though we should today so arrange the bureaus and agencies as to place the Government on an economical basis, even though we might by some magic be able to make the entire machinery perfect, next year and the years to come will present changed conditions and new problems.

It is a serious mistake to think of Government reorganization as just something to be done today. Rather, it should be thought of as a continuous process, to be undertaken every year Congress meets. No Government reorganization can, in my judgment, be said to be complete unless at the same time we take pains to devise a practical method whereby it may be kept reorganized, so to speak, and at the same time meet new conditions and situations. An agency which may be extremely important today may readily become unnecessary tomorrow. What is economical today may be expensive tomorrow; what is efficient today may be inefficient tomorrow. A well considered reorganization plan would make provision for such future contingencies.

Let us now ask ourselves: In which of these three general classes of Government reorganization proposals should this particular bill we are considering be placed?

I regret to have to say that of the three possibilities this bill falls within the group having the least merit. In the first place, the measure does not look upon reorganization as a continuous need and responsibility in the interest of future economy and efficiency. There is not a single provision in the bill to enable the Congress to keep the Government on an economical and efficient basis. No attempt is made in any part of the bill to set up a definite procedure or mechanism whereby the Congress may effectively keep itself in touch with new conditions and activities. Such machinery could readily be established through the General Accounting Office and our standing Committee on Appropriations.

In the second place, the measure before us does not have economy as an immediate objective. It would be more accurate to say that the entire emphasis is on giving the President power to rearrange and consolidate the 132 existing agencies and bureaus so that he may exercise greater control over them. The general tone of the bill, as well as its specific provisions, make it clear that the primary purpose of the proposal is not to realize actual savings for the taxpayers but simply to change the executive structure.

This represents one of the distinguishing features between this bill, H. R. 4425, and that sponsored by the Senate Special Committee to Investigate Executive Agencies under the chairmanship of Senator HARRY BYRD, of Virginia. And it is this distinguishing feature, among others, which commends the so-called Byrd bill, S. 1706, to me in preference to that before us in the House.

It is true that it is set forth in the measure before us that one of the purposes of the bill is to "reduce expenditures to the fullest extent consistent with the efficient operation of the Government." Other than those few words, practically no attention is given to economy.

In comparison I would like to call your special attention to the opening section of the Byrd bill. It not only contains the words just quoted from the bill we are considering, but the Byrd bill by declaration emphasizes economy as an objection. Let me read the language to be found in section 1 (a) not to be found anywhere in the administration's bill:

The Congress hereby declares that a serious emergency exists by reason of continued national deficits; that it is imperative to reduce drastically Government expenditures; and that such reduction may be accomplished in great measure by proceedings immediately under the provisions of this act.

That language solemnly declares to the President that the power to be exercised under the terms of the bill in the reorganization of the Government is not simply to reshuffle bureaus and agencies but definitely to realize economy. It solemnly declares to the President that economy is to be immediate objective in any plan he may submit. But no such declaration is contained in the administration's bill we are debating, notwithstanding the fact that our national debt is rapidly approaching \$50,000,000,000, and the



Secretary of the Treasury has recently recommended that the existing statutory limitation of \$45,000,000,000 be raised.

And, Mr. Speaker, there are certain other distinguishing features between this New Deal bill and the Byrd bill along this same line that should be noted in passing as indicating difference between the two as relating to needed economy. In section 3 (c), (d), and (e) of the Byrd bill are to be found carefully worded provisions to prevent the continuance of temporary or emergency agencies beyond the period authorized by law and to prevent there being any increase in the agencies.

The importance of those restrictive provisions in the Byrd bill cannot be overemphasized. Of the list of 132 existing agencies as of January 1, 1937, compiled by the Brookings Institution, 35 of them were created by the President himself or by other executive agencies. They were not created by law or specifically authorized by law. They were simply created out of the innumerable delegations of power made to the President during the last 6 years and funds were allotted to them by the President out of the blank-check appropriations New Deal Congresses have been making for the President's disposition. And, it is of interest to note that 8 of these agencies were established without even a formal Executive order, but rather simply by a letter or informal memorandum out of the White House.

For obvious reasons, if we are ever to realize economy in government, if we are ever to accomplish a reorganization to simplify the processes of government, such practices on the part of this President or any other President must stop. To make certain that it will be stopped the Byrd bill makes specific provision to preclude it.

And there is still another distinguishing feature of the Byrd bill which indicates it has economy as an immediate objective as compared to the administration's bill we have under consideration. In section 4 of the Byrd bill, page 6, will be found a provision requiring a far more rigid report from the President showing the increase or decrease in expenditures which will result from any reorganization plan he may submit under the power delegated, than is required by this House bill.

I am convinced, Mr. Speaker, that a careful study of the measure before us today on the administration's recommendation employs the least effective of three possible reorganization concepts. It makes no provision for reorganization as a continuing process, and it makes no definite avowal or even pretense of accomplishing an actual reduction in the cost of government. While the Byrd bill falls short of what might be done for a really practical and effective reorganization plan, nonetheless it is a far superior measure to H. R. 4425, the administration sponsors.

Now, Mr. Speaker, I would like to turn from the question of plans of reorganization and their objectives to legislative methods of putting the plans into effect. In many respects this may be said to be the most important part of the entire subject, inasmuch as it seriously involves our system of government. It is on this phase of the subject of reorganization that most of the controversy in Congress arises.

As I view the question of methods that might be employed for accomplishing a reorganization, there are five possibilities, bearing in mind that our system of government is one of "checks and balances" we are under oath to preserve.

First. There is the orthodox method, strictly in keeping with the principles of this democracy. Instead of making any delegation of power to the President, simply leave it to him to recommend any changes in existing laws affecting organization and Government activities and leave it to Congress to enact the recommendations into law. Or, even without any Presidential suggestion or recommendation, Congress could proceed to pass various bills for reorganizations.

