

James H. Vaughn, Ferrysburg.
Louis S. Martin, Redwood.
Teresa V. Ball, Rye.
Solomon J. Lempert, Sayville.

OKLAHOMA

Otto M. Morse, Calvin.
Foster E. Johnson, Carter.
Mae Tedlock, Choteau.
Troy Combs, Davenport.
Fred L. Burrow, Gage.
J. Roy Clem, Granite.
Theodore S. Hawkins, Hitchcock.
John W. Heinen, Okarche.
Hugh Ferguson, Rocky.
William W. Powell, Salina.
Vernie A. Oates, Shattuck.

SOUTH CAROLINA

Lucia C. Lindsey, Piedmont.
Lawrence E. King, Simpsonville.
Joseph H. Coleman, Travellers Rest.

TENNESSEE

Finley P. Curtis, Butler.
Warren B. Miller, Clifton.
Ethelbert C. Cross, Clinton.
Allen T. Fine, Jellico.
Irene Miller, La Follette.
Wilia J. McCrary, Philadelphia.

WISCONSIN

Gustav Adolph Fey, Ableman.
Joseph A. Kumhera, Almena.
Frank W. Flanagan, Bear Creek.
W. Anton Grotz, Berlin.
Neis O. Neprud, Coon Valley.
Sherman V. Wolf, Crivitz.
Carl E. Anderson, Galesville.
Johan Gustav Adolf Mollenhoff, Iron River.
Henry L. Blonien, La Valle.
Erwin A. Kamholz, Luck.
William C. McLaughlin, Merrill.
Edwin F. Hadden, Poynette.
William A. Weier, Wabeno.
Rosella M. Anderson, Wheeler.
Michael T. Lenney, Williams Bay.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 24, 1935

The House met at 11 o'clock a. m.

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

Our Father of all the earth, we rejoice that Thou art so accessible as to hear us when we call. Free our understanding from fatal error and deliver us from any false illusions and bring us into the full presence of the divine kingdom and the divine will. By thought and word, in sympathy and in purpose, let the humanities grow along our pathway in whose fragrance there are most excellent virtues. Thy Holy Word is with us: "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto Me." Blessed Lord God, the winter's blast and blight with suffering and destitution are with us. We beseech Thee that the freshness and the generosity of our Nation's heart may be revealed as the poor and the outcast turn wistfully toward the strong and the provident. We pray that the diabolical and the worst forms of selfishness that war against the soul may die and that every heart may be moved by that inspiration and by that eternal sacrifice which dawn in the shadow of our Savior's cross.

"Who gives himself with his alms, feeds three:
Himself, his hungry neighbor, and Me."

In the Redeemer's name. Amen.

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

TAX-EXEMPT SECURITIES

Mr. COOPER of Tennessee, from the Committee on Ways and Means, submitted a privileged report on House Resolution 56, which the Clerk read as follows:

House Resolution 56

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the House of Representatives the following information: The names and addresses of all persons and corporations who own tax-exempt securities in the amount of \$100,000 or over; the amount of such holdings held by each individual or corporation; kind of securities held in each case; and the interest paid on such securities per annum.

Mr. COOPER of Tennessee. Mr. Speaker, I ask unanimous consent that the report accompanying the resolution be read.

The SPEAKER. Without objection, the report will be read.

There was no objection.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the resolution (H. Res. 56) to direct the Secretary of the Treasury to transmit to the House of Representatives certain information with respect to the ownership of tax-exempt securities, having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

Mr. COOPER of Tennessee. Mr. Speaker, I move that the resolution be laid on the table.

Mr. BLANTON. Mr. Speaker, before the gentleman from Tennessee makes that motion, which would cut off all debate, would he kindly yield for a question?

Mr. COOPER of Tennessee. I yield to the gentleman from Texas for a question.

Mr. BLANTON. Why is this information sought by this resolution not the kind that the country is entitled to?

Mr. COOPER of Tennessee. It is the understanding of the committee that the information is not available in the manner sought by this resolution.

Mr. BLANTON. I realize that the resolution may not be in proper form, but if it were amended and placed in proper form, I believe very earnestly if he would not table it but would leave it to a vote of the House, 85 percent of the Members would vote for the resolution.

I am strictly against tax-exempt securities. I am in favor of properly subjecting to taxation all bonds and securities and taxing the income from all bonds and securities.

I realize that the resolution sought to be tabled asks for information regarding securities issued by the various States which are tax exempt, but which information is not available to the Secretary of the Treasury, as he has information available respecting only Federal securities issued by the Government.

But the Ways and Means Committee has authority to amend this resolution and strike from it that portion which seeks information the Treasury Department cannot furnish and require it to furnish the information which is available.

I am hopeful that before this Congress adjourns, the Ways and Means Committee will report and pass proper resolutions that will obtain for the Congress and the people definite information showing the extent and ownership not only of all Federal tax-exempt securities but also respecting all tax-exempt securities issued by the States, and that will grant constitutional authority to tax all income from such securities.

Of course, if the gentleman from Tennessee, acting for the Committee on Ways and Means, deems this resolution improperly drawn, and insists on his motion to table it, intending to bring in later a proper resolution that will obtain for us the information we seek, and are entitled to, then I shall go along with the committee and vote as the committee desires to table this imperfect resolution.

Mr. TREADWAY. Will the gentleman yield for a question?

Mr. COOPER of Tennessee. I yield to the gentleman from Massachusetts for a question.

Mr. TREADWAY. Mr. Speaker, I think a word of explanation should be offered about this resolution before the gentleman's motion is put.

The Ways and Means Committee took action in accordance with the gentleman's report yesterday, which was entirely agreeable to the minority Members. On the other hand, the gentleman who proposes the resolution, I understand, is not able to be in the Chamber today. If no rights of the committee are abrogated by the delay, I think out of courtesy to the proponent of the resolution, consideration of the gentleman's motion might well be postponed. I am sure it is not the intention of the gentleman from Tennessee [Mr. COOPER] in any way to interfere with the orderly procedure or courtesy to be extended to a Member introducing a privileged resolution.

Mr. COOPER of Tennessee. May I say to the gentleman that of course he has correctly stated my view of the matter; however, it so happens that under the rules of the House this is the last day the matter may be reported.

Mr. TREADWAY. I realize that, and I am perfectly willing that the report be made, but I am asking whether the Speaker can postpone under the rules consideration until such time, say a day or two, as would enable the proponent of the resolution to be present.

The SPEAKER. Of course, the Speaker has no authority to postpone the matter. The Chair understands from the statement made by the gentleman from Tennessee [Mr. COOPER] that this is the last day on which the committee may make its report. Some disposition will have to be made of the matter at this time by the House.

The Speaker has no authority whatsoever to postpone the matter.

Mr. TREADWAY. Mr. Speaker, I assumed that would be the ruling of the Chair. At the same time, the report of the committee may be acted upon at a specified time tomorrow or some other day without interfering with the rights of the committee, and I am sure the House ought to grant that right to the proponent.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that the motion to lay on the table is not debatable and no Member loses any rights on account of his absence. If he were here he would not be entitled to discuss the matter.

The question is on the motion of the gentleman from Tennessee to lay the resolution on the table.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 120, noes 18.

Mr. BOILEAU. Mr. Speaker, I object to the vote on the ground there is no quorum present.

The SPEAKER. Evidently there is not a quorum present from the count just made. The Clerk will call the roll.

The question was taken; and there were—yeas 271, nays 106, answered "present" 1, not voting 52, as follows:

[Roll No. 8]

YEAS—271

Adair	Carmichael	Dietrich	Gildea
Allen	Cartwright	Disney	Gingery
Andrew, Mass.	Casey	Ditter	Goldsborough
Andrews, N. Y.	Celler	Dobbins	Goodwin
Arends	Chandler	Dondero	Granfield
Arnold	Chapman	Dorsey	Green
Ashbrook	Church	Doughton	Greenwood
Ayers	Citron	Doutrich	Gregory
Bacon	Claiborne	Doxey	Haines
Barden	Clark, N. C.	Drewry	Hamlin
Beam	Cochran	Driscoll	Hancock, N. Y.
Beiter	Coffee	Duffey, Ohio	Hancock, N. C.
Bell	Cole, N. Y.	Duffy, N. Y.	Harlan
Biermann	Colmer	Duncan	Hartley
Blackney	Connerly	Eagle	Healey
Blanton	Cooley	Eaton	Hess
Bloom	Cooper, Ohio	Eckert	Higgins, Mass.
Boehne	Cooper, Tenn.	Ekwall	Hill, Ala.
Boland	Corning	Engel	Hill, Samuel B.
Bolton	Cox	Evans	Hobbs
Boylan	Crawford	Fenerty	Hoffman
Brennan	Crosby	Fernandez	Hollister
Brooks	Cross, Tex.	Fitzpatrick	Hook
Brown, Ga.	Cullen	Flannagan	Hope
Brunner	Cummings	Focht	Huddleston
Buchanan	Daly	Ford, Calif.	Igoe
Buck	Darden	Ford, Miss.	Jacobsen
Buckbee	Darrow	Frey	Jenckes, Ind.
Bulwinkle	Dear	Fuller	Jenkins, Ohio
Burnham	Delaney	Gasque	Johnson, Tex.
Caldwell	Dempey	Gassaway	Johnson, W. Va.
Cannon, Mo.	Dickstein	Gavagan	Jones
Carden	Dies	Gifford	Kahn

Kee	Massingale	Rayburn	Sutphin
Kennedy, N. Y.	May	Reed, Ill.	Taber
Kenny	Meeks	Reed, N. Y.	Tarver
Kerr	Merritt, N. Y.	Reilly	Taylor, Colo.
Kimball	Michener	Richardson	Taylor, Tenn.
Kinzer	Millard	Robertson	Terry
Kleberg	Miller	Robinson, Utah	Thom
Kopplemann	Mitchell, Ill.	Robison, Ky.	Thomas
Kramer	Montet	Rogers, Mass.	Thompson
Lambeth	Moran	Rogers, N. H.	Tolan
Lamneck	Nelson	Rudd	Tonry
Lanham	Norton	Russell	Treadway
Larrabee	O'Brien	Sabath	Turner
Lee, Okla.	O'Connell	Sanders, La.	Umstead
Lehlbach	O'Connor	Sanders, Tex.	Underwood
Lewis, Colo.	O'Day	Sandlin	Vinson, Ga.
Lewis, Md.	O'Leary	Schaefer	Vinson, Ky.
Lloyd	Oliver	Schuetz	Wadsworth
Lord	O'Neal	Seger	Walter
Lucas	Palmisano	Shanley	Warren
McAndrews	Parks	Short	Weaver
McClellan	Parsons	S'mson	Werner
McGehee	Patman	Smith, Conn.	West
McGrath	Patton	Smith, Va.	Whelchel
McKeough	Pearson	Smith, Wash.	Whittington
McLaughlin	Perkins	Snell	Wigglesworth
McLean	Peterson, Fla.	Snyder	Wilcox
McReynolds	Pettengill	South	Williams
McSwain	Pfeifer	Spence	Wilson, La.
Maas	Plumley	Stack	Wilson, Pa.
Maloney	Powers	Stamps	Wolcott
Mapes	Quinn	Steagall	Woodruff
Marshall	Ramsay	Stewart	Woodrum
Martin, Mass.	Randolph	Sullivan	Zimmerman
Mason	Ransley	Sumners, Tex.	

NAYS—106

Amie	Gearhart	McFarlane	Schulte
Andresen	Gehrmann	McGroarty	Scott
Boileau	Gilchrist	McMillan	Scrugham
Brewster	Gray, Ind.	Mahon	Sears
Buckler, Minn.	Gray, Pa.	Marcantonio	Secrest
Carlson	Greenway	Martin, Colo.	Shannon
Carpenter	Griswold	Maverick	Sirovich
Carter	Guyer	Mead	Smith, W. Va.
Castellow	Gwynne	Monaghan	Stubbs
Christianson	Harter	Montague	Sweeney
Colden	Hildebrandt	Moritz	Taylor, S. C.
Collins	Hill, Knute	Mott	Thomason
Costello	Hoeppel	Murdock	Thurston
Crosser, Ohio	Houston	Nichols	Tobey
Culkin	Hull	O'Malley	Truax
Deen	Imhoff	Owen	Utterback
Dirksen	Johnson, Okla.	Patterson	Wallgren
Driver	Keller	Peterson, Ga.	Wearin
Dunn, Pa.	Kloeb	Pierce	Welch
Edmiston	Kniffin	Pittenger	Withrow
Elcher	Kocialkowski	Rabaut	Wolfenden
Ellenbogen	Kvale	Ramspeck	Wolverton
Faddis	Lambertson	Rankin	Wood
Ferguson	Lemke	Rich	Young
Flesinger	Lucky	Richards	Zioncheck
Fletcher	Ludlow	Sauthoff	
Fulmer	Lundeen	Schneider	

ANSWERED "PRESENT"—1

Knutson

NOT VOTING—52

Bacharach	Cravens	Hart	Mitchell, Tenn.
Berlin	Crowe	Hennings	Peyster
Binderup	Crowther	Higgins, Conn.	Polk
Bland	DeRouen	Holmes	Reece
Brown, Mich.	Dingell	Kelly	Rogers, Okla.
Buckley, N. Y.	Dockweller	Kennedy, Md.	Romjue
Burch	Dunn, Miss.	Lea, Calif.	Ryan
Burdick	Englebright	Lesinski	Sadowski
Cannon, Wis.	Farley	McCormack	Somers, N. Y.
Cary	Fish	McDuffie	Stefan
Cavicchia	Gambrill	McLeod	Tinkham
Clark, Idaho	Gillette	Mansfield	Turpin
Cole, Md.	Greever	Merritt, Conn.	White

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. McDuffie with Mr. Merritt of Connecticut.
 Mr. Mansfield with Mr. Bacharach.
 Mr. McCormack with Mr. Crowder.
 Mr. Romjue with Mr. Holmes.
 Mr. Somers of New York with Mr. Reece.
 Mr. Burch with Mr. Burdick.
 Mr. Lea of California with Mr. Fish.
 Mr. Greever with Mr. Cavicchia.
 Mr. DeRouen with Mr. McLeod.
 Mr. Mitchell of Tennessee with Mr. Tinkham.
 Mr. Kelly with Mr. Higgins of Connecticut.
 Mr. Hennings with Mr. Turpin.
 Mr. Cole of Maryland with Mr. Englebright.
 Mr. Gambrill with Mr. Stefan.
 Mr. Bland with Mr. Ryan.
 Mr. Cary with Mr. Binderup.
 Mr. Cravens with Mr. Cannon of Wisconsin.
 Mr. Polk with Mr. Gillette.
 Mr. Crowe with Mr. Sadowski.

Mr. Kennedy of Maryland with Mr. Peyser.
Mr. Dingell with Mr. Buckley of New York.
Mr. Brown of Michigan with Mr. Clark of Idaho.
Mr. Rogers of Oklahoma with Mr. Berlin.
Mr. White with Mr. Dockweiler.
Mr. Farley with Mr. Hart.
Mr. Dunn of Mississippi with Mr. Lesinski.

Mr. PITTENGER, Mr. GUYER, Mr. JENKINS of Ohio, Mr. DEEN, Mr. FIESINGER, Mr. SECREST, Mr. CARLSON, Mr. HARTER, and Mr. JOHNSON of Oklahoma changed their votes from "yea" to "nay."

Mr. WOLCOTT and Mr. Cox changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

COMMITTEE ON MILITARY AFFAIRS

Mr. HILL of Alabama. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent that that committee may have permission of the House to sit during sessions of the House on tomorrow.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 69

Resolved, That JOE H. EAGLE, of Texas, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on World War Veterans' Legislation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. WEARIN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Iowa [Mr. GILLETTE] may be excused for the balance of the week on account of illness.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

PRIVILEGE OF THE HOUSE

Mr. MARTIN of Colorado. Mr. Speaker, I rise to a question of constitutional privilege, the privileges of the House, personal privilege, and all other privileges.

The SPEAKER. The gentleman will state his question of privilege.

Mr. MARTIN of Colorado. The morning papers, Mr. Speaker, credit me with a very able defense, and not undeserved, on the floor of the House yesterday of the Secretary of the Interior, but the CONGRESSIONAL RECORD this morning gives credit to my colleague Mr. TAYLOR, the acting floor leader. [Laughter.]

Now, far be it from me to make any representations about this matter or to determine which is right—the morning papers or the CONGRESSIONAL RECORD.

Mr. SNELL. Mr. Speaker, I make the point of order that if the gentleman rises to a question of the privileges of the House he must present a resolution.

Mr. MARTIN of Colorado. Mr. Speaker, of course, I do not care to make this matter a question of personal privilege, because I do not care to determine where the very right of the matter is—with the newspapers or with the CONGRESSIONAL RECORD. I just want to call attention to the conflict between these two authorities and leave the House to determine the matter as it may see fit, hoping that such a momentous question may be decided with justice to my colleague.

HOUSE JOINT RESOLUTION 117

Mr. DARDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DARDEN. Mr. Speaker, it is with sincere regret that I find myself unable to support the measure now under consideration. I have read it with a great deal of care, and I

have studied it with the hope that I might be able, since it is an administration measure, to lend it my support.

When we assembled in special session in 1933 such pressing difficulties faced the Nation that speedy and comprehensive legislation seemed absolutely necessary. The result was a delegation of vast power to the Executive in the belief that only in this way could national collapse be averted.

But emergencies do not last forever and sooner or later we come face to face with the necessity of resuming the performance of those duties incident to membership in the House of Representatives. I do not believe that we have anything to gain as individuals or as a party in postponing the hour. We cannot escape the responsibilities and obligations imposed upon us, in our system of government, by delegating to an Executive, who has and who merits our confidence, those duties that we ourselves should perform. In fact, his ability to carry out his full part in the effort now being made to improve conditions rests in no small degree upon our willingness to measure up to the responsibilities which are ours.

We have made no attempt to define in other than the most casual and general terms the rules and regulations which are to govern the distribution of this gigantic fund.

There is in this legislation no intimation that we intend to contribute more to the solution of the perplexing problems now confronting us than a declaration that an emergency exists, which can only be met by an appropriation of public funds so far in excess of current revenues as to stagger the imagination, to be placed in the hands of the President, already overburdened with the many duties of his office, with the expressed hope that he may be able to evolve and push to a successful conclusion a plan of national rehabilitation which we, as Members of Congress, apparently have neither the disposition nor the inclination to draft.

Such procedure must in the end fail, for the very good reason that neither the credit of the United States nor the endurance of the President is inexhaustible. Continued drains on the Treasury must result in an impairment of our national credit, and I doubt that there is a single Member of Congress who would not realize, if he took occasion to think about it, that it is not humanly possible for the President to perform the many tasks which are now so cheerfully being thrown upon him.

He must of necessity delegate the authority herein conferred upon him upon others in whose judgment he has confidence, and he will, of course, have to rely to a considerable extent, as to the necessity and as to the wisdom of the expenditures undertaken, upon their judgment.

In contemplation of this, section 4, among other things, provides for the redelegation of this authority by the President, and, if this measure is passed, we must realize that this almost superhuman task is to ultimately be undertaken by a person or group of persons as yet unknown to the Members of Congress.

Having this in mind, it is interesting to review the provisions of the resolution which have to do with the use of the money which is appropriated. The resolution provides for an appropriation of almost \$4,900,000,000 for the purpose of protecting and promoting the general welfare by—

First. Providing relief from the hardships attributable to wide-spread unemployment and conditions resulting therefrom;

Second. Relieving economic maladjustments;

Third. Alleviating distress; and/or

Fourth. Improving living and working conditions.

These four heads might well be said to cover the purpose of government. There is hardly any project that cannot, in good faith, be undertaken under so broad a grant of power. The improvement of living and working conditions alone constitutes a policy so broad that government itself might be regarded as one of its functions.

A delegation of the powers enumerated above is a complete abdication of the duties and obligations of the Congress.

We should not lose sight of the fact that one day in the near future, unless we are to suffer serious currency trouble,

we must adopt and put into execution a tax program that will yield a vast sum of money to meet the expenditures to which we are now committed.

Virginia, during the past year, contributed, roughly, 5 percent of the Federal internal-revenue collections. Upon that basis she will under this program be called upon to contribute approximately \$240,000,000 toward the repayment of the sum contemplated by this bill, and this does not take into account the interest charges that must be paid before the loan is finally liquidated.

Confining ourselves to the principal sum involved, the step here taken means that Virginia will be called upon to pay in taxes an amount equal to six times the annual cost of our present State government, or, to state it another way, an amount in excess of 10 times the present State debt, toward a program of relief which is yet to be formulated and as to which her representatives here have but the most meager information.

And, mind you, the program on which we are about to embark contemplates that this money will probably be spent within the coming 2 years. This will mean that this program of national rehabilitation will cost that State annually three times more than the operation of its entire State government.

I became a member of the general assembly in Virginia early in 1930. The depression which has since caused such intense suffering was but beginning. During my service there, which ended with my becoming a Member of the United States House of Representatives in 1933, every effort was made to keep the State out of debt and to maintain its financial integrity. Salaries of State employees were cut as much as 30 percent and all services save those deemed absolutely necessary were dispensed with. Having taken part in framing State legislation to this end, I cannot come now as one of the nine Representatives of Virginia here and obligate her for a debt as vast as this, a debt which will in fact remain to be paid by succeeding generations, without being better advised as to the plans contemplated to meet our present difficulties.

I am not unmindful of the necessity of supplying funds to meet immediate need and want. I am ready and willing to vote for the appropriation of over \$800,000,000 that is needed for immediate direct relief. But the launching of the Government into a broader field of public works is a matter that requires more thought and more consideration on the part of those of us who are required to vote the necessary funds than we have had the opportunity to give it.

I think the question might be viewed differently by many if instead of an appropriation of this size we were today attempting to pass a tax bill sufficient to raise the revenue which must ultimately be raised as a result of the passage of this measure.

It is probable that a great many more questions would be asked about the necessity of raising so large an amount of money and about the purposes to which it was proposed to devote it before we, as Members of Congress, would be willing to vote the additional taxes that would be required.

Yet we are passing a tax bill in effect, because in the end the Government, like an individual, must pay its debts if it is to remain solvent; and when we vote four thousand nine hundred million dollars for the purposes set forth in the resolution we are in effect declaring that it will be necessary at some future time to take this sum from the taxpayers of the country in an effort to better present conditions.

I shall touch only briefly on some of the other features of the resolution which to my mind are open to objection. The authority given to establish and prescribe the duties and functions of governmental agencies and to postpone, but not beyond June 20, 1937, the termination of the existence of any existing governmental agency, including a corporation designated and utilized under this section, seems to me much more than is needed for the prosecution of a plan such as is being considered. It is impossible to say what could or could not be done under authority so broad as this.

Section 6 of the act authorizes the President to prescribe such rules and regulations as may be necessary to carry out

the act and makes the violation of any such rule or regulation punishable by fine of not to exceed \$5,000. It would be possible under the terms of this provision for a citizen to offend against an Executive order issued, without his knowledge, thousands of miles from his home, and to suffer a severe penalty as a result thereof.

Personally, I am satisfied that the President would administer this power as fairly and as honestly as possible. But this is not a question of my belief in the President of the United States; it is, rather, my comprehension of a system of government in which I believe and which I want to see prosper and succeed.

A HARMONY CALENDAR

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a very short but learned treatise of my friend, Dr. Swan, who is the head of the chemical department of the University of Mississippi, in regard to the calendar known as the "harmony calendar."

The SPEAKER. Is there objection?

There was no objection.

Mr. DOXEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following short but learned treatise of my friend Dr. J. N. Swan, who is the head of the chemical department of the University of Mississippi, in regard to the calendar known as the "harmony calendar."

A HARMONY CALENDAR

Where can I get a calendar is being asked these days. A few years ago the same persons would be saying, "What can I do with all these calendars?" Before the depression calendars were put in your hands whether or not you wanted them. Possibly the publishers of calendars are getting ready for a changed calendar. Numerous suggestions have been made proposing to reform our calendar and put it on a more logical and usable basis. The present writer wrote such an article just 30 years ago, but like all the rest it did not give a complete solution of the problem, and it has not been followed. The latest article on the subject is in the January number of the Rotarian.

As has been suggested many times, we are using at present a most confusing calendar. In fact, we can do nothing with future dates without having a printed calendar to consult which covers the dates involved. We are so accustomed to this that we do not notice the difficulties to which we are subjected. For example, if one wished to make a date for July 10, 1935, on what day of the week would that date occur? The only ordinary way to answer that question would be to go to a printed calendar. It has occurred to many that we should have a calendar which would not require this at all, but the difficulty has been to find one which will do this for us and not meet with serious objections.

Calendars may be changed. In fact, we are now using a changed calendar, and the one which was changed to make our calendar had been changed at a still earlier date. We celebrate Washington's Birthday on February 22, but he was born on February 11—this was due to the reforming of the calendar, but it does not interfere with the proper celebration of the anniversary of that historic event. Some of our celebrations are moved about on our present calendar, Easter and Thanksgiving being examples of such annual events. These celebrations are on different dates in different years. They are on the same days of the week from year to year. Another set of anniversaries are on the same dates from year to year, but the days of the week on which they are celebrated vary from year to year, such as Washington's Birthday, the Fourth of July, and Christmas.

CALENDAR DIFFICULTIES

All agree that the calendar should be reformed, but there are some acute difficulties to be overcome in bringing this about. First of all is the fact that the time which the earth requires to make the circuit about the sun is not a number of days which has whole-number factors; in fact, it is a number which has a long fraction attached to it, namely, 365.2422 days. Next is the fact that over most of the world we have the 7-day week as a measure of time. The number 7 has no factors and therefore cannot be easily used with 365 days or with that number with its fraction attached.

It must not be forgotten that our calendar does not have to coincide with the time when the earth and the sun reach a certain position with respect to each other. If we wished to do so we could make a year of 350 days which we could divide into 10 months of 35 days each and thus have 5 weeks in each month. It is true that the time of the beginning of the year would move, and in a few years it would begin when we are having summer in the northern hemisphere, and, still later, it would keep on moving until the first of the year would again be in the winter time. We all desire, however, to have a calendar which will start the year at a given relative position of the earth and sun, year after year exactly the same as nearly as we can arrange it.

CALENDAR REFORMS

Two general ideas have appeared in the proposed calendar reforms. One idea is to have the calendar so arranged that each

month will begin on the same day of the week. This is best reached by having 13 months of 28 days each. There is 1 extra day to be cared for as well as a fraction of a day. All previous efforts fail to harmonize this with a regular succession of weeks of 7 days each.

The second idea is to make the quarters of the year have the same length by continuing to use the 12 months and rearranging the length of the months. The extra day again gives trouble in these plans. The succession of weeks of 7 days each must be followed and this is difficult to arrange. The only method of overcoming the difficulty is to have successive years start on different days of the week. The changes at the ends of the quarters and at the end of the years would make a calendar just as confusing as the present one. The extra day complicates it just as it does in the present calendar.

Mr. R. F. Chapin, in the January Rotarian, proposes having 12 months, as at present, but changing the figures a little, so that each month should have either 30 or 31 days. He proposes that the eighth and twenty-third and thirty-first days of the month should be "gala days" or holidays, and thus each month would have 28 days which are really counted. This proposal immediately does violence to the religious week of 7 days. Moreover, business in general does not want 2 or more "gala days" or holidays in each month.

A HARMONY CALENDAR

The writer has a proposition which he believes will solve the difficulties in trying to reform the calendar. The proposition is that each year shall have 13 months of 28 days each, and that the first day of all months in all years shall come on the same day of the week. Monday would be the normal week day to be made the first day of each month, but another day could be chosen if it was thought better. Under this plan the calendars for each of the 13 months would be identical and the calendars for the years would be identical, and there would be 52 weeks of 7 days each in the year.

To take care of the extra 1.2422 days of the actual sun year, it is proposed that at the end of each sixth year a week be added to the calendar of that sixth year. Thus, if such a calendar was adopted in 1936, then the years 1936, 1937, 1938, 1939, and 1940 would each have 52 weeks, and the year 1941 would have 53 weeks. December of 1941 would have 35 days or 5 weeks. This extra week at the end of each sixth year might be called a leap-year week, just as we now call the 29th of February a leap-year day.

This plan would in no way interfere with the week of 7 days. Any plan which interferes with the 7-day week cannot be adopted in Christian countries. France tried the 10-day week, but it had to be abandoned. In addition to the fact that it takes care of the 7-day week, it also gives the most desirable monthly calendar.

There is a small fraction of a day, namely 0.4532 of a day in each of the 6-year periods which is not accounted for in the above plan. In 92 years this fraction would amount to 1 week of time and this could be cared for by adding a week to 1 of the first 5 years of the 6-year period of that time, just as we refrain from having a leap year now in certain years, and therefore did not have a leap year in 1900. Had the new calendar been adopted to begin January 1, 1935, the years 2025 and 2031 would be years with the leap-year weeks added. The year 2027 could thus be also made a leap year and would take care of that extra week which had accumulated from the fraction of a day not cared for in the extra week of the 6-year periods during the 92 years.

This plan cares for the holidays in first-rate fashion. In fact, it will make all of them come at regular dates and not at fluctuating dates, unless it is Easter, and there is a movement on foot to make Easter come at a uniform time. This plan, using Monday as the first day of the year, would bring Washington's Birthday on Monday, February 22, every year. Labor Day would come on Monday, September 1, each year. The Fourth of July, Thanksgiving, and Christmas would come on Thursday every year, the 4th and 25th of each month being on Thursday.

In this plan there is no splitting of weeks at the end of the months.

The objection might be raised that the number 13 is not divisible. In answer it might be said that the half year is 182 days, the quarter year is 91 days, and the months are all 28 days—all definite and uniform numbers. These are the terms usually used in business transactions where parts of the year are specified.

This plan does not in any way interfere with special holidays which might be desirable. It is the best arrangement for special holidays, namely, that they are not rigidly determined to come every month at a certain time, but they may be placed where it is best to have them.

The extra thirteenth month may be placed where it is thought to be most desirable. In the proposals which have been given for a 13-month year the most common suggestion is that the extra month be placed between June and July, and some such name as Sol be given to it.

It might be allowable to call this the harmony calendar.

For this harmony calendar it may thus be claimed that—

1. It harmonizes the months of the year, making their schedules of days all identically the same;
2. It makes the detailed calendar of each year just like that of every other year;
3. It preserves the 7-day week undisturbed;
4. It cares for the exactness desired by astronomers; and
5. It may be easily adopted.

It might be asked, When could such a calendar be adopted? It could be adopted January 1, 1936, for example, by calling Wednesday, January 1 (as it will come in our present calendar) by the name Wednesday, January 3, 1936. This would thus assume that January 1936 began on Monday of that week. There is no worth-while objection to such a plan. In the year 1940 January 1 comes on Monday in our calendar. By waiting until that year the new calendar could be put in use without changing of any names of days.

Naturally, it would be desirable to have most of the countries using the Gregorian calendar agree upon a date of putting the new calendar into effect, but this is not essential at all, and the sooner it is adopted the better for humanity.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 112. Joint resolution to clarify the definition of disagreement in section 19, World War Veterans' Act, 1924, as amended.

APPROPRIATION FOR RELIEF PURPOSES

Mr. BUCHANAN. 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 House Joint Resolution 117, making appropriations for relief purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. O'CONNOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 117, of which the Clerk will read the title.

The Clerk read the title, as follows:

H. J. Res. 117. Making appropriations for relief purposes.

The CHAIRMAN. The gentleman from Texas has 24 minutes remaining, and the gentleman from New York has 30 minutes remaining.

Mr. TABER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, ladies and gentlemen, my opposition to this bill in its present form is threefold.

First. It calls for a surrender of constitutional functions, great powers and solemn duties of Congress, and the transfer of the same to one man without any restrictions whatsoever. He cannot only spend nearly five thousand million dollars, but he has the power to "establish and prescribe the duties and functions of any governmental agencies", and so forth.

He has the power to "consolidate, abolish, or transfer the duties, the property, the personnel of any governmental agency." He has the power to "postpone, but not beyond January 30, 1937, the termination of any governmental agency." He has the power to transfer any of these powers to whomsoever he pleases—Hugh Johnson, Rex Tugwell, Raymond Moley, Barney Baruch, Frankfurter, or anybody else. He has the right to exercise the power of eminent domain, which is probably the nearest any people can come to making any man king over them. The power of eminent domain is a power which is purely peculiar to sovereignty. It is one of the incidents of sovereignty and has never before in the history of the Republic been surrendered up to any one man. Under it he can take any man's property—real or personal—and do absolutely as he pleases with it. This is the exact language of the bill: "He can acquire by the power of eminent domain any real or personal property and grant, sell, or lease, or otherwise dispose of, any such property."

Ladies and gentlemen, the people of America in this period of unemployment and distress are willing to do anything reasonable, but they are not ready to knowingly surrender their country into the hands of any one man or group of men. I cannot conceive how any patriotic American could accept such power, much less ask for it.

Further, the bill carries a provision that strikes at the liberty of every American. None of us know but that we may be an early victim of this base invasion of our rights. This bill gives the President the right to prescribe rules and regulations which, if violated, call for a punishment of as much as a \$5,000 fine and imprisonment in a Federal penitentiary for 2 years. Who can claim for himself the honor of being an American citizen who will, when representing a constituency of about 300,000 people, by his vote sell them into dictatorial bondage? Ladies and gentlemen, to use the misfortunes of our people when hungry to usurp such unheard-of power is not right. It is wrong. It should be opposed.

The second reason I have for opposing this measure is that its authorship is uncertain. As we say in the legal profession it is an illegitimate child. Nobody has claimed it. I am advised on good authority that the President claims never to have read it. I firmly believe that the President did not write it. I know that it was not written by any Member of this House. I would not object if the President had written it or if he would say that it had been written for him by certain individuals. Neither would I object if it had been written by someone not a Member of Congress if some Congressman or committee of Congress would sponsor it. But when something is brought in here from nowhere by nobody and crowded down our throats under gag-rule tactics, I for one refuse to swallow. There are a hundred men on the Democratic side of this Congress who could, in an hour or two, draw up a bill that would meet this situation. I have favored all relief measures, and I have never supported any tactics that are partisan or especially designed to embarrass or thwart the President. I was active in procuring the passage of this first relief measure enacted under Mr. Hoover's administration. I am in favor now of voting an abundance for relief, but I am not willing to Russianize America in doing so. American charity in an American way is what Americans want, and not Russianized charity in a Russian manner. I repeat, it would have been an easy matter to draw a relief bill. I have prepared a bill myself, which may not be worded quite as elegantly as this creature of an unknown world, but it is in good unambiguous English and is constitutional, for it does not even strain any constitutional provisions. It would bring American relief to Americans in an American way. It does not call for a surrender of the powers of Congress, and it recognizes that the Executive, the President, is entitled to be trusted to the fullest extent in the exercise of those powers given him under the Constitution. Matters that call for Executive direction should be placed with the President. The placing of these powers, however, are matters for Congress. My bill is as follows:

Resolved, etc., That in order to promote the general welfare by providing relief from hardship and distress due to unemployment, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000,000, the same to be used and expended in the fiscal year ending June 30, 1936, and in the following manner and amounts and for the following purposes and under the direction of the following agencies:

First. One hundred and fifty million dollars to be used and expended for construction and improvement of rural roads not at present included in our Federal and State highway system and not entitled to participate in funds provided under the present Federal Aid Road Act of 1916 as the same was amended by the act of 1921. Said amount to be apportioned among the States, 25 percent according to population and 75 percent according to rural mail routes, star mail routes, and school bus routes located in each State. Said amount to be expended under the direction of the Secretary of Agriculture and the Postmaster General and to be expended for the benefit of rural people.

Second. One hundred and fifty million dollars to be used for the construction and reconstruction of roads and highways included in the Federal and State highway systems, the same to be apportioned among the several States, 75 percent in accordance with area, road mileage, and population, and 25 percent in accordance with the population. Said sum to be expended in the same manner and by the same agencies as is provided in the Federal Road Act now in effect.

Third. One hundred million dollars for the control of floods and to aid water navigation in the Valleys of the Ohio, Mississippi, and Missouri Rivers; and fifty million for the control of floods and to aid navigation in any and all other navigable river valleys. The same to be spent under the direction of the Board of Engineers of the War Department.

Fourth. Fifty million dollars for the furtherance of reforestation and for the purchase of submarginal lands for that purpose. The same to be spent under the direction of the agencies now lawfully authorized to carry on such work. Said agencies to make a report of their activities to the Secretary of Agriculture monthly and to Congress on the first day of its regular sessions.

Fifth. Fifty million dollars for the furtherance of programs for the prevention of soil erosion. The same to be expended under the direction of the agency now lawfully authorized to carry on such work. Said agencies to report their activities monthly to the Secretary of Agriculture and to Congress on the first day of its regular session.

Sixth. Four hundred and fifty million dollars to be expended under such plans and regulations and by such agencies as the President of the United States might direct. The same to be used for the relief of the blind, deaf, and other physically handicapped classes and for the extension of the work being done by the Civilian Conservation Corps; and for Public Works programs; and for such programs of work relief as the President may direct.

The same to be expended for the following classes of relief in the amounts and extents as the President might direct:

1. Public Works programs.
2. Federal Emergency Relief programs.
3. Civilian Conservation Corps programs.
4. Roads, highways, and grade-crossing programs.
5. Programs for the relief of the blind, the deaf, and other classes of physically handicapped citizens.
6. Such other programs as the President may prescribe.

A report of all expenditures under this item is to be made to Congress on the first day of its regular session.

Any portion of the moneys herein provided for remaining unexpended on June 30, 1936, is to be covered into the Federal Treasury at that time.

My third opposition to this bill is that it is tainted with politics. Why extend this bill beyond the fiscal year which ends June 30, 1936? Never before have we been called upon to appropriate money for more than 1 fiscal year in advance. I am surprised that so many conscientious Jeffersonian Democrats can stand for such an innovation. It marks the Tammanyizing of the Democratic Party. The claws of the Tammany tiger are clearly visible in this deal. There can be no doubt that this is the principal reason why the parentage of this legislative monstrosity has been so carefully withheld. It is not necessary to appropriate billions for use in 1 year. There is yet unspent from last year's appropriations over \$5,000,000,000. This is five thousand millions. Not in any single year, with all the graft and extravagance that have attended the administration of relief, have thousands of relief dispensers been able to dispense more than \$3,000,000,000 in any one year. With the five billion yet available and unspent, and with the one additional billion that my bill would provide, no sensible man can claim that the funds provided are not adequate. This whole set-up is a plan to see to it that Santa Claus will be able to function in 1936 as he did in 1934.

Ladies and gentlemen, this is not right. I yield to no man in my desire to see to it that adequate relief is furnished to those who need it. My record is 100 percent in that respect, not only by vote but by voice in Congress and out of Congress. I cannot stultify myself to assist any program that makes the destitution of the people a vehicle to ride into political ascendancy or to foist upon this country un-American theories and philosophies. [Applause.]

Mr. TABER. Mr. Chairman, I yield to the gentleman from Minnesota such time as he desires.

Mr. KNUTSON. Mr. Chairman and members of the Committee, the net results of our gigantic relief program do not add up to an impressive total, although the sums that we have expended in relief of all sorts constitute a total that staggers the imagination and is far beyond the grasp of the human mind. We have gone on the theory that we can borrow and spend ourselves into prosperity; but after 22 months' adherence to that fallacious doctrine, we find that we have progressed but little toward economic recovery. Indeed, the Minnesota House delegation met with several officials from the city of Minneapolis on Tuesday who informed us that the number of families on relief in that municipality have increased from something over 11,000 to over 16,000 during the past year. Not a very encouraging sign, is it?