This is the customary legislative procedure. It is the procedure the founders of our Government would insist upon. It is the procedure in keeping with the established principles of our democracy, whereby the Executive and the Congress cooperate but one operates as a definite check on the other.

Being the orthodox procedure in our democracy, I suppose we should naturally expect the new dealers to reject it. Judging from the nature of a great many bills the New Deal has enacted in the last 6 years, delegations of power and blank-check appropriations, as well as the defeated Supreme Court plan, anything that is orthodox and in keeping with the Constitution is just naturally taboo to the New Deal. For some reason the new dealers seem to be endowed with an innate dislike for anything that is orthodox. And so, as to be expected, this method of proceeding toward a reorganization is not employed by the administration in this bill.

Second. There is the method whereby Congress delegates certain powers to the President to issue reorganization orders or plans, but they are not to become effective until approved by the House and Senate by joint resolution. Under this procedure Congress must act on the question of approval or disapproval within a certain specified number of days after the joint resolution for approval is introduced, which is made a special order of business. The obvious advantage to be gained by the administration by this method is that no amendment can be made to the plan submitted and all possible committee difficulties are eliminated. It brings the question of approval promptly to a vote.

This is the method embodied in the Byrd bill, allowing 20 days within which each body of Congress must act after the resolution is introduced. While there is a delegation of power to the President, he can exercise that power only with the positive approval by Congress. His plan for reorganization cannot be emasculated by House and Senate amendments, but the plan does not become effective without an expression of approval by the House and Senate.

This method of procedure clearly leaves a check on the Executive by the people's representatives in Congress. It constitutes a protection against the possible arbitrary exercise of power by the Executive. It gives the President freedom to act but at the same time preserves the principle of checks and balances. And we cannot to greatly stress how important it is that Congress have a check on the delegate power, even though it may never have occasion to use it in refusing approval of any plan the Executive may propose.

But apparently this method of procedure is also much too orthodox for the new dealers, who have demonstrated their impatience with the democracy. For some reason they have a natural dislike for any effective check in Congress on the exercise of any delegated power to the Executive.

And so we will have to turn to the third possible method of procedure which is not quite so orthodox and which would leave less control in the hands of Congress. Power can be delegated to the President to issue Executive orders for reorganization and provide that those orders become effective unless either the House or Senate pass a resolution within a certain specified number of days to negative it or set it aside. This method gives the Executive order full force and effect of law unless one or the other House of Congress acts within 20 days, let us say, to set it aside.

But this method also leaves too much of a check on the President and his advisers to satisfy the new dealers. While the action to be taken by Congress is purely of a negative nature and there is a time limitation within which the action must be taken, only one House need act within that time to prevent the Executive order from being law. And that method was rejected by the new dealers.

We must then turn to the fourth possible method of procedure in putting a reorganization of the Government into effect. We must depart still further from the orthodox method of legislative procedure if we are to find the scheme suggested by the New Deal. And we thus come to the device set out in this particular bill.

In section 5 it provides that the Executive order or orders of the President will become effective unless within 60 days both the House and Senate pass a concurrent resolution to set it aside. Obviously, this method makes the check of Congress even less effective, because both Houses of Congress must act. So long as the President and his advisers can block action in one of the Houses of Congress the Executive order will go entirely unchecked, regardless of what the other

House may desire. And you and I know that pap, patronage, pressure, and projects have shown themselves to be rather effective means employed by the new dealers in influencing the House or Senate.

Drastic limitations are placed on the debate under the terms of this provision, even in face of the stipulation in the Constitution to the effect that each House of Congress will have control over its own rules of procedure and debate. Assume that the President should issue an Executive order embodying a plan for the complete revision of the Government, abolishing functions of departments and agencies, and nullifying laws now on the statute books; and assume that the complicated plan covers several hundred, perhaps thousands of pages; under the terms of this bill, limiting the time within which Congress can consider the proposal, it would not be possible to consider the plan and all its implications.

One can best obtain a picture of the breadth of the power delegated to the President by this particular bill by turning to the language employed in section 4 (c) on page 4. It speaks of what the President's reorganization plans may embody in the following language:

the abolition of the whole or any part of any executive agency or the functions thereof.

There are thus two questions to be answered in an interpretation of the power that vests under that language in the President: What is an executive agency? And, secondly, what is a function? It is important that we understand the meaning of those terms in understanding what the President may abolish and actually do.

The definition of the term "executive agency" is to be found on page 2, section 2. It reads:

When used in this title, the term "executive agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government.

In short, the term "executive agency" was defined broad enough to include every single part of the executive branch of the Government. The term is defined as the whole administrative machinery that exists, from a Cabinet officer to some minor office. Subject to the few limitations to be found in section 3, page 3, the President is thus to be delegated power to abolish practically the whole of our administrative machinery.

Now, what does the word "functions" mean, which the President may abolish? It can be given only one construction. That word "functions" means policies of government. In other words, by the language of section 4 (c) the President is delegated the power to abolish existing policies and thus to declare null and void practically every law on the statute books, of which it is a function of the respective executive agencies to administer.

Is not the power to abolish functions, change policies, and to declare our laws null and void a power that is sweeping in nature? Yet that is the very power we are asked here to delegate.

It is alleged that the limitation in section 3, on page 3, does not permit the President to abolish or transfer an established executive department under the respective Cabinet officers. I ask that you note carefully the language of section 3 and (a):

SEC. 3. No reorganization plan under section 4 shall provide—

(a) For the abolition or transfer of an executive department or all the functions thereof.

Note carefully it says no plan can abolish "all the functions" of an executive department. But the President can abolish some of the functions of an executive department. He can abolish 1 percent of them or 99 percent. As a practical matter, while he cannot completely wipe out an executive department, he can wipe out 99 percent of its functions and thus reduce it to something of no importance or consequence. And so that limitation is not as real as it would at first blush appear.

Yet such far-reaching action would go into effect regardless, under an Executive order unless both the Senate and House set it aside within 60 days. And do not forget that a

calendar day of 60 days may amount to only 30 legislative days, or less, insofar as the actual consideration of the President's plan may be given by Congress. And do not overlook the fact that the Senate has unlimited debate, and it is perfectly possible for a filibuster to take place so as to preclude any action by the Senate within the time limitation placed on Congress to set aside a drastic reorganization plan. Unless the Senate, as well as the House, unless both bodies adopt a resolution within 60 days, the President's plan would go into effect.

Mr. Speaker, this method is unorthodox and unprecedented. It delegates broad power to the President, enabling him to abolish functions of Government and thereby change the policies of our laws and Government. But it leaves Congress without any effective check on the exercise of that power. It sets up a negative procedure instead of providing that Congress should act affirmatively and directly. And this was, accordingly, the method selected by the New Deal in preference to all the other possible methods I have just explained.

There is, to be sure, a fifth possible method of procedure still less orthodox. That is by simply delegating the power to the President without any check at all, not even a negative one, in the hands of Congress. That was the method the New Deal embodied in the reorganization bill we defeated last Congress. It being apparent that our people will not stand for such procedure, the administration selected the method that would be the nearest thing to the delegation of power without a check by Congress. They have suggested a negative check, to be sure, but have taken pains that it is not particularly effective.

The issue here is not whether we should reorganize the Government. We are face to face with a deadly bureaucracy. Not a single Member on this floor questions the need for elimination and consolidation of useless bureaus and agencies. We desire economy in Government, for we are rapidly approaching national bankruptcy.

But, Mr. Speaker, in setting ourselves to that task it is not necessary that we depart from the established principles of our form of government. The strength of our democracy has always been the system of checks and balances, and it is our responsibility to preserve that system. Any delegation of legislative power must be carefully curbed. It is a precaution that should be one of our first considerations, particularly in this day when democracy is made the subject of internal and external attacks. We must recognize potential dangers to the rights and liberties of our people. No one of us can look into the future to determine what tomorrow may produce, what precedent we may establish today will constitute the very instrument employed in a future day to destroy the very foundations of this democracy.

I do not know why the administration continues to insist upon our adopting the most unorthodox method it can find to accomplish a very desirable purpose. I just cannot understand why it should object to the method embodied in the Byrd bill for realizing Government reorganization in the interest of economy by a method that recognizes the system of checks and balances of our form of government. Why is affirmative approval by Congress of an Executive order too much to require before it goes into effect? Why is it necessary to provide that the order, regardless of how far-reaching it may be, will go into effect unless both the House and Senate set it aside?

Mr. Speaker, there is one thing I insist upon and that is that we do not undermine our democracy. And this bill is another step in that direction against which I feel compelled to raise my voice in behalf of the people I represent. I can approve the Byrd bill, but I cannot approve the Warren-Cochran bill, which follows the New Deal philosophy of delegating unlimited powers to the Executive with no effective check remaining in Congress. [Applause.]

THE SPEAKER. Under the special order of the House heretofore entered, the gentleman from Wyoming [Mr. HORTON] is entitled to be recognized for 5 minutes.



Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a resolution passed by the Legislature of the State of Wyoming.

The SPEAKER. Without objection, it is so ordered. There was no objection.

#### REPEAL OF SIXTEENTH AMENDMENT

Mr. HORTON. Mr. Speaker, I hold in my hand a house joint memorial which was passed, almost unanimously, a few days ago, by the legislature of my home State, Wyoming, in which they go on record as favoring the repeal of the sixteenth amendment, and of placing a constitutional limitation of 25 percent on income and death taxes, which can be levied and collected by the Federal Government. I believe, Mr. Speaker, that Wyoming is the first State to take this significant step, and is therefore worthy of comment.

Since Wyoming has no State income tax, and no large income that could, by the wildest stretch of the imagination, come within a mile of the higher brackets, certainly no selfish reasons can explain why this action was taken. We will have to look for other reasons.

Wyoming, until a few years ago at least, believed that the world owed no man a living, but rather an opportunity to work and earn a living, and the great majority of our citizenry, including hundreds on relief, still believe this. Certainly we always have and do believe that a man has the right to keep as his own a fair and equitable part of his earnings to take care of his family, to educate his children, and to provide for their welfare after he has gone. We so truthfully believe these things that we want them safeguarded again under our Constitution, hence this memorial.

If, as individuals, we claim these privileges, then in all fairness we cannot withhold them from legitimate enterprise. Especially since to do otherwise is pennywise and pound foolish for the very good reason that our own economic history proves that taxes above 25 percent not only slow up industry, but slow up the flow of tax moneys into the Treasury as well.

The unlimited power to tax is the power to destroy. I know, and so do you, of more than one instance when the unexpected and sudden death of a man, who had built up his own great legitimate business, accompanied by the imposition of an unfair and unjust death tax, made necessary the sacrifice of his entire life's work and left his family almost destitute. That, in itself, is bad enough, but even worse is the fact that in practically every instance of this kind the property went for a song into the hands of those who are ever looking for something for nothing. It does not take a drastic death tax to bring about such a situation, like instances occur daily because excessive taxes weaken industrial structures, making them easy prey for the same interests.

There is one other thing that I want to speak of in connection with taxes and that is the expense and grief that individuals and industries are put to in filling out information blanks demanded by Government departments.

If the Government must have all of this information, why should not the Government pay the cost? If the Government had to pay the bill, then perhaps it would discover that many reports could be dispensed with. The Government will soon get its share of grief, however, if it insists on imposing an income tax on farm labor under guise of social security and tries to compel farmers to fill out Social Security forms.