I have been loath to comment upon the administration's program for recovery, for I have realized that those charged with the great responsibility have done their level best to cope with a situation that is without parallel in its serious-

ness, but it seems to me that the time has come to face the whole thing in a practical and dispassionate manner, and what I shall say will be said in the hope that my suggestions may prove helpful.

Last year we appropriated \$3,300,000,000 for relief and relief work. Today we are going to pass a measure calling for \$4,880,000,000 for the same purpose, a grand total of \$8,180,000,000, or a sum equal to \$8.18 for every minute since the beginning of the Christian era. Much of this money has been unwisely spent. We have financed Government projects that will directly compete with private industry, thereby reducing employment in such industries and further aggravate our unemployment problem. This has resulted in creating a feeling of distrust and uncertainty in industry, and the net result has been a further tightening up along the whole line. It must be patent to all that this line of attack has been almost barren of results. The fact that we yet have over 10,000,000 unemployed is sufficient proof for the assertion that the present relief program must be revamped and molded along lines that are economically sound; and as I see it, the first step is to give some of the college professors who have been administering the recovery program the air, if I may use a colloquialism that is expressive, if not elegant, and turn the task over to practical and sound business administrators, whose heads are not filled with impractical and visionary theories.

Mr. Chairman, we should, if necessary, give direct aid to industry by ordering them to immediately reopen factories, mines, quarries, and other activities upon the positive assurance that they will be protected against loss for a specified period, based upon normal production.

Then, Mr. Chairman, we should immediately stop making trade treaties with competing and defaulting countries so that the American producer may again be assured the American market on a basis where he may meet foreign competition upon an equal footing. This would put several million Americans to work at once.

Then, Mr. Chairman, we should immediately take steps to make defaulting countries pay what they owe us, or make satisfactory arrangements to do so, and in this connection I desire to incorporate as a part of my remarks an article appearing in the Washington Herald on January 22.

**KNUTSON INSISTS UNITED STATES TAKE ACTION TO COLLECT DEBTS—
PROPOSES FIVE MEASURES TO "SMOKE OUT" DEFAULTING NATIONS**

By John T. Lambert

Representative HAROLD KNUTSON, of Minnesota, a veteran of 16 years' service in Congress, declared last night the United States must proceed in some way to collect the eleven thousand million dollars owed by foreign nations or be regarded "as the champion international sucker of all time."

Mr. KNUTSON has filed five bills in Congress, the purpose of which, he says, "is to impose a sense of honor upon the foreign defaulters and to obtain justice for the American taxpayers and public." These bills provide:

1. That Secretary Morgenthau, in his daily statement of Treasury conditions, shall publish a concise table of the foreign nations and their debts to Uncle Sam "in order that the American people shall always have these facts before them."

CANAL FEE PROPOSED

2. That a fee 20 percent in excess of the regular transit and port charges shall be levied upon all vessels of defaulting nations that employ the Panama Canal.

3. That the sale of the securities of any defaulting nation, or its subsidiaries, shall be prohibited in the United States.

4. That triple export or import duties shall be assessed upon the products of any nation which has neither paid its war debts nor made a satisfactory adjustment for future payment of them.

5. That Secretary of State Hull be requested not to engage in any new reciprocal-trade agreement with any country that has "welshed."

Mr. KNUTSON said that the emissaries of foreign nations are "pounding at the door" of the Secretary of State with their demands for favored treatment in the tariff treaties which he was authorized by Congress to negotiate.

DANGER TO INDUSTRY

In every one of these treaties, he said, there is the inherent danger that some American industry will be ruined for benefit of foreign competitors in the low-waged countries. He continued:

"The average American citizen hesitates to do business with his neighbor who owes him money until he has a satisfactory agreement on the back bill.

"In the dealings with nations the same policy of honesty and prudence should be pursued.

"The foreign nations have shamelessly repudiated their solemn war debts to the American Nation and American people. We should not grant them a penny or a favor, nor should we engage in any commercial transaction with them, as between nations, until they have told us when and how they are going to pay what they owe us."

RECALLS BLAINE POLICY

Mr. KNUTSON, who is a Republican, believes Congress yielded tariff-treaty-making power to Secretary Hull on the assumption that trade relations would be promoted with the South American Republics. He feels neither Congress nor the American public suspected any cornucopia would be opened for benefit of the European countries that "are shamelessly in default."

He recalls James G. Blaine made the desire for trade expansion with Latin America "the cornerstone of the brilliant policy as Secretary of State." President Coolidge, after many disappointing experiences with France and Europe on debts, disarmament, and other international policies, came to the final and firm decision that the hope of future trade and satisfactory diplomatic relationships lay in the countries of the south.

TRADE GAINED AND LOST

For that reason, Mr. Coolidge left the soil of the United States and went to Havana to address the Pan American Union. He approved the excursion Mr. Hoover made into Latin America after his election as President and before his inauguration.

Prior to the World War, England and Germany possessed about 54 percent of Latin America's foreign trade. The United States had less than 20 percent of it. When the war cut the foreign nations off, the United States captured up to nearly 60 percent of this business. Mr. Coolidge believed that this was one of the substantial contributions to the prosperity of that period.

In the subsequent years, the European nations have again penetrated Latin America. They have conducted an insidious propaganda there against the United States and have regained much of the market recently enjoyed by American business and labor.

On March 24 of last year, when we had before us the administration's reciprocal tariff measure, I said in part:

It has been said that there is nothing new under the sun, but there is, and I refer to the new philosophy on economics for which the proponents of this bill stand. In recent statements to the press and in addresses delivered in various parts of the country they announce without reservations that the first requisite for recovery in this country is to build up the foreign purchasing power through a lowering of our tariff rates, which, of course, can only mean an increase in imports from other countries and a corresponding decrease in domestic production.

To that plea my answer is, let us build up American purchasing power first. That is most urgent, and it is our duty to do so. Why should we lower our tariff at the present time when there is so much unemployment, suffering, and want at home, and when we are already importing too many agricultural and industrial commodities in large volume, such as cheese, rye, barley, flax, sugar, vegetable oils, carpets, footwear, glass and earthen ware, textiles, matches, pulp and print paper, and many other products, and while prices at home, by reason of these imports, are at their lowest levels in history and unemployment the greatest?

In Minnesota and in other States manganese mines are closed down. Does anyone seriously contend that it would materially promote prosperity in this country if we were to buy yet more manganese ores from Russia, Brazil, and India, when thousands of idle manganese miners are walking the streets in this country looking for work?

Does anyone really believe that we should increase our imports of shoes, glassware, earthenware, toys, etc., from Czechoslovakia and Japan and reduce the output of the American factories engaged in the production of these commodities?

Does anyone honestly believe that we should produce less American textiles and worsted goods and buy more from Europe and Japan?

Under the philosophy advanced in behalf of this legislation we would build up the foreigner's buying power by giving him the American market, which is about all that we have left as a result of our ill-fated venture into international politics back in 1917-18; but let us make no more mistakes. To do so would be at the expense of the American farmer, workingman, and manufacturer.

On all sides we find foreign goods and products on sale. Go into any market place, and one will find that all canned beef on the shelves comes from South America, the matches from Japan and Russia, plate glass and cement come from Belgium, the crockery and earthenware from Czechoslovakia, as does a very considerable part of the footwear offered for sale. It is almost impossible to buy clothing made from American fabrics, and the oleomargarine and soaps that we use are largely made from vegetable oils that come from the Orient. Dried and powdered eggs in large quantities come from China, and most of our print paper and pulp come from Canada and Europe. We should not lose sight of the very important fact that when the President reduced the gold content of the dollar he at the same time reduced all specific tariff rates by 40 percent, and as a result we are today on the lowest tariff plane of any country that I know of, and here it is frankly proposed to lower the bars yet more. Have we lost our senses? It would seem so.

The proponents of this measure evidently fail to take into consideration two very important factors which make the proposed plan visionary, impractical, and undesirable: First, the

home market consumes over 90 percent of our total production in normal times, hence we should primarily concern ourselves with retaining that market. Second, in order to increase our foreign commerce we will have to extend the credit necessary to permit them to buy from us, and already they owe us billions of dollars for goods bought, which we will never get, or we will have to buy from them commodities to cover such transactions. Save in the case of tropical fruits, tea, coffee, rubber, silk, and a very few more commodities, everything that will be sold to us we already produce at home, and to buy such items abroad can but further restrict production at home, with its resultant curtailment in labor. I ask you, Is it good business for us to go into such a deal?

As I see it, the whole proposition is premised on unsound ground. Surely, we will not be able to help our unemployment situation in this country by buying abroad more of the things we can and should produce at home. The testimony had before the committee clearly shows the real purpose of this program, which is to lower the tariff and make it easier for the foreigner to sell to us.

We are now buying altogether too much from other lands, and much of our unemployment is the direct result of these large foreign purchases. Is it not high time that we give some heed to the welfare of our own people? If we would restore the farmers' and laborers' purchasing power by giving them the home market, we will be able to take care of the surpluses in all American industries.

Those of you who were Members of the Seventy-third Congress will recall that in speaking in opposition to the reciprocal-tariff measure I said that all trade agreements negotiated thereunder would be at the expense of American agriculture and industry. Well, the agreement recently entered into with Cuba bears me out. In that agreement we have reduced the import tax on Cuban sugar from \$2 per hundred pounds to 90 cents per hundred, and at the same time increasing her export quota of sugar by 300,000 long tons which was accomplished by arbitrarily reducing American cane and beet production by the same amount. Then, too, we have reduced the import tax on Cuban Irish potatoes from the regular tariff rate of 75 cents per hundred to 30 cents per hundred, and only last week a delegation of potato growers came down here from Maine to protest that they cannot compete under the new arrangement. They ask to make potatoes a basic commodity under the A. A. A.

In the Cuban agreement we have also reduced by 50 percent the protection American growers of early vegetables have heretofore enjoyed. I ask you, Is this the way to end the depression? If it is, then I, and millions of other Americans, will have to admit that we are mistaken, and that the cure lies in free trade.

Mr. Chairman, in closing let me make a final plea that we immediately take steps to bring pressure on the nations that have repudiated their sacred obligations to us. They now owe us approximately \$11,000,000,000. The good Lord knows we could use that money to very good advantage just now. Let us pass the five bills that I have introduced to make them pay. If we will employ the weapons we have at hand, they will immediately take steps toward that end in a manner that will be satisfactory to us. And may I at this time quote for the benefit of our State Department from a letter written by George Washington to C. C. Pinckney, dated July 8, 1796:

It is a fact too notorious to be denied, that the greatest embarrassments under which the administration of this Government labors proceed from the counteraction of people among ourselves, who are more disposed to promote the views of another nation than to establish national character of their own.

Mr. Chairman, that patriotic observation is more applicable today than at any other time in the history of the Republic.

Mr. TABER. Mr. Chairman, I yield to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Chairman, this resolution assaults the dignity and the integrity of the House from two angles. In the first place, it was left like an illegitimate child, fatherless and motherless, upon the doorstep of the south wing of the Capitol, where it was found by some messenger of the "brain trust" and carried into the Rules Committee, where it found fond asylum. It is of unknown authorship. We know not who wrote it. We only know who did not write it. It was not written by any Member of this House, nor written or considered by any committee of the House except the Rules

Committee, which wrote only the outrageous rule under which it is considered by the House.

In the second place, it encroaches upon the legislative prerogative of the House not only by delegating to the Executive unprecedented powers, never exceeded even in time of war, but also by conferring the power upon the Executive in turn to delegate these powers and prerogatives to persons and governmental agencies not elected by the people nor in any way authorized to exercise these powers by any mandate from the people. It has been well stated in this debate that the issue at stake is that of the honor and integrity of the House of Representatives as a legislative body. Every Member of the House is ready and willing to vote for relief for those in dire need, but does not relish being bound and gagged and forced to violate his oath of office to support and defend the Constitution of the United States.

Power is a glutton. Human nature is so constituted that a taste of power stimulates the appetite for more power. Given a foot it wants a yard. Given a yard it asks for a mile. In the Seventy-third Congress we were told that if we would grant the President the power asked by him it would be only for the emergency; that it was justified by the stern mother of invention, necessity; that the depression was such an emergency that extraordinary powers were demanded for the Executive; and that desperate diseases demanded desperate remedies—heroic treatment.

We on this side of the aisle were generous. While we hesitated to vote these powers, questioning both their necessity and their constitutionality, we laid aside for the time our reluctance and aided in delegating to the President powers such as were never before granted to a President in time of peace. It was urged that these powers were to be of the most temporary character, that once granted the legerdemain of the "brain trust" with its experiments would rain down prosperity and plenty like manna from the sky in no time, and that then we could go back and live under the Constitution.

So we poured out the money of the people like water, billions upon billions, producing beautiful deficits and unbalancing the Budget contrary to all platform pledges. But the manna failed to materialize and the experiments fizzled out one by one. There was some little financial activity such as prodigious sums spent by the Government would naturally produce. We primed the pump but the old thing just squeaked and groaned and quit and nothing more.

In fact, as a matter of governmental policy, in this new deal, which is not new at all but as old as human history, we are flying in the face of all political tradition and human experience in government. For many years our executive department and Federal authority have been expanding and encroaching upon the natural and constitutional prerogatives of the States. That has been the persistent tendency for the past half a century. This has entailed an enormous centralization of power which has manifested itself in a huge bureaucracy. Anyone not afflicted with political strabismus, cataract, or pink eye can discern that this centralization of power and its delegation to the Executive has advanced in the past two years by leaps and bounds, under the impulse of the "brain trust" whose most important protagonist complains that the greatest obstacle to the progress of the new deal is—

The unreasoning and almost hysterical attachment some Americans have for the Constitution of the United States.

We have had the executive department exercising not only executive powers but also legislative powers granted by a too subservient, rubber-stamp Congress. I am not blaming the Executive for this, but the House itself.

The fault, dear Brutus, is not in our stars,
But in ourselves, that we are underlings.

Today we are asked to go far beyond the bad example set by the Seventy-third Congress. We are asked in this resolution practically to abdicate our legislative prerogatives and powers and to turn over to the Executive and his "brain trust" advisers carte-blanche authority to appropriate and spend the money of the people at will, to abolish depart-

ments, and to create others not specifically authorized by Congress.

Montesquieu, whom Madison called the "oracle of liberty", declared:

There can be no liberty where legislative and executive powers are united in the same person or body of magistrates because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

That has been accepted as a political axiom for over a century and a half. In our country this centralization of power has grown until it would stagger Thomas Jefferson if he knew this performance of his party, and would astonish Alexander Hamilton by transcending any idea of a strong government that he ever expressed or any that even his enemies ever put in his mouth.

In England, which in his day Montesquieu termed the "mirror of liberty", the tendency has been just the opposite as to centralization and the exaltation of the executive. There the executive has continually diminished in the exercise of his powers and the most numerous branch of the legislative machinery of England, the House of Commons, has continuously augmented its power until it is the real responsible government of England. So well known and established is this that though the King of England has certain powers, for example, the veto, he never exercises them. In fact, he probably would not dare to exercise that power.

I do not want to see the President become a figurehead, but I want him to exercise only those powers that the wise framers of the Constitution saw fit to confer upon him, and to have him insist that Congress exercise its functions of lawmaking and its sacred duties as prescribed in the Constitution, and not demand that the House abdicate its power as a legislative body. As the Commons in England, which represents the people directly, was exalted so was English liberty extended and fortified. As the House of Representatives and the Congress of the United States abdicate their powers and prerogatives and delegate them to the Executive or other agencies or bureaus so will American individual liberty languish.

There is another matter that I wish to direct to the attention of the House, and the country, too, and that is the tendency to use the public money in relief efforts for political capital. From all over the country comes the report that in the November election Democratic politicians appealed to persons on relief rolls to vote for Democratic candidates, particularly those who were candidates for Congress, making use of such expressions as: "Do not bite the hand that feeds you. The President is feeding you." "Vote for candidates for Congress who are 100 percent for the President."

It has been stated that in many cases persons were warned that any activity in opposition to Democratic candidates would result in separation from the relief rolls. It is unbelievable that the President had any part in or knowledge of the prostitution of the money of the people for political purposes if it existed, but his party owes it to the President as well as to the party to institute an honest and thorough investigation of such alleged activities and disavow them if true as well as to mete out proper punishment. No blacker stain could besmirch the record of a party or administration than the infamy of preying upon the hunger and destitution of the people for political advantage at the expense of the Public Treasury. Naturally such allegations are the subject of exaggeration and no doubt in many cases of misrepresentation. There is one sure and positive refutation and that exists in a thorough and impartial investigation of these alleged conditions. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 5 minutes to the gentleman from Maine [Mr. MORAN].

Mr. MORAN. Mr. Chairman, it is with genuine regret that I find myself unable to agree with the leadership of my party on the issue now before the House. Some of my objections may be detailed as follows:

First, I oppose section 6 of the bill. I do not believe that any one man should have authority to prescribe rules and regulations and have the violation punishable by such penal-

ties as \$5,000 or 2 years' imprisonment, or both. That is not democracy; that is Fascism. Federal crimes and their punishment should be matters of statutory enactment by Congress and should not be subject to the whim of some bureaucrat to whom the President might delegate such power. To say that it has been done previously is no logical answer. If this section creates any new crimes, the foregoing criticism is applicable; if it does not, the penalty portion of the section is unnecessary.

Second, I oppose that part of paragraph (c) of section 5 of the bill which proposes to grant to the President the amazing power of acquiring personal property by eminent domain. No American citizen would legally be safe in the possession of rights all Americans cherish.

Now I fully realize that under the rules these two sections, 6 and 5, are subject to amendment. But I comment on the fact that they are subject to amendment because of the activity of those Members of Congress who believe that bills should be scrutinized carefully, regardless of their source, and that no amendment could even be offered if all Members adopted the attitude of some who seem to feel their duty is discharged if they merely mumble their faith in the present Chief Executive.

I, too, have a high regard for and great faith in the present Chief Executive, but I have more regard for the Constitution of the United States, the form of government under which we live, and good government for all of the American people.

Third, I oppose in part section 2 of the bill. What is the object of the Appropriations Committee's figuring such items down to the last dollar on other appropriations and then giving a blank check in this case? This new relief organization, whatever it is to be, should come to Congress like every other unit of the Government, explain its needs and desires, and have Congress pass on them.

Fourth, I oppose section 1 of the bill. I am not challenging the motives of any Member of Congress, but I for one do not favor voting \$4,000,000,000 in a lump sum to any President to do with as he will. This is a legislative, not an executive function. As one legislator, I stand ready to perform my share of that duty. I oppose delegating a distinctly congressional authority to the Executive. I regret that the Executive has asked for such unprecedented authority. Feeling it my duty to the people who have to pay the bills, and believing strongly that the best interest of our people and our form of government requires that the United States House of Representatives should retain all of its constitutional rights and not delegate them to the Executive, I voted against the gag rule. The issue is now framed between relief on a basis I greatly oppose or no relief. Remembering the suffering of my constituents, I have no option but to vote for the bill. But I want the RECORD to show my viewpoint on this important matter, as I believe the time is coming when the United States House of Representatives will reassert itself under the Constitution in the interest of truly representative government.

I call your attention to page 1 of the printed hearings on this bill, which I quote as follows:

The CHAIRMAN. * * * Secretary Morgenthau, Admiral Peoples, Director of the Procurement Division, and Mr. Bell, Acting Director of the Budget Bureau, are present. As the Secretary has some very important business, we will hear from him first.

This is illustrative of the situation today. As Secretary Morgenthau "has some very important business" he can only tarry a while with the House of Representatives committee to testify regarding an appropriation of \$4,000,000,000! My viewpoint is that this appropriation is of vastly more importance than any matter that could possibly engage the attention of the Secretary of the Treasury.

The only answer by administration forces is that we should have confidence in the President; that he is a good man; that he will use those unprecedented policies wisely. The Supreme Court of the United States has very recently answered that argument in the following language:

The question whether such a delegation of legislative power is permitted by the Constitution is not answered by the argument

that it should be assumed that the President has acted, and will act, for what he believes to be the public good. The point is not one of motives, but of constitutional authority, for which the best of motives is not a substitute.

Must the Supreme Court again point out the error of our ways? This admonition should be sufficient to cause us to proceed from now on in accordance with the Constitution.

Mr. TABER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. MARSHALL].

Mr. MARSHALL. Mr. Chairman, as I sat in the Chamber yesterday and listened to the arguments advanced for this measure, my memory took me back to the arguments that were advanced when the \$3,300,000,000 was being appropriated in the last Congress. The hope was held out to the country that that would bring about a business millenium, but the results certainly have not justified that hope and belief. The real problem before our country today is that there are still 10,000,000 unemployed. I was interested to note the statement of Gen. Hugh Johnson to the effect that when those 10,000,000 men were employed the volume of business of the country amounted to about \$90,000,000,000 per year, whereas now it amounts to only about \$40,000,000,000, so that the real problem before the Congress is to bridge a gap of \$50,000,000,000 of business, which represents the slack in this country. It will be readily seen that the appropriation of this \$4,000,000,000, even though it does employ 4,000,000 people, will be only a temporary employment—only another shot in the arm—and what I am fearful of is that the next Congress will be asked to make another large appropriation for the same purpose. My thought is that the Congress cannot legislate to put to work those other 6,000,000 men immediately, but it can refrain from passing any more legislation that will further hamper recovery, and it is my belief that much of the legislation by the last Congress instead of being an aid to recovery has been a hindrance to recovery.

I refer particularly to most of the provisions of the National Recovery Act, tampering with our money structure, the law authorizing the President to enter into reciprocal-trade agreements, all of which, along with some other acts passed, have discouraged rather than encouraged the investment of capital in private industry, and this is the only process by which recovery will ever come.

The creation of the Tennessee Valley Authority, and in connection therewith the Government's entering into business in competition with private industry, coupled with the threat to establish such projects throughout the land, is now preventing an investment of millions of dollars in betterments and extensions of those industries the very existence of which is threatened by the Tennessee Valley Authority and the other proposed projects of a like nature.

We shall wake up one of these fine mornings and find our Government in debt in an amount impossible of payment without uncontrolled inflation and that all the business left in the country will be the businesses operated by the Government. We cannot tax private industry to raise a fund and then invest this fund in direct competition with the taxed industries without drying up the industry so taxed.

It has been my prediction—and I am more convinced each day—that the Government must get out of business and give private industry a breathing spell, free from threats and cajoling, or it will soon become necessary for the Government to take over all business under a planned State socialism.

The best service that this administration could now render would be to change its threatening attitude as regards private industry and give private industry some encouragement to go forward by announcing some fixed policy on which business might rely for at least a few months in advance.

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

Mr. BUCHANAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. Chairman, no bill that has been presented to the Congress since I have been a Member of the House has given me graver concern than the pending measure. During the Seventy-third Congress I supported

every measure recommended to us by the administration. As to the wisdom of some of the emergency legislation, I entertained doubts, but I resolved those doubts in favor of a definite program in preference to a "let-nature-take-its-course" program, and in favor of a leader who has the confidence of the people and who, in the words of Mordecai, seemed to have "come unto the kingdom for such a time as this."

We have weathered the worst of our economic storm. While there is still much unemployment, our banking system has been placed on a sound basis, wholesale foreclosures have been prevented, and much of our debt structure, both public and private, has been refinanced on easier terms. While the farm dollar is still below parity, the income and the purchasing power of farmers has greatly increased, and many private corporations that showed net losses for 1932 show net gains for 1933 and 1934. The increase in the national income has exceeded the amount expended by the Federal Government for relief and for "priming the pump" for recovery. In other words, we have made definite gains since March 4, 1933, and have now reached the point in our recovery program when we could and should calmly and deliberately consider legislation of a permanent character.

The history of every great upheaval has been to carry remedial measures to an extreme, and in an effort to prevent a recurrence of known evils to adopt measures which in themselves create new problems.

I feel that the time has come in our national experience when it is important for every man in public life to confess his political faith and to clearly and unequivocally express his views on social and economic problems. It should be possible to do so without impugning the motives, the unselfishness, and the patriotism of those who entertain different views.

Since, as I have stated, I have previously supported every other administration measure, and since I can neither conscientiously nor consistently with campaign promises support the pending bill, I feel that I owe it both to our great leader, to the constituency that elected me, and to myself to give my reasons. I also feel that I owe it to my colleagues in the House to explain why I voted for the rule and then will vote against the bill.

I voted for the rule because I considered that I was morally bound by the action of the party caucus of which I was a participating member. I believe in government by parties and in playing the game according to the rules. The rules of our Democratic caucus are that a two-thirds majority binds the other members.

But there was no caucus action on the merits of the pending bill, and even had there been I would have been excused from the action of the caucus by reason of my campaign pledge to work and vote for economy with a view to balancing the National Budget as soon as practicable.

There were a number of reasons that induced me to make that campaign promise. I was elected in 1932 upon the Chicago platform of the Democratic Party which pledged our party to economy, sound money, and a balanced Budget. I supported in 1933 the President's economy program, including opposition to the immediate cash payment of the bonus. I publicly commended the President's message to the Congress delivered in January 1934 in which he expressed the hope that we could balance our Budget for 1936 and thereafter live within our current revenue. I commended the utterances of the President in October 1934 on the occasion of the dedication of the veterans' hospital in Virginia, in which he said that we must put first things first and that while this administration did not intend to permit any man to starve, it would be necessary to curtail the present spending program.

Hon. Montagu Norman, Governor of the Bank of England, said last week that no man was wise enough to fully comprehend the meaning of all the changes through which we are now passing. Certainly I would not be so conceited as to think that I am. I know very little about national finance and still less about international finance. My opinions, of necessity, are based upon my limited personal experiences

and personal observations, and colored, of course, by my early instruction in the realm of political science. I grew into manhood believing that our capitalistic system is the best system. I recognize, of course, that there have been and still are inequalities, but the happenings of recent years in Russia, Germany, and Italy fully demonstrate that no other system of government yet tried is free from inequalities.

I grew to manhood believing that the form of constitutional government evolved by Washington, Jefferson, Madison, Franklin, Adams, and their collaborators, with the respective States reserving unto themselves all powers and functions not specifically delegated to the Federal Government, and with the Federal Government composed of three separate and distinct branches, was both wise and sound.

My observation of private financial transactions has been that when an individual, firm, or corporation continues to spend more than he or it earns, bankruptcy is the probable end. For 6 years I was legal adviser to the board of supervisors of my home county—the agency that prepares county budgets and levies county taxes. That experience convinced me that a big bonded debt was a great handicap to any county, and that after it reached a certain proportion of taxable assets repudiation would be the result. For 6 years I served in our State senate and for 7 years as the head of a State department. My experience with State financial affairs convinced me that a large bonded indebtedness was a dangerous thing. Following the World War motor transport developed by leaps and bounds in the United States, and with the wide-spread use of motor cars and trucks came a wide-spread demand for improved highways on which they might operate. In Virginia there was a bitter and long-drawn-out fight over whether these improved highways should be built with the proceeds of a \$50,000,000 bond issue or from current revenue. When that issue was ultimately submitted to the Virginia electorate it voted overwhelmingly for a pay-as-you-go policy in road construction. While sister States and political subdivisions thereof were freely spending the proceeds of tremendous bond issues, Virginia and the political subdivisions thereof kept relatively free from bonded debt. As a result, when the depression came Virginia was better able to weather the storm than many States, and ultimate recovery in Virginia, if the taxpayers of that State are not bowed down by an overwhelming national debt, will be more rapid than in some States. And the financial integrity of the Commonwealth of Virginia was preserved not only by refusing to expend the proceeds of bond issues but by making personal sacrifices during the depression. The appropriations for all State activities were drastically reduced, and the salaries of all State employees were cut, not 5, 10, or 15 percent, but 30 percent.

It is with this background, and representing in the House a section of Virginia that was settled and developed by industrious and thrifty Scotch-Irish and Dutch, that I approached the pending proposal to add to the present appropriated and unexpended sum of \$5,000,000,000 an additional appropriation of \$4,800,000,000. The pending resolution places the entire sum in the hands of the President to be expended as he thinks best. We have been given assurances that the President will personally supervise the expenditure of this huge sum. In my opinion, that will be physically impossible. I am willing to vote for any sum necessary to prevent human suffering; I am willing to vote for a reasonable appropriation to continue a public-works program, notwithstanding the fact that I have not approved of some of the projects for which public-works funds have been expended in the past.

But I cannot bring myself to vote for this appropriation of \$4,800,000,000.

I would not undertake to speak dogmatically as to what is wise and what unwise, what is safe and what unsafe with respect to a national spending program and a tremendous national debt, but will content myself with the mere expression of the personal opinion that the present spending tendency is neither wise nor safe. I roughly estimate that Virginia's share, as the seventh largest

taxpayer in the Nation, of the proposed appropriation will be about \$250,000,000, or equal to the entire cost of operating our State government for half a decade. I do not feel that any benefit that Virginia will receive, directly or indirectly, from the total expenditure will be commensurate with the burden of the repayment of Virginia's share of the debt.

When I was a boy an old farmer used to tell me, "The tendency of everything is to be more so." The tendency of a Federal spending program is undoubtedly to be more so. Close on the heels of this bill will come the demand for the immediate cash payment of the adjusted-service certificates. I for one do not feel that I could consistently vote for the current appropriation and then deny my comrades of the World War the payment of a debt already contracted on the ground that the national credit and the public welfare could not stand the payment. I will not undertake to enumerate the other demands of group benefit payments and social reform measures nor the socialistic proposals that have been made that will involve a continuing operating expense as well as direct injury to private business through Government competition. But I do not feel that I am extravagant when I estimate that the demands for the coming fiscal year could easily run our national debt to \$40,000,000,000, and since it is so easy to spend when we abandon a tax-levying pay-as-you-go program our commitments for the 1937 Budget could easily reach \$50,000,000,000.

The distinguished Chairman of our Appropriations Committee, on February 5, 1934 (CONGRESSIONAL RECORD, p. 1940), said:

Direct relief or the dole for the able-bodied produces moral disintegration, destroys industry, self-reliance, and initiative. It dims ambition, converts energy and industry into indolence and idleness. If permanently continued, its recipients become as satisfied with their existence as a miserable worm that ekes out its miserable existence in the dust of the earth.

And again on page 1941 he warned us against an unlimited spending program when he said:

Mr. Speaker, to those who advocate increased appropriations over this \$950,000,000, let me say that relief in a nation the size of ours is like a rapacious maw. It would absorb every dollar you appropriated, whether it was one billion or five billion dollars. We must conduct this relief project with a discriminating judgment, so we will have just enough money to relieve the actual necessities and the real suffering of our people.

We are not told, except in the most general terms, of the present necessity for an appropriation of \$4,800,000,000, nor how this vast sum will be expended, but the New York American of last Sunday quoted the Public Works Administrator as stating to the National Housing Conference, on January 19, that \$1,500,000,000 would be spent for slum clearing. Under the subheading, Seeks Expansion, Secretary Ickes is reported to have said:

Low-rent housing is my major personal interest in the whole P. W. A. program, and I propose to do everything in my power to justify this undertaking of the Government.

We hope that under the leadership of President Roosevelt this program will be greatly expanded this year.

There are other phases of House Joint Resolution 117 to which I could not lend my support. Subsection D, of section 4, on page 5, either authorizes the continuance until June 30, 1937, of all emergency legislation of the Seventy-third Congress, or else we do not know what it means. I do not wish to give a blanket endorsement to N. R. A. Before I vote for a continuance of N. R. A., I wish to know the exact form in which it is to be continued.

In a great emergency, whether a war or economic war, I feel that the legislative branch is justified in delegating to the executive branch great and unusual powers, but in normal times I think the legislative branch should discharge its constitutional functions or else admit its incapacity to do so. The most unusual powers sought to be conferred upon the executive department, with respect to all governmental agencies, the powers of eminent domain, the making of rules and regulations having the force and effect of law and whose violation shall be punishable by a fine of not exceeding \$5,000, or imprisonment not to exceed 2 years, or both, are not, under the terms of the resolution, temporary grants of

power in the midst of a great emergency but permanent grants. In my opinion this is unwise and in all probability unconstitutional.

And, on page 6, line 1, the resolution provides that the President may—

delegate the powers conferred on him under this joint resolution to any governmental agency, including corporations.

I repeat my opening remark: "No bill that has been presented to the Congress since I have been a Member of the House has given me graver concern than the pending measure."

I regret to find myself in opposition to Presidential plans, but I cannot support the resolution. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN of Pennsylvania. Mr. Chairman, I have not heard anyone state that this resolution now before the House is not going to do some real humanitarian work. In other words, nobody has up to the present time proved that it is not going to help the unemployed. I maintain it is an excellent piece of legislation. The only objection I have to the measure is the amount of money requested—which, in my opinion, is insufficient. It should be ten billion instead of four billion dollars. Nevertheless, a great deal of good can be done with the amount of money asked for in this bill.

It has been intimated here that this is a socialistic piece of legislation. Every time a constructive and humanitarian piece of legislation is presented before Congress, someone intimates it is either "socialistic" or "communistic." The fact that it is going to take people off the relief roll and give them employment proves it to be a very constructive and humanitarian piece of legislation. I know in my district—and I believe every other Congressman can say the same thing—I have had men and women come to my office and state that they cannot get work unless they get on the relief roll. I maintain that is abominable, and the sooner we do away with this system the better it will be for the people of the United States. I think it is the duty of every conscientious Congressman to support this legislation because it is going to do something which has not been done before, namely, put people back to work. [Applause.]

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. THURSTON].

Mr. THURSTON. Mr. Chairman, as the executive branch of the Government receives ample publicity in regard to its policies, I trust that the press will make it clear to the country that the Republicans have not sought to lessen the amount of funds mentioned in this measure. Their only concern is with the application, the handling of those funds, and the attempt to transform the legislative branch of the Government into a debating club which will not function to any degree after this resolution is passed.

Two instances arose yesterday that might be mentioned at this time, one inanimate and the other highly animate. The press reported that for the first time in 50 years the American flag refused to ascend the flagpole on the south part of the Capitol, the portion occupied by the House of Representatives. If this inanimate object could express itself, doubtless it would say that it felt it was to be replaced by a white flag, the badge of surrender, and could not serve further. [Laughter and applause.]

Then, when a Member of another legislative body suggested an amendment to the World Court proposal, the executive branch vigorously and sharply protested against any proposal that would diminish or take from that branch of the Government any of its powers or authority. I do not know whether thought was given to the suggestion made by the same branch to the House of Representatives in proposing to strip the House of its powers. Possibly it was conceded that they had tucked the majority Members of the House of Representatives in their little beds for the session, and they would not need to be awakened until the day we adjourned.

But I want to direct the attention of the House to two words, which I believe are very important in the considera-

tion of this resolution. I refer to section 4, subsection (a), to the word "establish", and, in line 20, to the word "abolition." The first, the right of the Executive to usurp legislative power in creating; the latter to terminate or destroy—both exercising major discretionary legislative power as distinguished from rules and regulations of a minor character.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. THURSTON] has expired.

Mr. BUCHANAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration House Joint Resolution 117, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and the message ordered printed:

To the Congress of the United States:

During the three or four centuries of white men on the American Continent we find a continuous striving of civilization against nature. It is only in recent years that we have learned how greatly by these processes we have harmed Nature, and Nature in turn has harmed us.

We should not too largely blame our ancestors, for they found such teeming riches in woods and soil and water—such abundance above the earth and beneath it—such freedom in the taking that they gave small heed to the results that would follow the filling of their own immediate needs. Most of them, it is true, had come from many peopled lands where necessity had invoked the preserving of the bounties of nature. But they had come here for the obtaining of a greater freedom, and it was natural that freedom of conscience and freedom of government should extend itself in their minds to the unrestricted enjoyment of the free use of land and water.

Furthermore, it is only within our own generation that the development of science, leaping forward, has taught us where and how we violated Nature's immutable laws and where and how we can commence to repair such havoc as man has wrought.

In recent years little groups of earnest men and women have told us of this havoc; of the cutting of our last stands of virgin timber, of the increasing floods, of the washing away of millions of acres of our topsoils, of the lowering of our water tables, of the dangers of one-crop farming, of the depletion of our minerals—in short, the evils that we have brought upon ourselves today and the even greater evils that will attend our children unless we act.

Such is the condition that attends the exploitation of our natural resources if we continue our planless course.

But another element enters in. Men and Nature must work hand in hand. The throwing out of balance of the resources of Nature throws out of balance also the lives of men. We find millions of our citizens stranded in village and on farm—stranded there because Nature cannot support them in the livelihood they had sought to gain through her. We find other millions gravitated to centers of population so vast that the laws of natural economics have broken down.

If the misuse of natural resources alone were concerned, we should consider our problem only in terms of land and water. It is because misuse extends to what men and women are doing with their occupations and to their many mistakes in herding themselves together that I have chosen, in addressing the Congress, to use the broader term "national resources."

For the first time in our national history we have made an inventory of our national assets and the problems relating to them. For the first time we have drawn together the foresight of the various planning agencies of the Federal Government and suggested a method and a policy for the future.

I am sending you herewith the report of the National Resources Board, appointed by me on June 30, 1934, to prepare the comprehensive survey which so many of us have sought so long. I transmit also the report made by the Mississippi Valley Committee of the Public Works Administration, which committee has also acted as the Water Planning Committee in the larger report.

These documents constitute a remarkable foundation for what we hope will be a permanent policy of orderly development in every part of the United States. It is a large subject, but it is a great and inspiring subject. May I commend to each and every one of you who constitute the Congress of the United States a careful reading of these reports.

In this inventory of our national wealth we follow the custom of prudent people toward their own private property. We as a nation take stock of what we as a nation own. We consider the uses to which it can be put. We plan these uses in the light of what we want to be, of what we want to accomplish as a people. We think of our land and water and human resources not as static and sterile possessions but as life-giving assets to be directed by wise provision for future days. We seek to use our natural resources not as a thing apart but as something that is interwoven with industry, labor, finance, taxation, agriculture, homes, recreation, good citizenship. The results of this interweaving will have a greater influence on the future American standard of living than all the rest of our economics put together.

For the coming 18 months I have asked the Congress for \$4,000,000,000 for public projects. A substantial portion of this sum will be used for objectives suggested in this report. As years pass the Government should plan to spend each year a reasonable and continuing sum in the development of this program. It is my hope, for example, that after the immediate crisis of unemployment begins to mend, we can afford to appropriate approximately \$500,000,000 each year for this purpose. Eventually this appropriation should replace all such appropriations given in the past without planning.

A permanent National Resources Board, toward the establishment of which we should be looking forward, would recommend yearly to the President and the Congress priority of projects in the national plan. This will give to the Congress, as is entirely proper, the final determination in relation to the projects and the appropriations involved.

As I have already stated, it is only because of the current emergency of unemployment and because of the physical impossibility of surveying, weighing, and testing each and every project that a segregation of items is clearly impossible at the moment.

For the same reason the constituting of fixed and permanent administrative machinery would retard the immediate employment objective.

Our goal must be a national one. Achievements in the arts of communication, of transportation, of mechanized production, of agriculture, of mining, and of power, do not minimize the rights of State Governments, but they go far beyond the economics of State boundaries.

Only through the growth of thought and action in terms of national economics can we best serve individual lives in individual localities.

It is, as these reports point out, an error to say that we have "conquered nature." We must, rather, start to shape our lives in more harmonious relationship with nature. This is a milestone in our program toward that end. The future of every American family everywhere will be affected by the action we take.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, January 24, 1935.