While we are talking about blanks and forms I want to call your attention to F. C. C. Forms 705 and 706, and in doing so I am not digressing too far from the question of taxes because this sort of thing piles up tax costs. This form was sent to me by one of the small broadcasting companies in my State, and despite the fact that they were told by the F. C. C. that "it wouldn't take more than an hour's work to fill out this financial report," two men were kept busy 2 days in order to get the necessary information. Not only that, but this report followed closely on the heels of their "twice-yearly" license application for renewal. This is

a serious matter and is deserving of early attention by Congress. There is one broadcasting company that I do not believe has filled out this report, and that is the Federal Government. I think that it should, and I am interested in a report showing its activities. As a matter of fact this Congress should provide for an exhaustive investigation into the activities of the F. C. C. in its relation to radio.

We thoroughly believe that taxes should be levied according to ability to pay. At the same time, we know that excessive surtaxes, such as are in effect today, not only deprive the Government of maximum tax receipts but close factories and cause unemployment. In doing this it deprives the Nation of creative and wealth-producing brains. Even a Fascist state makes use of executive and creative ability by putting it to work, while under our present system they are subject to enforced idleness.

Wild Federal spending will continue and real prosperity be delayed until such time as the people in this country fully realize just whose dollar it is that is being spent. When we come to realize that they are our dollars—not your dollars—then we will stop wild spending, and not before.

I think that my people must have come to the realization of whose dollar it is, and if they have they realize that perhaps they have gone too far in matching, on a 50-50 basis, Federal dollars for a great number of things. If our dollar is our dollar and your dollar is your dollar, then we are going to do without a lot of things that have been heretofore deemed necessary. Since I have been in this Congress more than once a fellow Member has said, "Wyoming is not entitled to any of this Federal money because Wyoming has not contributed any." While this is not true, still it is certain that we have not contributed anywhere near as much as many States.

Why? One reason might be because all of your eastern States own and control and have developed not only your surface rights but your mineral rights as well, while many of the western States own and control less than one-half of the surface of the lands within their border, while the minerals under most lands, they own not at all.

If we are to repeal the sixteenth amendment and largely go on our own as States, we must all start on an even basis in order to make it work out, not only all lands and remaining minerals must belong to the States but the millions of dollars taken from the deposits in these States, which are our birthright, must be returned to the State. Only by such an action can the so-called public-land States ever be as self-sufficient as other States and take their rightful place in the sisterhood of States.

Before condemning such a stand please recall the President's recent message in which he pointed out that more than 20 percent of the total acreage of the United States belonged to the Federal Government. Take a look at the report of the President's real estate board where perhaps you will learn for the first time that your State is listed as a public-land State and that therefore your State is as virtually interested as is mine.

#### House Joint Memorial 4

Joint memorial memorializing the Congress of the United States of America to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the Constitution of the United States

Whereas there is now pending or will be pending in the current session of the Congress of the United States of America, proposed legislation to repeal the sixteenth amendment to the Constitution of the United States, and to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; providing for a limitation of taxes thereon; that the people of the State of Wyoming are greatly interested in the passage of this said amendment: Now, therefore, be it

Resolved by the House of Representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be memorialized as follows: That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE —

"SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

"Sec. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; provided that in no case shall the maximum rate of tax exceed 25 percent.

"Sec. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death, or by way of gift, shall in no case exceed 25 percent.

"Sec. 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December, following the ratification of this article."

Be it further

*Resolved*, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it finally

*Resolved*, That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 660. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for the reapportionment of cotton acreage allotments not planted by farmers entitled thereto.

#### ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Thursday, March 9, 1939, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON WAYS AND MEANS

Public hearings will continue Thursday morning, March 9, 1939, at 10 a. m., on social-security legislation in the Ways and Means Committee room in the New House Office Building.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, March 9, 1939. Business to be considered: Railroad legislation—H. R. 2531.

There will be a meeting of the wool subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Thursday, March 9, 1939. Business to be considered: Opposition to wool labeling bill, H. R. 944.

##### COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs Thursday morning, March 9, 1939, at 10:30 a. m., for the consideration of H. R. 2878, to authorize the Secretary of the Navy to proceed with the construction of certain public works.

##### COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, March 10, 1939, at 10:30 a. m., to continue hearings on H. R. 3222 and H. R. 3223, bills for the completion of the construction of the Atlantic-Gulf Ship Canal across Florida.

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, Washington, D. C., at 10 a. m. Thursday, March 9, 1939, on the bill (H. R. 4307) to extend the provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to all common carriers by water in interstate commerce, and for other purposes.

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, Washington, D. C., at 10 a. m., on the bills and dates listed below:

Tuesday, March 14, 1939:

H. R. 180, H. R. 202, construction of a Nicaraguan Canal; H. R. 201, additional facilities for Panama Canal; H. R. 2667, construction of a Mexican Canal.

In listing the bills to be heard on March 14, 1939, House Joint Resolution 112 (TINKHAM), to create a commission to study and report on the feasibility of constructing the Mexican Canal, was inadvertently omitted from the notice.

This is to advise all interested parties that House Joint Resolution 112 will be considered at that time with the following bills: H. R. 180 (IZAC), relative to the construction of a Nicaraguan Canal; H. R. 202 (BLAND), relative to the construction of a Nicaraguan Canal; H. R. 201 (BLAND), need for additional lock facilities at Panama; H. R. 2667 (TINKHAM), relative to the construction of a Mexican Canal.

Tuesday, March 21, 1939:

H. R. 137, H. R. 980, H. R. 1674, relating to annuities for Panama Canal construction force.

Thursday, March 23, 1939:

H. R. 141, H. R. 142, H. R. 1819, miscellaneous Panama Canal bills.

Tuesday, March 28, 1939:

H. R. 197, relating to the clearance of vessels; H. R. 199, relating to the allotment of wages by seamen; H. R. 200, relating to foreign towboats towing between American ports; H. R. 1780, relating to penalties on certain undocumented vessels and cargoes engaging in the coastwise trade or the fisheries; H. R. 1782, relating to change of masters of vessels.

Wednesday, March 29, 1939:

H. R. 198, relating to the measurement of vessels; and H. R. 132, authorizing the use of condemned Government vessels for breakwater purposes.

Tuesday, April 4, 1939:

H. R. 3209, making it a misdemeanor to stow away on vessels; H. R. 3398, regarding the down payment of construction of new vessels; H. R. 3935, relating to the discharge of seamen.

Wednesday, April 5, 1939:

H. R. 3052, uniform insignia for Naval Reserve radio operators.

##### COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Wednesday, March 15, 1939, at 10 a. m., in room 328, House Office Building, to consider H. R. 3794, to establish John Muir-Kings Canyon National Park, Calif., to transfer thereto the lands now included in the General Grant National Park, and for other purposes.

There will be a meeting of the Committee on the Public Lands on Thursday, March 23, 1939, at 10 a. m., in room 328, House Office Building, to consider H. R. 3759, to authorize a National Mississippi River Parkway and matters relating thereto.

##### COMMITTEE ON THE JUDICIARY

Beginning at 10 a. m. on Wednesday, March 22, 1939, there will be a hearing held before the subcommittee No. 4 of the Committee on the Judiciary on House Joint Resolution 176, declaring the conservation of petroleum deposits underlying submerged lands adjacent to and along the coast of California, below low-water mark and under the territorial waters of the United States of America, essential for national defense, maintenance of the Navy, and regulation and protection of interstate and foreign commerce; reserving the same as a naval petroleum reserve, subject to any superior vested right, title, or interest; and authorizing appropriate judicial proceedings to assert, ascertain, establish, and maintain the right and interest of the United States of America in such reserve and to eject trespassers.

##### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

497. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of Agriculture in the sum of \$460,000, for the fiscal year 1940 (H. Doc. No. 201); to the Committee on Appropriations and ordered to be printed.

498. A communication from the President of the United States, transmitting a supplemental estimate of appropria-



tion for the War Department, in the amount of \$25,000, for the fiscal year ending June 30, 1939, to remain available until expended, to aid in providing a permanent mooring for the battleship *Oregon* (H. Doc. No. 202); to the Committee on Appropriations and ordered to be printed.

499. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the fiscal year 1939, to remain available until June 30, 1940, amounting to \$100,000 for the Department of Justice (H. Doc. No. 200); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR of Colorado: Committee on Appropriations. H. R. 4852. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes; without amendment (Rept. No. 161). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN of Ohio: Committee on Interstate and Foreign Commerce. H. R. 3225. A bill authorizing the Department of Highways of the State of Ohio to construct, maintain, and operate a free highway bridge across the Ottawa River at or near the city of Toledo, State of Ohio; without amendment (Rept. No. 163). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 3375. A bill to authorize M. H. Gildow to construct a free, movable, pontoon footbridge across Muskingum River Canal, at or near Beverly, Ohio; without amendment (Rept. 164). Referred to the House Calendar.

Mr. PEARSON: Committee on Interstate and Foreign Commerce. H. R. 3418. A bill granting the consent of Congress to the Highway Department of Davidson County, of the State of Tennessee, to construct a bridge across Cumberland River at a point approximately 1¾ miles below Clees Ferry, connecting a belt-line highway in Davidson County, State of Tennessee, known as the Old Hickory Boulevard; without amendment (Rept. No. 165). Referred to the House Calendar.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. H. R. 3589. A bill granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River between Old Dock and Ash, N. C.; without amendment (Rept. No. 166). Referred to the House Calendar.

Mr. KING: Committee on Immigration and Naturalization. H. R. 4167. A bill to extend further time for naturalization of alien veterans of ineligible race who served in the armed forces of the United States during the World War; without amendment (Rept. No. 177). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 113. Resolution authorizing an investigation of the milk industry in the District of Columbia; without amendment (Rept. No. 180). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 875. A bill for the relief of Okie May Fegley; with amendment (Rept. No. 167). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 2072. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 168). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 2104. A bill for the relief of James A. Mills; with amendment (Rept. No. 169). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3077. A bill for the relief of Adam Casper; with amendment (Rept. No. 170). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 13. An act for the relief of John Mulhern; without amendment (Rept. No. 171). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. S. 60. An act for the relief of Dierks Lumber & Coal Co.; without amendment (Rept. No. 172). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. S. 545. An act for the relief of George H. Pierce and Evelyn Pierce; with amendment (Rept. No. 173). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 584. An act for the relief of John R. Holt; without amendment (Rept. No. 174). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. S. 885. An act to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of the disbursing officers or agents of the Government for payments made to certain employees appointed by the United States Employees' Compensation Commission; without amendment (Rept. No. 175). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 1115. An act for the relief of Lt. Malcolm A. Hufty, United States Navy; without amendment (Rept. No. 176). Referred to the Committee of the Whole House.

#### ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 107. Resolution requesting the President of the United States to transmit to the House of Representatives all data in regard to the seizure of certain American property in Mexico (Rept. No. 162). Laid on the table.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 1514) granting an increase of pension to Thomas G. Pardue, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H. R. 4851 (by request). A bill to provide more adequate credit facilities for independent small business, to encourage the return of private capital to commercial investment channels, to discourage monopoly, and restore opportunity for the individual; to the Committee on Banking and Currency.