WORK RELIEF APPROPRIATIONS

Mr. BUCHANAN. 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 resolution, House Joint Resolution 117.

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 House Joint Resolution 117, with Mr. O'CONNOR in the chair.

The Clerk read the title of the resolution.

Mr. BUCHANAN. Mr. Chairman, I yield 2 minutes to my colleague from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I willingly testify to the fact that that was a very admirable statement just read and should be the means of persuading anyone who has any doubt about this bill to vote for it. [Laughter on the Republican side.] I do not need any such persuasion, and I willingly vote for the bill. However, I deem it my duty to point out one or two objectionable features of it, which I hope will be remedied by amendment.

I refer particularly to section 6, which gives the right to the President to prescribe rules and regulations and make it a penalty for the violation of those rules. There is no standard to guide him. He is a law unto himself. There is no criterion which the President must follow when he makes those rules and regulations, violation of which may be a criminal offense. He may make those rules on "good" grounds or on "coffee grounds", as it were. The field is wide open. He or other Federal agencies, because he can delegate his power, can make these rules and regulations in the morning and repeal them at night, without any knowledge on my part or any knowledge on your part or any knowledge on the part of the citizenry in general. That is placing the citizenry in jeopardy, and I want to protest against it. Giving the Executive and an army of Federal officers and agencies power to make regulations—and to make them even in secret, in camera—and conferring at the same time power to create criminals out of violators of these secret rules is a serious thing and should give one pause. The President, since his inauguration, has already issued almost 1,500 Executive orders, some carrying criminal penalties. The N. R. A. Executive orders already cover over 10,000 pages. Little is known of them. Executive orders are issued right and left. Little is known of them, yet many carry criminal penalties.

I call attention to a very significant fact. In Texas a man was alleged to have violated an Executive order growing out of the petroleum code. It was alleged to be a criminal offense—see United States against Smith, no. 3, October term, United States Supreme Court. He was dragged into the Federal court in Texas. His attorneys filed a demurrer. The district court sustained the demurrer. An appeal was taken to the United States Supreme Court by the Attorney General of the United States, and, lo and behold, what was discovered? It was discovered after all that trouble and difficulty and turmoil that the regulation had been repealed. Neither the defendant, the United States attorney, or officials of the office of the Attorney General knew anything about the repeal of the regulation until the case went to the Supreme Court. See how this man had been placed in jeopardy. Let us hesitate long before we say violation of any Executive order shall be a crime.

That case should be sufficient reason to make you doubt the worth-whileness of section 6. "Stop, look, and listen" before you pass the sixth section of this resolution as it is printed. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, this is the most important piece of legislation that has ever come from the Committee on Appropriations. It is not only the most important because of the huge sum involved, but it is also important because I think this is the first time in the history of the United States in which the Congress has so brazenly abdicated its powers.

In spite of the importance of this piece of legislation, the hearings before our committee were nothing more than a farce. A farce! First of all, the Secretary of the Treasury hurried in on his way to a more important meeting and suggested he would be able to borrow in the bond market \$4,000,000,000. Then Mr. Bell, Director of the Budget, briefly explained to the committee where the \$880,000,000 would come from. Finally, Admiral Peoples gave us a general picture of the kind of public works that possibly might be—not would be, but might be—engaged in. He told the committee nothing that they had not already learned through the President's message. There was nothing specific, nothing definite, and nothing informative. In answer to every question that was asked him as to what the set-up might be, as to what the program was, he frankly answered, "I do not know", "I am not in a position to say", or "the President alone must decide that." He gave no answers serving to unfold, in an informative way, a description of policies, programs, or methods.

So we are, in effect, not only handing the President a vast blank check for \$4,800,000,000, not to mention the vast grant of legislative powers which are really not ours to give but which the resolution, would, nevertheless, have him assume because he has demanded them, but we are doing it without any information whatsoever as to what the President is going to do with the money when he gets it. It seems to me the orderly way to have handled this question would have been to have brought in a simple resolution making available immediately \$880,000,000 to carry through until July the necessities for relief. The money is running short and there should be additional funds provided for the relief of distress between now and the 1st of July, and that is the purpose of the \$880,000,000 in this resolution. A simple resolution at this time, to make that money available immediately, would have been voted by acclamation in this House. There is not a single Republican on the floor of this House or anywhere in the United States, so far as I know, who is opposed in any way to the granting of all necessary and adequate money for the relief of distress in this country. I have voted for each and every relief bill that has been passed during the past several years, bills calling for the expenditure of billions and billions of dollars. I will vote for any honest measure for relief. Who would not? And knowing its cost I would face it, and urge that we meet it to the last cent that is honestly justified, and this whether it was less or more than provided for in this resolution.

If we had appropriated the \$880,000,000 we would have taken care of the situation until July. Between now and then, there would have been plenty of time for the President to have developed his full program for the \$4,000,000,000 that he proposes to spend after the 1st of July. The Congress will be in session for at least 5 months and there would have been plenty of time to have presented that program to the Appropriations Committee of the House which then could have acted on the matter with some intelligence. Instead of that we had a hearing lasting about 2 hours, the proceedings of which took up about 46 printed pages, whereas the subcommittee considering any ordinary appropriation bill generally sits from 1 to 2 months going in detail into every question that may arise. We give the ordinary appropriation bills involving incomparably smaller sums of money very careful and detailed attention; yet when it comes to a bill appropriating \$4,880,000,000 it is hurried through with only 2 hours of hearings, without any real consideration, in a very hasty and unordered way.

There are no methods for attaining stabilized costs with factors of increasing and greater necessities; but there are methods of meeting greater necessities with smaller costs. And it should be our duty—not only to the distressed in the way of thus enlarging opportunities for the amelioration of their condition but to the taxpayers and the general citizenry of the country who create the funds making these expenditures possible—to help find those methods, explore them in common counsel with the Executive, and to apply them.

To say that there has been any such effort at the expression of our plain and constitutional duty, or any such common counsel, or common cooperation between the legislative and the executive branches of the Government on the purposes of this resolution is to shame the truth. And for us to deny that we should insist on our duty, as the legislative branch, admits a confession of its violation to which I will not be a party.

In the few minutes I have been allotted out of the meager time apportioned to the consideration of the resolution as a whole, I obviously cannot discuss comprehensively the grants of legislative authority to the Executive. That they scandalize every precedent, every constitutional prohibition, and every sense of honest recognition of our trust and obligations cannot, to my mind, be controverted.

In this resolution we are not simply appropriating for the unemployed and the distressed. That would be a fine purpose and a welcome duty. But made part and parcel of this measure, woven into it inextricably on the Executive demand, are policies and programs of Government in embryo, which are only now to be wondered at, guessed at, but granting Executive powers which if used may change entirely social and economic concepts which are now at the heart and root of our philosophy of government. In it we are asked to give powers on the exercise of which no one can now judge their eventual or immediate influences on the social or economic fabric of this country of ours. I shall not detail them here. They have already been pointed out, warningly and with apprehension, by both Republican and Democratic speakers.

I appreciate that we are to be given the technical privilege of offering amendments to this resolution. But I also appreciate that the realization of any such expectation is a sorry futility, so far as the hope of actually securing amendments is concerned, under the gag that has been put upon the majority in this House.

But notwithstanding the reality of the prospects, I shall nevertheless join with any effort, either Republican or Democrat, that will seek to divorce the two major objectives of this bill—provision for the relief of distress and provision for the grant of legislative powers to the Executive, with their only now guessable effects on the life of the people in this country. I shall myself seek to offer amendments to effectuate this purpose. Failing that privilege I shall offer perfecting changes and amendments that I believe would bring this resolution nearer to those aims which are declared on its face—the relief of distress. I shall support any changes or amendments, advanced or sponsored by others, directed to the same end—that this resolution be an honest relief measure, undisguised, and not also an auxiliary vehicle for the grant of legislative powers which are absolutely foreign and alien to the purposes the country at large understand this resolution contemplates.

It is in that spirit that I shall consider and that I shall attempt to influence the substance this measure contains. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, at present I do not care to yield for interruptions.

To begin with, I desire to make a very plain and definite statement. Speaking for myself, and as far as I am able, for my Republican colleagues in the House, we are ready at this time to appropriate immediately any amount of money the President of the United States says is absolutely necessary to meet the immediate emergency of unemployment. We are, however, equally opposed to the various provisions of this bill which are entirely legislative and which further subject the House of Representatives and the entire legislative branch of government to the will of the Executive. It seems to me this is a definite statement and that there is no reason for misunderstanding as to our position.

There are two parts to this bill, one for relief and one for giving additional legislative powers to the Executive. If I understood the majority leader correctly, he said he did not

think there was any authority conferred in this bill that had not already been given to the Chief Executive. If there is no new authority given, it certainly is not necessary to make any such provisions in the bill itself. Personally, I believe he has all the authority necessary, granted under legislative acts of the last session, to entirely meet every emergency of present conditions.

Certainly there is no one who desires to claim parentage of the present bill. During the debate yesterday the gentleman from New York [Mr. FISH] asked who was responsible for this measure. The gentleman from Illinois [Mr. SABATH] volunteered the information that the President of the United States was. In reply to the specific question of Mr. FISH, "Who is the author of this bill?" Mr. SABATH responded, "The President of the United States." Mr. FISH further asked: "Does the gentleman speak with authority?" Mr. SABATH replied, "Yes."

At a press conference yesterday morning, I suppose held at the White House, the President is quoted definitely stating that he had never read this bill, and in reply to a question as to who sponsored or wrote the bill it was intimated that it was written in the House of Representatives. It is very evident that the wires are crossed between the Executive Mansion and the President's spokesmen here on the floor.

I listened very carefully yesterday to the arguments of the majority in support of this bill. Four distinct reasons were advanced. The first was that there was ample precedent from the Republicans. My friends, the way you have maligned every single act of the former Republican administrations, I am surprised that you would crawl behind the skirts of any past act of those administrations to find excuse for what you are doing at the present time. You cited as a specific instance authority given to the Treasury Department in relation to public buildings. Let me say to you, my friends, the only real authority that was given to the Treasury Department was the question of selection, of preference as to which of these buildings would be built first. Each building and each project was appropriated for by this House and by Congress in both its branches, and the only thing that was left for the Treasury Department to decide was the selection of which building should be built first. They gave us their preference, and it was acted upon. There was no legislative authority contained in that act.

The next instance you cited was the mail contracts. We did give the Postmaster General certain authority in regard to certain mail contracts, but it was limited at both ends, and there was no legislative authority that went along with it or any right to change existing laws or contracts. So it has no analogy to the present situation.

Then I was very much amused by the statement of our good friend, the Chairman of this committee, as to his reason for supporting this legislation. He said it was necessary to keep us from the dole system. Let me say to you, my friends, that if there is one thing upon which the Members of this House are almost unanimously agreed it is that we are opposed to the dole system. When we are unanimous on a proposition, what reason exists for referring action on it to some other branch of the Government, a branch which, as far as I know, has gone farther and done more to put us on the dole system than any act of Congress that has ever been passed? [Applause.] As a matter of fact, the whole argument of the majority has been for the purpose of building up a smoke screen behind which you could hide and soothe your own conscience for doing something that you know is not right, for doing something you know you ought not to do, something you know is not American or for the best interests of the American people. [Applause.]

At the beginning of this session the President came before Congress, and, in his usual graceful manner, spoke about cooperation between the executive and legislative branches of the Government, and the demarkation of the duties of each branch of the Government.

Here is the way the President cooperates: He sends up this bill and it is supposed that he gave the order that it should be passed with 3 hours' debate and without changing a single

word of the bill. Last week we debated on the number of policemen in the District of Columbia 3 days, but there are only 3 hours for a bill of such far-reaching possibilities. You dare not submit this bill to full and free consideration.

Mr. BUCHANAN. Has the gentleman any evidence that the President gave such order?

Mr. SNELL. I refuse to yield at the present time.

Mr. BUCHANAN. I just wanted to know the gentleman's authority for his statement.

Mr. SNELL. Mr. Chairman, we have a proposition before us to appropriate \$5,000,000,000, which is one-eighth of the entire income of the 125,000,000 people for 1 year, and we are to put it through this House without adequate consideration, without hearings, and without the possibility of expressing our opinion or voting on the various items of this bill. Is that cooperation? I leave it to some of you people to decide that point for yourselves.

Somebody must have had some plans, some definite policies, some figures put down on paper somewhere to have arrived at this \$5,000,000,000 sum. I maintain that whatever those figures were, whatever those policies were, and whatever those projects were, we are entitled to have the information before the House of Representatives. I appreciate the fact that the Committee has arisen this afternoon to hear an argument from the President as to why this bill should be passed. This is the first time during my membership in this House that any such thing has ever been done. If the President had all the information that he claims to have now, why did he not present it to the Appropriations Committee and let us have the benefit of the information? [Applause.]

Mr. RANKIN. Will the gentleman yield?

Mr. SNELL. I do not yield.

Mr. RANKIN. I want to call the gentleman's attention to an incident.

Mr. SNELL. If the President does not have any plan for spending this money, he should not be entrusted with this enormous sum. I appreciate full well that you cannot earmark every single dollar of this bill. I would not go so far as to ask it, but I do think that some general policies could be laid down and some general estimates made for the information of the legislative branch that is responsible for the spending of this money.

Mr. Chairman, if I had my way about the matter, I should like to provide a billion dollars of this fund for private industry. This would go farther in the relief of unemployment than any single thing that has been done up to the present time. [Applause.] I should like to have someone tell me what the hurry is. It has been admitted that they have no definite plan. It has been admitted that they are going to try to get something by the first of March.

Mr. WOODRUM. Will the gentleman yield?

Mr. SNELL. I do not care to yield to the gentleman.

Mr. WOODRUM. The gentleman said that he wanted some information. I will give him that information if he wants it.

Mr. SNELL. The gentleman from Virginia [Mr. WOODRUM] would not yield to me yesterday, and I was courteous enough not to interrupt him again.

Mr. WOODRUM. I apologize.

Mr. SNELL. What we want to know is something along general lines, what is even proposed, and we are entitled to have the information. Then we could give it intelligent consideration.

Who ever heard of advertising to the country to have every municipality, every town, every county, and every State render suggestions to Washington as to how to expend public funds? No one ever heard of such a proposition before, which proves the recklessness of the spending of the present administration.

Mr. Chairman, I am opposed to this principle of general lump-sum appropriation. So far as I know, it has been the policy of this House during the last 20 years I have been here, regardless of which political power has the majority, to oppose the general principle of lump-sum appropriations. Practically every debate that has ever been had in this

House has always been along that line, and the men who were best qualified to speak upheld this contention.

I want to call attention, Mr. Chairman, to a statement made by the able, distinguished, and present beloved Speaker of this House when we were discussing the general Budget proposition. That was the time when there was nothing partisan before the House. The distinguished gentleman from Tennessee was giving the House and the country the benefit of his long experience in connection with appropriations, and he was advising us from the deepness and the fullness of his own heart. Some of you, perhaps, have never read or heard of this language.

I quote from the speech he made at that time:

I do not believe in clothing the President with the power to absolutely control the Nation's purse strings to the exclusion of a majority of the direct representatives of the people. It would be giving to him a power which it was never contemplated that he should have, and, to my mind, would be a clear departure from all the principles which underlie a republican form of government.

He goes on further to say:

It is not intended by the enactment of this proposed law that the Appropriations Committee of Congress shall no longer hold careful hearings in order to determine whether or not the estimates submitted shall be allowed. It is intended to make the President responsible for the estimates which are transmitted to Congress. There his responsibility ends.

He further stated:

And in order that it may properly meet this responsibility its committees should continue to give the closest scrutiny to every item of the appropriation which is requested.

There is a better statement than I can possibly make, and cannot be improved upon by any opponent of this present resolution.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman the balance of my time.

Mr. SNELL. Mr. Chairman, I cannot make a better argument than he made at that time.

May I refer further to a statement made only a year ago by our present able watchdog of the Treasury, the gentleman from Texas [Mr. BUCHANAN], when he was discussing the same matter. He stated:

In the first place, in my judgment, for this Government to have two appropriating authorities, one in the legislative branch and the other in the executive branch, is inimical to an economical government.

[Applause.]

The gentleman further stated:

This is what we have had during this fiscal year.

And then he went along to give individual instances where they had appropriated large sums of money that Congress had refused, and he said that it was absolutely wasted.

Another question has been brought up that I want to refer to a minute, and that is the question of pork. If you will give us the right to amend this bill we will fix it so that there will be no pork for you in the bill. What we are afraid of as much as anything else is that it will all be Democratic pork and all of it will be used at election time. We want to fix it so you cannot do as you did last year, that is, send a million dollars up into the State of Maine in the middle of the summer, six weeks before election, for the direct and only purpose of influencing the election.

If you will give us an opportunity to amend this bill we will put it in shape so that any self-respecting man can vote on it; and at the present time, you know yourself it is not in such shape and that it ought not to be passed. [Applause.]

We would try to amend the bill, as follows, if you would give us an opportunity:

First, strike out sections 4, 5, and 6, which contain the most objectionable legislative features of the bill, and further amend it so that (no. 1) no part of the appropriations made by this act shall be expended for any project nor shall any project be undertaken under this act which will unwarrantably place the Government into competition with private business and industry, and so far as feasible this work shall be done by private contracts.

No. 2. That the expenditures of funds for work projects under this act, so far as may be reasonably possible, shall be apportioned among the several States in the proportion that the number of unemployed in each State bears to the total number of unemployed in the whole United States.

No. 3. That on all work projects located wholly within a State, preference shall be given in employment to the unemployed of the State where the work is to be performed, with as equal distribution as possible to all parts of the State, provided that the usual qualifications necessary may be used in selecting this labor.

No. 4. That no person desiring work on these relief projects shall be subjected to any political test or qualification;

No. 5. That so far as possible in administering direct relief it shall be done through the State and local agencies.

No. 6. That all unobligated balances of funds, appropriated under this act, shall, on June 30, 1936, be covered into the Treasury.

This would make it much nearer a relief measure and more acceptable to every person desiring to maintain our present form of government. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, my good friend from New York is just as accurate in some of the statements he made a while ago as he was in his statement that I refused yesterday to yield to him. I am sure I have never refused to yield to the distinguished gentleman or to any other Member of the House since I have been here, and, particularly, to my good friend from New York.

I feel sorry for those gentlemen who are content to come here and criticize and then complain that they have not more time in which to do it. Why, an hour and a half is ample time for the Democrats over here who have confidence in the President of the United States to tell you and the country why they are willing to trust him, and from now until doomsday would not be enough time for you gentlemen who are content to throw monkey wrenches into the recovery machinery and to criticize and find fault. Nothing Franklin D. Roosevelt can do would please you. When he comes here and asks you for the power to put men to work and take them off of relief, you object to it.

What would you do? Oh, this is a different question. I know what you would like to do. You would like to see the recovery plan fail, because then you think perhaps the people of the United States, in their desperation, would turn back again to those old, forlorn, and, I hope, soon-to-be-forgotten days, when you had the administration of affairs of government.

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

Mr. WOODRUM. I yield to the gentleman from New Jersey.

Mr. PERKINS. Does the gentleman think we are more interested in our political lives than we are in the welfare of this country?

Mr. WOODRUM. Well, I would not like to say that individually to my distinguished friend from New Jersey, but I want to say this to the gentleman: Every time we come here with some plan to try to advance this recovery program and you gentlemen, as a unit, rise in your places and find fault and try to obstruct and block and defeat it, then my peculiar and acute sense of smell persuades me to believe that there is something in the Free State of Denmark that ought to be looked after a little bit.

Mr. PERKINS. Mr. Chairman, will the gentleman again yield?

Mr. WOODRUM. Certainly.

Mr. PERKINS. Does not the gentleman know that a great many of us on this side have voted for legislation suggested by the President, and does not the gentleman know we have more at stake in our own private fortunes than we have in our political lives?

Mr. WOODRUM. Oh, I am sure the gentleman has much at stake in his private fortune, but we are not thinking about private fortunes, we are not thinking about political

fortunes, and the man in the White House is not thinking about political fortunes. He is thinking about recovery for this great country [applause], and no man upon that side of the aisle can level his finger at the other end of Pennsylvania Avenue and say that sordid political considerations have characterized the action of the President of the United States. [Applause.]

Mr. PERKINS. Will the gentleman yield for one more question?

Mr. WOODRUM. Yes.

Mr. PERKINS. If we believed that confidence in the future and in the business of this country is more important than experimentation, how could we do otherwise than vote against this legislation?

Mr. WOODRUM. There is no way for the gentleman to vote except against it, because he is in the peculiar position that if this program is successful, as it will be, my good friend will have even fewer Members on his side of the aisle than he has now. [Laughter and applause.]

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

Mr. WOODRUM. Yes.

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I am going to use the remaining time, or at least a part of it.

I wonder if the Members on the floor of this House and on this side of the House fully realize what is the matter with the Members on the other side of the aisle. Let me tell you the way I size up the situation.

President Roosevelt occupies a position between two great forces in this country—the ultraconservative, those who represent the vested interests, those who represent the combines, and those who represent the trusts, on one side, and the radicals on the other; and I tell you, my friends, he is standing like a stone wall and being assaulted on one side by the Republicans, who represent the reactionary and vested interests, and being assaulted on the other side by the Bolsheviks, the Communists, and kindred radical organizations, as well as others who advocate that there should be taken from those who have and \$5,000 given to each citizen of the United States by Government action. I tell you that the President of the United States, realizing and appreciating the situation, is the only hope for the preservation of representative democracy upon this continent.

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

Mr. BUCHANAN. I yield.

Mr. GIFFORD. What I want is some real information on this bill; and I should like to ask the gentleman, with reference to non-Federal projects, why it is that my Governor before election, and now after election, can promise my municipalities 50 percent of any work where they may see fit to raise 50 percent? Is there any reason for it?

Mr. BUCHANAN. I cannot go into the administration in any particular State.

Mr. GIFFORD. Will they give us 50 percent?

Mr. BUCHANAN. As I say, I cannot go into that. Now, gentlemen, the distinguished leader of the minority [Mr. SNELL] made a great-to-do about this bill and stated, among other things, that the President had sent orders up here that it be passed in a given time—with 1 hour's general debate. That statement is without one scintilla of truth, no matter who says it or where it comes from. [Applause.]

People are too reckless in their statements, making statements that are not true, statements that ought not to be made without careful investigation and without being absolutely sure that they are right.

The fact is that the President was consulted, and consulted extensively, about the preparation of this bill. He has approved every section as written and as proposed to be amended. He wants it. He has authorized me to say on the floor of the House to those who are cooperating with him that he would like very much to have the bill in the shape it is in; that he thinks it will bring about relief with the appropriations carried therein.

I am going to ask you on this side, and those upon the other side liberally inclined, to join us in the interest of our common country, disregarding politics, disregarding indi-

vidual wealth, and everything of that kind, and let us put every able-bodied man in the entire country to work. When you do that, private industry will follow in line in mass, and you will have complete recovery in this country. [Applause.]

The CHAIRMAN. The gentleman from Texas has 4 minutes remaining.

Mr. BUCHANAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LEE].

Mr. LEE of Oklahoma. Mr. Chairman and gentlemen of the Committee, it seems to me that the opposition to this bill is entirely partisan. I heard yesterday an attack from the other side of the House by the gentleman from Galena, Mo. His attack seemed to be on the "alphabetical relief."

Last summer I happened to be in his district, and this story came to me while I was there. They said he was out campaigning and making fun of the alphabetical relief. He said, "You cannot name any combination of letters that does not stand for relief—A. A. A., F. E. R. A., N. R. A."

He said, "Can anybody name a combination of the letters of the alphabet that does not stand for some form of relief?" An old Missouri farmer said, "Yep—G. O. P." [Laughter.]

The question seems to revolve on whether or not we have confidence in the man in the White House and his ability to properly use this money for recovery. Has his record in the past been such as to shake the confidence of the people in his ability to use this money for the benefit of the people? Can any man here stand up and say that any act of the President, since his closing of the banks and guaranteeing the deposits of the people on down to the present day, has been such as to shake the confidence of the people in his recovery program? Would the vote in the last election indicate that we have no confidence in his ability to use this money for speedy recovery?

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

Mr. BUCHANAN. Mr. Chairman, I believe this closes general debate.

The CHAIRMAN. There being no further general debate, the gentleman is recognized.

Mr. BUCHANAN. Mr. Chairman, as I understand the rule, it is now in order for all committee amendments to any and every section of the bill to be offered.

The CHAIRMAN. That is correct.

Mr. BUCHANAN. Then, I send up the first amendment, which is on the Clerk's desk.

Mr. BULWINKLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BULWINKLE. Will sections 4, 5, 6, and 7 then be read under the 5-minute rule?

The CHAIRMAN. At the conclusion of the consideration of the committee amendments the entire joint resolution will be read.

Mr. BULWINKLE. For further amendments?

The CHAIRMAN. On sections 4, 5, 6, and 7. The Clerk will report the first committee amendment.

Mr. McFARLANE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McFARLANE. After the committee amendments have been considered and the bill read in full, would H. R. 1, as an amendment to this measure, as a relief measure, be germane to this resolution?

The CHAIRMAN. The Chair will determine that if the question arises.

Mr. McFARLANE. It will arise.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 11, strike out the signs and letters "(in-" and strike out all of line 12, and on page 2, strike out all of lines 1, 2, 3, and 4, and all of line 5 down to and including the word "work)" and insert in lieu thereof the following: "Federal or non-Federal."

Mr. BUCHANAN. Mr. Chairman, this merely strikes out the enumeration of any classification of projects which, in

my judgment, is only illustrative, because it is not all-inclusive. It has caused some confusion, so it may well be eliminated.

Mr. BULWINKLE. Does the gentleman mean to strike out the word "work"?

Mr. BUCHANAN. As amended, it would read:

"And for such purposes and/or such projects, Federal or non-Federal.

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

Mr. BUCHANAN. Yes.

Mr. SNELL. To whom would these various communities and municipalities have to present their requests, to be heard, to get some of this money?

Mr. BUCHANAN. They would have to file an application with the President.

Mr. SNELL. It would be directed to the President himself?

Mr. BUCHANAN. The President himself, as he is going to be the administrator of this himself and personally make the allotments.

Mr. SNELL. He has got some job.

Mr. PETTENGILL. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. If a member of the committee desires recognition in opposition to the committee amendment, he would have the preference. [After a pause.] The gentleman from Indiana is recognized for 5 minutes.

Mr. PETTENGILL. Mr. Chairman, I rise in opposition to the committee amendment in the interest of the constitutionality of the legislation. There is nothing in the language sought to be stricken out that is exclusive of other projects. The language as put in the bill originally does lay down some guide and some boundaries for the exercise of Executive discretion in the administration of the joint resolution, and I do not see how any one, after the recent reminder by the Supreme Court of the United States, can desire to strike out every limitation in the resolution upon the exercise of Executive discretion. In the "hot oil" case the United States Supreme Court said:

So far as this section is concerned, it gives to the President an unlimited authority to determine the policy and to lay down the prohibition, or not to lay it down, as he may see fit. And disobedience to his order is made a crime punishable by fine and imprisonment.

Further, the Supreme Court said:

The Congress left the matter to the President without standard or rule, to be dealt with as he pleased.

The Court further said with reference to the legislation they were then considering:

If section 9 (c) were held valid, it would be idle to pretend that anything would be left of limitations upon the power of the Congress to delegate its law-making function. The reasoning of the many decisions we have reviewed would be made vacuous and their distinctions nugatory. Instead of performing its law-making function the Congress could at will and as to such subjects as it chooses transfer that function to the President or other officer or to administrative body. The question is not of the intrinsic importance of the particular statute before us, but of the constitutional processes of legislation which are an essential part of our system of government.

Justice Cardozo, who dissented from the majority opinion in that case, said:

I concede that to uphold the delegation there is need to discover in the terms of the act a standard reasonably clear whereby discretion must be governed.

I therefore rise in opposition to the committee amendment, to improve the bill, to strengthen the bill, to improve it from a constitutional standpoint and from the standpoint of the exercise of our responsibilities as the representatives of the American people, who are called upon to vote out \$4,000,000,000, which means that on an average every congressional district in the United States will some day pay \$10,000,000 of the \$4,000,000,000 in future taxation.

Mr. KVALE. Will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. KVALE. Is it not true that this language is being

amended in order to satisfy the complaints of the "pork-barrel group", so called?

Mr. PETTENGILL. If so, that is an additional reason for voting it down. I am opposed to pork-barrel legislation.

Mr. MOTT. Will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. MOTT. In the gentleman's opinion, is not the matter proposed to be stricken out by the amendment entirely meaningless, insofar as the purposes of the bill are concerned?

Mr. PETTENGILL. As Justice Cardozo said, it lays down some canal within which executive discretion may flow.

Mr. MOTT. But the language is including and not limiting.

Mr. PETTENGILL. I say there is no harm in leaving it in, because it is not exclusive of other projects, but it is inclusive. It is a guidepost. It points a general course.

Mr. DIES. Will the gentleman yield?

Mr. PETTENGILL. I yield.

Mr. DIES. If that is permitted to remain in the bill, is there not danger that some administrator will interpret it as an expression on the part of Congress to show a preference for that character of projects, to the exclusion of other worthy projects?

Mr. PETTENGILL. But the language expressly refutes any such interpretation.

Mr. DIES. But I say is there not danger that some administrator will put that interpretation upon it?

Mr. PETTENGILL. I cannot be responsible for what the administrative agency does.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. PETTENGILL] has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask to be recognized in support of the amendment.

The CHAIRMAN. Under the rule, the time is limited to 10 minutes; 5 minutes in support of the amendment and 5 minutes in opposition to the amendment.

The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. PETTENGILL) there were—ayes 171, noes 58.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment by Mr. BUCHANAN: On page 5, line 18, after the word "any", insert the word "emergency"; and in line 21, after the word "exist", insert the word "and."

Mr. BUCHANAN. Mr. Chairman, this amendment simply narrows in scope the meaning of subsection (c) of section 4, whereby the President is authorized to "consolidate, redistribute, abolish, or transfer the functions and/or duties of any governmental agency", by confining it to "emergency" agencies.

There ought not to be any need for discussion of this amendment. It should be adopted.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. BULWINKLE. I should like to inquire if that would include the National Recovery Administration, as one of the emergency agencies?

Mr. BUCHANAN. It might temporarily if it could by any possible construction be regarded as an agency necessary to the expenditure of this appropriation, but it expires on June 16, 1935, by law.

Mr. BULWINKLE. And that would include also the Agricultural Adjustment Administration?

Mr. BUCHANAN. No; it would not include that.

Mr. BULWINKLE. Is that not an agency?

Mr. BUCHANAN. The Agricultural Adjustment Administration is a sort of double-barrel act. Some parts of it are used for the recovery program.

Mr. BULWINKLE. Then may I ask the gentleman this question, because I take it the gentleman knows: Is this a contemplated move for the continuation of the National Recovery Administration?

Mr. BUCHANAN. Certainly not, and by no ingenious construction can that meaning be placed on this paragraph.

Mr. BULWINKLE. The gentleman just stated to me that it could be done.

Mr. BUCHANAN. This section reads "consolidate, redistribute, abolish, or transfer."

Mr. COX. If the gentleman will pardon me, the fear that the gentleman has is taken care of in the next amendment to be offered by the committee, by which I understand the committee proposes to strike paragraph (d) of section 4.

Mr. BULWINKLE. But I have not that amendment.

Mr. BUCHANAN. This has no connection with paragraph (d).

Mr. O'MALLEY. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. O'MALLEY. Section (d) would continue all emergency agencies.

Mr. BUCHANAN. Section (d) would vest power in the President to continue all "emergency" agencies utilized and designated by him to carry out the purposes of the joint resolution.

Mr. O'MALLEY. The A. A. A., the N. R. A., and all the rest of the agencies created by the Seventy-third Congress?

Mr. BUCHANAN. Only if necessary for the administration of this act and if designated and utilized for such purposes, and only then; but we have not come to section (d) yet. We will get to that in a minute, and I will move to strike it out.

Mr. MOTT. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. MOTT. Would the gentleman's amendment include the Reconstruction Finance Corporation as an emergency agency?

Mr. BUCHANAN. No.

Mr. MOTT. Then the President could not abolish the Reconstruction Finance Corporation?

Mr. BUCHANAN. No, sir.

Mr. MOTT. One other question: How many Federal jobs might be involved in this power that is given to the President?

Mr. BUCHANAN. Does the gentleman mean in the \$4,000,000,000?

Mr. MOTT. In the right of the President to abolish or change the personnel under subsection (c) of section 4?

Mr. BUCHANAN. I do not know; nobody can tell now. He may save the Government a great deal of administrative expense by abolishing and consolidating agencies. I hope he does.

Mr. MOTT. The question I asked was whether any survey had been made as to the number of Federal employees whose jobs would be jeopardized.

Mr. BUCHANAN. No estimate has been made.

Mr. REED of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to address myself in all sincerity to the practical aspects of this bill. I stand in the same position as every man in this House who is elected by a constituency. He represents them concerning any legislation that may affect them that is properly brought before this House. You were elected and I was elected because a majority of the people of our respective districts had confidence in our desire and ability to represent them and their rights and interests.

This is a proposal to spend approximately \$5,000,000,000, money not created by some mystic power but \$5,000,000,000 drawn from the pockets of the taxpayers of this country to be paid by them now or eventually, money produced by labor, by the sweat of the brow. I think we are accountable to our constituents as to how, when, and for what purposes this money is to be spent.

The President today sent a message to this Congress. One section of his message is very interesting and very significant. I read this passage from his message:

As I have already stated, it is only because of the current emergency of unemployment and because of the physical impossibility of surveying, weighing, and testing each and every project that a segregation of items is clearly impossible at the moment.

He admits that he has no specific projects in mind for which this \$5,000,000,000 is to be spent, nothing definite; and yet every man in this House knows that intelligent people have been studying the needs of particular communities on a broad scale touching your district and my district, men who know what ought to be done for the social and economic welfare of those communities, projects which, if carried out, would not waste the public funds. There is a National Highways Association, the president of which has laid before the administration a program of needed primary and secondary highways, a program growing out of a careful survey of the needs of the country, the needs of your district, and the needs of my district. This plan gives the mileage, the location, and the exact cost of each project. It is a national plan. This National Highway Association has studied also the question of grade-crossing elimination; it knows the number of grade crossings, their locations, and the cost of each project. It has enumerated those places where there should be main trunk highways going through or around the cities of this country. They have studied the projects that are practical and have laid out a plan and have studied its cost. They know the States and districts that will be benefited. This project can be put into execution immediately.

The Rivers and Harbors Congress is to meet here February 5. This organization has projects which have been carefully studied. State and local organizations have definite plans, national in scope, relating to housing, the need for school buildings. So, there, too, is a whole comprehensive program ready to move, and these organizations would like to be heard. They have had no opportunity of being heard by the Committee on Appropriations.

What was the extent of the hearings held by our Committee on Appropriations? Briefly, they heard Secretary Morgenthau, an admiral of the Navy, and the head of the Bureau of the Budget; and the hearing lasted 2 hours and a quarter or less. Your constituents and mine have not had a voice in this 5-billion-dollar proposal. It is their money that is to be spent, and they are interested in the recovery and relief of their particular districts. I say the time has come, and it is here now, that we should pause in the present method of doing things. While you may steam-roller this vast expenditure through, you will live to regret the day you gave all this power to one man. History is literally filled with cases where delegated power has been abused and where its abuse has come back to plague the people. The only way we can preserve the rights of the people is to assert our right now to give the people a chance to be heard before the appropriate committee of Congress. It is not necessary to specify every individual project, but at least the general plan should be specified. There is a plan prepared now by national organizations embracing your district and my district that will make it possible to earmark these funds and preserve the right of the people in this proposed expenditure of \$5,000,000,000 of their money. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment by Mr. BUCHANAN: Page 5, strike out lines 22 to 25, inclusive.

Mr. BUCHANAN. Mr. Chairman, I ask for a vote.

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

Mr. Chairman, I well remember frequently hearing the late lamented Speaker Champ Clark say that this was the greatest deliberative and legislative body in the world. Were he with us now I wonder whether he still could honestly say that this is a great legislative and deliberative body. I listened carefully to the debate yesterday and read a transcription of it in this morning's RECORD. No word can be found there of sound logic and reason calling for such legislation as we are asked to vote upon here this afternoon. The only argument that appears in the RECORD of the

remarks of the advocates of this bill yesterday is that they were elected to support the President of the United States. Therefore, men who take that attitude toward their responsibilities here today are willing to admit they have no power themselves to represent their people under the authority of their election to this body.

The gentleman from New York [Mr. REED] has very definitely pointed out that the message of the President of the United States as read to us a few moments ago admits that there is no program available at the present time.

Still, we are asked, and you on the other side seem perfectly willing, to end our power and authority as representatives of the people of our districts and place it in the hands of one man. I for one am not willing to abrogate that power which has been conferred upon me by my constituents. When any man says that he is backing the President of the United States, let us ask him in what particular and in what direction he is backing the President. The only argument that you can make is that there is but one man in the country who knows how to spend \$5,000,000,000 in a short period of time. I am pretty nearly willing to admit that fact. If any one man knows how to spend \$5,000,000,000, he is brainier than the President of the United States who now sits in the White House.

The gentleman from Virginia and the gentleman from Indiana this morning touched on the unconstitutionality of the provisions of this measure. Have we as representatives of the people forgotten that there are three coordinate branches of government? I do not think it will do a bit of harm to keep emphasizing the fact and bringing it home to the people of this country that some of us are willing to abdicate our powers under the Constitution to represent them in the legislative body. Does not this bill absolutely take out of the hands of Congress the power to allocate this sum of money? Never before has such an authority been granted to any Executive.

The percentage of the income of the country has been referred to, and I for one am not willing to say to any man, as great as the President of the United States is, with his tremendous power and ability, that he alone has the right and the power to legislate for my constituents. I join with the gentleman from New York and my colleagues on this side of the House in fighting for the interest, welfare, and relief of the needy of the country. We will go as far as may be necessary to relieve distress and care for the unfortunates, but we will not take away from the legislative branch or vote to take away the power that is intrusted to us by our people. [Applause.]

I wonder if the President of the United States has ever heard of the constitutional powers of Congress, and particularly the control of the House of Representatives over the Nation's purse strings. If he has not, then it is time he read article I of the Constitution, which gives all the legislative authority of the General Government to Congress.

The measure now under consideration purports to make appropriations for relief, but in effect it is a subtle attempt to set the President of the United States up as a de facto dictator—and I use the word advisedly.

The first section of the bill gives the President the power to spend nearly \$5,000,000,000 practically as he pleases.

Section 3 gives him the power to appoint an unlimited number of employees upon a strict patronage basis.

Section 4 gives him the power to set up an unlimited number of new alphabetical agencies and to consolidate, redistribute, abolish, or transfer the functions, property, and personnel of any governmental agency.

In addition, he is thereby empowered to extend the life of present governmental agencies to June 30, 1937, even though Congress may have provided an earlier expiration date.

Section 5 authorizes the President to guarantee loans to and payments of needy persons, and to make grants, loans, and contracts. This practically puts the Government into the small-loan business.

The same section gives the President the power of eminent domain over both real and personal property.

Section 6 gives him the power to impose fines and punishment for violation of any rule or regulation which he may establish for carrying out his functions under the bill.

As I have just indicated, one of the learned lawyers on the Democratic side stated on this floor yesterday that in his opinion the bill provides for an unconstitutional delegation of the powers of Congress to the President. I think that there can be no question but what the bill does just that, and I believe that most Members on the Democratic side will privately admit it. If the House of Representatives passes this bill it will be a virtual admission upon its part that it is unable to perform its legislative functions.