By Mr. TAYLOR of Colorado:

H. R. 4852. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes; to the Committee on Appropriations.

By Mr. BRADLEY of Michigan:

H. R. 4853. A bill providing for an examination and survey of Au Train River Harbor, Mich.; to the Committee on Rivers and Harbors.

By Mr. LELAND M. FORD:

H. R. 4854. A bill to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees of the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and May 29, 1930; to the Committee on the Civil Service.

By Mr. PLUMLEY:

H. R. 4855. A bill to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt.; to the Committee on Military Affairs.

By Mr. TENEROWICZ:

H. R. 4856. A bill to provide additional home-mortgage relief by providing for reducing the rate of interest and extending payment and amortization of mortgages; to the Committee on Banking and Currency.

By Mr. VOORHIS of California:

H. R. 4857. A bill to provide more adequate credit facilities for independent small business, to encourage the return of private capital to commercial investment channels, to discourage monopoly, and restore opportunity for the individual; to the Committee on Banking and Currency.

By Mr. ALLEN of Pennsylvania:

H. R. 4858. A bill for the establishment of a system of regional industrial banks, so as to furnish additional credit and capital facilities for business purposes; to the Committee on Banking and Currency.

By Mr. DEMPSEY:

H. R. 4859. A bill to prohibit military drilling by individuals wearing uniforms or insignia of, or similar to those of, foreign countries; to the Committee on Military Affairs.

H. R. 4860. A bill to amend existing law so as to provide for the exclusion and deportation of aliens who advocate the making of fundamental changes in the American form of government; to the Committee on Immigration and Naturalization.

By Mr. GARRETT:

H. R. 4861. A bill for the relief of officers who failed to file application for benefits within the time limit fixed by the act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. LEA:

H. R. 4862. A bill to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation, modifying certain provisions thereof, and creating and establishing a Transportation Board to administer certain provisions thereof, to create a Reorganization Court, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT:

H. R. 4863. A bill to exempt from the tax on admissions certain fees collected in the national parks and monuments; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H. R. 4864. A bill prohibiting the use of funds, granted or lent by the United States, for the purchase of materials which are not of domestic origin, and for other purposes; to the Committee on Ways and Means.

By Mr. STEAGALL:

H. R. 4865. A bill amending section 12B of the Federal Reserve Act to increase insurance protection to each depositor in an insured bank; to the Committee on Banking and Currency.

By Mr. VOORHIS of California:

H. R. 4866. A bill to provide for a statutory award of \$10 per month to any war veteran who was wounded, gassed, injured, or disabled by an instrumentality of war in a zone of hostilities, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BLAND:

H. R. 4867. A bill for preliminary examination and survey of Browns Bay, Va.; to the Committee on Rivers and Harbors.

By Mr. MAGNUSON:

H. R. 4868. A bill to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. FLANNAGAN:

H. R. 4869. A bill to authorize a preliminary examination and survey of the North Fork of the Clinch River and its tributaries in the States of Virginia and Tennessee for flood

control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. COCHRAN:

H. R. 4870. A bill to authorize the Secretary of the Treasury to make and carry out agreements of indemnity to banks paying him moneys to cover checks or drafts issued by such banks payable to the United States or an agency or officer thereof which have been or may be lost or destroyed; to the Committee on Expenditures in the Executive Departments.

By Mr. DALY:

H. R. 4871. A bill to amend an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

By Mr. LUDLOW:

H. R. 4872. A bill to establish the Benjamin Harrison Commission to formulate plans for the construction of a permanent memorial to the memory of Benjamin Harrison, twenty-third President of the United States; to the Committee on the Library.

By Mr. REES of Kansas:

H. R. 4873. A bill relating to the payment of principal and interest on certain loans made by the Federal land banks and the land bank commissioner; to the Committee on Agriculture.

By Mr. THILL:

H. J. Res. 197. Joint resolution authorizing the President of the United States to proclaim September 17 of each year Baron Frederick William von Steuben's Memorial Day for the observance and commemoration of the birth of Baron Frederick William von Steuben; to the Committee on the Judiciary.

By Mr. KRAMER:

H. J. Res. 198. Joint resolution to provide for the preparation, printing, and distribution of pamphlets containing the proceedings in the House of Representatives on March 4, 1939, in commemoration of the one hundred and fiftieth anniversary of the commencement of the First Congress of the United States; to the Committee on Printing.

By Mr. SABATH:

H. J. Res. 199. Joint resolution making the 13th day of April in each year a legal holiday; to the Committee on the Judiciary.

By Mr. SCHULTE:

H. Res. 116. Resolution to authorize the payment of expenses of investigation and study authorized by House Resolution 115; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Pennsylvania:

H. R. 4874. A bill for the relief of the partnership firm of Albright & Beading; to the Committee on Claims.

By Mr. BLAND:

H. R. 4875. A bill for the relief of Mamie Hoffman; to the Committee on Claims.

By Mr. BREWSTER:

H. R. 4876. A bill granting an increase of pension to Dora Elizabeth Perry; to the Committee on Invalid Pensions.

By Mr. COLLINS:

H. R. 4877. A bill for the relief of the estate of Vira Stokes Flowers; to the Committee on Claims.

By Mr. DOUGLAS:

H. R. 4878. A bill for the relief of Annie Reiley; to the Committee on Immigration and Naturalization.

By Mr. DOWELL:

H. R. 4879. A bill granting an increase of pension to Josephine Anderson; to the Committee on Invalid Pensions.

By Mr. FLANNAGAN:

H. R. 4880. A bill for the relief of Claude F. Beverly; to the Committee on Claims.

By Mr. GILLIE:

H. R. 4881. A bill for the relief of George G. Waldrop; to the Committee on Military Affairs.



By Mr. LELAND M. FORD:

H. R. 4882. A bill for the relief of Patrick J. Curley; to the Committee on Military Affairs.

H. R. 4883. A bill for the relief of J. H. Bowling; to the Committee on Claims.

By Mr. IZAC:

H. R. 4884. A bill for the relief of Burns T. Nelson; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 4885. A bill to extend the benefits of the Employees' Compensation Act of September 7, 1916, to James N. Harwood; to the Committee on Claims.

By Mr. REES of Kansas:

H. R. 4886. A bill granting a pension to Faye E. Gully; to the Committee on World War Veterans' Legislation.

By Mr. SABATH:

H. R. 4887. A bill for the relief of John Boska; to the Committee on Military Affairs.

By Mr. SCHAFER of Wisconsin:

H. R. 4888. A bill for the relief of Frank Czermak; to the Committee on Military Affairs.

By Mr. THILL:

H. R. 4889. A bill for the relief of Dr. M. Kellogg Mookerjee; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Tennessee:

H. R. 4890. A bill granting an increase of pension to Charles E. Wilson; to the Committee on Invalid Pensions.

By Mr. VAN ZANDT:

H. R. 4891. A bill granting an increase of pension to Anna Hamilton; to the Committee on Invalid Pensions.

By Mr. WALLGREN:

H. R. 4892. A bill for the relief of Evelyn Mary Locke; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

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

1622. By Mr. ALLEN of Louisiana: Petition of numerous citizens of Winn Parish, La., urging the passage of House bill 1816, providing a direct Federal old-age pension of \$30 per month, beginning at the age of 60; to the Committee on Ways and Means.

1623. By Mr. ANDREWS: Resolution adopted by the Women's International League of Peace and Freedom, of Buffalo, N. Y., urging strengthening of the Neutrality Act; to the Committee on Foreign Affairs.

1624. Also, resolution adopted by the members of the Townsend Club, of Kenmore, N. Y., favoring enactment of House bill 2; to the Committee on Ways and Means.

1625. By Mr. ASHBROOK: Resolution of Newark Chamber of Commerce, Newark, Ohio, concerning House bill 188, and Senate bills 126, 138, and 158, and any other bills which, if passed, would be harmful to labor, agriculture, and industry in Ohio; to the Committee on Labor.

1626. By Mr. ELSTON: Petition of Rev. H. J. Francis, pastor of Mount Carmel Baptist Church, Cincinnati, Ohio, and 36 parishioners, petitioning consideration of their resolution with reference to churches of America under the Social Security Act; to the Committee on Ways and Means.

1627. By Mr. HALLECK: Petition of members of Townsend Club No. 1, Rochester, Ind., favoring House bill 2; to the Committee on Ways and Means.

1628. By Mr. JOHNSON of Illinois: Petition of 124 endorsers of House bill 3842 and Senate bill 1234, from the Fourteenth Illinois District, urging enactment of this measure; to the Committee on Labor.

1629. By Mr. MARTIN J. KENNEDY: Letter from the president of the Southern Baptist Theological Seminary, Louisville, Ky., expressing the opposition of the southern Baptists to the proposal to include churches and ministers under the extended provisions of the Social Security Act; to the Committee on Ways and Means.

1630. By Mr. KEOGH: Petition of the American Speech Correction Association, Boston, Mass., concerning the Pepper-Boland bill (H. R. 1813); to the Committee on Education.

1631. Also, petition of Belle Glade Chamber of Commerce, Belle Glade, Fla., concerning the sugar situation in the Everglades; to the Committee on Ways and Means.

1632. Also, petition of the Southern Baptist Theological Seminary, Louisville, Ky., regarding the Social Security Act; to the Committee on Ways and Means.

1633. Also, petition of the Teachers Union of the City of New York, New York City, concerning the Federal Aid to Education Act of 1939, House bill 3517 and Senate bill 1305; to the Committee on Education.

1634. By Mr. KRAMER: Resolution of the Huntington Park Lodge, No. 1415, Benevolent and Protective Order of Elks, relative to the adoption of a uniform vehicle code, etc.; to the Committee on Interstate and Foreign Commerce.

1635. Also, resolution of the Board of Supervisors of the County of Los Angeles, State of California, relating to flood-control and water-conservation appropriation, etc.; to the Committee on Flood Control.

1636. By Mr. LANDIS: Petition of the House of Representatives of the General Assembly of Indiana, favoring October 11 of each year as General Pulaski's Memorial Day; to the Committee on the Judiciary.

1637. Also, resolution of the House of Representatives of the General Assembly, State of Indiana, memorializing the Congress of the United States to enact suitable legislation providing for the general welfare of the Nation as set out in House bill 2, now pending before the Congress of these United States; to the Committee on Ways and Means.

1638. By Mr. MOTT: Senate Joint Memorial No. 1, of the Fortieth Legislative Assembly of the State of Oregon, petitioning the Congress of the United States to eliminate certain concessions made to foreign countries on agricultural products and to require, in the event of further trade agreements, that all entries coming into the United States shall be marked as to country of origin and that no exceptions shall be made to this rule; and that in the event of fluctuation of currency values the American producer shall promptly be protected by adjustment of the rates of duty on all commodities affected; and that legislation be passed requiring the ratification of all trade agreements by the Congress of the United States before such trade agreements may go into effect; to the Committee on Foreign Affairs.

1639. By Mr. MURDOCK of Utah: Concurrent resolution of the Legislature of the State of Utah, favoring stabilization of the price of silver and the employment of silver purchases to increase exports of United States products; to the Committee on Coinage, Weights, and Measures.

1640. Also, memorial of the Legislature of the State of Utah, memorializing the Congress of the United States to approve the Harrison-Thomas-Larrabee bill; to the Committee on Education.