This measure is without precedent in the history of this or any other free country. It is not only a violation of all the principles upon which this Government was founded, but it constitutes another step in taking the Government out of the hands of the people and in centering it in the hands of one man.

When this bill becomes a law Hitler and Mussolini will be green with envy of the President of the United States and Stalin will have a fit of jealousy. By degrees the various functions of Congress have been transferred to the President, and now the control over appropriations is added to the list. I know of no other important function of Congress that remains to be given to the President.

Some question has been raised regarding the origin of this measure. No one claims it originated in the Appropriations Committee, where such legislation is supposed to be drafted. No one claims that the President wrote it with his own pen. Thus we are left to speculate upon the subject, and we naturally look to the "brain trust", who for 2 years have been writing legislation for Congress to enact, which, through ambiguous phrases and broad grants of authority, has taken from Congress its constitutional powers.

To my mind it is time that government was taken out of the hands of the "brain trust" and the professors and put back into the hands of the elected representatives of the people, where it rightfully belongs.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 1, change "(e)" to "(d)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 11, strike out the words "he may also" and insert in lieu thereof the word "to"; in line 12 strike out the words "or personal"; in line 15 strike out the colon and the parenthesis and strike out all of lines 16 to 20, inclusive, except the period.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 23, before the word "violation", insert the word "willful", and after the sum "\$5,000" insert a period and strike out all of line 25.

Mr. BULWINKLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BULWINKLE. If I want to offer an amendment to that now, do I offer it as a substitute at this time?

The CHAIRMAN. Under the rules no amendment to committee amendments are permitted.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, transfer the words and figures "before the 10th day of January", in lines 3 and 4, to follow the word "submitted", in line 2.

The committee amendment was agreed to.

The CHAIRMAN. The Chair desires to make the announcement that if there are no more committee amendments at this time, the Clerk will read the resolution for amendment.

Mr. TABER. The whole resolution?

The CHAIRMAN. The resolution will be read by sections, but no amendment other than committee amendments will be permitted in any section before section 4.

Mr. KVALE. Mr. Chairman, I ask unanimous consent, in view of the fact that sections 1, 2, and 3 are not open to amendment, that the reading of these sections be dispensed with.

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

There was no objection.

The CHAIRMAN. The Clerk will read section 4.

The Clerk read as follows:

SEC. 4. In carrying out the provisions of this joint resolution the President is authorized, to such extent and in such manner as he finds and prescribes as necessary to the efficient and coordinated administration of the powers exercisable under this joint resolution, to—

(a) Establish and prescribe the duties and functions of governmental agencies (including corporations with corporate authority only as approved by the President and within the scope of this joint resolution);

(b) Utilize and prescribe the duties and functions of any governmental agency (including a corporation);

(c) Consolidate, redistribute, abolish, or transfer the functions and/or duties of, and transfer the property and/or personnel of, any emergency governmental agency (including a corporation); and upon the transfer to another agency and/or the abolition of all the functions and duties of any agency, such agency shall cease to exist; and

(d) Delegate the powers conferred on him under this joint resolution to any governmental agency (including a corporation).

Mr. KVALE (interrupting reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KVALE. Since this is an appropriation measure, is it not subject to amendment at the conclusion of the reading of each paragraph?

The CHAIRMAN. This is a legislative bill as well as an appropriation bill, so it is read by sections.

The Clerk concluded the reading of section 4.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 5, line 13, after the semicolon, insert the following: "Provided, That no duties or functions shall be prescribed under this act which shall place the Government in business, directly or indirectly, or through any Government-controlled corporation, in competition with private industry."

Mr. BUCHANAN. Mr. Chairman, I make the point of order on the amendment that it is not germane to the section.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BUCHANAN. It is not germane to the part of the bill where it is offered in that it seeks to limit the power and defeat the very purpose of the joint resolution, because every business in which the Government engages necessarily is more or less in competition with private business.

Mr. TABER. Mr. Chairman, this amendment limits the duties and functions which may be prescribed by the President and is clearly germane to this part of the joint resolution. It is drawn so that it specifically applies to the particular section to which the amendment is offered.

The CHAIRMAN (Mr. O'CONNOR in the chair). The Chair is ready to rule.

The gentleman from New York offers an amendment to subdivision (a) of section 4.

This subdivision reads as follows:

Establish and prescribe the duties and functions of Government agencies (including corporations with corporate authority only as approved by the President and within the scope of this joint resolution).

The gentleman's amendment is as follows:

Provided, That no duties or functions shall be prescribed under this act which shall place the Government in business, directly or indirectly, or through any Government-controlled corporation, in competition with private industry.

It has been held that to a provision delegating certain powers, a proposal to limit such powers is germane. This amendment clearly limits the powers prescribed in the original section and the Chair overrules the point of order.

Mr. TABER. Mr. Chairman, this amendment is designed to prevent the Executive or those agencies that he may designate from establishing socialism in this country. It is designed to stop such things as the Reedsville operation out in West Virginia, that was entered into by the Executive and the P. W. A., which was clearly in violation of the intent of Congress.

It is designed to stop the waste of the people's money by putting the Government into business to drive private industry out of business, instead of furnishing relief or relief employment.

We had a good illustration of this when we passed the \$3,300,000,000 act, for there \$1,700,000,000, which was allocated by the P. W. A. to relieve unemployment, so-called, but really for pet projects partly designed to put the Government in business, is still unexpended and has not yet been used for relief, although 20 months have elapsed since the money was made available.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I cannot yield, as I have only 5 minutes.

Unless this Congress puts its foot down now on this kind of operation, this is what this \$4,000,000,000 will be used for. It will not be used for relief. It will be used to put the Government into things that we ought not to get into. Let us put our foot down and put this limitation on in such a way that we can stop this kind of way of doing business.

Let us stand up for an opportunity for America to recover. Let us stand up for an opportunity for putting people back to work and not putting them out of work.

I hope this Congress will take to heart the lesson of the abuse of the authority that was granted in June 1933, where they have not spent the money which was appropriated for relief, but have put it into pet pork-barrel projects, and that Congress will not permit the socialization of industry by a bill of this kind, which is designed and put forward in the name of relief.

I know that the heart of this Congress wants to stop this sort of thing, wants to put a brake on it. Let us show our heart and stand up for the right, for the preservation of honest government in the United States and for the preservation of an opportunity for private industry to recover.

Mr. Chairman, I hope the amendment will be adopted. [Applause.]

Mr. BUCHANAN. Mr. Chairman, let us consider well before we adopt any amendment that will practically prevent the President from taking three and a half million men off the relief roll and giving them security work. This amendment, if it is complied with, will do that, because nearly every useful work you can find in the United States, or at least most of it, comes into competition at least in some degree with private enterprise, because private enterprise has explored and undertaken to engage in activity of practically every describable character.

So that if strictly construed you would prevent the President from carrying out his program.

Let us see what the President said, and I read from his message of January 3, 1935, to this Congress. In the interest of creation of private employment he says this:

The projects undertaken should be selected and planned so as to compete as little as possible with private enterprises.

That is what the President says. That is the principle that is going to guide the President in selecting these projects. And, my fellow countrymen, whether they compete or do not compete, this Government must get three and a half million men off the dole and onto work. [Applause.]

The President further says in this same message:

This suggests that if it were not for the necessity of giving useful work to the unemployed now on relief, these projects in most instances would not now be undertaken.

That is his position.

Mr. O'MALLEY. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. O'MALLEY. The gentlemen on this side do not object to the R. F. C., and that is in competition with private business, but it happens that it is to the benefit of our capitalistic friends. We want to do something for the unemployed, and they find objection.

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

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon this amendment close in 5 minutes. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Chairman, I object.

Mr. WOODRUM. Then, Mr. Chairman, I ask unanimous consent that it close in 10 minutes. There are a great many amendments. We want to complete the bill today and we hope the Committee will cooperate with us, to have reasonable debate upon the amendments.

Mr. PETTENGILL. I object.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon the amendment close in 10 minutes. Is there objection?

Mr. SHANNON. Mr. Chairman, I object.

Mr. BULWINKLE. Mr. Chairman, there were only three hours of debate upon the resolution and the promise was made that there would be liberal debate under the 5-minute rule.

Mr. WOODRUM. If the gentleman had any idea of how many amendments there are, he would realize the necessity for this action. We want to finish the bill today. I withdraw the request.

Mr. PETTENGILL. Mr. Chairman, I offer the following amendment as a substitute for the Taber amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Indiana offers a substitute for the amendment of the gentleman from New York which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. PETTENGILL: After the semicolon on page 5, line 13, insert the following:

"Provided, That nothing contained in this section shall be construed to authorize the creation of Government agencies, including Government-owned corporations, which shall engage in manufacturing in competition with private industry: *Provided, also,* That nothing herein shall apply to navy yards, shipyards, or arsenals now engaged in manufacturing supplies or munitions for national defense."

Mr. PETTENGILL. Mr. Chairman, I offer my amendment as a substitute for the amendment offered by the gentleman from New York [Mr. TABER], because I think it is a better amendment. It excludes Government navy yards, arsenals, and ship yards for national defense, and it is limited to manufacturing. I contend, my friends, and especially my Democratic friends, that this amendment will help the bill and will give added confidence to the country in this program. The President of the United States, in his opening message, said that he was in favor of preserving the profit motive in this country. He said he was opposed to the Government competing with private industry, but private industry does not have the same confidence in all of the representatives of the executive branch that it has in the President, and this will reassure the country that the program is not to be carried out as proposed by such men as Mr. Hopkins, and those in charge of the Reedsville experimental plant. The President has offered this program as a stop-gap until private enterprise can take up the slack; and in God's name let us not discourage private enterprise from taking up the slack; let us encourage it in every way we can. I said that the business men of this country did not have the same confidence in every agent of the admin-

istrative branch that they have in the President. We know what happened with the Reedsville project. This House expressed its opposition to that. Did they respect the will of this House? No. When the bill went over to the Senate they put the factory back in again. It then came here and we killed it a second time by a 3-to-1 vote. Did they respect that expression of the will of the legislative branch? No; because in the closing week of the Congress they tried to sneak the same thing through in the Rules Committee, and we had to go up there and kill it the third time.

And let me say that today's papers state that the officials of the Subsistence Homestead Corporation announce a loss at Reedsville of more than half a million dollars—over \$3,000 on each house constructed. This loss will be charged up to experimentation and errors of judgment. Think of the food and clothing this \$500,000 would have bought. If we had let them build the factory there, they would have lost another half million.

And then Mr. Sinclair, from California, came east last fall with his epic plan of government-owned farms, factories, canning plants, refrigerating plants, warehouses, and so forth, and talked to Mr. Hopkins, and Mr. Hopkins is reported in the press to have said that Sinclair "is one of us."

I want to say that if Mr. Hopkins is in defiance of the platform of the party that is in power, if he is in defiance of the expressed will of the President of the United States, if he is going to have anything to do with spending this \$4,000,000,000, and if he has the same views that he expressed to Mr. Sinclair, we need this limitation in the bill. [Applause.] I offer this amendment in the sincere belief that it will help the magnificent program of the President to end the dole in America.

As long as we are gambling these huge sums on recovery, why not loan money to industry so they can reemploy their men in their old jobs—having the Government guarantee 20 percent of the risk in the same way—as in the Housing Act for better construction?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. PETTENGILL] has expired.

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

Mr. Chairman, I desire to support this amendment. Personally I prefer the substitute offered by the gentleman from Indiana, which is confined strictly to manufacturing establishments and avoids the criticism of the gentleman from Mississippi [Mr. RANKIN]; but without reference to the exact language—that can be perfected if necessary—I think the principle ought to be incorporated in this legislation.

I expect to vote for this joint resolution on its final passage, but there are many errors, both of commission and of omission, in the resolution as it is written. There are 20,000,000 people in this country on relief at the present time. The truth is that more people are out of work today than at any time since this depression started. Why is that? It is partly, if not largely, because business has not the confidence to go ahead, to branch out, or undertake anything new that will require any additional employment. It is because business is afraid. It is afraid that the Government will go into competition with it. It is afraid to build a new factory or to expand any for fear the Government may start up a business across the street and engage in direct competition with it.

One of the errors of omission in the resolution is that it contains no provision such as this amendment prohibiting the use of the money to be appropriated to engage in business in competition with private industry. Such a provision in the resolution would improve it materially.

Mr. KELLER. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MAPES] has expired.

Mr. COX. Mr. Chairman, I move to strike out the paragraph.

This bill carries the broadest delegation of power ever proposed in the history of free governments. To protect and to promote the general welfare by providing relief from the

hardships attributable to wide-spread unemployment and conditions resulting therefrom, to relieve economic maladjustments, alleviate distress, and improvement of living and working conditions, approximately \$5,000,000,000 are appropriated to be expended in the discretion and under the direction of the President. It empowers the President to create and establish governmental agencies, including corporations with corporate authority, and to prescribe the duties and functions thereof. It empowers him to consolidate, redistribute, abolish, or transfer the functions, duties, property, and personnel of any governmental agency to another such agency. It empowers him to continue in existence any existing agency the life of which is limited to existing law, which means the power to reenact legislation which terminates by provisions of law. It empowers him to redelegate the powers conferred on him to any governmental agency, including a corporation now in existence or that may be created by him. It empowers him to guarantee loans or the payment of loans made to needy individuals; to make, grant, or loan; to acquire by purchase or condemnation any real or personal property, and to improve, develop, maintain, grant, sell, or to lease or otherwise dispose of the same. It empowers him to promulgate rules and regulations with respect to all that he may do, and makes the violation thereof a penal offense punishable by fine and 2 years' imprisonment, either or both. In other words, it is the delegation of power to the Executive to do anything that his judgment might dictate will effectuate the purposes of the act. All of which means that the President is here being empowered to demolish and reconstruct the machinery of government and to reform the economic and social relationships that exist between the people. It is an outright delegation of a legislative power which alone is vested in the Congress and which it has not the right to delegate to another.

The argument that opposition to the bill is expressive of a lack of confidence in the President is an unworthy one. It is an effort to make men debase themselves by submitting to fear. The more worthy contention is that support is in obedience to the mandate of the people who possess the right of authority to dictate. I deny, however, that the people have given such a mandate. Government functions in accordance with forms of law, and in this I find my oath to defend and support the Constitution, which I believe this act violates, both in spirit and letter, and therefore I cannot and should not be expected to give it my support in its present form. [Applause.]

I do not question the loyalty and patriotism of those who may differ from me. Each Member has his own conception of duty to perform, his conscience to keep. Each is endeavoring to act in accordance with his own understanding of what is right, which, after all, is his idea of virtue introduced into politics.

The act could have been drawn giving to the Executive all the power necessary to its administration and without violating the Constitution, but under the circumstances this cannot here and now be done. It can, however, be improved and made less offensive to the law by the elimination or the re-writing of the latter part of the bill.

It is not what I fear the President will do in the administration of the act which disturbs me but is that which he is empowered to do. No man could be great enough or good enough—and the President is as good and as great as the greatest and the best of men—to be permanently intrusted with all the powers of Government, and this renewal of extraordinary power granted under unusual and extraordinary conditions goes a long way toward permanency of the grant.

I probably do not understand the philosophy that underlies all that is being done. I can see a clear intention to cure as far as possible the physical and social ills that inflict the country.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. Cox] has expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to continue for 3 additional minutes.

Mr. WITHROW. Reserving the right to object.

Mr. BUCHANAN. Reserving the right to object, I am not going to object to the gentleman from Georgia having an extension of 3 minutes, but hereafter I am going to object to any extension. The gentleman from Georgia [Mr. Cox] wanted time under general debate, and it was impossible for me to give it to him. Therefore I will not object to his request.

Mr. COX. I thank my colleagues, particularly my colleague from my State.

Mr. WITHROW. Mr. Chairman, reserving the right to object, some of us would like to be heard on this amendment as well as the gentleman from Georgia, and I think it would be no more than fair that we be given such opportunity.

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

There was no objection.

Mr. COX. I think I can see a definite and fixed purpose to strike down inequalities which are the result of impediments having been heaped upon some to give advantages to others; a tendency toward the diffusion instead of the concentration of wealth; a movement toward the subdivision of large masses, the rectification of the institution of private property, the holding of the scales with equal justice as between man and man. All this I, of course, approve; but as to whether it is necessary to temporarily suspend the force of substantive law until this reformation and transition can be made complete, I do not know. It may be that this is true and if so, and if this higher state of morality and justice can be wrought out, it will probably be considered as having been obtained at a bargain price. But is not the risk to liberty too great to justify the experiment? Cannot these same results be obtained or closely approached through the reformation of the rules of action set up to govern human conduct? Can they not be obtained through constitutional processes and without hazard to representative government?

It may be that these are questions which futurity alone must determine. That which disturbs me most is the apparent tendency to grind everything down to a dead level which means paralyzing individual effort and enterprise. This is what the exchanging of liberty for equality means. So, as to the direction one shall travel, all depends upon the way the signboard seems to point. To me it points toward government by men and away from government by law. It is with regret that I interpret the provisions of the act to be inconsistent with the spirit of American liberty and a violation of the Constitution. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment and to the substitute amendment.

Mr. Chairman, I rise in opposition to this amendment and to the substitute amendment because they constitute nothing more nor less than an unwarranted attack upon this bill. You might as well strike out the enacting clause, for the effect of the pending amendments will be to hamstring the bill, emasculate, and destroy utterly its efficacy. That is why I am bitterly opposed to them, and I hope the Committee will vote them down decisively.

Doubtless those in charge of the spending of this money have the right to spend it for slum clearance, rural housing, rural electrification, reforestation, soil erosion, and so forth; and these operations undoubtedly will involve coming into competition directly or indirectly or remotely with private industry and enterprise. It would involve the businesses of roofing, foundation building, bricklaying, contracting, plastering, carpentering, plumbing, and so forth, and might to some extent impinge upon the manufacturers, dealers, and workers in steel and iron and all metals, granite, marble, limestone, and so forth. So, again I say, if you want utterly to destroy the bill, continue to offer such amendments; but I verily hope and believe that we on this side will vote them down.

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

Mr. CELLER. I yield.

Mr. RICH. If I interpret correctly the amendment which was placed in the bill and the statement the gentleman has

made with reference to the effect of the bill, there is really nothing in the statement the gentleman has just made.

Mr. CELLER. I do not agree with the gentleman.

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

Mr. CELLER. I yield.

Mr. BULWINKLE. The gentleman states that if the amendment or the substitute is adopted it will destroy the bill.

Mr. CELLER. Absolutely; such action will destroy it. I say so.

Mr. BULWINKLE. Does the gentleman mean to tell the House, then, that this is the time and place to authorize in this bill that all manufacturing shall be started?

Mr. CELLER. I say that if we carry out the provisions of the amendment or the substitute, you will not be able to do anything under this bill of any consequence. You make it a nullity.

Mr. Chairman, I refuse to yield further.

I am in thorough sympathy with those who want to keep private industry more or less intact, to make it prosper and to have the Government recede from encroaching upon private enterprise. But we are in perilous times. Private industry is in the doldrums. People must work, else they perish. If that work cannot be supplied "privately", it must be supplied "publicly." Take, for example, the banks of my own city of New York. They are bursting with funds. The Guaranty Trust Co., the National City Bank, the Chase Bank—they have each over \$1,000,000,000 of deposits; but let business men go to those banks and try to effect loans and you will see how they are met with denials right and left. The R. F. C., the Government, must, perforce, step in and help private industry. Some agency must supply the credit. I would rather see the R. F. C. go out of business and private bankers take over the functions of banking in New York City, but they will not do it. I charge that many of the banks in New York City are hurting, not helping, business, and therefore we must step in. Where private banking and industry have been woefully lacking, we must set up these governmental agencies to take care of the work private banking and industry should do. I do not wish to appear unduly harsh upon the banks back home, yet they deserve severe criticism.

Let me cite a specific instance of failure of banks in New York to cooperate. It is the case of a merchant of New York City who applied to the R. F. C. for a loan of \$50,000. The R. F. C. said the condition of the man's business factory was such as to entitle him to \$100,000. The R. F. C. in Washington issued an order that they would grant \$100,000 as a loan on condition that the two banks in question in New York City take 40 percent of the loan, namely \$40,000; but they refused to take the 40 percent and wanted the Government to carry the entire loan. The R. F. C. examined and scrutinized the facts in the case most carefully; its proffer of \$40,000 of the loan to be taken by the banks was reasonable. There was no risk that could have been deemed unreasonable. This is the best illustration in the world of the necessity for the Government's stepping in when private industry, private banks, and private merchants refuse to do their duty.

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close at 3 o'clock.

Mr. KVALE. Mr. Chairman, reserving the right to object, will not the committee chairman include in his request the request that bona fide amendments be offered first, in order that we may have a chance to have them explained?

Mr. BUCHANAN. Mr. Chairman, I have no objection to bona fide amendments being offered first.

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

Mr. MOTT. Mr. Chairman, I object.

Mr. BUCHANAN. Then, Mr. Chairman, I move that all debate on section 4 and all amendments thereto close at 3 o'clock.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 167, noes 80.

So the motion was agreed to.

Mr. MAAS and Mr. LUDLOW rose.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana, a member of the committee. For what purpose does the gentleman rise?

Mr. LUDLOW. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana [Mr. PETTENGILL].

The CHAIRMAN. Under the rule, on any amendment there is permitted only 5 minutes in support and 5 minutes in opposition to the amendment.

Mr. LUDLOW. Mr. Chairman, I am wondering whether I shall be able to pour some oil on the troubled waters. Like the distinguished gentleman from Michigan [Mr. MAPES], I intend to vote for the passage of this resolution, but I do not believe that it is so inviolable and so sacrosanct that it cannot be made better by a good amendment. I hope that my colleagues on the Democratic side of the Chamber will accept the substitute amendment offered by my friend, the gentleman from Indiana [Mr. PETTENGILL]. I believe sincerely and truly that this amendment could be adopted without injury and with vast improvement to the resolution.

Those who are acquainted with me know that this amendment embodies a principle that is very dear to my heart. It is one of my old loves. The principle involved in the amendment, that is to say, the principle that Government should not enter into manufacturing enterprises to the destruction of private industry, is not new to the House of Representatives. The same principle that is embodied in this substitute amendment was approved by the Membership of this body by a 3-to-1 vote when the House in the last session overwhelmingly adopted an amendment I introduced expressing disapproval of the allocation of \$550,000 of public-works funds by Secretary Ickes to establish a governmental factory in West Virginia that would have dismantled, demobilized, and destroyed one of the oldest and best manufacturing establishments in my congressional district. This proposition is very close to the State of Indiana, and it is going to be close to a lot of other States unless you adopt the Pettengill amendment.

When the Congress last year appropriated \$3,300,000,000 for public works, not one single Member of either branch of the Congress ever entertained a thought that any part of that money would be used to establish the Government in business in opposition to private industry. Yet, notwithstanding that fact, Mr. Ickes was proceeding, until he was stopped by this House, to put the Government into competitive business. The amendment before the House, if adopted, with the substitute amendment of the gentleman from Indiana [Mr. PETTENGILL], will firmly establish a most wise and salutary policy in this country. It will serve notice on Mr. Ickes that no part of the \$4,000,000,000 appropriated by the pending bill for public works shall be used to erect factories to compete with private industry. Unless this amendment is adopted, every congressional district represented on the floor of this House will, I fear, rest under a menace of governmental interference with private industry.

Mr. Chairman, I should like to see this amendment adopted unanimously. When I support this amendment to keep the Government out of business, I am thinking of a lot of splendid workmen out in the State of Indiana, in the city of Indianapolis, who would be thrown out of work and whose families would either starve or go on relief rolls if the Government should resurrect the Reedsville post-office furniture-factory proposal. I do not want that project revived because of the great injury it would do to the laboring men of my home city, and I hope I am unselfish enough to want to protect the laboring men of every other district and city in the United States against the menace that will hang over them like a sword of Damocles if the Government embarks on the policy of establishing Government factories that will close the doors of privately owned plants. What privately owned establishment is there anywhere that can compete with the tremendous resources of the United States Treasury? When a Gov-

ernment factory fails, the loss is simply written off against the taxpayers, but private factories have no good Uncle Sam to write off their losses. From the standpoint of humanitarianism, of what advantage is it if we are to provide a livelihood for some miners in West Virginia if by so doing we destroy a manufacturing plant in Indianapolis and take away the livelihood of its employees? The whole policy of Government incursion into business is wrong, fundamentally wrong, and we ought to provide by the adoption of the amendment now before the House that no part of the great \$4,000,000,000 relief fund we are now appropriating shall be used to put the Government into business in competition with private industry.

In my opinion, nothing this Congress could do would so encourage and stimulate legitimate business, so enthuse it with the spirit of confidence and the determination to go ahead, as the adoption of this amendment would do; and if we are ever to have permanent and solid recovery, business must be encouraged and strengthened, so that it may take over into regular jobs the millions now on relief rolls. I believe the adoption of this amendment would be the greatest favor that could be rendered to President Roosevelt. It would fortify him to resist a lot of wild incursions of Government into business that will undoubtedly be proposed as a means of dissipating the \$4,000,000,000 fund, but more important than that, it would impress upon the honest and patriotic business interests of the country a conviction that the better day is really near at hand.

Mr. OLIVER. Mr. Chairman, I offer an amendment to the pending amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. OLIVER to the substitute offered by Mr. PETTENGILL: At the end of Mr. PETTENGILL'S amendment, after the word "defense", strike out the period, insert a comma, and add "or other Government agencies now established or authorized to be established by existing law."

Mr. OLIVER. Mr. Chairman, if the amendment offered by the gentleman from Indiana should be adopted, and I hope it will not, it would seriously embarrass the Government in many activities now established and operating under existing law, and so I have offered an amendment to modify its effect, if adopted.

Mr. PETTENGILL. May I ask the gentleman a question? Is the gentleman offering the amendment to help my amendment or to defeat it?

Mr. OLIVER. I offer my amendment to prevent the gentleman's amendment doing harm to existing agencies of the Government.

Mr. PETTENGILL. Then the gentleman is sympathetic with the amendment I offered?

Mr. OLIVER. No; I am opposed to it.

Mr. PETTENGILL. I mean as changed by the gentleman's amendment?

Mr. OLIVER. No.

Mr. PETTENGILL. As changed?

Mr. OLIVER. No. This amendment I offer will prevent the gentleman's amendment from seriously interfering with existing agencies of the Government.

Mr. PETTENGILL. Will the gentleman support my amendment if it is amended as the gentleman suggests?

Mr. OLIVER. No. The gentleman in his amendment makes certain exceptions, namely—

Provided, nothing herein shall apply to navy yards, shipyards, or arsenals now engaged in manufacturing supplies or munitions for national defense.

And certainly no one here wants to interfere with such activities. My amendment adds the further proviso—

Or other Government agencies now established or authorized to be established by existing law.

Mr. MAY. Will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Kentucky.

Mr. MAY. Does the gentleman have reference to the other governmental agencies now established by existing law engaged in business in competition with private industry?

Mr. OLIVER. I have reference to all agencies that are or may be established under authority of Congress.

Mr. MAY. Then the gentleman's idea is to continue these industries in business in competition with private industry?

Mr. OLIVER. Yes.

Mr. TABER. Will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from New York.

Mr. TABER. The amendments which have been offered only attempt to limit the functions that may be prescribed under the bill?

Mr. OLIVER. The gentleman may think so; but if he will read the amendment, he will find it is much broader than that. The amendment would seriously hamper, if not destroy, many Government agencies now established and operating under existing law, and prohibit the President from using such agencies to carry out the purposes of the bill now being considered. It would seriously interfere with the agency known as the Tennessee Valley Authority. It would seriously interfere with the aircraft plant or factory located in Pennsylvania. I could mention many others, but those mentioned will suffice to show how unwise it would be to adapt the pending amendments.

Mrs. JENCKES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. I yield.

Mrs. JENCKES of Indiana. Has the gentleman in his district any canning factories or mattress factories that are operated under the relief agencies that are today in competition with private industry? Do not these factories take away from our duly constituted agencies the right to manufacture or make beds for the poor?

Mr. OLIVER. Yes; the Government has been engaged in canning in my district for the relief of distress, and I am not opposed to such activity as carried on in my district.

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

Mr. OLIVER. Yes.

Mr. BUCHANAN. The pending amendment, together with the gentleman's amendment, would prohibit the President from establishing a subsistence homestead near a large tract of timber, where no sawmill is available, and would prohibit the authorities from putting up a little sawmill and sawing lumber to build houses on subsistence homesteads in which to place those needing aid. In other words, all amendments, the gentleman's amendment and all others, ought to go out of the bill.

Mr. OLIVER. I offered the amendment purely for the purpose of protecting the Government, should the House, by any chance, vote favorably on the Pettengill amendment. I am not in favor of the amendment offered by the gentleman from Indiana [Mr. PETTENGILL] and feel that it should be defeated.

Mr. BUCHANAN. That is what I wanted to bring out.

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

Mr. OLIVER. Yes.

Mr. MAY. In the case stated by the chairman of the committee, does not the gentleman suppose there are lots of private sawmills that could be got into such a large body of timber to cut lumber for the Government?

[Here the gavel fell.]

Mr. LLOYD. Mr. Chairman, the Pettengill amendment, in my judgment, should be considered with the greatest care by this House. I do not know that even the wording of this amendment is entirely suitable. I do not know but what it could be improved upon, but certainly, in my judgment, it improves the bill as originally written.

Let me recall to the attention of the House, if I may, that only about a year ago we had before this House a great project for the manufacture of furniture at Reedsville, and in no uncertain terms this House voted down that project. Now there is not one, but by virtue of the F. E. R. A. funds, where we gave a blank check, there are a dozen furniture factories in the United States in defiance of the principle adopted by the Congress.

I have in my files letters which indicate that a careful survey has shown that over 2,500 garment-manufacturing plants have been established under the authority of the

F. E. R. A. and certainly in violation of what this House contemplated at the time we voted the appropriation.

Mr. PETTENGILL. If the gentleman will permit, he said, "under the authority", when he meant "against the authority."

Mr. LLOYD. Against the will of this House.

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

Mr. LLOYD. Over 1,500 shoe factories, of which 5 are in the city of my friend from Washington, who now rises—

Mr. ZIONCHECK. Is it not true that if they had not manufactured them in this manner, the unemployed would have fewer clothes, fewer shoes, and would have been colder and barefooted?

Mr. LLOYD. Let me suggest to the gentleman that every time a Government agency that cuts a piece of cloth to manufacture a garment, every time you cut a piece of leather to make a pair of shoes through a Government agency, you are putting a 5-dollar-per-day man on the relief rolls to fill his place with a \$50 per month man in your competing relief set-up. [Applause.]

Mr. OLIVER and Mr. RICH rose.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to withdraw the amendment offered by me for the reason that I feel I have shown to the House what the disastrous effect would be on Government agencies if the amendment offered by the gentleman from Indiana was adopted. I am opposed to the amendments offered by the gentleman from New York [Mr. TABER] and the gentleman from Indiana [Mr. PETTENGILL] and favor the passage of the resolution as amended by the Committee on Appropriations without further change.

The CHAIRMAN. Without objection, the Oliver amendment is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Indiana [Mr. PETTENGILL].

Mr. TABER. Mr. Chairman, I accept the amendment.

The question was taken; and on a division (demanded by Mr. PETTENGILL) there were—ayes 83, noes 145.

Mr. PETTENGILL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PETTENGILL and Mr. BUCHANAN.

The Committee again divided, and the tellers reported that there were 91 ayes and 172 noes.

So the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Georgia [Mr. Cox].

The question was taken, and the amendment was rejected.

Mr. BACON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BACON: On line 15, page 5, after the semicolon, add the following: "Provided, That no governmental agency or corporation shall be empowered with duties and functions, nor shall it exercise or utilize any duty or function, the effect of which would engage Government competition with private industry, except in the development and sale of hydroelectric power; and provided also that nothing herein shall apply to navy yards, shipyards, or arsenals now engaged in manufacturing supplies or munitions for national defense."

Mr. BUCHANAN. I make the point of order that that is practically the same amendment that we have just voted on.

Mr. BACON. And I call attention to the fact, Mr. Chairman, that this is offered to a different paragraph.

Mr. BUCHANAN. But the same section.

Mr. BACON. And it also is a different amendment, in that it specifically excepts the manufacturing, development, and sale of hydroelectric power.

The CHAIRMAN. The Chair is ready to rule. The Taber amendment proposed to amend subdivision (a), which relates to agencies that may be established. The amendment offered by the gentleman from New York [Mr. BACON] pertains to subdivision (d), which refers to existing agencies, and the point of order is overruled.

Mr. BACON. Mr. Chairman, this amendment has the same practical effect as the amendment offered by the gentleman from Indiana. It is beginning to be apparent that the spokesmen for the administration on the floor of this House have every intention of putting the Government into business in competition with its own citizens, or at least of making it easy to do so.

I prefer to rely on the statement made by the President in his annual message to Congress. I prefer to rely on the testimony offered before our committee—both of these statements to the effect that the administration does not contemplate putting the Government into competition with its own citizens in carrying out the provisions of this resolution. If I may rely on the President and his spokesmen before our committee, I see no reason why we should not write into the law what they have promised us and the people of the United States. [Applause.]

State socialism of industry should not be fostered under the guise of relieving the unemployed. Private initiative should be stimulated and not further restrained through fear of Government competition or threats of such a policy. Private ownership, if faced with such competition and threats, will inevitably tend to liquidate with losses to innocent private investors; will greatly increase the unemployment for the normally employed; will wipe out all profits from which come Federal taxes; and will finally result in fear and unrest in the field of business and industry that will substantially delay the return of confidence, without which real and permanent recovery cannot be made.

I have specifically exempted the development and sale of hydroelectric power to quiet the nerves and apprehensions of my friend from Alabama so that he will not think that in any way I am attacking his pet, the T. V. A. Therefore, Mr. Chairman, unless we deliberately want to encourage the Government to compete with its own citizens, I hope the amendment will be adopted. I also recall to my friends that the President himself has stated that unless private industry takes up the slack of unemployment there is no eventual solution of the unemployment situation. Private industry can never take up the slack of unemployment if it is being continually threatened and harassed with competition or the fear of competition from its own Government.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment. The same arguments made on the floor today have been made by the gentlemen on the other side very frequently in the past. They are fearful that the Government will destroy private industry. I recollect that the same arguments were made in 1912 and 1914, when we tried to increase the facilities of our arsenals and navy yards so that the Government could produce powder and other necessary supplies for the Army and Navy. At that time these same gentlemen were fearful that we would destroy private industry. Only a few days ago we read of the investigation being conducted on the part of the Naval and Military Affairs Committees and a special munitions investigating committee, showing that the Government has been robbed of millions and millions by the Du Ponts and other powder and munitions manufacturers.

I fear that again today these gentlemen on the other side have in mind these industries that have been so patriotic in the past that have mulcted the Government out of millions of dollars. Gentlemen across the aisle fear that we are going to paralyze business. From 1918 to 1932 the Government, under Republican administration, did not interfere with any of the private industries. Notwithstanding that our country had the greatest crops and that business was not interfered with, your big business brought about ruin and destruction to our Nation. Were it not for the destruction brought about by big business that you are so greatly interested in, this legislation now before us would not be necessary. You know that these conditions were brought about by private industry; that makes this legislation necessary. I feel it a solemn duty to cooperate with the President in the hope of again putting the country on a prosperous business basis through private

employment and putting men to work in every section of the Nation.

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

Mr. SABATH. Yes.

Mr. McCORMACK. I call the attention of my friend and my Republican colleagues to the fact that on March 4, 1933, private business was at a very low ebb, and under the present administration, which private business feared, private business has made great progress toward its return to normalcy.

Mr. SABATH. I notice some gentlemen on the Republican side laughing. If they will but consult their own Republican newspapers, they will see that these papers admit that the financial reports of all of the industries show a profit, while during the years 1930 and 1931 and 1932 they showed great losses. We are making progress, we are improving conditions, and were it not for dilatory tactics on the part of the Republicans we would have advanced farther, and many more hundreds of thousands of people would have been employed by this time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SABATH. In a moment. I believe it is our duty to stand by the President who is sincere, and put the millions that the Republican administration put out of work back to work again so that they can provide for their near and dear ones. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman speaks of the fact that industry is improving. I ask him what has happened to the granite industry, the marble, the limestone industry which have been cut out under the building specifications of the P. W. A.?

Mr. SABATH. Of course, we are not using perhaps as much Indiana limestone since the great statesman from Indiana, Jim Watson, has ceased to control the construction divisions of our Government and since we have stopped the building of marble pillars and are using plain material on all our projects. There having been a noticeable reduction in the number of suicides in the past 22 months, we do not use marble or granite, as we did, for the unfortunates who, in despair, filled our cemeteries, due to the greatest scourge of destruction brought upon this country by those interests always in control under a Republican regime.

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

Mr. SABATH. But we are using other material that is not so expensive.

Mrs. ROGERS of Massachusetts. While millions have been put out of work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The amendment was rejected.

Mr. EDMISTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EDMISTON: Page 5, line 13, after the colon, insert: "Provided, That all officers and employees whose salary is in excess of \$4,000 per annum, who shall be appointed by the President under the provisions of this act, shall be subject to confirmation by the Senate of the United States."

Mr. BUCHANAN. Mr. Chairman, I make the point of order on the motion that it is not germane. There is a section of the bill to which it is germane, but it is not germane to this.

The CHAIRMAN. The Chair is ready to rule. The gentleman from West Virginia [Mr. EDMISTON] offers an amendment to section 4 of the resolution, line 13, page 5, which provides:

Provided, That all officers and employees whose salary is in excess of \$4,000 per annum, who shall be appointed by the President under the provisions of this act, shall be subject to confirmation by the Senate of the United States.

Section 4 does not pertain to the appointment of any officer. That subject is contained in section 3, which has

been passed. The Chair, therefore, sustains the point of order.

Mr. BUCKBEE. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUCKBEE: On page 5, line 15, after the semicolon, insert the following language: "in prescribing the functions of the governmental agencies utilized by the President he shall prescribe that \$2,000,000,000 of the funds appropriated in this resolution shall be used in making loans to industry."

Mr. BUCHANAN. Mr. Chairman, I make a point of order against the amendment on the same ground that I did the previous amendment.

The CHAIRMAN (Mr. O'CONNOR). The Chair is ready to rule. The amendment offered by the gentleman from Illinois [Mr. BUCKBEE] is not germane to section 4. It might well have been germane to section 1. The Chair sustains the point of order.

Mr. SAUTHOFF. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SAUTHOFF: Page 5, line 21, before the semicolon insert a colon and the following: "Provided, That no change in the classification or compensation of any officer or employee shall be made in carrying out the provisions of this subsection, but changes in the title, designation, and duties of any such officer or employee deemed necessary in carrying out such provisions may be made."

Mr. BUCHANAN. Mr. Chairman, I make the point of order that the amendment might have been in order to a former section of the bill, where the President is authorized to fix the different salaries, but it certainly is not in order under this section.

Mr. BOILEAU. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. BOILEAU. There is nothing in this amendment with reference to salaries. It is merely with reference to the civil service.

The CHAIRMAN. The amendment refers to the classification of employees, which is contained in section 3. The amendment offered by the gentleman from Wisconsin might have been germane to section 3, but it is not germane to section 4, and the Chair sustains the point of order.

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

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: At the end of line 13, page 5, add the following: "Provided, however, That any money authorized by the President to be spent for the prevention of soil erosion shall be spent under the direction of the Soil Erosion Service."

Mr. BUCHANAN. Mr. Chairman, I make the point of order that the amendment is not in order on this section at all. There is no money appropriated by this section. It is not germane, either.

Mr. NICHOLS. It is really a limitation, Mr. Chairman. It is a limitation of authority. I would ask the gentleman from Texas if he would reserve his point of order?

Mr. BUCHANAN. I will reserve the point of order for the time being.

Mr. NICHOLS. Mr. Chairman, I want to say at the outset that I did not introduce this amendment for the purpose of embarrassing the administration or embarrassing the gentlemen on the committee, but I seriously believe that this is a question which the Members of this House should consider.

From reading the bill now under consideration, I am constrained to be of the opinion that the President, in the spending of this money, will spend a great deal of it in the prevention of soil erosion. I seriously trust that he will. At the present time we have about four different divisions of emergency set-ups which have to do with the spending of money for soil erosion. In my opinion, one of the most important things that the people of the United States have confronting them today is the fact that we are standing idly by and permitting our soil to erode and wash away.

A reflection to not too ancient history will show us that in many nations, particularly in Asia, civilization has been destroyed because nations had permitted the fertility of the soil to be washed away. If we are to have a comprehensive and coordinated program of soil erosion, it is necessary that it not be scattered under three or four agencies, one working against the other, and it seems to me it should be put under one agency of government, which was created for that purpose, and in which there are experts. Those experts have ability and knowledge to properly protect our soils from erosion.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. JOHNSON of Oklahoma. Under the gentleman's amendment, it would prevent the Civilian Conservation Corps from doing soil-erosion work, would it not?

Mr. NICHOLS. No, sir. Under my amendment I would prevent the men in the Federal Emergency Relief Administration from having these little soil-erosion projects that do not amount to anything. I would stop the extension departments of the agriculture and mechanic arts colleges from going out and terracing this land that should not be terraced, and by so doing encouraging soil erosion rather than preventing it. I would stop the Forest Service from going out onto cultivated lands and putting on soil-erosion projects. I would simply put it under the department of Government, which, by its facilities and special training, is capable of stopping soil erosion. As long as it is under a half dozen different departments none of them will do it.

I was deeply shocked the other day to read in the press a statement by Secretary Ickes that the soil of Oklahoma was among the worst eroded of that of any State in the Union. The Secretary made this statement in connection with the approval of a soil-erosion project in my district.

But I do not doubt that what he says is so. Despite the fact that Oklahoma is one of the youngest States in the Nation, the ruthless manner in which her soil has been exploited is a shame and a disgrace. The farmers of today are already being punished for the sins of their fathers against the soil, and the farmers of tomorrow will face still greater suffering unless steps are taken to reverse the ruinous practices.

Dr. N. E. Winters, director of the soil erosion service in Oklahoma, declares that 85 percent of the 16,000,000 cultivable acres in Oklahoma are already suffering seriously from erosion damage and that 2,000,000 acres have been abandoned for that reason. Figures indicate that 440,000,000 tons of soil are annually washed from the cultivated fields of Oklahoma. It would require a fleet of 4,200 motor trucks of 2-ton capacity, loading and unloading every 10 minutes, working day and night throughout the entire year, to haul away this tremendous volume of soil.

I know that farmers in my district, who in the past have been indifferent to this tremendous loss, are now becoming alarmed. They are eager, even impatient, to cooperate with the Soil Erosion Service in an effort to stop the losses and rebuild the vitality of the soil.

In addition, I think that this program fits in perfectly with the President's idea for a balanced effort to build up the Nation's resources. While Civilian Conservation camps have been popular in my State in the few wooded areas where they were possible, similar camps to work toward saving the soil are much more eagerly sought at present. Saving the soil under the methods of the Soil Erosion Service will assist in the program to control floods by preventing the rapid flow of waters after rains, and will also prevent the damage or even ruin of proposed hydroelectric plants upon our principal waterways.

Soil-erosion camps established in scattered portions of the State will give all the farmers a chance to view the methods used, both in construction and in new planting and cultivation practices, to conserve the resources of the farms, and will cause these farmers, even outside the areas directly under the camps, to change their farming practices.

The Soil Erosion Service as constituted at present is doing a tremendous job in good shape. I favor giving this Service

an increasingly large proportion of any emergency funds which are appropriated. I believe that this work will not only furnish employment where it is badly needed but will also result in building up the resources of the Nation and bringing about a permanent improvement of the economic status of the great agricultural regions.

These are some of the reasons for introducing my amendment. I wanted to call attention to the valuable service which is being rendered at present by the Soil Erosion Service and to insure the centralization of any other such programs in this department, where they would be handled by a well-informed and seasoned personnel, already functioning and in touch with the farmer and his needs.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. NICHOLS] has expired.

Mr. BUCHANAN. Mr. Chairman, I renew the point of order.

The CHAIRMAN (Mr. O'CONNOR). The Chair is ready to rule on the point of order. The amendment offered by the gentleman from Oklahoma [Mr. NICHOLS] is not germane to section 4, which merely prescribes the duties and functions of agencies. It might have been germane to section 1. The Chair sustains the point of order.

Mr. LORD. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LORD: On page 5, line 13, after the semicolon, insert: "Provided, That in prescribing functions and duties there shall be prescribed the following: \$1,000,000,000 shall be expended for highways."

Mr. BUCHANAN. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from New York [Mr. LORD] is clearly a limitation on the use of the money provided for in section 1. The amendment might have been germane to section 1, but it is not germane to section 4. The point of order is sustained.

The Clerk read as follows:

SEC. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in sec. 1)—

- (a) to guarantee loans to, or payments of, needy individuals;
- (b) to make grants and/or loans and/or contracts; and
- (c) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, maintain, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

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

The Clerk read as follows:

Amendment offered by Mr. BUCKBEE: On page 6, line 9, after the semicolon, insert the following language: "In prescribing the functions of the governmental agencies utilized by the President he shall prescribe that \$2,000,000,000 of the funds appropriated by this resolution shall be used in making loans to industry."

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Illinois is not germane to section 5. The Chair sustains the point of order.

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

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 6, strike out lines 11 to 20, both inclusive, and in lieu thereof insert the following: "(c) to acquire by purchase any personal property or any interest therein, and/or acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, maintain, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such real or personal property or interest therein."

Mr. BULWINKLE. Mr. Chairman, I offer this amendment as a perfecting amendment to the section. The amendment offered by the gentleman from Texas, the Chairman of the Committee on Appropriations, leaves out the power of the President to purchase personal property, and I do not think that should be done. I understand it is considered that he has the power under existing law to purchase

personal property. If this be so, then I wish to ask the chairman if the President has not also the power to acquire, by the right of eminent domain, real estate?

Mr. BUCHANAN. No.

Mr. BULWINKLE. In which statute is he given the power to purchase personal property?

Mr. WOODRUM. That power is carried in section 1 of this bill.

Mr. BULWINKLE. Mr. Chairman, I want again to call the attention of the House to the way this bill was drafted.

We have heard the chairman of the committee state the President already had power to purchase personal property. Notwithstanding that, the bill came up on the floor of the House itself providing that personal property should be the subject of eminent domain. It was not until after I called the attention of the Democrats in the caucus and on the floor of the House to the matter that we had any amendments. If the committee amendment is satisfactory I withdraw my amendment, and in conclusion I wish to say that section 1 does not give the right to purchase personal property.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. CONNERY: On page 6, line 9, after the word "contracts" insert: "But all such grants and/or loans to finance construction projects and/or contracts let for construction projects shall contain such provisions as are necessary to insure that all employees employed on such projects shall be paid not less than the rate of wage prevailing in the locality in which project is prosecuted."

Mr. BUCHANAN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CONNERY. Mr. Chairman, my amendment does not apply, let me say first of all, to the C. C. C. camps or to any work which the Government is doing itself. It applies to contracts, loans, and grants. It means, for instance, that if they are building a bridge across the Mississippi River out at Davenport, Rock Island, or some other place on a 70-30 basis, that the workers employed on the bridge are to be paid the prevailing rate of wages of that community and not simply \$50 a month.

I may say to the Members on my side of the House: When you go back to your districts I am sure the men in your districts who work, the skilled workers and the day laborers, are going to ask you, "Did you vote to stop me from getting a decent living wage at my work?" Admiral Peoples, at the hearing before the committee, said they were going to pay \$50 a month for such work. Now, \$50 a month for a man and wife and from three to five children is not a very decent wage for them to live on.

Mr. COX. It is better than nothing, is it not?

Mr. CONNERY. Yes; it is better than nothing, of course. But we take care of horses and dogs and other domestic animals, and we feed them and keep them warm. We are dealing here, however, with human beings, and not dogs, horses, or animals; and I for one believe that human beings are entitled to more than starvation wages.

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

Mr. CONNERY. I yield.

Mr. BUCHANAN. I am sure the gentleman does not want to misrepresent Admiral Peoples. It was his testimony that the average wage would be about \$50.

Mr. CONNERY. Well, the gentleman can call it by any name he wants, but an average wage of \$50 still is not a decent living wage.

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

Mr. CONNERY. I yield.

Mr. BOILEAU. To have an average wage of \$50 a month there must be some who will be paid above the average and, by the same token, some who will be paid less than the average.

Mr. CONNERY. That is it. There will be some who will be paid as little as \$20 or perhaps even \$10 a month.

The sole argument against my amendment that was used was that men will not go to work in private industry if you pay them more than \$50 a month. Any skilled workman working on a bridge or working anywhere else and getting \$1.20 an hour is worth that and more, and I am not going to help the United States Steel Corporation or any of the other big corporations of this country to reduce their wages, sanctioned by the United States Government setting the example. That is what we did in the Economy Act with the Government workers. The day we passed that bill the United States Steel Corporation put through a 15-percent cut on their workers.

It seems to me the whole story in connection with this amendment is: Are you for a decent living wage for working men and women in the United States or are you for a starvation wage of \$50 a month?

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. CONNERY].

Our distinguished friend from Massachusetts is one of the most lovable men in this House. Even when we do not agree with him, and cannot support his amendment, all of us have for him great respect and deep affection. He renders here valuable service to his district and to the Nation.

He wanted to know what we would tell our skilled workmen when we go back home if we refuse to pass his amendment. I know what I will tell them in my district. I will tell them that this is strictly an emergency measure. I will tell them that it is not a wage-scale measure. I will tell them that it is not a bill to provide a decent living wage for American workmen in private industry. This bill has not anything to do with private industry. I will tell them that it is absolutely impossible for this Government to hire 12,000,000 unemployed heads of families itself and pay them \$8, \$10, or \$12 per day, as neither this Government nor any other government on earth could raise enough money to do that. But we are in hopes that this Government can take the 3,500,000 men now on relief, now drawing doles, now with their hands held out for charity, now receiving \$15, or \$20, or \$25 per month gratuity, and give them an honest job, let them do honest work, and let them earn what the Government pays, and is able to pay, even if it does not amount to more than \$50 per month.

Mr. Chairman, when I go home I will tell my skilled workmen and my unskilled workmen and all of my other constituents that it would be an utter impossibility for this Government to attempt to employ all of the unemployed, and to pay them the kind of wages our colleague from Massachusetts has in mind. If we were to pass his amendment, it would not be possible, under this bill, to employ more than one-third of the number of men we expect to employ, and it would leave the other two-thirds without employment and without any chance to obtain the essentials of life for their wives and little children.

The dole must stop. It destroys self-respect. We must get our men back to work. Earning one's own living, whether large or small, restores initiative, self-reliance, self-respect, and manhood.

I know that I will be misquoted in what I am saying, and that I will draw the fire upon me from ardent supporters of the Connery amendment, simply because I oppose it. But, in opposing the Connery amendment, I have the President with me. He is not in favor of it. He does not want it placed on this bill. It would be hurtful to his plans and purposes. It would hamper him and obstruct him in his efforts to get away from the demoralizing dole and would interfere with his plan to provide honest work for self-respecting Americans who do not want charity.

Those who will chide and upbraid me will be chiding and upbraiding the President, because I am making for him the kind of speech he would make here himself, if he could be heard on this Connery amendment. Are you going to put it in this bill, when the President does not want it? Are you going to vote for it when it will obstruct the President's plans and purposes? Are you going to override the Presi-

dent and force him to abandon his plan to place men in work and make them feel that they are earning the bread and meat which their wives and little children eat?

There are thousands of men in Massachusetts, there are thousands of heads of families in New York and in every State in this Nation who have not made \$50 a month in 3 years. All of them want work. It would be a godsend to them. There are thousands of heads of families who would be glad to get from the Government as honest pay for honest work, \$50 of real, hard American money each month with which to buy groceries for their wives and little children, and to know at the same time that they have earned the money.

What money has this Government to give men jobs with? Not a dollar. It cannot pull itself up by its own bootstraps. The money it is spending is tax money which the Government takes from the people. It is money that ultimately has to be paid back in taxes that are wrung from the pockets of our constituents back home. I am glad to be able to assure the American citizens back in my district who have been without jobs for so long that this great Government is starting a movement whereby they may get a job again. Whether it be at \$50, \$60, \$150, or whatever it may be, when they earn the money by their own work, it restores their manhood, it restores their initiative, it restores their self-respect, and it restores their self-reliance. It takes them out of the mire of despond and makes big, strong American citizens of them. That is what the President has in mind and that is the purpose of this bill. That is why our great Speaker is for it, that is why you find our Democratic leadership for it, and that is why you find the gentleman from Texas [Mr. BUCHANAN], who introduced this bill, for it.

They say the bill did not have proper parenthood. They say it was put on your doorstep without an author. It has the name of the gentleman from Texas [Mr. BUCHANAN] on it. It comes here properly introduced. It comes here under the proper rules of the House, and it is going to be passed under the proper rules of the House.

This amendment should be voted down. I think it is my duty to vote against it. I am going to vote for the bill just as the President wants it and without changing it at all. I am not going to vote to emasculate the bill, but to pass it in the form the President wants it passed. He is the one who has asked for it. He is the leader the people have chosen. He is the leader in whom the people have confidence. He is the leader the people of this Nation are following. I am with him, and I believe you are, too. [Applause.]

[Here the gavel fell.]

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

Mr. Chairman, I rise at this time in defense of this amendment. The gentleman from Texas tells us this legislation is for the purpose of creating some upstanding American citizens. This is the first time I have ever heard of an average wage of \$50 a month creating upstanding American citizens. [Applause.]

It is naturally assumed that in the expenditure of this huge amount of money there will be thousands of mechanics who will receive more than \$50 a month; therefore it will be necessary for thousands of others to receive less than \$50 a month. I fear if we pass this legislation without restriction as to the prevailing rate that we will not only create peonage in this country, but that we will also destroy the wage structure of American industry. [Applause.]

If the President of the United States had the administration of this law, and if he could personally go out into every community and ferret out the conditions and set the wage of that community himself, I would agree, but there is no other man I know of in whom I am willing to intrust that great responsibility. I have reference to our experience with the Federal Relief Administration.

On November 19, Mr. Hopkins sent out an order abrogating the 30 cents an hour minimum, leaving it up to the local administrators in the county to set the wage they thought was adequate. In my district, and in nearly every county

in the district, where men were drawing 30 cents an hour on this P. W. A. and F. E. R. A. work, a number of the county administrators instantly reduced that wage to 15 cents an hour. That is what they termed the prevailing, or the average rate, of that county.

I am not willing to leave this up to any local administrator. We ought to have in the context of this bill the provision which will insure to the American workmen at least a prevailing rate in all communities and I may say it is low enough in a great many communities at the present time. I am proud at this time to rise in favor of this very important amendment to the pending bill.

It is, indeed, dangerous for us to expend \$4,000,000,000 and leave the wage question and the hourly rate question entirely unprotected. No one knows the hours of labor that will be set on any project, no one can tell what some local administrator or some of the subordinates of the President will say are reasonable hours to be worked on a job, or what they may say will be a reasonable wage.

Then, along with this, is the penalty clause which takes away our right and privilege to protect ourselves in our wages and hours and working conditions.

I say to you, Mr. Chairman, in view of the fact that the Davis-Bacon bill had the prevailing-rate clause and the 30-hour week clause and the N. R. A. has the prevailing-rate clause and the 30-hour week clause, we should not be afraid to put these provisions in this legislation.

This legislation is not for the purpose stated by the gentleman from Texas [Mr. BLANTON]. [Applause.]

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I feel it my duty to make this statement to my colleagues. The President considers the right to fix the security payments as absolutely essential to the success of this program. The President is very insistent upon this point. We discussed it with him. We discussed this at length and the contention is that it will do no good in ending the dole or ending our work program as long as the Government gives as much as they could get in private enterprise, because they will enroll themselves upon the Government and continue to work for the Government and never seek employment in private enterprise.

Here is what the President said in his message to this House:

Compensation on emergency public projects should be in the form of security payments which should be larger than the amount now received as a relief dole, but at the same time not so large as to encourage the rejection of opportunities for private employment or the leaving of private employment to engage in Government work.

The President, Mr. Chairman, is striving to bring to a conclusion this great problem of unemployment, and until it is brought to a conclusion our country will never recover.

Let us see what this amendment will require. Take your P. W. A. wage scale that is now prevailing:

Skilled laborers, \$1 an hour in the South, \$1.10 in the middle zone, and \$1.20 in the east and north zones.

Common labor, 40 cents in the South, which does not include the farms; 45 cents in the middle zone; and 50 cents in the east and north zones.

I know something about wages in agricultural communities. I know the prevailing wage down there is from \$25 to \$30 a month right now.

Yet you say your amendment will pay the prevailing wage. If you do, I am advised that you should appropriate \$6,000,000,000 instead of \$4,000,000,000 to meet this program.

Mr. CONNERY. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. CONNERY. The gentleman speaks about the farmer. Who is going to have any money to buy the products of the farm on an average wage of \$50 a month?

Mr. BUCHANAN. If you make the average wage \$50 a month in this country, you are going to have a prosperous country. Take the average wage of the bricklayer who works 1 or 2 days a week—the prevailing wage in industry often works but a quarter of the time. This provides a permanent wage, a monthly wage. If he works 10 or 15 days a month, he will get the average wage.

Mr. BLANTON. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. BLANTON. Would you pay employees—every person under 60 years of age \$10 a day or the prevailing wage and then give all those over 60 years of age \$200 a month? [Laughter.]

Mr. BUCHANAN. Oh, no.

[Here the gavel fell.]

The CHAIRMAN. All time has been exhausted on the amendment offered by the gentleman from Massachusetts.

Mr. COOPER of Ohio. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the Committee, I shall support the amendment offered by the gentleman from Massachusetts [Mr. CONNERY]. A few moments ago we heard the gentleman from Texas [Mr. BLANTON], in speaking against the Connery amendment, make the statement on the floor of this House that this was not a measure intended to give the American working class a decent living. It is charity. I am sure the gentleman from Texas will not leave those remarks in his speech when he comes to revise it; he will not permit that statement to go in the RECORD.

Mr. BLANTON. Will the gentleman yield?

Mr. COOPER of Ohio. No; I have only 5 minutes.

The President in his message to Congress at the beginning of the present session definitely stated that he wanted to bring about conditions in which the American working class could make an honest living by the passage of this bill, and yet the gentleman from Texas says that that is not intended to give them a decent living.

Mr. CONNERY. Will the gentleman yield?

Mr. COOPER of Ohio. I yield.

Mr. CONNERY. On March 7, I think it was, last year, the President asked all employers of the United States to increase wages.

Mr. COOPER of Ohio. Certainly. Are you not willing if the Government enters into the construction of buildings or the construction of dams, to pay a decent living wage to workers employed on Government projects? Why should not the Government do it? Again, this bill gives the President the power to establish Government industries, factories, and so forth, which will go into competition with private enterprise, which will seriously affect private industry and labor if a lower standard of wage is paid in Government shops and factories.

The amendment offered by the gentleman from Massachusetts [Mr. CONNERY] provides that the Government shall pay the prevailing rate of wage paid in the community where the industry is started.

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

Mr. COOPER of Ohio. Yes.

Mr. CONNERY. I do not want any misapprehension. My amendment does not say that where the Government itself starts any work it has to pay the prevailing rate of wage. It provides that wherever any contract, loan, or grant is made the prevailing rate of wage shall obtain.

Mr. COOPER of Ohio. Nevertheless, it is true that the Government can go into industrial activity; and, if it does, it ought to pay the same wage that private industry pays. Then, again, I believe the first section of the bill gives the President the power to adjust working and wage conditions. In other words, if there is a controversy between employer and employee, and they cannot agree on a settlement, under this bill the President can establish rules or regulations fixing the working hours, fixing the wage conditions, and if the workingman or the employer does not respect that regulation they can be fined \$5,000. Of course, they could be sent to jail, also, for 2 years, until the amendment was offered a short while ago which eliminated the 2-year prison penalty; you were afraid to leave that in the bill.

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

Mr. COOPER of Ohio. Yes.

Mr. CONNERY. What I am trying to do in this amendment undoubtedly is in the law now—in the N. R. A. law passed by the House and Senate and signed by the President.

Mr. COOPER of Ohio. According to the statement of the gentleman from Texas [Mr. BLANTON] it is not a bill to help the working classes in America. As an official of one great labor organization told me yesterday, it is a bill to make slaves out of the American workingmen. You Democrats claim to be the friends of the working classes and state that this bill is for the express purpose of helping the poor and the distressed in our country. If it is true, let us give Government employees working on the Federal public-work projects a decent wage, so they can provide a living for themselves and families.

Mr. HOEPEL. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. GIFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close at 4 o'clock.

The CHAIRMAN. Is there objection?

Mr. MOTT. Mr. Chairman, I object.

Mr. BUCHANAN. Mr. Chairman, I move that all debate upon this section and all amendments thereto close at 4 o'clock.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that all debate on this section and all amendments thereto close at 4 o'clock.

The motion was agreed to.

Mr. GIFFORD rose.

Mr. HOEPEL. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HOEPEL. Mr. Chairman, the question at issue on the Connery amendment is whether this bill is a relief measure or a recovery measure. If it is a relief measure, the payment of an average of \$50 a month to our unemployed workers may be justified; but if it is a recovery measure, then we are not justified in authorizing an average pay of only \$50 per month for American labor. What we need in this country is purchasing power. We need something to start the wheels of industry, and we are not going to start them if the 3,500,000 unemployed are to receive only \$50 a month. In my district they raise chickens. It is a chicken country [laughter], but it is a different kind of chicken than that which the gentlemen who are laughing apparently have in mind.

If a man raising chickens wants production of eggs, or if he wants to sell chickens in the market, he is not going to put those chickens on half rations, which is, in effect, the erroneous policy we are adopting toward our unemployed when we provide only \$50 per month for men with families.

We are proposing here to give 3,500,000 of our unemployed half rations, and we make no provision whatever for the additional eight or more million unemployed. Is this all we can do for our unfortunate unemployed?

Mr. CONNERY. And there are any number of people working for their living in my district who like to eat chicken, and they cannot eat the chickens of California unless they get a decent living wage.

Mr. HOEPEL. The gentleman from Massachusetts speaks the truth. Nothing but the barest necessities will be possible to a family with an income of only \$50 per month. Prices of commodities are increasing. Eggs are 47 cents per dozen here in Washington and perhaps higher elsewhere. Bacon is 40 or 50 cents per pound, which indicates the purchasing power of the average family which receives only \$50 per month, as is here proposed. In this bill we are merely prolonging the agony of our unfortunate unemployed. It is very probable I will vote for this bill, however, because I have come to the conclusion that it is better to vote for any measure which embodies even the mere hope of relief than to permit our unemployed to continue to suffer as they are—in the midst of plenty. We are asked to vote for the largest single appropriation measure since World War days, and with practically no information as to the details of administration, but if it were necessary to vote to bankrupt the

country to alleviate the distress so wide-spread among our people today, many of us would be inclined to follow that course as the lesser of two evils.

No one has yet indicated who is the author of this bill. We do know it was sent down by the President, who is in favor of it. This bill may have been written by Wall Street agents, as that group continues to clip tax-exempt interest-bearing coupons through the provisions of this bill, while there is nothing in this bill to protect American labor in the maintenance of a just and fair wage scale. We will not get out of this depression through this procedure. We are merely compromising with poverty and at the same time enriching the money lender. We should appropriate a sufficient amount in this bill to give a fair, square wage to every individual employed, the wages paid should be in accordance with the prevailing wage scale in the section or area in which the labor is performed, and in no event should the compensation be less than \$100 per month. Even this figure is too low, but it may be justified for the present.

Mr. KNUTSON. And where do we eat after we go bankrupt?

Mr. HOEPEL. Perhaps we may then go across the seas and ask our foreign debtors who owe us \$11,000,000,000 to pay us part of what is due, considering that they are using their surplus today to build additional armaments while at the same time they are pleading with us to enter the World Court.

The procedure which we are following in the new deal to appropriate money through the issuance of tax-exempt securities will ultimately result in repudiation, inflation, confiscation, or perhaps communism. We can avoid this menace if we would enact into law the Townsend old-age revolving pension plan, which would restore buying power to the Nation and as a result solve our unemployment problem. If the procedure outlined by Dr. Townsend to raise the necessary funds to pay \$200 per month to every worthy citizen over 60 years of age comes before the House, I shall most emphatically vote for it, for by doing so I shall be performing a humanitarian service to our aged citizens, an economic service to the unemployed and to those burdened with debt, and I shall be demonstrating my sincerity in regard to my campaign promises by expressing the wishes of my constituents.

If the motion is made to recommit this bill, and such motion contains a provision to maintain American standards of labor, I shall gladly vote for such motion, as I consider the interest of labor paramount to any other interest in the development of wealth, prosperity, and domestic security.

Mr. AYERS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I rise in support of this resolution and in support of the Connery amendment, and to impress the Members of the House with the necessity of putting into operation the President's water-conservation and water-use program.

Mr. Chairman, this resolution is to finance the President's entire recovery program for the next 2 years, and certainly recovery is uppermost in the minds of every Member of Congress. This resolution seeks to appropriate \$4,000,000,000 and to allocate for recovery another \$380,000,000 of present unused funds.

To bring about recovery the first step is to provide relief from the hardships of the long-time and wide-spread unemployment and the conditions resulting therefrom, to relieve economic maladjustment, and to alleviate human distress in general.

Under this resolution the President may abolish, redistribute, transfer, or consolidate, in whole or in part, any of the functions or duties of the governmental agencies created under the special laws of the Seventy-third Congress. He may also transfer the property and personnel of any of these agencies to any new consolidated agencies. This gives the President authority to save all the provisions of the emergency laws of the Seventy-third Congress which have proved beneficial and workable, and it permits him to discard the unworkable provisions. He set a commission to work last summer gathering and assembling facts for this very purpose.

It is only reasonable to assume from that fact and from his message of January 4 that this is what he proposes to do under this resolution.

Section 206 of title II of the N. I. R. A. provides, among other things, first, that no convict labor shall be employed on any Government projects; second, that 30 hours shall constitute a week's labor on any such project, except persons in executive, administrative, and advisory positions; third, reasonable wages; fourth, veterans' preference, and so forth. This section 206 is now the law, and the purpose of the Connery amendment to this resolution is to insure its retention. It is working well, and I hope it will be retained. A safeguard for its retention is the adoption of the Connery amendment.

We know that the all-powerful, invisible government which has dominated this Nation for so long before March 4, 1932, is and always has been an untiring enemy of laborers, toilers, and producers. We know that this invisible government never sleeps; so in defense of the laborers, toilers, and producers of this Nation let us take time by the forelock and insure the retention of section 206.

Of the Members who have taken the floor in opposition to this recovery resolution, not a single one has argued against the appropriation; hence its necessity is admitted. The opposition to this legislation has been directed entirely against the idea of letting the President allocate the moneys and designate the work. Of the Members opposing the resolution, a large percentage represent financial districts. Their arguments are directed to the elimination of national projects. Their idea is to spend the money according to population, regardless of the need or the permanent usefulness of any project. This would allocate to the State of New York, regardless of need or usefulness, one-tenth of the gross sum authorized by this bill and would allot to Montana one two-hundred-and-fiftieth of the gross sum, and would not take into consideration, in either State, either the local or general conditions or the need or the permanent benefit to be derived.

A program of this kind would absolutely destroy the President's water-conservation and water-use plan now set up for the West. If the money to be allocated under this bill for public works were distributed according to population, the Rocky Mountain States, after deducting their road grant money, would not have enough left to complete the self-liquidating projects now under construction. In my State it would ultimately kill the water-conservation and water-use program which is now under way.

One of the arguments advanced against the resolution is the spending of any of the money on irrigation and reclamation, urging that new lands should not be brought into production nor old lands into greater production as long as we can normally produce a surplus of wheat, corn, and hogs. To me that is no argument at all.

When we think of wheat and speak of wheat, we think and speak of flour wheat. Now, let me tell you that flour wheat is not raised under irrigation. Irrigation robs wheat of protein; and unless wheat is high in protein content, it is not flour wheat. Now, let me inquire what corn area depends on irrigation? None, Mr. Chairman; none.

Now, let us see what the situation really is: America has a distinct shortage of all agricultural products grown under irrigation in the Rocky Mountain area. We have always been importers of alfalfa seed and on many occasions we have imported alfalfa hay; this year we have done so. We produce only a little over 27 percent of the sugar we consume. Alfalfa and sugar beets are the two principal crops grown under irrigation in this area. With a shortage of 73 percent on sugar production and notwithstanding our importations of alfalfa seed and hay, the opposition to this resolution would say, "Stop the President on his water-control and water-use program and halt his irrigation and reclamation plans."

Why, Mr. Chairman, why? I can tell you why. It is the invisible government again. It is thinking in terms of the privileged few instead of the producing and toiling masses. Wall Street has a billion dollars invested in the Cuban sugar industry, and it hopes to keep American production down in

order to protect its Cuban investment. Now, if the President's plan on water conservation and irrigation and reclamation can be cut off, the privileged few would have just that much more of the appropriation earmarked for their purposes. They hope to destroy his program on this matter by allocating the public-works funds according to population—this would automatically earmark for New York \$488,000,000 of this relief and public-works fund, which is one-tenth of the whole sum, and such procedure would leave the Rocky Mountain States hanging high and dry so far as any new public works or water conservation or water use would be concerned.

Mr. Chairman, water conservation and irrigation is the one thing that will hit right at the balancing of the agricultural production of this Nation. If we increase our production of agricultural commodities requiring irrigation, all of which is short in this country, it will make a place for these farmers who are being crowded out and put on the rocks by overproduction of other products.

The greatest economic problem today is to balance agricultural production, all along the line, with consumption. A material shortage of one product and a material surplus of another is our great handicap. The experience of the last 5 years has demonstrated that fact. Yet when the President starts a program to remedy this evil by a long-range water-conservation and water-use set-up which will strike right at the cause of the evil, we find the financial centers bitterly opposing it. They think only in terms of their own selfish interests which they have for so long been permitted to promote at the expense of the great masses of toilers and producers of the country.

When we consider the President's message on the state of the Union in conjunction with this relief and public-works resolution, we at once realize the importance and necessity of the legislation. In it the President is given authority to deal with those on relief by work rather than by dole. Let me tell you, Mr. Chairman, for the benefit of the Members who come from the industrial and financial cities of the Nation, that there are many, many farmers of this country on relief. They are not on relief by reason of any act of theirs. They abhor relief, and particularly do they abhor dole relief. The relief they desire, the relief they demand, is a balancing of agricultural production with consumption and a decent price for their products. If they fail of production by reason of drought, they desire and demand an opportunity to work at a decent wage so that they may properly care for and protect their families. At this time, and in order to prevent a recurrence of the present drought condition, let me impress upon you, Mr. Chairman, how beneficial as a long-range drought-relief program it would be to put these men to work upon water-conservation and water-use projects, as planned by the President.

When this resolution is considered together with the President's message, it is plain to me that he is headed to remedy the present deplorable situation. First, he is getting away from the dole; second, he is putting men to work; third, in each instance he is directing that work for the benefit of the particular area, for instance, in the Rocky Mountain slopes his projects are water conservation and water use to the end that this terrible drought condition shall not reoccur; fourth, he is attempting to balance agricultural production, all along the line, with consumption.

There are in every State many projects that are economically sound, highly and permanently useful, which would provide a high ratio of applied labor. These projects are of varied kinds and each is as appurtenant to the particular locality as water conservation and water use are to the Rocky Mountain area.

The opposition to this resolution does not dispute that fact, but the entire trend of their argument is to designate the projects and allocate the money by this resolution rather than to let the President do it. This brings us back to the fundamentals of the argument of the opposition, namely, allocate the money to the several States according to population, and this, according to their argument, to be done re-

gardless of the use to which it is to be applied. To me such procedure would be a half-brother to the dole.

If the President has to do with the allocation of this relief and public-works appropriation, we know that the water-conservation and water-use program and the development of cheaper electric energy to be developed from the natural resources of this country will go forward. In his speech at the Fort Peck Dam last summer he struck the keynote of the need of all of the Mississippi watershed west of that river, when he said that not a drop of water falling on the Mississippi side of the Rocky Mountains should find its way to the Gulf of Mexico unless it was controlled against its harmful course and conserved to a beneficial use.

Mr. Chairman, the passage of this resolution and giving to the President the authority to allocate this relief and public-works money is the safest step we can take to the consummation of that idea. I feel safe with the allocation in his hands; but when it comes to letting the Congress do that, I am apprehensive that it will become "pork barrel" legislation, in which instance the stronger will subdue the weaker. In such case the sparsely settled States will get only the stale brine, and the invisible government will get all the pork.

The allocation of this relief fund according to population and of spending it in the States according to the population of each State, as proposed by the opponents of this bill, would have the effect of practical nullification of the Civilian Conservation Corps Act.

Under the C. C. C. Act each State is allowed its quota of enrollment in the camps, and then the camps are established at places throughout the country on projects permanently useful, such as aid to reforestation, roads, and water conservation. In this class of work, how could the little State of Rhode Island, with its intense population, and its surface practically all paved, without need of water conservation and without any forests, take care of its enrollment? If we were to attempt to allocate funds for this humanitarian work according to population and limit the work to the places according to population, we would soon end this class of relief and work. We now have 335,000 voluntarily enrolled young men in these camps and a waiting list equaling at least one-half that number. These enrolled young men were all out of employment, and by virtue of the C. C. C. Act, which must be supported by the appropriation to be made by this resolution, they will continue their opportunity to perform useful toil for a limited compensation which they are mighty glad to get.

I have visited several of these camps in my State, and I have never found a single discontented enrolled young man—not a single one. Now, by the defeat of this resolution we would turn these young men out to become members of the vast army of unemployed.

These young men are today the most valuable asset in our entire population, and no one can measure the good that this Government has derived from the C. C. C. Act. The President has told us that it is his plan to increase this humanitarian work, but it cannot be increased unless this resolution is passed; and if this resolution is passed with hobbles as its opponents desire—namely, to allot the money and work according to population—then the C. C. C. Act has been destroyed.

Mr. Chairman, as for me and for the people whom I represent, I favor the President's program to eliminate the dole and substitute work projects therefor. I have faith that such projects will be economically sound and permanently useful. In the construction of such projects I hope the labor will be protected under section 206 of the N. I. R. A. I favor the permanent long-range drought-relief program which is found in the President's water-control and water-use set-up. I favor a balancing of agricultural production with consumption; and having faith in the President's desire to bring about these results, I am supporting the resolution. [Applause.]

Mr. GIFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment. I want once more to insist on getting a little information. I received a letter from a constit-

uent this morning saying that the Governor of my State will probably have the expending of millions of dollars. It is from an official of a municipality, stating that—

In our town meeting warrant is an article calling for a water system at an expenditure of \$200,000—\$100,000 to be paid by the Federal Government.

He stated that his information is that our Governor has promised \$100,000 for either this project or a consolidated school.

Is there not now a law wherein grants are limited to 30 percent? Is that law set aside by this act? I notice that the money left over of the \$3,300,000,000 is transferred for the purposes of this act.

Furthermore, I want to know whether the wage scales, if they build a water system, or if they build a consolidated school in that town, will be lower than the local people are paid for that kind of work? Is that law still on the statute books or is that law set aside for the purposes of this act? We cannot seem to get any information as to this legislation from the committee whatever. They prefer to utter such statements as that "the Republican Party will do everything it can to defeat Franklin D. Roosevelt in 1936." We on the minority side might say that you will even plunge the country into bankruptcy and put aside every power of Congress and give it to the President in order to reelect him in 1936. Our Governors will now probably emulate the Governor of the State of Maine. It is said that he did not defend the new deal; he milked it. It is history. [Laughter and applause.] We are confronted with the fact that Congressmen will amount to but very little in procuring work for their districts. The Democratic Governors will usurp entirely our prerogatives.

Look outside at the weather conditions. Knowing that for months at a time this weather endures in some sections, I then think of the futility of this public-works bill. This plan of relief has been discredited by other nations. I wish that our former President Coolidge were with us yet, because people would listen to him. I think he would say, "You cannot create prosperity by creating indebtedness." That is what the people really want to hear you say today. The United States Daily claims that the outstanding failure of the new deal is the P. W. A., although honestly administered. However, I rose hoping to procure a little information. This great Appropriations Committee cannot answer any questions at all about the probable methods of spending this \$4,000,000,000. I hope they will take a lot of comfort going back into their committee room and demanding from every official who will now come before them, "How many lead pencils will you need to use next year?" What a committee! Abdicating all questioning as to an expenditure of \$4,000,000,000, and then subjecting all other officials to the very minutiae of their expenditures! I hope someone will suggest the information about this 50-50 business that my Governor is anticipating. What a potential political bonanza this is! [Laughter and applause.] I should be glad to vote for one or even two billions for relief, the appropriations unexpended or allotted to be covered into the Treasury July 1, 1936.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. GIFFORD] has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONNERY].

The question was taken; and on a division (demanded by Mr. CONNERY) there were—ayes 118, noes 129.

Mr. CONNERY. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. CONNERY and Mr. BUCHANAN to act as tellers.

The Committee again divided; and the tellers reported that there were—ayes 131, noes 159.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Mr. Chairman, are any amendments pending now that the Connery amendment has been voted down.

The CHAIRMAN. The Chair understands the gentleman from New York [Mr. TABER] intends to offer an amendment to strike out the whole section.

Mrs. KAHN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Kahn: Page 6, line 20, strike out the period and insert the following: "Provided, That the money appropriated in this act shall only be spent within the limits of the United States and only for articles of the growth, production, or manufacture of the United States notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more."

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it is not germane to this section but should have been made to section 2.

Mrs. KAHN. Mr. Chairman, will the gentleman reserve his point of order for 3 minutes?

Mr. BUCHANAN. Mr. Chairman, I reserve the point of order to allow the gentlewoman from California to proceed for 3 minutes.

Mrs. KAHN. Mr. Chairman, it seems to me that if the members of the majority party are sincere in following their leader, who has said that one of the ways to recovery is through industry and that private industry must take up the slack in employment, they will vote for this amendment. If we limit the articles to be used in this relief program to those grown or manufactured in the United States, private industry will be given an enormous impetus. [Applause.]

We know now that reciprocal tariffs are under negotiation with various countries in Europe to admit their manufactures, to admit their products at a lower duty. Even if we have to pay more for goods of American manufacture, it certainly is worth it to our American labor. Therefore, I can see no objection to an amendment of this kind, the purpose of which is to aid and sustain not only American industry, but American labor. [Applause.]

Mr. KNUTSON. Mr. Chairman, will the gentlewoman from California yield?

Mrs. KAHN. I yield.

Mr. KNUTSON. Is the gentlewoman from California aware of the fact that her amendment is contrary to the Democratic policy of free trade?