1641. By Mr. POLK: Petition of the First Baptist Church of Hillsboro, Ohio, signed by C. B. Gross and 33 other members, opposing the recommendation of the Social Security Advisory Council that all religious bodies be taxed and their employees receive benefits under the Social Security Act, believing that if this change becomes a law it will violate a long-cherished and vital principle, separation of church and state, will endanger religious liberty, involve the church in disputes with the state, and lead to endless trouble and confusion; to the Committee on Ways and Means.

1642. By Mr. REES of Kansas: Petition of Rev. Paul E. Johnson, of Junction City; Rev. John V. Wright, of Idana; Rev. F. R. Parker, of Hope; Rev. E. M. Scott, of Carlton; Ralph A. Craig, of Alta Vista; and other citizens of the State of Kansas; to the Committee on Ways and Means.

1643. By Mr. SCHIFFLER: Petition of Rev. Frederick W. Cropp, Jr., the First Presbyterian Church of Wheeling, W. Va., urging that ministers be excluded from the provisions of the Social Security Act; to the Committee on Ways and Means.

1644. By Mr. SMITH of West Virginia: Resolution of Local Union No. 6107, United Mine Workers of America, of Killarney, W. Va., protesting against the proposed amendments to the Wagner Labor Relations Act; to the Committee on Labor.

1645. Also, resolution adopted by the board of elders of the Montcoal Presbyterian Church of Montcoal, W. Va., protesting against the favoring of exemption of ministers of the gospel from coming under control of the Social Security Act; to the Committee on Ways and Means.

1646. Also, resolution by the Logan County Industrial Union Council of Logan, W. Va., protesting against any amendments to the Wagner Labor Relations Act; to the Committee on Labor.

## SENATE

THURSDAY, MARCH 9, 1939

The Chaplain, Rev. Z<sup>c</sup>Barney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who hatest nothing that Thou hast made and dost forgive the sins of all those who are penitent: Create and make in us new and contrite hearts, that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of Thee, the God of all mercy, perfect remission and forgiveness. And, O God, who seest that we have no power of ourselves to help ourselves, keep us both outwardly in our bodies and inwardly in our souls, that we may be defended from all adversities which may happen to the body and from all evil thoughts which may assault and hurt the soul. Through Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 8, 1939, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 4425) to provide for reorganizing agencies of the Government, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 660) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for the reapportionment of cotton acreage allotments not planted by farmers entitled thereto, and it was signed by the Vice President.

### NEUTRALITY—NOTICE OF ADDRESS BY SENATOR LEWIS

Mr. LEWIS. Mr. President, I beg at this moment to give notice that on Monday next, immediately following the morning hour, at such time as may not unduly inconvenience the Senate, I shall address the Senate in support of the bill which I tendered yesterday repealing the neutrality law, which bill was referred to the Committee on Foreign Relations.

### ASSISTANT TO THE SURGEON GENERAL

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the detail of a commissioned medical officer of the Public Health Service to serve as assistant to the Surgeon General, which, with the accompanying paper, was referred to the Committee on Finance.

### ARMY AIRWAYS RADIO TRANSMITTER STATION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, stating that, pursuant to law, the Department of the Interior had transferred to the War Department 1.03 acres of the lands belonging to St. Elizabeths Hospital in the District of Columbia for the site of an Army airways radio transmitter station, which was referred to the Committee on the District of Columbia.

### YELLOWSTONE BASIN COMPACT

The VICE PRESIDENT laid before the Senate a letter from Clyde L. Seavey, representative of the United States in connection with the Yellowstone Basin compact, reporting relative to the progress made pursuant to an act of Congress approved August 2, 1937 (50 Stat. 551), granting consent of the Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for an equitable division and apportionment of the waters of the Yellowstone River, and making recommendation in the premises, which, with the accompanying report, was referred to the Committee on Indian Affairs.

### DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, the Navy, the Interior, and Agriculture, United States Civil Service Commission, Veterans' Administration, and the former United States Coal Commission, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

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

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of New Jersey, which was referred to the Committee on Commerce:

Concurrent resolution favoring the construction of a canal across the State of New Jersey

Whereas there exists a modern system of inside waterways along the Atlantic coast from Florida to New England and thence to the Great Lakes, with the exception of through the State of New Jersey; and

Whereas in order to complete such system it is necessary that a canal be constructed across this State, which canal would provide, at the same time, adequate communication by water between the ports and navy yards at New York and Philadelphia and would be of inestimable value in our scheme of national defense: Therefore be it

*Resolved by the Senate of the State of New Jersey (the house of assembly concurring),* That the State of New Jersey hereby reaffirms its long-continued endorsement of an adequate ship canal across this State, memorializing his Excellency, the President of the United States and Commander in Chief of the Army and Navy, and the United States Senators and Congressmen from this State, to cooperate in the acceleration of the construction of such canal; and be it further

*Resolved,* That the secretary of the senate forward certified copies of this resolution to His Excellency the President of the United States and to the United States Senators and Congressmen from New Jersey.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Assembly of New Jersey, which was referred to the Committee on Finance:

Resolution memorializing the Congress of the United States to adjust and regulate the collection of income taxes

Whereas the sixteenth amendment to the Federal Constitution gives to the Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the States, and without regard to any census or enumeration; and

Whereas the Congress has enacted appropriate legislation to enforce the amendment and has enacted an income-tax statute which in many instances works inequitably, resulting in hardships to citizens and corporations; and

Whereas in order that business may be encouraged and promoted: Therefore be it

*Resolved by the house of assembly,* That the Congress of the United States is hereby memorialized and requested to provide by proper amendment that in no case shall income taxes levied exceed 25 percent of the total of such income; and be it further

*Resolved,* That copies of this resolution, signed by the speaker and attested to by the clerk, be transmitted to the Senate and House of Representatives of the United States and to the Senators and Members of Congress from New Jersey in the Senate and House of Representatives.

This resolution shall take effect immediately.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of New