Mrs. KAHN. I certainly am. [Laughter.]

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I now make the point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentlewoman from California might properly be offered to section 2 which relates to the territory in which the appropriation provided by the joint resolution may be used, but it is not germane to the section under consideration.

The Chair sustains the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 6, line 15, after the colon, insert the following: "Provided, That no bonds, securities, or income therefrom issued to carry out the provisions of this act shall be exempt from taxation."

Mr. BUCHANAN. Mr. Chairman, I make a point of order against the amendment on the ground that this joint resolution nowhere authorizes bond issues or otherwise states how the money shall be raised. It is merely an appropriation bill. The amendment is not germane to the joint resolution or to any matter in the joint resolution because the joint resolution contains no provision relating to the issuance of bonds.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Oklahoma offers the amendment which has just been read. In the opinion of the Chair the amendment is not germane to the joint resolution or to any matter in the joint resolution because the joint resolution contains no provision relating to the issuance of bonds.

The Chair, therefore, sustains the point of order.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment:

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 6, line 9, after the word "contract", strike out the semicolon and insert: "which shall be uniform in character and which shall be distributed among the various States in proportion as the number of unemployed bears to the whole number of unemployed."

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it attempts under this section to control the distribution of money, a matter dealt with in a former section of this bill.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the language on page 6, line 9, reading as follows:

"To make grants and/or loans and/or contracts."

The amendment offered provides:

"Which shall be uniform in character and which shall be distributed among the various States in proportion as the number of unemployed bears to the whole number of unemployed."

The Chair thinks this is clearly a proper limitation on the provisions of the section and overrules the point of order.

Mr. DIRKSEN. Mr. Chairman, may I proceed for 5 minutes?

The CHAIRMAN. The gentleman from Illinois is recognized for 2 minutes, that being all the time remaining under the order of the House limiting debate on this section.

Mr. DIRKSEN. Mr. Chairman, the amendment which I offer seeks to insert the following language in paragraph (b) of section 5, at the end of line 9, so that the language will read as follows:

To make grants and/or loans and/or contracts which shall be uniform in character and which shall be uniformly distributed among the various States in proportion as its unemployed bears to the total number of unemployed.

Mr. Chairman, the State of Wyoming has 225,000 people, which is 60,000 less than the population of my congressional district. I represent three times as many people as there are in the entire State of Nevada, one-half as many as there are in the States of Rhode Island, Utah, Montana, New Mexico, New Hampshire, and North Dakota. Most of those States contain less than 10 percent of the population of Illinois.

I have no desire to raise a sectional issue, but the fact is that if you wish to cure unemployment and afford relief you must do it where distressed people are located. If we have 300,000 folk out of jobs in Illinois and there are but 30,000 out of work in Montana, then to fully and equitably subserve the purposes of this measure the Federal Government should spend 10 times as much in Illinois as in these other States.

Such, however, has not been the case in the past, and unless this amendment is adopted there will be no assurance that this disparity in the amounts expended in the various States will not obtain in the future. The bill recites in its first section that the purpose of this immense fund is to alleviate distress and hardship and afford relief and employment. Very well. There can then be no objection to an equitable distribution of this money. It might be good politics but poor judgment to spend ninety millions in Wyoming for some reclamation project with its 225,000 population and only fifty millions in Illinois with its seven and one-half millions of people; and if there be sincerity in the insistence of the proponents of this bill that the money is to be used for the relief of unemployment, then such sincerity dictates the adoption of this amendment.

Under the P. W. A. the limit of a grant for any non-Federal project was 30 percent. A State or municipality or school district could obtain a loan for some public project to which was added an outright grant of 30 percent. The amount and the limit was definitely fixed. There is nothing in this bill to indicate that outright grants of 50 percent or 75 percent might be made in favored States and perhaps only 20 percent or 30 percent in States that are not favored. There is nothing in the bill to indicate that there must be uniformity in grants and loans and contracts. There is nothing to prevent Florida or Oklahoma or Texas from receiving a 50-percent grant on some public project, while Ohio, Pennsylvania, Illinois, or Iowa receives but 20 percent.

You may very well say that this will not be done. What assurance have we to that effect? It has been done before, as in the case of relief, where Mississippi received 99 percent of all its relief expenditures from Uncle Sam's Treasury and Illinois received but 57 percent. We are one of the four largest taxpaying States in the Union and it is high time that we were receiving an equitable share of Federal funds.

I recall the story of the Good Samaritan in the Scripture where it is recorded that when the Good Samaritan went down the road and heard the moans and cries of the man who had been stripped and wounded by thieves, "He came where he was." The Good Samaritan came to where the wounded man lay. It was a direct approach without heralds, brass bands, or headlines. That must be the philosophy in administering this \$4,000,000,000 fund. It must be expended where the unemployed are. And where are they? Not in the vast unpopulated areas of the less densely populated States like Wyoming, Utah, Nevada, and others, but in populous centers like Peoria, Chicago, Rockford, and Springfield. To defeat this amendment is but added evidence that the fund may not be so used and added reason why a vote against this measure will be fully justified.

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

The question was taken; and on a division (demanded by Mr. DIRKSEN), there were—ayes 83, nays 165.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. TABER], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 6, line 4, strike out all of section 5.

The amendment was rejected.

Mr. CELLER. Mr. Chairman, I have an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 6, line 12, after the word "domain", insert "in accordance with the laws of the State where the property is situated"; and in line 20, after the period insert the following, "he or his duly authorized agents shall make adequate determination of facts establishing definitely that the property sought to be acquired is necessary to carry out the purposes of the act."

The amendment was rejected.

Mr. CHURCH. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. CHURCH moves that the Committee do now rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. CHURCH. Mr. Chairman, I offer this preferential motion in the hope, doubtless futile, that we as duly elected representatives of the people of the United States will recognize that by a passage of this resolution, entitled "House Joint Resolution 117", will be dissolving ourselves of our legislative responsibilities and abdicating as a representative body. I offer this motion with the recommendation that this particular resolution be defeated and that the committee in charge be directed to report to the House a measure likewise to provide "relief from the hardships attributable to wide-spread unemployment", but which also will be in keeping with the American system of government.

There is no Member of this House more anxious than I to provide "relief from the hardships attributable to wide-spread unemployment." I would vote for any sane measure for relief for our people. I cannot in all conscience, however, vote for any bill which not only is a direct abdication by Congress of its own responsibilities and rightful duties, but also allows a blanket appropriation of \$4,880,000,000, together with dangerous legislative and judicial control over the spending of same.

My criticism is not of the executive department of the United States, nor of any Cabinet member, nor of any person or corporation as a governmental agency to whom this

resolution would delegate the powers of Congress to legislate.

My criticism is of the Congress itself that abdicates its duties and shirks its personal responsibilities, and particularly when it does this in the face of the Supreme Court decisions, as in the recent oil case.

Mr. Chairman, this measure will go down in the annals of history as a blank-check resolution, whereby Congress definitely abdicates as a legislative body, representative of the people.

This abdication by Congress, this refusal by Congress to establish a definite and definable program for which each Member would be responsible to his constituents, and on the nature and continuance of which all industry could consistently count, is the main cause today of the fear and uncertainty retarding recovery in this country.

Because Congress is abdicating and fails to put the laws on the statute books, thereby creating uncertainty of legislation and uncertainty of program, fear from this uncertainty continues and business remains stagnate, with resulting unemployment.

I would ask every Member of Congress to read and reread this resolution. I should like every person in the United States to read it in its entirety. A mere description of its aim and scope is absolutely no indication of the amazing and strangulating provisions which it contains. I remind you that a vote for this resolution is a vote not for specific recovery measures, but is merely equivalent to signing a blank check, constituting the complete relinquishment of the legislative duties of this body.

Permit me to call your special attention to section 4 of this joint resolution. The legislative power which it takes from the Representatives of the people in the Congress of the United States and confers on the Executive is summarized effectively by the first few words of each paragraph of that section. It clothes the Executive with the power to "establish", "utilize and prescribe", "consolidate, redistribute, abolish, or transfer", and to "delegate."

Moreover, in section 5 (c) he is authorized "to acquire, by purchase or by the power of eminent domain, any real property or any interest therein", and to do with it as he would—"improve, develop, maintain, grant, sell, lease * * * or otherwise dispose of."

Gentlemen, the language is general and the power conferred by it on the Executive is practically without limitation. You would permit him to act in such manner as he sees fit. In section 6 you authorize the Executive to "prescribe such rules and regulations" as he may consider necessary, and in that same section you make violation of any such rule or regulation punishable by as much as \$5,000.

But by this resolution you do more than that. You would permit any person, partnership, or corporation to prescribe rules and regulations, to act as a legislature. Is it not so that in section 4 (d) you authorize the Executive to delegate the powers conferred on him by this resolution? Is it not so that these broad, general powers can pass down from the President, through a governmental agency, to any person, partnership, or corporation? The resolution grants the authority to delegate. I cannot too strongly emphasize the implications, the imponderable realities which underlie, when I speak of the prospects of a delegated agency, partnership, corporation, or any person, acting as a legislature in prescribing rules and regulations. In other words, any one so delegated can make the law and our people are subject to \$5,000 fine for violation.

By this resolution Congress would transfer its legislative duties, as well as its rightful responsibilities, to the Executive, which office in turn is authorized to delegate that power to any person, partnership, or corporation he sees fit. Virtually the only limitation upon the authority is the \$4,880,000,000 here appropriated.

It is pure folly to assume that the Executive can personally supervise and carry out this resolution, where he would serve in a legislative capacity as well as administrative. It is a human impossibility for any one man, particularly when he is involved in the busyness of other duties, to

give personal supervision to all the realities contingent upon the spending of four billion eight hundred and eighty million. I cannot but feel that those who speak of such being done, knowing in their own minds the utter impossibility, are guilty of betraying the people.

The President can, and of necessity he will, delegate the power given him by this resolution. Not the Congress of the United States, not the President of the United States, but some unknown person or partnership or corporation is destined by this resolution to become the legislature, in practice to be vested with legislative authority. I wonder if the people we represent in our respective districts know that section 6 of this resolution subjects them to a fine of as much as \$5,000 if there is a violation of the rules and regulations as may be promulgated in connection with it.

His Representative in the Congress of the United States did not make the law which may cause him to have to pay a destructive fine. By this resolution his Representative, refusing to discharge his rightful duty, would permit someone else to make that law. No one knows what the nature of it will be. We were sent here to express the will of our people in different sections of the country, but we would give this power to someone else and permit that now unknown someone else to make the laws which subject the people we represent to a \$5,000 fine. I am not speaking of a fiction, for I would have you bear in mind that the authority transferred to the Executive by this resolution can be "delegated." Section 4 (d) expressly provides it.

This resolution which we are discussing here today is anything but a clear, definite expression of policy. It is purely and simply an abdication of Congress in a transfer of legislative power. A blanket appropriation of the people's money with authority to do anything desired with it, virtually without limits and certainly without a statement of policy and definable program.

There is little doubt in my mind as to the constitutionality of this resolution. I believe from the discussion I have heard here this afternoon that I have legitimate cause to wonder if the respective Members of Congress have had opportunity to familiarize themselves with the decision of the Supreme Court of the United States in the so-called "hot-oil" case, which was handed down on January 7 of this year, declaring section 9 (c) of the oil code unconstitutional.

Section 9 (c) of the oil code, giving the President unlimited authority to determine the policy and making disobedience to his order subject to fine and imprisonment, is analogous to House Joint Resolution 117, under discussion here. In that section of the oil code the President was committed to the function of a legislature as well as executive. In this resolution he is likewise committed to the function of a legislature as well as executive. The Supreme Court declared the oil-code section unconstitutional and it will, should a case come under its review, declare this resolution unconstitutional.

Article 1, section 1, of the Constitution of the United States provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives" and in section 8 of that article the Constitution provides that Congress is "to make all laws which shall be necessary and proper for carrying into execution" its general powers. That is the function, it is the duty, it is the responsibility of the Congress. By no right can we, nor should we, delegate that power to the Executive, vesting him with the authority to delegate it to whomsoever he should designate.

As the Supreme Court said in its decision on January 7:

The question whether such delegation of legislative power is permitted by the Constitution is not answered by the argument that it should be assumed that the President has acted, and will act, for what he believes to be the public good. The point is not one of motives but of constitutional authority, for which the best of motives is not a substitute.

That is the position I wish to take here. The Constitution has the necessary resources of flexibility and practicality as to enable this Congress to perform its duty as a legislative body—to define the policy, to establish the standards, and to set up a definite program for providing relief for our

people. It is our responsible duty and there is no substitute for it. As the Supreme Court declared in this recent decision on the oil code:

The Congress manifestly is not permitted to abdicate, or to transfer to others, the essential legislative functions with which it is thus vested.

It is recognized that in the practical administration of a law the Executive or some governmental agency must have authority to prescribe the subordinate rules or regulations. Otherwise the law would be a futility. But the Congress of the United States must define the policy and set the standards under which the rules, as a matter of detail, will be promulgated. Congress makes the law by formulating a policy, stipulating the principles, setting the limitations, and definitely promulgating the program. The rules and regulations in the administration of the law are matters of detail, issued in accordance with the policy, upon a basis of the principles, within the set limitations and pursuant to the defined program.

But in this resolution there are no principles; there are virtually no limitations; there seems to be just a broad, general, indefinite statement of purpose. The rules and regulations, which can be prescribed by any person, partnership, or corporation the President so delegates, are not matters of detail. They would be the law itself, for violation of which I again remind you the people are made subject to \$5,000 fine. This resolution is a dangerous, unconstitutional transfer of legislative power.

I beg the Membership of this House to hold fast to their constitutional legislative duties. I beg it not to run out on its oath.

We should have the courage as men and as Representatives to assume the responsibilities of legislating for this country, for the people whom we represent. If you vote to sign this blank check and abandon your responsibilities you should resign and let someone take your place, who, after he takes an oath to perform his legislative duties under the Constitution, will have the courage to live up to his responsibilities.

Mr. Chairman, I respectfully ask that this particular bill be defeated and that the committee report back to the House a measure which will provide the necessary relief for our people, in proper amount to alleviate hardships, but which at the same time definitely sets up the program and makes provision for the manner in which and the principles upon which it will be carried out.

Mr. Chairman, I respectfully remind the House that our people want business to revive, that they may again assume a normal, wholesome life in pursuing their respective trade or profession. Business cannot revive, and, in the last analysis, business revival is the kind of relief our people want, unless it can free itself from the existing uncertainty. This resolution creates uncertainty, for no one can know what the law of tomorrow will be. We as Representatives have the duty and the responsibility. To vote for this resolution now before us is to shirk that duty and responsibility. [Applause.]

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Illinois.

Mr. Chairman, the gentleman from Illinois, who has just spoken, has offered an amendment which, if adopted, means the killing of this bill.

It is amusing to listen to the arguments of some of my friends on the Republican side in their protestations of love for the suffering mankind of America, and in their desire to relieve the economically distressed, whose conditions is due to no fault of their own, but to the temporary breakdown of an economic system over which they had no control.

When they talk of their desire to help those who are economically distressed, and at the same time oppose this bill, my mind goes back to 3 years ago, when the present Vice President of the United States, then Speaker of the House of Representatives, introduced a bill for the purpose of relieving the suffering of millions of our people.

It was called the "Garner pork-barrel bill" by the Republicans when we undertook to provide for a work-relief program, and for direct relief for our suffering people in the drought-stricken areas. At that time the bill received the united opposition of the Republican Party in the House. It received the opposition of the then President of the United States, who was a Republican. It received the opposition of the Republican-controlled Senate; and as a result of such opposition, legislation to provide for direct relief by the Federal Government and for a work-relief program was denied.

The past Congress appropriated hundreds of millions of dollars for direct relief by the Federal Government, necessary as a result of the inability of local government and private charities to cope with the situation. This has been done under the leadership of President Roosevelt, a program which was denied the people of this country under the leadership of President Hoover.

They talk about private business. I believe in the protection of private business, but private business has broken down as a result of the disturbance of our economic system. The law of supply and demand is not operating normally, or functioning in a way that will afford employment to the millions of Americans. We are confronted with an emergency situation where there are millions of Americans distressed, and there is but one agency left—the Federal Government—to which we can turn.

This agency was denied them 3 years ago. It has been given to them during the past 2 years.

Last fall I campaigned and said to the people of my district and my State, as many others did, that I voted for appropriations to relieve human suffering, and as long as the circumstances required it I would continue to vote for appropriations by the Federal Government to relieve the suffering people of America—North, East, South, and West; white, black, or yellow. They are all human beings.

We need a flexible bill. This is a bill aimed for relief purposes, and it should be broad. It should be flexible. It should not be bound by being earmarked the same as we would ordinary appropriations. The machinery of this bill is a proper way to accomplish the maximum result that we desire. It should be flexible, and during this emergency the powers, very properly, are temporarily vested in the one man whose constituency is the people of the entire country, in this case our distinguished and our courageous President, Franklin D. Roosevelt. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. CHURCH] to strike out the enacting clause.

The motion was rejected.

Mr. THOMASON. Mr. Chairman, I offer an amendment to section 5.

The Clerk read as follows:

Amendment offered by Mr. THOMASON: Page 6, after the semicolon, in line 9, add: "and that all employees employed on any contracts under this act shall be citizens of the United States."

The amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: Page 6, line 11, after the word "purchase", strike out the words "or by the power of eminent domain."

The amendment was rejected.

The Clerk read as follows:

SEC. 6. The President is authorized to prescribe such rules and regulations as may be necessary to carry out this joint resolution, and any willful violation of any such rule or regulation shall be punishable by fine of not to exceed \$5,000.

Mr. BULWINKLE and Mr. WOOD rose.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

Mr. WOOD. Mr. Chairman, I have a preferential amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri, which is stated to be a preferential motion.

The Clerk read as follows:

Amendment offered by Mr. Wood: Page 6, commencing with the word "any" in line 23, strike out down through line 25, and insert in lieu thereof the following: "Such rules and regulations shall provide that, (1) so far as practicable, no individual whose labor or services are paid for, directly or indirectly, out of funds appropriated by this resolution shall be permitted to work more than 30 hours in any one week; (2) in the employment of labor or the procuring of services paid for out of the funds appropriated by this resolution, preference shall be given, where they are qualified, to ex-service men with dependents."

Mr. BULWINKLE. Mr. Chairman, is that a preferential amendment?

The CHAIRMAN. The amendment is a preferential amendment in that it seeks to perfect the section as against the gentleman's amendment to strike out the entire section.

Mr. BUCHANAN. Mr. Chairman, I make the point of order against the amendment that it deals with subjects that should be dealt with in connection with another section of the bill and is absolutely foreign to this section of the bill and therefore not germane.

Mr. CONNERY. Mr. Chairman, I should like to be heard on the point of order.

It seems to me this is a limitation in that it states that the President is authorized to prescribe such rules and regulations as may be necessary to carry out this joint resolution. This is clearly a limitation upon any rules or regulations which the President may prescribe and must be germane to section 6, even though it could be offered at some other point in the bill.

The CHAIRMAN (Mr. O'CONNOR). The Chair is ready to rule.

Section 6 pertains to rules and regulations to be prescribed by the President. The amendment offered by the gentleman from Missouri provides as follows:

Such rules and regulations shall provide that (1) so far as practicable, no individual whose labor or services are paid for, directly or indirectly, out of funds appropriated by this resolution shall be permitted to work more than 30 hours in any one week,

And so forth.

This amendment might have been offered properly to section 1, but is not germane to section 6.

The Chair sustains the point of order.

Mr. BURDICK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. Burdick: Amendment to section 6. After the last word of the section insert: "Provided, however, That the said power to prescribe rules and regulations shall not be delegated by the President."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is inconsistent with the provision already adopted in the bill.

The CHAIRMAN. The Chair cannot pass on inconsistencies. The Chair overrules the point of order.

Mr. BURDICK. Mr. Chairman, I am in a position where I do not like to have to vote against the bill as a whole, for if there is any place on God's earth where we need relief it is in the drought section of the country. But, Mr. Chairman, I agree with gentlemen on this side of the House. This bill is delegating too much power in the hands of one man, and I think it is sufficient when we give him the right to make rules and regulations without giving him the power to delegate that power to some other person or corporation.

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

The question was taken, and the amendment was rejected.

Mr. BACON. Mr. Chairman, I offer the following preferential amendment.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 25 minutes.

Mr. KVALE. Reserving the right to object, will not the gentleman increase that? I have an amendment.

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

Mr. TABER. I object.

Mr. BUCHANAN. Mr. Chairman, I move that all debate on section 6 and all amendments thereto close in 25 minutes. The motion was agreed to.

Mr. BACON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 6, line 25, after the period, add the following: "Each such rule or regulation shall be printed in full in at least one newspaper of daily circulation published in each city of the United States of a population of more than \$50,000, and shall be filed with the clerk of each United States district court, and no such rule or regulation shall take effect until 30 days after such publication and filing.

The United States district courts shall have jurisdiction in all cases of prosecutions under such rules and regulations in the same manner and subject to the same procedure as govern prosecutions under the criminal statutes of the United States, and the same right of appeal shall be granted from a conviction for violation of any such rule or regulation as is granted under existing law from a conviction for a violation of any other criminal statute of the United States.

Mr. BACON. Mr. Chairman, this amendment is offered in all seriousness as a perfecting amendment. Under sections 6 there is nothing said about where a citizen may have his day in court or to what court he may appeal. No right of appeal is given whatsoever. My amendment follows very closely the amendment offered to the Securities Act, which was adopted by the last Congress. It seems to me that we must always give American citizens a day in court with the right of appeal, especially when the President is authorized by this section to arbitrarily prescribe all rules and regulations with the full force of criminal statutes. We must put our citizens on notice as to what rules and regulations are decreed. The gentleman from Ohio [Mr. HOLLISTER] has given the legal aspects of this amendment a great deal of attention.

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

Mr. BACON. Yes.

Mr. HOLLISTER. Mr. Chairman, it is to be hoped that when a motion is presented to strike this section out that it will be agreed to.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. HOLLISTER. The gentleman from New York [Mr. BACON] yielded to me.

The CHAIRMAN. The gentleman from New York cannot yield his own time.

Mr. HOLLISTER. But cannot the gentleman yield to me to answer a question?

The CHAIRMAN. Certainly.

Mr. HOLLISTER. The gentleman from New York yielded to me.

Mr. BACON. I still have the floor.

Mr. HOLLISTER. It is to be hoped, as I say, when motion to strike out section 6, which will be shortly presented, is offered, that the committee will strike out this abominable section. If not, it is certainly to be hoped that every member of the committee will be willing to put a provision in the bill that anyone who may be subject to the penalties of a rule or regulation which the President, in his discretion may promulgate, may at least have some way of finding out what the rules and regulations are. I think everyone should agree to an amendment that these rules and regulations shall be printed and filed in the District Court of the United States where prosecutions may be instituted under them. That is a protection which every citizen of this country should have. No man should be held accountable for the violation of rules and regulations of which he has not been apprised. He should have his day in court, which is guaranteed to him by Anglo-Saxon jurisprudence, and should have a right to be prosecuted only under orderly procedure. I cannot believe a single member of the committee would be unwilling to see an amendment of this kind attached to this bill.

Mr. BACON. The gentleman from Ohio is entirely correct. Mr. Chairman, in conclusion, I point out that over 10,000 pages of rules and regulations have been issued under the N. R. A., and that there is no place anywhere in the

United States where they can be found. This fact was recently emphasized and adversely commented on by Mr. Justice Brandeis. The citizens of the United States have no knowledge of them, and if we are going to give the President the right to issue any rule or regulation with the effect of a criminal statute that he may see fit, there should be some place where they are published, so that citizens may have notice of them.

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

Mr. BACON. Yes.

Mr. CELLER. To inform the gentleman that the Committee on the Judiciary is now considering a codification, a classification and publication of all Executive orders issued by all executive departments.

Mr. BACON. I am very glad to hear that; and that is all the more reason for having these rules and regulations published in an orderly fashion, all the more reason for putting the citizens on notice before they incur a penalty unwittingly, and all the more reason for giving them a day in court, with a right of appeal, to protect their rights under the Constitution.

Mr. CELLER. I might also suggest that the right of appeal is not cut off today because the violation of such a regulation would be as a violation of a misdemeanor, and you always have your appeal to the circuit court of appeals and the Supreme Court.

Mr. BACON. This same question arose when the Securities Act was before this House and a similar amendment was adopted giving this same right of appeal.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York. I have great respect for the gentleman from New York and great sympathy for what he has suggested. We suffer too much from lack of knowledge of these Executive orders which have been issued. I say to the gentleman from New York it is not quite accurate to indicate that there are 10,000 orders of the N. R. A. There are 10,000 pages of orders; something less than 10,000 orders. For example, there are three volumes of Executive orders from the Veterans' Bureau. There are two husky volumes of Executive orders from the Post Office Department, and there are the Executive orders from the Agricultural Adjustment Administration, from the F. E. R. A., the R. F. C., and many others. The President has issued 1,423 Executive orders since his inauguration. It is difficult to find them. Sometimes these orders are issued in mimeograph and sometimes merely in the form of a telegram. Oftentimes they involve a criminal penalty.

I am all for striking out of any bill the right to prescribe a criminal penalty involving imprisonment for violation of any Executive order. It is time we stopped it, despite the fact that the Supreme Court has indicated that such action is legal and constitutional. The senior Senator from Idaho in the Senate yesterday said that the time had come when we must stop giving the right to executive officials to say that you or anybody in your constituency is guilty of a crime because he or she violated some Executive order.

I am happy to know that the punitive provision of imprisonment is to be taken out of section 6. That is splendid, and should satisfy the gentleman from New York. It satisfies me.

It is well to point out that the amendment would stall the relief machinery some 30 days, since no rule or regulation would become effective save after a lapse of 30 days. Ofttimes quicker action might be imperative. Delay of 30 days might be fatal.

Further, some, I should say many, sections contain no newspapers of the character mentioned in the amendment, hence those many sections would be deprived of publication in the manner prescribed.

I will say to the gentleman he goes too far and complicates the situation dreadfully if he would have us vote for his amendment. Our Judiciary Committee is now working on a bill to codify and publish in appropriate volumes all Executive orders ever issued up to date, and we will prescribe cer-

tain rules and regulations whereby the Attorney General and the Secretary of State, with the aid of the Librarian of Congress, shall publish and promulgate all Executive orders from all departments, from the White House down. A bill is pending in the Judiciary Committee; in fact, before the subcommittee of which I am chairman. We had a hearing upon it yesterday morning. This bill provides for fullest notice and publicity for all regulations as a condition precedent for their validity.

Mr. BACON. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. BACON. What possible harm can it do to give the Government the right to prosecute for any violation of these rules and regulations in the United States courts, and what possible harm can it do to give the citizen the right to appeal to a higher United States court.

Mr. CELLER. But you have that right already. It would be needless, superfluous legislation. Why cumber up the statutes with useless provisions of this sort? If there is a violation of any of these regulations, it goes now into the United States district court, and there is an appeal to the circuit court of appeals and under certain conditions an appeal to the Supreme Court of the United States.

Mr. BACON. There is nothing said in this resolution as to what court shall have jurisdiction over these rules and regulations.

Mr. CELLER. But there are other statutes which prescribe what shall be done.

Mr. BACON. Let me ask one other question: What possible harm can there be to require that these rules and regulations shall be published in the newspapers so that citizens may have knowledge of them?

Mr. CELLER. No harm at all, save its needlessness. I agree with the gentleman there should be publicity. But we are working on the matter earnestly in our Judiciary Committee to cover this situation and all other similar situations.

Mr. BACON. Is the gentleman in favor of secret government?

Mr. CELLER. No; I am not. I am in favor of publication of these rules and regulations; but I say to the gentleman, wait, and we will cover the situation. It is well to note that the Department of Justice is cooperating with us on the matter of adequate promulgation and codification of all past, present, and future rules and regulations. Let us have uniformity. We get no uniformity in the publication if each bill we pass prescribes diverse and different methods of publicity each time.

Mr. MILLARD. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. MILLARD. If a similar rule was put into the Securities Act, why not put it in this act?

Mr. CELLER. I say it is needless, in view of what we are going to do.

Mr. PERKINS. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. PERKINS. Is it not true that now there are over 10,000 orders, Executive and otherwise, having the force of law?

Mr. CELLER. There are more than that.

Mr. PERKINS. Is there anybody in the entire country who knows how many there are?

Mr. CELLER. I do not believe the gentleman was listening a moment ago when I made my statement. I pointed out that we are remedying that situation now.

Mr. MOTT. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. MOTT. The committee has eliminated the imprisonment provision in this section. Can the gentleman tell me how a judgment or fine is going to be enforced?

Mr. CELLER. I am afraid the gentleman will have to ask some member of the committee that question. Perhaps those who appeared before the Appropriations Committee at the hearings covered that point. Ordinarily the violation is submitted to the court, the United States district court, and the violator is ordered by decree to pay the penalty.

Mr. PERKINS. It can be enforced by holding the man for contempt of court.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, I ask unanimous consent that the amendment may be again read for the information of the committee.

Mr. McSWAIN. Mr. Chairman, if I understand, it is simply to have what is proposed to be a penal law published so that people can know what it is. I ask that the amendment be read.

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

Mr. LESINSKI. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The question was taken; and on a division (demanded by Mr. McSWAIN and Mr. BACON) there were—ayes 130, noes 121.

Mr. BUCHANAN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. BACON and Mr. BUCHANAN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 151, noes 141.

So the amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 6, line 23, after the word "resolution", strike out the comma, insert a period, and strike out the balance of the section and insert in lieu thereof "but there shall be no fine or imprisonment imposed for the violation thereof."

Mr. TABER. Mr. Chairman, this is the section by which they hope to force labor to work and to fine it if it does not work the number of hours that are required by the regulations. A vote against the amendment is a vote in favor of the enslavement and regimentation of labor. It is the crux of the bill. It is the object of the bill; and if we vote this amendment in, we can clean up that end of the situation.

Mr. BULWINKLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BULWINKLE. If the amendment offered by the gentleman from New York [Mr. TABER] were adopted, where would the Bacon amendment be? Is it still in?

The CHAIRMAN (Mr. O'CONNOR). In the opinion of the Chair, the adoption of the amendment offered by the gentleman from New York [Mr. TABER] would eliminate the amendment just passed, which was offered by the gentleman from New York [Mr. BACON], as well as any other amendments following the word "resolution."

Mr. LEHLBACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEHLBACH. Would not the adoption of this amendment render nugatory the Bacon amendment, inasmuch as no penalties are left in the section?

The CHAIRMAN. As the Chair interprets it, the effect of the amendment offered by the gentleman from New York [Mr. TABER] would leave in the first three lines down to the word "resolution", in line 23, and insert the language "but there shall be no fine or imprisonment imposed for the violation thereof", which, by necessity, would eliminate the Bacon amendment.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. McLEOD: Page 6, line 23, after the word "willful" insert "and malicious."

Mr. McLEOD. Mr. Chairman, I offer this as a perfecting amendment. First I want to show the difference between the words "willful" and "malicious."

As given by the dictionaries, "willful" is defined to mean "willingly disposed, or ready; also, desirous."

"Malicious" is the most fitting word or phraseology consistent with the severe penal section of this bill. "Malicious" means "indulging or exercising malice, ill will, or enmity."

The uniform United States Criminal Code of this country establishes a definite set of penalties for violations of felonies and misdemeanors—and my amendment merely makes the penalty contained in this bill consistent with our code. It makes the penal section of the bill conform to the common law and to statutory law. Even though the imprisonment feature of this section has been removed, I still say a violation of the section constitutes a felony, because the conspiracy statute of the United States Code reads, in short:

A conspiracy to violate the laws of the United States is a felony by reason of this section.

Violation of this provision of the joint resolution will be construed to be a felony; and if it be a felony, the least we can do in justice and equity is to include the word "malicious" so that innocent persons cannot be convicted of the violation of some unknown provision of regulation set up by a bureau head of whom we know nothing. Let us improve the relief features of this measure which are so sorely needed by the country today, at least as much as we are able or at least as much as we are permitted under such dominant dictation.

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

The question was taken; and on a division (demanded by Mr. McLEOD) there were—ayes 72, noes 159.

So the amendment was rejected.

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

The Clerk read as follows:

Amendment offered by Mr. DITTER: On page 6, line 24, strike out after the word "exceed" "\$5,000" and insert in lieu thereof "\$50 after trial and conviction in a court of competent jurisdiction."

Mr. DITTER. Mr. Chairman, the adoption of this amendment will, I believe, further perfect the amendment offered by the gentleman from New York [Mr. BACON]. I believe we should not permit, through Executive rules and regulations, the conviction of any man; it should be only after proper trial. I believe this saving clause should be included. If it is surplusage it certainly in no way will be harmful to the section as it presently exists, so I ask your support for the amendment.

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

Mr. DITTER. I yield.

Mr. BLANTON. How does the gentleman suppose that anyone could be tried and convicted and fined \$5,000 unless he were tried, convicted, and fined in an orderly way? That is presumed. The courts would require that, without any of these amendments.

Mr. DITTER. In answer to the gentleman from Texas may I say that after we have gone to the lengths we have in the delegation of power to the Executive anything might happen under this sweeping resolution.

Mr. BLANTON. I will say to the gentleman from Pennsylvania that since I have been in Congress we have passed scores of criminal laws, but never did we provide for advertising them in the newspapers, nor did we ever provide that months of time should be wasted in useless and unnecessary delays before we gave relief.

Mr. DITTER. In answer to the gentleman from Texas I will concede that we have never passed any legislation of the character proposed in the pending joint resolution so far as providing for rules and regulations to be issued by the Executive.

Mr. BLANTON. Oh, that has been done in scores of measures ever since I have been here.

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

Mr. DITTER. I yield.

Mr. MICHENER. The gentleman has reference to statutes passed by Congress. This bill has no reference to statutes passed by Congress but deals with regulations made by bureaus of which the individual violator in many instances has no possible means even of having information that there was such a regulation.

Mr. BLANTON. How about the provisions of the pure-food law and the Lever Agricultural Act passed during the war that both the gentleman from Michigan and the gentleman from New York supported?

Mr. DITTER. They were statutory.

Mr. BACON. I was in the Army of the United States during the war, and not in Congress.

Mr. BLANTON. I am talking about the gentleman from New York, Mr. TABER.

Mr. BUCHANAN. Mr. Chairman, for some time we have been authorizing heads of Government agencies to make rules and regulations and have made the violation of such rules and regulations punishable. One such case has reached the Supreme Court under the Agricultural Adjustment Act, and the Secretary of Agriculture was upheld. That act authorized the Secretary of Agriculture to make rules and regulations, and a penalty was prescribed for the violation of such rules and regulations. The same thing is done in this joint resolution. The same thing was done in the National Recovery Act, which carried a penalty provision of \$500 fine or 6 months in jail, or both. The same penalty was included in the Public Works Act. A somewhat similar provision was included in the Communications Act. In that act the penalty provision went so far as to prescribe \$500 fine for each and every day of offense or violation of a regulation.

The Security and Exchange Act provided for a punishment of 2 years in the penitentiary or a fine of \$10,000. We have been giving to these agencies power similar to that asked in this bill to be exercised by the President.

I will tell you why the President wants this power. I took it up with him, and I suggested that the penalty of 2 years was too severe. He readily agreed, but stated the reason for asking this was because in the administration of the Federal emergency relief there had been considerable abuse, and in an attempt to correct the situation they had no power to make violations an offense.

Do you want to vote for fraud upon the Government, or do you want to throw every safeguard and protection around the President in the administration of his affairs? He is not going to be cruel and unconscionable. Can you not trust him? The people of the United States have trusted him. Cannot this Congress trust the President?

Mr. WHITTINGTON. Will the gentleman yield?

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

Mr. WHITTINGTON. Is it not true that in every revenue act passed by Congress substantially the same authority that is given the President of the United States here is given to the collector of internal revenue?

Mr. BUCHANAN. Not only that, but every man prosecuted under any rule or regulation prescribed by the President or anyone else is prosecuted in the regular courts. They have the right of appeal to the district court of appeals and also the right of appeal to the Supreme Court.

Mr. TABER. Will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. TABER. There has never been any penalty imposed in any relief bill before.

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

The amendment was rejected.

Mr. CONNERY. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CONNERY: On page 6, line 23, after the comma, strike out the balance of line 23 and all of line 24 and insert in lieu thereof the following: "Provided, That the

President or any governmental agency (including any corporation or any individual) to which or to whom may be delegated any powers under this joint resolution, shall not issue any rules and regulations which change existing law."

The CHAIRMAN. All time on this section has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 6, strike out lines 23, 24, 25, and in lieu thereof insert the following: "Joint resolution."

Mr. BULWINKLE. Mr. Chairman, inasmuch as there is no time left in which to explain this amendment, I ask unanimous consent to withdraw it.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

Sec. 7. A report of the obligations incurred under this appropriation shall be submitted before the 10th day of January to each of the next three regular sessions of Congress.

Mr. UMSTEAD. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. UMSTEAD: Page 7, line 1, after the word "the", insert the words "expenditures and".

Mr. UMSTEAD. Mr. Chairman, as section 7 now appears in the bill it requires the Executive to render a report of the obligations incurred to each Congress. I know of no reason why the Chief Executive should not report to the Congress the expenditures made under this act, and I do not understand how any supporter of the President or any supporter of the administration or any Member of this Congress could reasonably object to the insertion of the words offered in this amendment.

Mr. MAY. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Kentucky.

Mr. MAY. I should like to suggest to the gentleman that I have prepared and have on the desk an amendment that I should like to offer as a substitute for the amendment offered by the gentleman from North Carolina.

Mr. UMSTEAD. The gentleman from Kentucky understands that I have no control over the offering of substitute amendments.

Mr. MAY. Perhaps the gentleman will accept my amendment. My amendment is as follows: Following the word "incurred" add the words "contracts and grants of money made." This requires him to disclose not only the obligations but compels him to tell us what contracts he has made and what he has done with the money expended, so that we may know what has been done with the money.

Mr. UMSTEAD. I think what the gentleman is talking about is a different matter.

[Here the gavel fell.]

Mr. BULWINKLE. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Substitute amendment offered by Mr. BULWINKLE: Page 7, strike out lines 1 to 4, inclusive, and insert in lieu thereof the following: "Sec. 7. A report of the operations under this joint resolution shall be submitted to Congress before the 10th day of January in each of the next three regular sessions of Congress, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts."

Mr. BULWINKLE. Mr. Chairman, this just broadens the scope of the amendment offered by my colleague from North Carolina [Mr. UMSTEAD].

Mr. UMSTEAD. Will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. Mr. Chairman, I gladly accept the substitute amendment and ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection the amendment offered by the gentleman from North Carolina [Mr. UMSTEAD] is withdrawn.

There was no objection.

Mr. BULWINKLE. May I say further that there shall be included in the report a statement of expenditures and obligations incurred, and also there shall be a report of the classes and amounts. I think that the Congress should have the full information in these reports as to what is being done under this bill.

Mr. Chairman, I have nothing more to say, and I hope the Chairman of the Committee on Appropriations will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BULWINKLE].

The amendment was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I made this motion simply to afford me an opportunity to direct the attention of the Members, and especially the Members representing the great Mississippi River Basin, to the message of the President read to the House this morning, transmitting the reports of the National Resources Board and the Mississippi Valley Committee.

In my opinion this report of the Mississippi Valley Committee is epochal. The committee in its foreword to this great report says that planning for the control and use of water is planning for most of the basic functions of the national life.

Accompanying this report are recommendations of series of definite projects, the execution of which projects would be worth more to this country than all of the classifications of mere purposes which were properly cut out of the bill on motion of the Chairman of the Appropriations Committee this morning.

"Make no little plans. They have no magic to stir men's souls."

This quotation appropriately captions the report of the Mississippi Valley Committee. I hope it will be the rule of guidance in the expenditure of the great fund for public works provided in this bill.

The Mississippi Valley is the granary of the United States. It is the great drainage area of the United States. The Mississippi Basin embraces approximately one-half of the continental United States. It includes within its boundaries all or parts of 31 States. It extends from western Pennsylvania to eastern Idaho and from Canada to the Gulf of Mexico.

The committee was appointed by the Public Works Administration to investigate and report upon the water resources and systems of the Mississippi Basin, together with all the related problems of flood control, navigation, irrigation, soil erosion, forestation, and so forth; and to recommend a definite scheme of improvements.

The committee is composed of nine engineers and experts familiar with the subject matters to be considered. I will insert the roster of the committee at this point.

MISSISSIPPI VALLEY COMMITTEE

Harlan H. Barrows, chairman department of geography, University of Chicago;

Herbert S. Crocker, consulting engineer, Denver, Colo.;

Glen E. Edgerton, lieutenant colonel, Corps of Engineers;

Henry S. Graves, dean School of Forestry, Yale University;

Edward M. Markham, major general, Chief of Engineers;

Charles H. Paul, consulting engineer, Dayton, Ohio;

Harlow S. Person, consulting economist, New York City;

Sherman M. Woodward, professor of hydraulics, State University of Iowa; and

Morris L. Cooke, consulting engineer, Philadelphia, chairman.

As relieving the great work of this committee of any suggestion of sectionalism, I may, as a western Member, point out that only two of the nine members of the committee are from west of the Mississippi River and that the chairman of the committee is an eminent engineer from the city of Philadelphia. If any features of this report strongly support the claims which the West must make for a proper allotment

from this great fund, and I think they do, it cannot be charged to any preponderance of western membership on the Mississippi Valley Committee. Quite the contrary.

But this report reflects much more than the study and labor of nine men. Other committees representing the various tributaries of the Mississippi presented before the Mississippi River Committee the results of their studies and labors, embodying exhaustive surveys of their respective sections, in the preparation of which they had the assistance of the most experienced men in every locality.

The report, therefore, of the Mississippi Valley Committee embodies the concrete results, the completed picture, of the labors of many hundreds of men, who were specially fitted to contribute their bit to the great structure which this report is. That structure is a chart and plan for the execution of the greatest, most beneficial, and most necessary activity in which the Government of the United States can engage, the conservation and the use of water.

So the committee in its foreword to the report, very properly says—and I quote the opening sentence:

Planning for the use and control of water is planning for most of the basic functions of the life of the Nation.

We need slum clearance, we need rural rehabilitation, we need good roads, we need forestation, and the prevention of soil erosion; we need all these things, but as the foundation for all of them, as the sine qua non of all of them, as the fundamental thing without which they are but as "painted ships upon a painted ocean", is the conservation and the proper use and control of the lifeblood of the earth, the waters of the earth.

I cannot undertake to deal with the whole scope of this report. To whatever official or agency may have the preparation of the public-works program and the allocation of the funds, I respectfully commend the report in its entirety, and I shall limit myself to that portion of it relating to the section which, in part, I represent, the Great Plains area.

I am heartily in favor of the great projects, stressing power, now under way, such as the Tennessee Valley Authority, Boulder Dam, the Grand Coulee, Fort Peck, and others. But I want to direct attention to that great alluvial section of the West, which is the breadbasket of the Nation, but the topography of which does not furnish natural sites for power development, or, where it does, only on a most limited and minor scale.

It is my view—and I have so expressed myself to those in authority—that in carrying out a national public-works program, the natural resources of each section, whatever they may be, should receive equal aid, and the same treatment as every other section. A great section of the country should not be penalized because it may be deficient in natural resources with which another section of the country is blessed. In other words, one locality should not be given hundreds of millions of dollars because nature endowed it with a power site, and another section be left to languish because of the lack of such endowment. If it has valuable resources capable of being aided and developed, and the development of which is of primary importance to the locality as well as materially contributing to the national economy and well-being, it should receive due recognition.

This brings me to that section of the report which deals with water in the Great Plains area. In that area water not only is life but irrigation water. To turn thumbs down on the conservation and the use of water by irrigation in the plains area is passing sentence of death on that area. I wish particularly to impress that thought on those Members living in other sections of the country which may safely depend upon an adequate water supply as it falls from the skies, and where water is often a drug on the market. They have their problems, for which this great report offers its proper solution.

The problem of the Plains area has always been with us, but it remained for the historic drought of 1934, which is not yet ended, and which was preceded for several years by increasing drought conditions, to bring clearly into the open the necessity of a water-conservation program if the West

is to live and grow. The benefits of such a program in that section would exceed the sum of all other possible benefits which may be conferred by the Federal Government. Not only has the necessity for such a program been brought home to the West as never before but for the first time the vital need of such a program has been forced into the national picture.

This drought, like this depression, is without precedent. It embraces 24 of the 48 States, and those 24 States embrace two-thirds of the geographical area of the United States. Water comes in cycles. It is either a feast or a famine. There is either too much or too little. The skies open and the rains descend, washing away and destroying the top soil and wrecking everything along the streams, or the skies dry up and the country burns up. If we hope to save the country and its resources, we must store up and control these waters in time of excess for use in time of need. It can be done.

The President, in his great speech dedicating Fort Peck Dam on the upper Missouri last summer, struck the keynote of the great need of the West and hinted at the supply of that need, when he said the Fort Peck Dam was but the beginning of the realization of the dream and that it would not be fully realized until dams had been built on those western rivers which would store up every gallon of water now running idly and destructively to the sea.

That statement electrified the West. It raised a hope and met with a response such as could have been elicited by no other statement within the power of the President to make.

This was shortly followed by an equally heartening statement from the Secretary of the Interior as Public Works Administrator, that the administration would bring forth a genuine public-works program, greater in magnitude than any yet proposed, and mentioning water conservation as one of the objectives of that program.

I feel confident, I could not allow myself to feel otherwise, that when the program of projects authorized by this bill is completed, it will carry provisions for the further substantial realization of the dream of the West, vocalized with such vision by the President at Fort Peck Dam.

Now, to get down to cases. The improvement of the Arkansas River and its tributaries has a definite place in the report of the Mississippi Valley Committee. The Arkansas is one of the longest rivers in the United States. At times it is the greatest flood tributary of the Mississippi. It has been characterized by the Army engineers as a major factor, if not the major factor, to be controlled in the solution of the flood problem presented by the Mississippi River, which is a national problem. For example, in the great Mississippi flood of 1927, when that major stream of the United States was carrying its maximum capacity, the Arkansas River discharged directly across its channel the enormous volume of 200,000 cubic feet of water per second of time, building a dam of water across the Mississippi flood some 8 or 10 feet in height and backing up that depth of water for many miles; and when the dam broke, the historic devastation of the lower Mississippi Valley began. The plain lesson of that and prior experiences of the Mississippi Valley is the building of dams on its tributaries to store and hold back their contributions and make a beneficial use of them in the flood-producing areas on these upper streams.

Recognizing the Arkansas River as a permanent and growing menace to the Mississippi Valley, the Army engineers, by authority of Congress, some years ago made an exhaustive survey of the Arkansas River Basin, occupying some 4 years of time, at a cost of four or five million dollars. In this survey the Army Engineers embraced every feature of river improvement, navigation, flood control, irrigation, reclamation, soil erosion, forestation, and so forth. Many dam sites were indicated.

Early in 1933, and before the magnitude of the present drought was even surmised, a commission was organized by the seven States, portions of which are affected by the Arkansas River and which are now embraced in what is known as the "Arkansas River Basin." These States are Colorado, New Mexico, Kansas, Texas, Oklahoma, Missouri, and

Arkansas. This commission, composed of and assisted by able engineers, lawyers, economists, farmers, and water users, presented its claims and their program to the Mississippi Valley Committee.

This committee, in its report submitted to the Public Works Administrator on October 1, 1934, carries a section beginning at page 181 devoted to the southwest basins, consisting of the Red, Arkansas, White, and Ouachita Rivers. It recommended a definite program of projects on each of these streams. It divided these projects into class A and class B. Class A is made up of "projects which appear to be economically justified by the benefits to be derived from their construction." Class B is made up of "projects which lack immediate justification for construction, but which are of sufficient importance for inclusion in a comprehensive program and the need for which will apparently develop in the future." As giving weight to these recommendations, many projects submitted, known as "class C", were rejected.

The cost of the projects recommended for the Arkansas River and its tributaries, the list of which I will attach to my remarks, approximates \$70,000,000. I respectfully submit that in view of the vast territory involved and its primary need for this development, this would be a very reasonable sum to expend on the Arkansas River Basin.

The gentleman from Oklahoma [Mr. DISNEY] has introduced a bill, H. R. 3622, for the establishment of an Arkansas Basin authority, carrying an appropriation of \$75,000,000. Should such a measure be enacted, the authority will be charged with the execution of the necessary improvements which are the objectives of both the Arkansas Basin committee and the Mississippi Valley committee. If this admirable bill is not enacted, then the specific recommendations of the Arkansas Valley committee for the improvement of the Arkansas River and its tributaries should find a place in the allocations under this public-works bill. Our hopes are legitimately based on the findings and recommendations of the Mississippi Valley committee. It cannot be assumed that that important committee, created and empowered by the Public Works Administration, and the great work it has brought forth, are merely idle gestures. Complete assurance to the contrary should be found in the message of the President this morning. Referring to the transmitted reports, the President said:

These documents constitute a remarkable foundation for what we hope will be a permanent policy of orderly development in every part of the United States. It is a large subject but it is a great and inspiring subject. May I commend to each and every one of you who constitute the Congress of the United States a careful reading of these reports.

And again:

For the coming 18 months I have asked the Congress for \$4,000,000,000 for public projects. A substantial portion of this sum will be used for objectives suggested in this report. As years pass the Government should plan to spend each year a reasonable and continuing sum in the development of this program. It is my hope, for example, that after the immediate crisis of unemployment begins to mend, we can afford to appropriate approximately \$500,000,000 each year for this purpose.

The Fort Peck vision begins to take form. The pioneering work has been done. Many of the indicated projects could be begun without delay. They are in localities of excessive drought and excessive unemployment. The farmers as well as the workers are on Federal relief. Their needs of Federal aid will be as great in 1935 as in 1934. They must produce and market another crop before they can hope to become self-supporting. Let us begin. Let us build some permanent and useful monuments, worthy of the power, the prestige, and the wealth of this great Nation. Let us execute a plan, ready to hand, having the magic to stir men's souls.

LIST OF ARKANSAS BASIN PROJECTS APPROVED BY THE MISSISSIPPI VALLEY COMMITTEE

(The purpose for which each project is proposed is designated by F for flood control, P—power, N—navigation, I—irrigation, W—water supply, R—recreation)

ARKANSAS RIVER		
Class A projects		Cost
Caddoa Reservoir, Arkansas River—F, I	-----	\$7,981,000
Augusta, Kans., Levees, Arkansas River—F	-----	77,800
Winfield, Kans., Levees, Arkansas River—F	-----	108,630

LIST OF ARKANSAS BASIN PROJECTS APPROVED BY THE MISSISSIPPI VALLEY COMMITTEE—Continued

(The purpose for which each project is proposed is designated by F for flood control, P—power, N—navigation, I—irrigation, W—water supply, R—recreation)

ARKANSAS RIVER—continued	
Class A projects—Continued	
	Cost
Arkansas City, Kans., Levees, Arkansas River—F-----	\$94,000
Kaw, Okla., Levees, Arkansas River—F-----	32,500
Great Salt Plains Reservoir, Salt Fork—F, R-----	1,233,000
Tulsa Levees, Arkansas River—F-----	308,000
Pensacola Reservoir, Grand (Neosho) River—F, R-----	13,290,000
Conchas Reservoir, South Canadian River—F, I, W-----	8,925,000
Fort Reno Reservoir, North Canadian River—W, F, R-----	6,032,000
Clarksville Levee, Ark., Arkansas River—F-----	70,000
Oklahoma and Arkansas Levees, Arkansas River—F-----	82,500
Class B projects	
Hutchinson, Kans., Levees—F-----	1,568,600
Big Slough (Wichita, Kans.), Floodway—F-----	3,585,000
Braman Reservoir, Salt Fork River—W, R-----	348,800
Blackwell, Okla., Levees, Salt Fork River—F-----	50,000
Kenton Reservoir, Cimarron River—I-----	2,423,000
Englewood Reservoir, Cimarron River—I-----	4,148,000
Hulah Reservoir, North Caney Creek—F, W, R-----	2,423,000
Fall River Reservoir, Verdigris River—W-----	1,275,000
Council Grove Reservoir, Grand (Neosho)—W, R-----	1,330,000
Markham Ferry Reservoir, Grand (Neosho)—P, R-----	4,712,000
Fort Gibson Reservoir, Grand (Neosho)—P, R-----	6,511,000
Mardock Reservoir, Little River—F, R-----	939,600
Optima Reservoir, North Canadian River—F-----	1,530,000
Fort Supply Reservoir, North Canadian River—F-----	2,585,000
Okmulgee Reservoir and Levees, Deep Fork River—F-----	5,260,000
Blue Mountain Reservoir and Levees, Petit Jean River—F-----	1,489,600
Nimrod Reservoir, Fourche LaFave River—F-----	1,093,800
North Little Rock and Levees, Arkansas River—F-----	400,000

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

Mr. ANDREWS of New York. Mr. Chairman, I object.

Mr. BUCHANAN. Then, Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

Mr. ANDREWS of New York. Mr. Chairman, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of New York: Page 7, line 1, after the word "incurred", insert the words "to be audited by the Comptroller General of the United States."

Mr. BUCHANAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The amendment is not in order as the section has been previously amended.

The Chair sustains the point of order.

The Clerk read as follows:

Sec. 8. This joint resolution may be cited as the "Emergency Relief Appropriation Act of 1935."

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

The Clerk read as follows:

Amendment offered by Mr. McFARLANE:

Page 7, line 6, after the quotation marks at the end of section 8, insert the following new sections:

"That the President shall put into effect the following amendment in making appropriations for relief purposes:

"Sec. 9. That title V of the World War Adjusted Compensation Act, as amended, is amended by adding at the end thereof three new sections, to read as follows:

"PAYMENT OF CERTIFICATES BEFORE MATURITY

"Sec. 509. (a) "

Mr. BUCHANAN. Mr. Chairman, I make a point of order against the amendment. It is apparent from what has been read that it is subject to a point of order.

The CHAIRMAN. The Chair believes that sufficient of the amendment has been read for the point of order to be made.

Mr. McFARLANE. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. McFARLANE. Mr. Chairman, the purpose of this joint resolution is stated as follows:

Making appropriations for relief purposes.

This amendment will authorize the President, out of the funds herein appropriated, to pay the balance due the men

who kept that flag flying when the days were darkest in this country.

These men today are in need. They are suffering for want of the necessities of life, and there is not any group of men in the United States that needs this relief more than do the World War veterans, and this provides an expansion of currency to pay a recognized debt long past due. It would not cost the Government anything to pay this debt to the soldier under this amendment and would save the Government more than \$1,500,000,000. It would equally and fairly redistribute buying power now so badly needed Nation-wide. The whole alphabet program is being administered to special groups and classes of people, such as the bankers, farmers, and unemployed. Why not pay this recognized debt now to the Nation's defenders who are so badly in need?

Mr. BUCHANAN. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. McFARLANE. I think, Mr. Chairman, if the gentleman and his committee had not come in and asked for this gag rule under which this bill is being considered we could have considered this the most important bill since this administration took charge in the orderly and parliamentary way and we could have made this amendment germane to the first section of the bill, and there could not have been any such question raised and this House would have voted overwhelmingly for this amendment, and the gentleman knows it.

The CHAIRMAN. The gentleman will proceed in order.

Mr. McFARLANE. I think the amendment is in order, Mr. Chairman, for the further reason that it provides ways and means of caring for more than 3,500,000 ex-service men who, together with their families, constitute about 15,000,000 people now in dire need of help. This amendment provides the necessary mechanics for the payment of this Government debt and fully sets out the provisions and limitations under which it shall be paid. It is a relief measure that can be effected without increasing the tax burdens, and it can be paid without a bond issue, as will be required for section 1 of this resolution. It will not increase our national debt and will not unbalance the Budget. I hope the gentleman will not insist on his point of order and allow this amendment to be voted upon.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from Texas is not germane to section 8, and the Chair sustains the point of order.

Mr. MAAS. Mr. Chairman, I have a preferential motion.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. MAAS moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order that that has already been voted upon.

The CHAIRMAN. An amendment has been adopted since the striking out of the enacting clause was voted upon. The Chair will hear the gentleman.

Mr. MAAS. Mr. Chairman and members of the Committee, this measure, labeled a relief measure, is not a relief measure at all. What relief is involved in it is merely a thin sugar-coating. It is a measure that strikes at the very foundation of the form of our Government. It seeks to change the American Government from a three-branch government to a two-branch government. If that can be done so easily it will not be very long before it will be reduced to one branch. This bill gives powers to another branch of the Government which in many cases the Congress has not itself. It provides not only for a delegation but for redelegation of powers which, under the Constitution, should be exercised only by the people's representatives in Congress. These are not our personal rights we are asked to surrender, but are sacred rights of those whom we represent, and for whom we merely exercise such powers. We have no right to give these pow-

ers away. Why are we asked to appropriate for a 2-year period? We will be in session next year. There is no necessity for this long-time appropriation. If the emergency is so serious that such an extraordinary grant of power is necessary, it is sufficiently urgent to keep Congress in session during this period.

Why, the powers under this bill will permit the socialization of business and of labor. It will permit the Government to go into every branch of industry, and in the employment of men. All of the new deal policies of labor protection can be swept away because there is no collective bargaining for those who are employed by the Government. Under powers granted by this bill civil service can be abolished, even the Civil Service Bureau. It can throw the whole Government employment open to further raids by the spoils system. We are the chosen representatives of the people. If we are not capable of doing the job we ought to be at home. We should openly submit a constitutional amendment to abolish Congress and not attempt that result by indirection.

Neither business nor labor wants this measure.

Unemployment today is due to a lack of confidence by business in the future. Give business a definite program, give business the assurance of what the regulations are going to be for the next 2 years, and you will see business revive and absorb unemployment. If you pass this bill, no business man will know from day to day what the regulations governing his business are. He will not know from day to day what the situation will be for the next day. More confusion will result, with consequent more unemployment.

I yield to no man in this or any other administration in my willingness to provide relief. I do not object to the amount of this bill. In fact, I do not believe the eight-hundred-odd millions of dollars will be adequate for relief needs. Federal relief is to stop, according to the President's program, on July 1 of this year. The \$800,000,000 in the bill is for relief until then. The \$4,000,000,000 is for a works program. I do not object to that amount if we know what it is to be spent for. Nothing has been presented to us to show what the actual needs will be. Nothing is before us to show upon what this \$4,000,000,000 estimate is based. I will vote for four billion or eight billion if necessary, but I want to know what it is to be used for and how it is to be used and who is to direct its spending.

The people are entitled to this information. After all, it is their Government and their money. The last election may have been a mandate to support the President in a recovery program, but it was not a mandate for the Congress to abdicate and turn the whole Government over to any one individual, whether he be the President or some agent of the President.

I do not believe in logrolling appropriations. I do not oppose this bill because it does not specify each detailed project, but because it does not even present a broad program upon which we can judge the needs of the appropriation.

It presents no program at all. Why cannot a program, even a very general program be drafted, and submitted to Congress for consideration? Congress is going to be in session for some months. If need be it can stay in session continuously. It is unprecedented to ask for this kind of an appropriation over a 2-year period. Why all the rush act right now and at the beginning of the session? If there is a program as the foundation for this gigantic request, why not submit it to Congress where it belongs? If there is such a program, is the administration afraid to submit it to the representatives of the people? Is there something to conceal in this proposed program? Or has the administration no program for the expenditure of this money? Is it just guess work, this request for \$4,000,000,000, to be used on top of \$5,700,000,000 still available from previous expenditures but not yet spent?

If there is no plan to spend this money yet formed, why appropriate it now? Why not formulate some sort of plans, and ask for the money when your plans are worked out? You may find that this request is way short of that needed.

Either the administration has a plan and refuses to let the people through their Representatives in Congress know what it is, or you have no plan and are just guessing at the whole thing.

In either event this is not a very intelligent way for us to legislate.

If the American people are not intelligent enough for self-government, let us openly tell them that and honestly change our form of government. But let us not just try to kid them along. It is cruel to step by step deprive them of their rights to self-government, to force them to sell their birthright for a mess of pottage. It is dishonest to take advantage of their sore distress to coerce them into selling their liberty for a promise of temporary security. History demonstrates that the temporary surrender of sovereign rights of the people during an emergency are never returned peacefully, even when the emergency passes.

This bill is an outright surrender of the people's sovereignty. Is the memory of what happened throughout Europe so recently already forgotten?

The abolition of the Reichstag, as an example, in Germany was started by just such a bill in that body. After the passage of that measure surrendering much of the power of their legislative body, new measures were rapidly forced through until finally the members were high-pressured into voting themselves out of existence until 1937. Do any of you really expect to see a return of parliamentary government in Germany in 1937?

Of course you don't. We are going the same way here. Congress was asked in the last two sessions to delegate exceptional powers, temporarily, to the Executive. Those powers are to expire this coming summer. As their expiration approaches the bureaucracy thus created seeks to perpetuate itself. Fearful of an outright request for their continuance they devise a measure, under the sentimental plea of relief, to permit their extension two more years. Do you think they will stop then? Do you think they will ever voluntarily surrender their power back to the people?

This measure is proof that they will not. This thing must be stopped. Congress cannot continue to assume the responsibility for legislative government unless it retains the authority to govern.

We are told that all of this extraordinary power that we are asked to transfer to the Executive will be wisely administered by him. We are assured that he will not abuse these great grants of power. But what assurance have we of this? True, he may be a benevolent dictator, but we have no knowledge that Franklin Roosevelt will be administering these powers throughout the 2 years ahead of us. No man living can know that. Not one of us can guarantee that he will be spared even until tomorrow morning. Should tragedy visit the White House, what about those who might follow?

This is dangerous business, this delegating legislative functions to the executive department of the Government. No one man could personally wield such great powers. This bill permits, and circumstances compel him to delegate much of it. What about Congress turning over its great powers to be administered by men who are not elected by the people, who have no constituency to whom they are responsible?

We are going to turn over the power to people who are appointed without even the necessity of being submitted to the United States Senate for examination as to their qualifications.

Certainly the framers of our Government never intended any such thing.

This is government by bureaucracy in its worst form, as these administrators will have the power to make regulations with effect of law, to which the citizens will be subjected. The exercise of these great powers by the Executive are not necessary to and have no relation to administering relief. There is some other explanation for their demand at this time. Relief is the excuse, but transferring power is the purpose. This is not government. This is dictatorship.

Mr. WOODRUM. Mr. Chairman, I rise in opposition to the motion. We have virtually completed here in this body the consideration of this great part of a great President's

recovery program. It is not amazing, Mr. Chairman, that we wind up its consideration just as we began, by having every possible obstacle thrown in the way of its consideration and passage by gentlemen from that side of the aisle. We have heard nothing from beginning to end but denunciation and criticism. In one thoughtless moment the House adopted an amendment which I believe it will shortly rescind, which would to a great extent throttle this great program.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?
Mr. WOODRUM. I have not the time. That amendment would require every rule and every regulation promulgated by the President in this relief program to be posted and published for 30 days and sent to the office of the clerk of every United States district court, before it could become operative. Such a thing is so utterly ridiculous and thoughtless that I am sure the House will rescind the action of the committee.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?
Mr. WOODRUM. I have not the time to yield. I appeal to my colleagues on this side of the aisle. The consideration of this measure has taken on largely a political aspect. It ought not to have done so. If this motion should prevail there would be no relief bill, there would be neither work nor relief, but if the bill should pass as your leadership asks, and as the White House asks that it should, then we shall have accomplished a great step in the legislative accomplishments of this Congress. I feel when you come to a roll call in the House that you will support this legislation and pass the bill as the administration asks for it, and without the Bacon amendment.

What does it do? It goes out to the country that we intend to take the three and a half million people, able-bodied American citizens, who are now getting not wages of mechanics in their various communities, not the wages of carpenters and plumbers, but men who are on the relief rolls getting an average of less than \$20 a month—take them off the humiliating relief roll and put them on an honorable roll—of men who work for their living, and pay them on an average of \$50 a month. I submit to you that that is American, that that is progressive, and in accordance with what the people of America want done. I have in my community, and you have in yours, splendid, fine, able-bodied men who will gladly welcome an opportunity to get off that humiliating relief roll and onto the pay roll of this Government at some sort of a living wage.

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

Mr. WOODRUM. I have not the time.
Mr. BLANTON. For just one question.

Mr. WOODRUM. I have already refused to yield to other gentlemen, and I cannot yield. I appeal to you gentlemen over here on the Democratic side, because I cannot look across the dividing aisle and ask for any help there, nor can I expect it. Members on that side of the aisle have voted solidly today. Did you notice it? They say there is no politics in this measure; yet every time there was a vote they stood up solidly and unitedly, and voted against the relief measure and against the program of Franklin D. Roosevelt. I appeal to you gentlemen, when the time comes to vote, to solidly go down the line with your leader in the White House whom we are supposed to follow and whom I believe every man here wants to follow. [Applause on Democratic side.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Minnesota.

The motion was rejected.

The CHAIRMAN. Under the rule the Committee will automatically rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration House Joint Resolution 117, and, pursuant to House Resolution 65, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded upon any amendment?

Mr. BUCHANAN. Mr. Speaker, I demand a separate vote on what is known as the "Bacon amendment" to section 6 on page 6 of the resolution.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros. The question is on agreeing to the other amendments.

The other amendments were agreed to.
The SPEAKER. The Clerk will report the Bacon amendment.

The Clerk again reported the Bacon amendment.
The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The question was taken—
Mr. BACON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The question was taken; and there were—yeas 127, nays 278, not voting 25, as follows:

[Roll No. 9]

YEAS—127

Allen	Dondero	Keller	Robison, Ky.
Amile	Doutrich	Kimball	Rogers, Mass.
Andresen	Drewry	Kinzer	Ryan
Andrew, Mass.	Eaton	Knutson	Sauthoff
Andrews, N. Y.	Ekwall	Kvale	Schneider
Arends	Engel	Lambertson	Seeger
Bacon	Englebright	Lehlbach	Shannon
Bell	Fenerty	Lemke	Short
Blackney	Focht	Lord	Snell
Bolleau	Gearhart	Lundeen	Stefan
Bolton	Gehrmann	McLean	Stewart
Brewster	Gifford	McLeod	Sutphin
Buckbee	Gilchrist	McSwain	Taber
Burdick	Goodwin	Maas	Taylor, Tenn.
Burnham	Gray, Ind.	Mapes	Thom
Carlson	Greenway	Marcantonio	Thomas
Carpenter	Griswold	Marshall	Thurston
Carter	Guyser	Martin, Mass.	Tobey
Cavicchia	Gwynne	Michener	Treadway
Christianson	Hancock, N. Y.	Millard	Turpin
Church	Hart	Moran	Umstead
Claiborne	Harter	Mott	Wadsworth
Cole, N. Y.	Hartley	Norton	Welch
Collins	Hess	O'Malley	Wigglesworth
Cooley	Hildebrandt	Perkins	Wilson, Pa.
Cooper, Ohio	Hill, Samuel B.	Pittenger	Withrow
Crawford	Hoffman	Plumley	Wolcott
Crowther	Hollister	Powers	Wolfenden
Culkin	Hope	Ransley	Wolverton
Darrow	Hull	Reed, Ill.	Wood
Dirksen	Jenkins, Ohio	Reed, N. Y.	Woodruff
Ditter	Kahn	Rich	

NAYS—278

Adair	Colden	Ellenbogen	Huddleston
Arnold	Cole, Md.	Evans	Igoe
Ashbrook	Colmer	Faddis	Imhoff
Ayers	Connery	Farley	Jacobsen
Barden	Cooper, Tenn.	Ferguson	Jenckes, Ind.
Beam	Corning	Fernandez	Johnson, Okla.
Beiter	Costello	Flesinger	Johnson, Tex.
Berlin	Cox	Fitzpatrick	Johnson, W. Va.
Biermann	Crosby	Flannagan	Jones
Bland	Cross, Tex.	Fletcher	Kee
Blanton	Crosser, Ohio	Ford, Calif.	Kelly
Bloom	Crowe	Ford, Miss.	Kennedy, Md.
Boehne	Cullen	Frey	Kennedy, N. Y.
Boland	Cummings	Fuller	Kenney
Boylan	Daly	Fulmer	Kerr
Brennan	Darden	Gasque	Kleberg
Brooks	Dear	Gassaway	Kloeb
Brown, Ga.	Deen	Gavagan	Kniffin
Brunner	Delaney	Gildea	Kocalkowski
Buchanan	Dempsey	Gingery	Kopplemann
Buck	Dies	Goldsborough	Kramer
Buckler, Minn.	Dietrich	Granfield	Lambeth
Buckley, N. Y.	Dingell	Gray, Pa.	Lamneck
Bulwinkle	Disney	Green	Lanham
Caldwell	Dobbins	Greenwood	Larrabee
Cannon, Mo.	Dockweiler	Greever	Lea, Calif.
Carden	Dorsey	Gregory	Lee, Okla.
Carmichael	Doughton	Haines	Lesinski
Cartwright	Doxey	Hamlin	Lewis, Colo.
Casey	Driscoll	Hancock, N. C.	Lewis, Md.
Castellow	Driver	Harlan	Lloyd
Celler	Duffey, Ohio	Healey	Lucas
Chandler	Duffy, N. Y.	Higgins, Mass.	Luckey
Chapman	Duncan	Hill, Ala.	Ludlow
Citron	Dunn, Pa.	Hill, Knute	McAndrews
Clark, Idaho	Eagle	Hobbs	McClellan
Clark, N. C.	Eckert	Hoeppe	McCormack
Cochran	Edmiston	Hook	McFarlane
Coffee	Eicher	Houston	McGehee

McGrath	O'Neal	Sabath	Taylor, Colo.
McGroarty	Owen	Sadowski	Taylor, S. C.
McKeough	Palmisano	Sanders, La.	Terry
McLaughlin	Parks	Sanders, Tex.	Thomason
McMillan	Parsons	Sandlin	Thompson
McReynolds	Patman	Schaefer	Tolan
Mahon	Patterson	Schuetz	Tonry
Maloney	Patton	Schulte	Truax
Martin, Colo.	Pearson	Scott	Turner
Mason	Peterson, Fla.	Scrugham	Underwood
Massingale	Peterson, Ga.	Sears	Utterback
Maverick	Pettengill	Secrest	Vinson, Ga.
May	Pfeifer	Shanley	Vinson, Ky.
Mead	Pierce	Sirovich	Wallgren
Meeks	Polk	Sisson	Walter
Merritt, N. Y.	Quinn	Smith, Conn.	Warren
Miller	Rabaut	Smith, Va.	Wearin
Mitchell, Ill.	Ramsay	Smith, Wash.	Weaver
Mitchell, Tenn.	Ramspeck	Smith, W. Va.	Werner
Monaghan	Randolph	Snyder	West
Montet	Rankin	Somers, N. Y.	Whelchel
Moritz	Rayburn	South	Whittington
Murdock	Reilly	Spence	Wilcox
Nelson	Richards	Stack	Williams
Nichols	Richardson	Starnes	Wilson, La.
O'Brien	Robertson	Steagall	Woodrum
O'Connell	Robinson, Utah	Stubbs	Young
O'Connor	Rogers, N. H.	Sullivan	Zimmerman
O'Day	Rogers, Okla.	Summers, Tex.	Zioncheck
O'Leary	Rudd	Sweeney	
Oliver	Russell	Tarver	

NOT VOTING—25

Bacharach	DeRouen	Higgins, Conn.	Reece
Binderup	Dickstein	Holmes	Romjue
Brown, Mich.	Dunn, Miss.	McDuffie	Tinkham
Burch	Fish	Mansfield	White
Cannon, Wis.	Gambrill	Merritt, Conn.	
Cary	Gillette	Montague	
Cravens	Hennings	Peysen	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

- Mr. Merritt of Connecticut (for) with Mr. Cary (against).
- Mr. Holmes (for) with Mr. Peysen (against).
- Mr. Tinkham (for) with Mr. Cravens (against).
- Mr. Fish (for) with Mr. Dickstein (against).
- Mr. Reece (for) with Mr. Romjue (against).
- Mr. Higgins of Connecticut (for) with Mr. Gillette (against).
- Mr. Bacharach (for) with Mr. Mansfield (against).

General pairs:

- Mr. McDuffie with Mr. White.
- Mr. Gambrill with Mr. Hennings.
- Mr. Montague with Mr. Cannon of Wisconsin.
- Mr. Burch with Mr. Dunn of Mississippi.
- Mr. DeRouen with Mr. Brown of Michigan.

Mr. CAVICCHIA. Mr. Speaker, I inadvertently answered when my name was called. I change my vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is upon the engrossment and third reading of the joint resolution.

The joint resolution 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 that House Joint Resolution 117 be recommitted to the Appropriations Committee with directions to report the same back immediately with the following amendments:

First. Strike out sections 4, 5, and 6.

Second. *Provided*, No. 1, that no part of the appropriations made by this act shall be expended for any project nor shall any project be undertaken under this act which will unwarrantably place the Government into competition with private business and industry, and as far as feasible this work shall be done by private contracts;

No. 2. That the expenditures of funds for work projects under this act, so far as may be reasonably possible, shall be apportioned among the several States in the proportion that the number of unemployed in each State bears to the total number of unemployed in the whole United States;

No. 3. That on all work projects located wholly within a State, preference shall be given in employment to the unemployed of the State where the work is to be performed, with as equal distribution as possible to all parts of the State, provided that the usual qualifications necessary may be used in selecting this labor;

No. 4. That no person desiring work on these relief projects shall be subjected to any political test or qualification;

No. 5. That as far as possible in administering direct relief it shall be done through the State and local agencies; and

No. 6. That all unobligated balances of funds, appropriated under this act, shall, on June 30, 1936, be covered into the Treasury.

Mr. BUCHANAN. 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 to recommit.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 303, not voting 28, as follows:

[Roll No. 10]

YEAS—100

Allen	Darrow	Kimball	Reed, N. Y.
Andresen	Dirksen	Kinzer	Rich
Andrew, Mass.	Ditter	Knutson	Robison, Ky.
Andrews, N. Y.	Dondero	Lambertson	Rogers, Mass.
Arends	Doutrich	Lehbach	Ryan
Bacon	Eaton	Lord	Seger
Bell	Ekwall	Ludlow	Short
Blackney	Engel	McLean	Snell
Bolton	Englebright	McLeod	Stefan
Brewster	Fenerty	Maas	Stewart
Buckbee	Focht	Mapes	Taber
Burnham	Gearhart	Marcantonio	Tarver
Carlson	Gifford	Marshall	Taylor, Tenn.
Carter	Gilchrist	Martin, Mass.	Thomas
Castellow	Goodwin	Michener	Thurston
Cavicchia	Guyer	Millard	Tobey
Christianson	Gwynne	Mott	Treadway
Church	Hancock, N. Y.	Perkins	Turpin
Cole, N. Y.	Hartley	Pettengill	Wadsworth
Collins	Hess	Pittenger	Wigglesworth
Cooper, Ohio	Hoffman	Plumley	Wilson, Pa.
Cox	Hollister	Powers	Wolcott
Crawford	Hope	Ramspeck	Wolfenden
Crowther	Jenkins, Ohio	Ransley	Wolverton
Culkin	Kahn	Reed, Ill.	Woodruff

NAYS—303

Adair	Dear	Hancock, N. C.	McMillan
Amle	Deen	Harlan	McReynolds
Arnold	Delaney	Hart	McSwain
Ashbrook	Dempsey	Harter	Mahon
Ayers	Dickstein	Healey	Maloney
Barden	Dies	Higgins, Mass.	Martin, Colo.
Beam	Dietrich	Hildebrandt	Mason
Beiter	Dingell	Hill, Ala.	Massingale
Berlin	Disney	Hill, Knute	Maverick
Biermann	Dobbins	Hill, Samuel B.	May
Bland	Dockweller	Hobbs	Mead
Blanton	Dorsey	Hoepfel	Meeks
Bloom	Doughton	Hook	Merritt, N. Y.
Boehne	Doxey	Huddleston	Miller
Boileau	Drewry	Hull	Mitchell, Ill.
Boland	Driscoll	Igoe	Mitchell, Tenn.
Boylan	Driver	Imhoff	Monaghan
Brennan	Duffey, Ohio	Jacobsen	Montet
Brooks	Duffy, N. Y.	Jenckes, Ind.	Moran
Brown, Ga.	Duncan	Johnson, Okla.	Moritz
Brunner	Dunn, Pa.	Johnson, Tex.	Murdock
Buchanan	Eagle	Johnson, W. Va.	Nelson
Buck	Eckert	Jones	Nichols
Buckley, Minn.	Edmiston	Kee	Norton
Buckley, N. Y.	Eicher	Kelly	O'Brien
Bulwinkle	Ellenbogen	Kennedy, Md.	O'Connell
Burdick	Evans	Kennedy, N. Y.	O'Connor
Caldwell	Faddis	Kenney	O'Day
Cannon, Mo.	Farley	Kerr	O'Leary
Carden	Ferguson	Kleberg	Oliver
Carmichael	Fernandez	Kloeb	O'Malley
Carpenter	Fiesinger	Kniffin	O'Neal
Casey	Fitzpatrick	Kocalkowski	Owen
Celler	Flannagan	Kopplemann	Palmisano
Chandler	Fletcher	Kramer	Parks
Chapman	Ford, Calif.	Kvale	Parsons
Citron	Ford, Miss.	Lambeth	Patman
Clalborne	Frey	Lamneck	Patterson
Clark, Idaho	Fuller	Lanham	Patton
Clark, N. C.	Fulmer	Larrabee	Pearson
Cochran	Gasque	Lea, Calif.	Peterson, Fla.
Coffee	Gassaway	Lee, Okla.	Peterson, Ga.
Colden	Gavagan	Lemke	Pfeifer
Cole, Md.	Gehrmann	Lesinski	Pierce
Colmer	Gildea	Lewis, Colo.	Polk
Connelly	Gingery	Lloyd	Quinn
Cooley	Goldsborough	Lucas	Rabaut
Cooper, Tenn.	Granfield	Luckey	Ramsay
Corning	Gray, Ind.	Lundeen	Randolph
Costello	Gray, Pa.	McAndrews	Rankin
Crosby	Green	McClellan	Rayburn
Cross, Tex.	Greenway	McCormack	Reilly
Crosser, Ohio	Greenwood	McFarlane	Richards
Crowe	Greever	McGehee	Richardson
Cullen	Gregory	McGrath	Robertson
Cummings	Griswold	McGroarty	Robinson, Utah
Daly	Haines	McKeough	Rogers, N. H.
Darden	Hamlin	McLaughlin	Rogers, Okla.

Rudd	Sirovich	Taylor, Colo.	Wearin
Russell	Sisson	Taylor, S. C.	Weaver
Sabath	Smith, Conn.	Terry	Welch
Sadowski	Smith, Va.	Thom	Werner
Sanders, La.	Smith, Wash.	Thomason	West
Sanders, Tex.	Smith, W. Va.	Thompson	Whelchel
Sandlin	Snyder	Tolan	Whittington
Sauthoff	Somers, N. Y.	Tony	Wilcox
Schaefer	South	Truax	Williams
Schneider	Spence	Turner	Wilson, La.
Schuetz	Stack	Umstead	Withrow
Schulte	Starnes	Underwood	Wood
Scott	Steagall	Utterback	Woodrum
Scrugham	Stubbs	Vinson, Ga.	Young
Sears	Sullivan	Vinson, Ky.	Zimmerman
Secrest	Sumners, Tex.	Wallgren	Zioncheck
Shanley	Sutphin	Walter	The Speaker
Shannon	Sweeney	Warren	

NOT VOTING—28

Bacharach	Cravens	Higgins, Conn.	Merritt, Conn.
Binderup	DeRouen	Holmes	Montague
Brown, Mich.	Dunn, Miss.	Houston	Peyster
Burch	Fish	Keller	Reece
Cannon, Wis.	Gambrill	Lewis, Md.	Romjue
Cartwright	Gillette	McDuffie	Tinkham
Cary	Hennings	Mansfield	White

So the motion was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. Merritt of Connecticut (for) with Mr. Cary (against).
 Mr. Holmes (for) with Mr. McDuffie (against).
 Mr. Tinkham (for) with Mr. Cravens (against).
 Mr. Fish (for) with Mr. Peyster (against).
 Mr. Reece (for) with Mr. Romjue (against).
 Mr. Higgins of Connecticut (for) with Mr. Gillette (against).
 Mr. Bacharach (for) with Mr. Mansfield (against).

Until further notice:

Mr. Cartwright with Mr. White.
 Mr. Gambrill with Mr. Hennings.
 Mr. Montague with Mr. Cannon of Wisconsin.
 Mr. Burch with Mr. Dunn of Mississippi.
 Mr. DeRouen with Mr. Brown of Michigan.
 Mr. Lewis of Maryland with Mr. Binderup.

The SPEAKER. The Clerk will call my name.

The Clerk called Mr. BYRNS' name, and he voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs upon the passage of the bill.

Mr. BUCHANAN. Mr. Speaker, on the passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 329, nays 78, not voting 24, as follows:

[Roll No. 11]

YEAS—329

Adair	Carpenter	Dobbins	Gildea
Amle	Carter	Dockweiler	Gingery
Andrew, Mass.	Cartwright	Dorsey	Goldsborough
Arnold	Casey	Doughton	Granfield
Ashbrook	Celler	Doxey	Gray, Pa.
Ayers	Chandler	Drewry	Green
Barden	Chapman	Driscoll	Greenway
Beam	Citron	Driver	Greenwood
Beiter	Claiborne	Duffey, Ohio	Greener
Bell	Clark, Idaho	Duffy, N. Y.	Gregory
Berlin	Clark, N. C.	Duncan	Guyey
Biermann	Cochran	Dunn, Pa.	Haines
Bland	Coffee	Eagle	Hamin
Blanton	Colden	Eckert	Hancock, N. C.
Bloom	Cole, Md.	Edmiston	Harlan
Boehne	Collins	Eicher	Hart
Boileau	Colmer	Ekwall	Harter
Boland	Connery	Ellenbogen	Healey
Boylan	Cooley	Evans	Higgins, Mass.
Brennan	Cooper, Tenn.	Faddis	Hildebrandt
Brewster	Corning	Farley	Hill, Ala.
Brooks	Costello	Ferguson	Hill, Knute
Brown, Ga.	Crosby	Fernandez	Hill, Samuel B.
Brown, Mich.	Cross, Tex.	Flesinger	Hobbs
Brunner	Crosser, Ohio	Fitzpatrick	Hoepfel
Buchanan	Crowe	Flannagan	Hook
Buck	Cullen	Fletcher	Hope
Buckbee	Cummings	Ford, Calif.	Houston
Buckler, Minn.	Daly	Ford, Miss.	Huddleston
Buckley, N. Y.	Dear	Frey	Hull
Bulwinkle	Deen	Fuller	Igoe
Burdick	Delaney	Fulmer	Imhoff
Burnham	Dempsey	Gasque	Jacobsen
Caldwell	Dickstein	Gassaway	Jenckes, Ind.
Cannon, Mo.	Dies	Gavagan	Johnson, Okla.
Carden	Dietrich	Gearhart	Johnson, Tex.
Carlson	Dingell	Gehrman	Johnson, W. Va.
Carmichael	Disney	Gilchrist	Jones

Kahn	Mapes	Rabaut	Sullivan
Kee	Marcantonio	Ramsay	Sumners, Tex.
Keller	Martin, Colo.	Randolph	Sutphin
Kelly	Mason	Rankin	Sweeney
Kennedy, Md.	Massingale	Rayburn	Taylor, Colo.
Kennedy, N. Y.	Maverick	Reilly	Taylor, S. C.
Kenney	May	Richards	Taylor, Tenn.
Kerr	Mead	Richardson	Terry
Kleberg	Meeks	Robinson, Utah	Thom
Kloeb	Merritt, N. Y.	Rogers, N. H.	Thomason
Kniffin	Miller	Rogers, Okla.	Thompson
Kocalkowski	Mitchell, Ill.	Rudd	Tobey
Kopplemann	Mitchell, Tenn.	Russell	Tolan
Kramer	Monaghan	Ryan	Tony
Kvale	Montet	Sabath	Truax
Lambertson	Moran	Sadowski	Turner
Lambeth	Moritz	Sanders, La.	Umstead
Lamneck	Mott	Sanders, Tex.	Underwood
Larrabee	Murdock	Sandlin	Utterback
Lea, Calif.	Nelson	Sauthoff	Vinson, Ga.
Lee, Okla.	Nichols	Schaefer	Vinson, Ky.
Lemke	Norton	Schneider	Wallgren
Lesinski	O'Brien	Schuetz	Walter
Lewis, Colo.	O'Connell	Schulte	Warren
Lewis, Md.	O'Connor	Scott	Wearin
Lloyd	O'Day	Scrugham	Weaver
Lucas	O'Leary	Sears	Welch
Luckey	Oliver	Secrest	Werner
Ludlow	O'Malley	Seger	West
Lundeen	O'Neal	Shanley	Whelchel
McAndrews	Owen	Shannon	Whittington
McClellan	Palmisano	Sirovich	Wilcox
McCormack	Parks	Sisson	Williams
McFarlane	Parsons	Smith, Conn.	Wilson, La.
McGehee	Patman	Smith, Wash.	Withrow
McGrath	Patterson	Smith, W. Va.	Wolverton
McGroarty	Patton	Snyder	Wood
McKeough	Pearson	Somers, N. Y.	Woodrum
McLaughlin	Peterson, Fla.	South	Young
McLeod	Pettengill	Spence	Zimmerman
McMillan	Pfeifer	Stack	Zioncheck
McReynolds	Pierce	Starnes	The Speaker
McSwain	Polk	Steagall	
Mahon	Powers	Stefan	
Maloney	Quinn	Stubbs	

NAYS—78

Allen	Ditter	Kinzer	Robson, Ky.
Andresen	Dondero	Knutson	Rogers, Mass.
Andrews, N. Y.	Doutrich	Lehbach	Short
Arends	Eaton	Lord	Smith, Va.
Bacon	Engel	McLean	Snell
Blackney	Englebright	Maas	Stewart
Bolton	Fenerly	Marshall	Taber
Castellow	Focht	Martin, Mass.	Tarver
Cavicchia	Gifford	Michener	Thomas
Christianson	Goodwin	Millard	Thurston
Church	Gray, Ind.	Perkins	Treadway
Cole, N. Y.	Griswold	Peterson, Ga.	Turpin
Cooper, Ohio	Gwynne	Pittenger	Wadsworth
Cox	Hancock, N. Y.	Plumley	Wigglesworth
Crawford	Hartley	Ramspeck	Wilson, Pa.
Crowther	Hess	Ransley	Wolcott
Culkin	Hoffman	Reed, Ill.	Wolfenden
Darden	Hollister	Reed, N. Y.	Woodruff
Darrow	Jenkins, Ohio	Rich	
Dirksen	Kimball	Robertson	

NOT VOTING—24

Bacharach	DeRouen	Higgins, Conn.	Montague
Binderup	Dunn, Miss.	Holmes	Peyster
Burch	Fish	Lanham	Reece
Cannon, Wis.	Gambrill	McDuffie	Romjue
Cary	Gillette	Mansfield	Tinkham
Cravens	Hennings	Merritt, Conn.	White

So the bill was passed.

The Clerk announced the following pairs:

Mr. Peyster (for) with Mr. Fish (against).
 Mr. Reece (for) with Mr. Merritt of Connecticut (against).
 Mr. Holmes (for) with Mr. Higgins of Connecticut (against).

General pairs:

Mr. McDuffie with Mr. Bacharach.
 Mr. Mansfield with Mr. Tinkham.
 Mr. Cary with Mr. Binderup.
 Mr. Burch with Mr. Dunn of Mississippi.
 Mr. Gambrill with Mr. Hennings.
 Mr. Montague with Mr. Cannon of Wisconsin.
 Mr. Romjue with Mr. DeRouen.
 Mr. Cravens with Mr. Gillette.

The SPEAKER. The Clerk will call my name.

The Clerk called Mr. BYRNS' name, and he voted "aye."

The result of the vote was announced as above recorded.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider was laid on the table.

Mr. O'NEAL. Mr. Speaker, I have been requested to announce that my colleague the gentleman from Kentucky [Mr. CARY], if present, would have voted "aye."

EXTENSION OF REMARKS—HOUSE JOINT RESOLUTION 117

Mr. PLUMLEY. Mr. Speaker, this measure has come down to us from the other end of the Avenue with a mandate from the Executive to the legislative branch of this Government that it shall be enacted into law without an opportunity for hearings on the measure before the committee or for adequate debate or time for consideration. It comes to us under the name of a relief measure—a subtle camouflage of its real intent and purpose, for it not only undertakes to impose on the taxpayers of this country a burden ever increasing in magnitude, to be borne by them and by generations yet unborn, but undertakes to and will, if enacted, further humiliate Congress by requiring it to abrogate its constitutional rights and prerogatives to say what relief shall be granted, to whom it shall be given, and how it shall be distributed.

Not only that, Mr. Speaker, the wolf that hides in sheep's clothing is found in the usurpation of power, proposed to be made by the executive branch of this Government, such as will strip Congress of all its rights and powers in such case made and provided for under the Constitution, and leaves us as individuals and as a body open to and, in my opinion, a proper subject of ridicule and contempt if we subserviently submit thereto.

The ends sought, were they what the title of the bill would have you believe them to be, do not justify the means that are employed in an attempt to obtain them. There is no occasion for, nor justification for, an attempt to fool Congress or the people. There is no necessity for such haste and no exigency in the situation other than the political necessity involved in the strategy to attempt to drive this bill through Congress before the Members of the body are aroused to an appreciation of what it in fact attempts to do.

There is no defense for this attempt to camouflage the real issues involved by labeling this atrocious attack upon fundamental principles of government as a relief measure, when in fact it strikes a deadly blow at the very root of our American system of government, and by its specific terms and very language undertakes to, and does thereby, deprive the people of the United States of essential liberties guaranteed to them by the Constitution.

No political expediency can justify the support of this measure or the stultification of one's self when so vital a principle is involved or at stake.

As a representative of the people, chosen to represent them, I demand to know and to be informed as to what use is proposed to be made of this tremendously staggering sum, and by whom it is to be expended. Everybody knows the President cannot personally administer or supervise its spending. I will not vote to abrogate to anyone the power to expend such a large sum of money until I know how and when and where and by whom it is to be expended, or to whom the handling of the sum so large as to be in figures incomprehensible is to be delegated.

It is time that Congress asserted its right to have something to say about where the money is to go. When I am asked, "For what was that enormous sum of almost \$5,000,000,000 for which you voted to be spent?" I propose to be able to answer, or I shall not vote for the measure. Therefore, because I cannot know, since they refuse to tell me what the plan is—and I am advised and am sure there is no plan—and until I, as a representative of the people, am told how the money is to be used, and why it is \$4,880,000,000 that is needed, instead of a lesser or a greater sum, I shall not vote for the bill. I propose to know whether the money is to be expended for works or for relief; and if so, how much for either or for both. I do not propose to give to the President or anybody else the right to continue the program of wasteful extravagance or to put the Government into business in competition with that of individuals.

If the Members of Congress are to know nothing but what is important enough to be put into a public message, and indifferent enough to be made known to all the world; if the Executive is to keep all other information to himself and the House is to plunge on in the dark, it becomes—

Says Thomas Jefferson—

a government of chance and not of design.

The suggested continuation of the policy of the administration to spend itself into prosperity by the reckless scattering of the money of the taxpayers in the support and for the advancement of all kinds of economic experiments and theories is one thing, bad as it is.

I stand ready to vote for such appropriation for the relief of destitution and unemployment and suffering as I may be shown is necessary, but I do not propose blindly to vote for any measure for relief, so called, which in my judgment will not only increase the necessity for further relief, multiply the number of unemployed, and add a still further burden of suffering to the already stooping shoulders of the taxpayer of this country.

Of the various forms of relief, governmental relief is the most dangerous and debilitating. It becomes at once a right, and those to whom it is given devote themselves to extending the right. * * * People are devoting time and ingenuity to ways of getting without effort the things they obviously ought to have, and are correspondingly withdrawing their efforts to devise ways of getting them by working for them. The benefits of an unearned increment rapidly become vested and sacred rights; our present desperate case is leading us to that possibility on a Nation-wide scale, and so long as political pressure is permitted to succeed as a substitute for individual effort and ingenuity the injury to self-reliance will continue.

Obviously we must prevent destitution. I do not question that it has been necessary for the Federal Government to supplement local resources to meet this burden, but I point out that the spirit in which this governmental intervention is received is one evidence among many others, that we are coming more and more to regard the State as the carrier of all individual, group, and class burdens. * * * I am concerned because as individuals we are apparently becoming less self-reliant—willing to surrender the adventure of striving; willing to become content with a sort of secure equality in a State which does all our planning and thinking and providing for us.

So said the Honorable Newton D. Baker in a recent address on The International Mobilization for Human Needs. It is time for us to stop, and look, and listen.

Moreover, the contemplation of what this measure purports and the policies it advocates has driven some of us to read once more those textbooks on history, long untouched, and to observe again how Rome, for example, even in its balmy and most flourishing state, suddenly lost its liberty. We are constrained to observe that the nail holes in the parts of the ladder which rises from the past to the present are identical and absolutely fit. The story of Rome and of ourselves as of these days runs parallel. It was then, as now, a delegation of power which was involved. Resisting to the last, the Roman Senate finally subserviently surrendered to the Decemvirs its lawmaking power, together with the extraordinary right to issue rules and regulations under and by virtue of which the laws enacted by the Decemvirs might and should be enforced. The Decemvirs became, in fact, the sole administrators of the Republic. Rome awoke at last to find herself enslaved by as cruel a tyrant as that of Tarquin. Not until Tarquin trampled on the liberty of the state did it realize how great the power that had been usurped. Not until the Decemvirs had exercised every act of oppression did the people of Rome awake to a realizing sense of the magnitude of the extraordinary power and authority that had been granted and of the priceless nature of the liberties that they had lost.

Congress in enacting this law subserviently surrenders and abrogates its constitutional prerogatives and unites in the Executive both legislative and executive powers, "under which delegation of power and prerogatives", as history incontrovertibly proves and as Montesquieu has said, "there can be no liberty." The danger of today, as has been so well said, is not the loss of liberty by use of force. It lies, rather, in the supine surrender of the rights of free men to a seductive subversive program, of paternalism which is gradually changing the form of our Government from a representative democracy to a bureaucratic state, mildly despotic in action, dangerously experimental in conception; a program in which human rights and property rights cease to rest on the firm foundation of established law, and come to depend upon the whims of a temporary majority.

No free government can remain verile if it ignores or attempts to forget the traditions of its history. It is not

ignorance to heed the lessons history is ever willing to teach us, but it is just that to ignore them. As Woodrow Wilson so well said:

Every nation must constantly keep in touch with its past; it cannot run toward its ends around sharp corners.

Moreover, to those who hurl the words "reactionary" and "obstructionist" as an epithet, I say to you that no student who makes even a cursory study of history can wisely censure those who protest against state paternalism. The present administration attempts both to ignore the traditions of our Government's history, and to become essentially paternalistic.

The Nation, which the Civil War was fought to preserve, will have ceased to be when the legislative powers are surrendered to executives who are but too willing to accept them; when the judiciary strives to find reasons for upholding laws enacted at the behest of noisy minorities; when the plain language of Federal and State Constitutions is given new and strange meanings in order to meet assumed emergencies; when debasement of the currency is adopted as a sound financial policy; when the sovereignty of the individual States is disregarded and local self-government becomes an obsolete phrase; when individual initiative is discouraged; the lessons of experience cast aside and personal liberty, in great measure, becomes a thing of the past; when men are denied to buy and sell the products of their labor in the open market place; to fix the price of goods in which they deal by bargain with their fellows; when the farmer is forbidden to sow and reap on the land he owns according to his own best judgment; when every detail of business life of the citizen is ordered by officials not of his own choosing; when written agreements and contracts cease to have a binding force even upon government itself. All these things are involved in, will be the ultimate end and result of, and are a part of the policy and program which this measure undertakes to make possible.

Under the terms of sections 1 and 2 of this act Congress, in effect, abrogates and surrenders its prerogatives and, shirking its responsibility to the people, delegates to the President the power and authority to say how \$5,000,000,000, or thereabouts, may be spent by him, or by those to whom he may in turn delegate the power and authority so to do.

Section 3 permits the appointment of any number of employees and provides for the utter and complete disregarding of all civil-service regulations.

Section 4 makes possible the creation and continuation of an unconscionable number of old and new Federal bureaus and agencies, the abolishment and consolidation of the same, the arbitrary change of personnel, the transfer of the property and functions of any and all of the agencies so created under this delegation of power so supinely granted. It permits the extension of the life of those agencies which have demonstrated their inefficiency and are so absolutely un-American in conception.

Then, under the provisions of the fifth section, the President of the United States is given the power to set himself up in the small-loan business, with authority to make loans and grants and contracts with the right of eminent domain, under which not only real but personal property may be taken to accomplish the end sought.

For violation of any of the rules and regulations which may be promulgated by him or by those to whom he may delegate the authority so to do the sixth section provides the power of imposing fines and imprisonment in disregard of established methods of court procedure and of the rights of the people guaranteed to them under the Constitution.

How can any of us overlook or not be impressed by the recent decision of the United States Supreme Court in respect to the so-called "hot oil" cases. What does the Court mean when it says:

So far as this section is concerned, it gives to the President an unlimited authority to determine the policy and to lay down the prohibition, or not to lay it down, as he may see fit. And disobedience to his order is made a crime punishable by fine and imprisonment. * * *

The Congress left the matter to the President without standard or rule, to be dealt with as he pleased. * * *

If section 9 (c) were held valid, it would be idle to pretend that anything would be left of limitations upon the power of the Congress to delegate its lawmaking function. The reasoning of the many decisions we have reviewed would be made vacuous and their distinctions nugatory. Instead of performing its lawmaking function, the Congress could at will and as to such subjects as it chooses transfer that function to the President or other officer or to administrative body. The question is not of the intrinsic importance of the particular statute before us, but of the constitutional processes of legislation which are an essential part of our system of government.

A careful reading of the decision from which these excerpts are made compels me to arrive at only one conclusion and strengthens my determination to vote against this measure.

I will go as far as any man in this body, whatever his party affiliation may be, in an endeavor to approach and to consider recommended changes in governmental policy with an open mind and without petty partisan prejudices. But when a basic and underlying principle of government is so atrociously attacked as it is in this measure, involving as it does the fundamental issue of contemplated destruction of individual freedom, the usurpation of nondelegable powers and authority of Congress by the executive branch, the eventual demolition of the Republic itself—then there is no such word as "compromise" in my vocabulary, and I propose unreservedly and unremittingly to oppose the enactment of this legislation.

What Daniel Webster said over a hundred years ago comes down to us today as a challenge wisely prophetic and as forcefully applicable to our day and time and the matters and things which confront us as for the day and age in which it was delivered. Hear him when he says:

Other misfortunes may be borne or their effects overcome. If disastrous war should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful, a melancholy, immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

Mr. STEFAN. Mr. Speaker, in his Budget message to the Congress on January 7, 1935, the President, among other things, said: "I recommend that \$4,000,000,000 be appropriated by the Congress in one sum, subject to allocation by the Executive, principally for giving work to those unemployed on the relief rolls."

On January 21, 1935, House Joint Resolution 117 was introduced by Congressman BUCHANAN, of Texas, Chairman of the House Committee on Appropriations. The joint resolution was referred to as one making appropriations for relief purposes, and contained in it the provision that if and when enacted, it may be cited as the "Emergency Relief Appropriation Act of 1935." This House joint resolution is the measure which during the last few days has claimed the attention of the country by reason of the fact that it undertakes to appropriate \$4,000,000,000 in one sum for emergency relief purposes.

The measure has been and is important, not only because of the magnitude of the appropriation that it carries but also because it has again projected into the scene the much mooted question of the delegation of legislative power—in other words, the collective powers of Congress—to the Chief Executive. The resolution in its original form provides that the sum of \$4,000,000,000 shall become immediately available and shall remain available until June 30, 1937. In addition to the direct appropriation of the principal sum, the resolution makes available from unobligated balances of previous appropriations and funds, a total of \$880,000,000. Therefore, for all practical purposes this measure when pre-

sented to the House, was a measure authorizing the expenditure of \$4,880,000,000. The preamble of the resolution stated that the purpose of the appropriation was to protect and promote the general welfare—(1) to provide relief from the hardships attributable to wide-spread unemployment and conditions resulting therefrom; (2) to relieve economic maladjustments; (3) to alleviate distress; and/or (4) to improve living and working conditions. The statement of policy went on further to say that the money appropriated was to be used in the discretion and under the direction of the President in such manner and for such purposes, and/or such projects, including but not limited to slum clearance, rural housing, rural electrification, reforestation, soil erosion, land reclamation, improvement of existing road systems and construction of national highways; grade-crossing elimination; Civilian Conservation Corps work; and other useful Federal or non-Federal work. Further than indicated by these notations, no specific program of projects to which funds may be allotted is established, at least by the action of the Congress, and no definite amounts out of the \$4,880,000,000 are set aside for any specific purpose.

A subcommittee of the Appropriations Committee of the House, in charge of deficiency appropriations, conducted a hearing on this measure on Monday, January 21, and three witnesses appeared before this subcommittee. They were the Secretary of the Treasury, the Acting Director of the Bureau of the Budget, and the Director of the Procurement Division in the Treasury Department. The entire hearing has been reproduced in approximately 45 pages of printing on ordinary book-size paper.

Under date of Wednesday, January 23, the resolution was reported to the House by the Committee on Appropriations, and in its report the committee said:

The purpose of the joint resolution is to give effect to the recommendations of the President of the United States with respect to providing work relief for the unemployed as a substitute for the dole plan.

Prior to the time that the measure could then be taken up for consideration on the floor of the House a rule had to be obtained which would establish the parliamentary limitations under which the consideration of the measure would proceed. Let it be said here that a rule is a resolution proposed by the House Committee on Rules which fixes and limits the time during which general debate on the measure will proceed, which provides for the division of time on the two sides of the House, and which either makes all amendments from the floor out of order or specifically provides that certain amendments or all amendments will be in order, as the case may be. Such a rule is the tool—and the House Committee on Rules is the creator of the tool—which fashions the groove through which legislation must pass.

The proposed rule which the Committee on Rules submitted to the House on the 22d of January provided that general debate on the resolution should continue not to exceed 3 hours, should be equally divided between the majority and the minority, and that no amendments should be in order except such amendments as were offered by direction of the Committee on Appropriations. That proposed rule forthwith brought a storm of protest, not only from Republicans but likewise from a number of Democrats.

The protest came from Members who independently felt or who had committed themselves in campaign pledges to the proposition that any emergency-works appropriation should be broken down and earmarked by legislative action, so that they would procure assurance that at least certain amounts would be allocated to their respective districts, and then, too, there was the idea heretofore mentioned, which has been greatly accentuated by the recent decision of the Supreme Court of the United States in the so-called "hot oil" cases, to wit, that Congress had already gone far beyond the safety zone in delegating its legislative power and was now in danger of going still farther. Before there was further consideration of the proposed rule on the floor of the House the Democrats met in caucus and the general action of the caucus was to bind at least a majority of the

Democrats—a sufficient majority to constitute a majority of the House—to the general proposition set out in the rule, but some 30 or 40 Democrats gave notice that they would not be bound by the caucus, and another 8 or 10 not in attendance at the caucus explained that they could not subscribe to the conditions of the proposed rule.

On the day following, which was Wednesday, January 23, the rule was taken up on the floor and, at the outset, the Chairman of the Rules Committee proposed an amendment to the original rule which provided that while no amendments to sections 1, 2, and 3 of the House joint resolution should be in order, except such amendments as were offered by the direction of the Committee on Appropriations, that sections 4, 5, and 6 would be subject to amendment from the floor. Of course, as the Chairman of the Rules Committee conceded, the meat of the resolution was in sections 1, 2, and 3, and as the minority leader pointed out, amendments were to be permitted with respect to the trimmings rather than affecting the heart of the matter. In other words, such amendments as were to be permitted were amendments with respect to certain administrative details and were not amendments with respect to the amount carried in the appropriation, or which further defined how the money should be expended. That was still reserved to Executive decision and discretion.

The rule, then, with this single amendment was, following approximately an hour's discussion, adopted by a vote of 250 to 146. Thereupon followed the general debate upon House Joint Resolution 117. That proceeded for the balance of the afternoon January 23 and on through the afternoon of January 24, until shortly following 6 o'clock, when the final vote on the resolution was taken. Certain committee amendments to sections 1, 2, and 3 of the resolution were offered and accepted. They, however, altered the resolution only in slight matters of form, rather than going substantially into its substance. The debate was spirited and sincere, and amendments were offered which, in the opinions of their sponsors, were necessary to properly safeguard the appropriation or to preserve the independence of congressional action. Those amendments, however, raised their heads merely to be bowled over.

During the course of the debate a supplemental message was received from the White House which acted as a tonic to the solidity of the Democratic ranks, with the net result that just before 7 o'clock, the House having been in session 8 continuous hours, the vote on the resolution was recorded as 328 for and 78 against. During the course of the debate in the afternoon I received a telegram from the Governor of Nebraska, in which he asked me to undertake to see to it that a definite sum of money was set aside for highway projects. He pointed out that State highway departments know definitely what projects can be accomplished in the immediate future and have the organizations necessary to facilitate their construction. The eventual action on the measure then before the House was at that time so obvious that I could only reply to the Governor by telegram that in view of the parliamentary rule under which the measure was being considered, coupled with the attitude of the majority toward any amendments which might be proposed within the restricted latitude for amendments, any practical prospect that the House would amend the bill to set aside any definite amount for any purpose was precluded.

By this action yesterday the House has contributed to the eventual certainty that this gigantic sum for relief purposes will be provided. By this same action, however, the House has not made clear just how and in what respects the program is to be effectuated. The President has said that he desired the appropriation to be in one sum, wholly without earmarking, for the reason that that would facilitate orderly breaking down of the appropriation, and for that reason would enable him to put something in excess of 3,000,000 men to work within a 30-day period. It is only fair to the Membership of the House to say that, while opposition to the resolution at times and in places was rather violent, there was not any serious opinion that disputed the advisa-

bility of making the appropriation, even in that huge amount, for emergency relief purposes. The reasons that Members found it difficult to go along at many points were traceable mainly, if not solely, to the proposed method of handling the unprecedented relief fund.

For my own part I supported the proposed amendments, which would have curbed extreme delegation of legislative power and which would have written some program for the making of these expenditures; but when those efforts failed and we had the alternative simply of voting for or against the resolution, I voted for it. I voted for it because there was no other bill to vote for. I voted for it because I realized that there are 3,500,000 men and women who need jobs. I voted for it because I believe we must give unemployed men back their self-respect. I do not, however, like the idea of Congress so completely abdicating its responsibility and surrendering that responsibility to the Executive arm of the Government.

It is not altogether without reason to say that the rumblings already heard in the House against this surrender of legislative power are exceedingly mild, when compared to what is likely to issue from the Senate; and even before the House had completed its action yesterday, certain Senators had touched off very violent blasts. Insofar as the House was permitted to speak, it has spoken. What will the Senate say?

Mr. DONDERO. Mr. Speaker, section 1 of article I of the Constitution of the United States provides—

All legislative powers shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Wisely the framers of the Republic directed that only those who should be elected by the people to the Congress should make the laws by which the people should be bound. They also wisely provided by the Constitution that all measures providing for the appropriation of money or the raising of revenue should originate in the House of Representatives. This branch of Congress is the nearest to the people and most directly responsible to them. However, a new mode of procedure has been adopted by which Congress has knowingly delegated its constitutional powers to the executive branch of the Government. The recent decision of the Supreme Court of the United States in the "hot oil" case was a rebuke to Congress in its attempt to delegate its legislative power to the executive branch of the Nation.

The President and the executive departments of this Government have, since March 4, 1933, issued six times as many orders, rules, regulations, and decrees by which an American citizen or resident could be fined and sent to jail, or both, as for the period from 1862 to 1900, or 39 years. The President alone has issued 674 orders covering 1,400 pages, and under the N. R. A. the rules and regulations issued are so numerous that they would fill 50 volumes of 200 pages each, or approximately 10,000 pages if compiled. I call attention to these rules and regulations for the reason that it indicates to the country the degree to which the Congress, under the present Democratic administration, has delegated its constitutional authority to make the laws to the executive branch of the Government, so that today we practically have no more than two departments under the Constitution, instead of three, because the executive branch has substantially become the legislative branch. As evidence that this method is not only unsatisfactory but also dangerous to our people, I give you the following example:

A man in New York State was convicted of violating an Executive order. An indictment was brought against him. The case went to the United States Court of Appeals and was affirmed. It went to the United States Supreme Court, and lo and behold, somebody discovered that the Executive order had been repealed.

I took an oath on the 3d day of January to support and defend the Constitution. We now have before us for consideration House Joint Resolution 117 appropriating nearly \$5,000,000,000 in a lump sum and providing that the expenditure of this vast sum be delegated to the President to be used as he sees fit. We are asked to sign a blank check without

knowing for what program or the exact purpose, when or where this huge sum is to be used. This amount, together with the \$5,700,000,000 appropriated by the Seventy-third Congress and still on hand unexpended and under the complete authority and control of the President, although it may be allocated, makes the colossal and uncomprehensible sum under the control of one branch of the Government of \$10,580,000,000.

No one doubts the good intent of the President. I respect him, but I find myself unable to support this bill. I have read it and studied it carefully. I join with every other Member of this House in my willingness and readiness to vote the necessary funds to provide for the needy and distressed. The amount set forth in this bill for that purpose is \$880,000,000, but a deliberate gag rule voted by the House prevents a separate vote on this item. There would not be a dissenting vote against it on either side of the aisle.

The bill is entitled "Making an appropriation for relief purposes." It might have been properly entitled "Making an appropriation to destroy representative government in America." I know what we all know in this body, that it is humanly impossible for the President to personally attend to the details of the spending of such a vast sum as this bill provides. He must delegate that authority to others who are not elected by the people and who are not responsible to the people.

It is a tragic confession to find in the CONGRESSIONAL RECORD of this Congress, on page 199, the statement of our colleague from Texas "that public money is not spent without wasting a great part of it." If this is true, and I believe it is true to a certain degree, because of glaring examples that have already come to the public notice, then we may assume that more than \$2,000,000,000 provided in this bill will be wasted.

It is a significant coincidence that on the very day we are called upon to vote on this bill we find in the public press a statement that on a project undertaken at Reedsville, W. Va., the Government out of \$1,500,000 has wasted \$500,000. This project was overwhelmingly defeated by a Democratic House, in which the Republicans joined with the Democrats to defeat it in the Seventy-third Congress. In spite of this fact and in defiance of the wishes and the judgment of the representatives of the people, this project was undertaken out of moneys which had been voted in a lump sum exactly as it is proposed to appropriate money under this bill. This bears out not only the judgment of the English Government but also the statement made on the floor of the House on the 8th day of January that a great part of public money is wasted in its expenditure.

The greatest problem of this country today is to find work for the unemployed. This was true at the beginning of the Seventy-third Congress. Money was appropriated under bills similar to the one now before the House amounting to several billions of dollars and which I supported to relieve unemployment and distress. It is discouraging to make the observation that after the expending of billions of dollars so appropriated for relief for the unemployed, the number out of employment today is greater than it was then.

How then can any Member conscientiously vote to appropriate nearly \$5,000,000,000 more to solve that problem when the effort thus far made and the vast expenditures made have not resulted in any material improvement.

England has recently abandoned the very method contained in this bill for public works as unsound and wasteful. The power and authority granted to the President under this bill is unheard of and I think stands without precedent in the history of the American people. Even a Democratic Senator of national fame has referred to it as "ridiculous", and as an example of how ridiculous this measure is it even empowers the President to purchase press clippings.

Under one clause in the bill the President could abolish present governmental departments, set up new ones, coordinate and redistribute others; in short, remake the entire governmental structure.

The present plan of issuing bonds of the Government and still more bonds without providing revenue with which to meet them and the interest on this colossal debt is an

unsound policy. The American people will soon learn that these huge sums can be repaid from only one source and that is out of their own pocketbooks by the sweat of their brow and the toil of their hands. Not only will such a program strain the Nation's credit but it also continues to interfere with the business and industry of the country by its continued threat of competition and in the main instead of hastening recovery retards that most desired objective.

Let us encourage business and industry by withdrawing the hand of the Government from many of its activities that come into competition with the private efforts of our citizens, and we will lend a helping hand to better the condition of our people.

A vote for this bill means the placing of a tax burden of \$112,000,000 on every congressional district in the United States. No assurance is given whatever that the people will be equally and equitably aided under the provisions of this bill. Even a proposed amendment that it should be allocated among the 48 States in proportion as the unemployment in each State bears to the whole number of unemployed was barely given any consideration on the floor of the House and badly defeated.

There is more at issue in this bill than the question of turning over to the President this enormous sum of money. The question is, Shall the Congress of the United States do its duty as prescribed by the Constitution and do the legislating for the people or shall it fail in its duty and delegate its power and authority to another branch of the Government? Let us as representatives of the people discharge our duty in accordance with the oath we took and which the country has called upon us to perform.

Mr. FULMER. Mr. Speaker, this Government is divided into three distinct branches—executive, judicial, and legislative. It is my contention that the failure of any of these great distinctive branches of Government to properly function will, in time, land the administration in power squarely in the ditch.

I voted against the "hog-tied gag rule" presented to the House by the Rules Committee under which House Joint Resolution 117 was to be considered in making an appropriation of around \$5,000,000,000 for relief purposes, for the reason that the Appropriations Committee failed to hold hearings and because it did not place in the resolution proper legislation.

Under this resolution as presented by the Rules Committee Members of the House were not able to amend the bill and write such legislation as should properly be in the relief bill.

It is clearly the function of the President of the United States to recommend to the Congress his legislative program, but it is up to the legislative branch to formulate and pass legislation. The last election demonstrated the fact that the citizens of this great Republic have great faith in the President and his ability to properly guide the ship of the Nation. However, the people of this country are expecting the Congress to perform its proper functions, that is, earmark appropriations and properly write legislation, not leaving these functions to the various departments of Government and administrators under rules and regulations written by them.

The relief bill simply appropriates around \$5,000,000,000, leaving same up to the President to allocate to various administrators and relief agencies. I do not object to this, for any sane man certainly can understand that it would be a physical impossibility for any President, even our great President, Franklin D. Roosevelt, to select projects and expend this money in administering relief. This same power was given the President in the Seventy-third Congress. Will any Member of this House deny the fact that Mr. Hopkins and his advisers, many of them, perhaps, Republicans, are responsible for the manner in which relief was administered during the past year? I would hate to think that the President was a party to the wasteful methods employed under Hopkins. I should dislike very much to believe that the President had anything to do with the high-handed discrimination carried on by Hopkins and those under him in giving relief to those not entitled to relief, while the cries of the thousands of destitute people were turned down, including ex-service men.

Why, the President in his message to Congress stated: "We are going to cut out this type of relief as administered by Mr. Hopkins. We are going to stop paying able-bodied men for cutting grass and picking up paper." He could have said also: "We are going to stop allowing one man in each State, appointed by Hopkins, to look out for his friends at the expense of those who are entitled to relief; the wasting of millions in digging swimming holes and other unworthwhile projects."

Certainly the President is not directly responsible for the type of relief that we have been receiving at the hands of Hopkins. Congress is to blame for not legislating instead of delegating its powers and functions; and Members know that we have been receiving the cursing, and properly so.

Will any Member of the House deny the fact that Gen. Hugh Johnson was the dictator of the N. R. A. and not the President? I am sure no one will deny that General Johnson placed on the pay rolls of the N. R. A. men connected with large industries and otherwise permitted the representatives of large industries to write the codes as well as permitted them to administer same. Those of you representing the people back home know also that these codes have been so written and so administered that these large industries have been able to create hog-tied monopolies which have put thousands of small industries and concerns out of business, thereby placing thousands of wage earners on the relief rolls. Certainly, this was not in accordance with the President's program, neither was it the purpose of the Congress in passing the N. R. A. Under subsection E, section 4, of the relief bill the President has the right to delegate the powers conferred upon him by the Congress to any governmental agency, including a corporation. This is what the President did under the powers given him in the Seventy-third Congress, and that is what he is going to do under this bill, and properly so, in that he cannot possibly superintend the administration of every department of Government.

Administrators are appointed without the advice or the confirmation on the part of the Senate. If this were done, probably the Senate could prevent some of these theorists and "brain trusters" getting these appointments. At least, the Congress could legislate earmarked appropriations and designate projects and a program. Certainly, the President can call on any administrator to resign and request a change in any program. But how long are we going to be able to tax the people to carry on this unwise and unsound procedure?

The operation of the N. R. A. is supposed to end June 30; however, it is my belief that the President can continue same under the provisions of the relief bill. This legislation should be rewritten by the Congress, and if so we could have a chance to protect the forgotten man who has not been considered under its operation.

It is my contention that, in the administration of a number of major pieces of legislation passed during the last session of Congress, under rules and regulations written by these departments and administrators in charge, millions of taxpayers' hard-earned money were wasted and, in a great many instances, the real purpose and intent of these bills, as well as the policy of the President, were not carried out. I am 100 percent for the President and his policy, but I am not for some of the heads of the departments and those who are in charge of the administration of these bills, intrusted with the expending of the money appropriated by the Congress and who are permitted to practically rewrite legislation passed by the Congress by writing rules and regulations governing same.

I predict that if the Congress continues its present policy of acting as a rubber stamp, the decisions of the Supreme Court, in passing on the constitutionality of these bills and legislation written outside of the Congress in the way of rules and regulations, will before long make Congress the laughing-stock of the Nation.

While the people are for the President and his policy, they are not for legislation passed by the Congress, administered under rules and regulations written largely by the administrators, not in line with the real purpose and intent of

the legislation and the policy of the President. I venture further to predict that, with this procedure, it will not be long before the people will lose their confidence in the President and their respect for the Congress.

The President's address, delivered to the Congress a few days ago, covered quite a lot of territory, was constructive, and presented a beautiful picture. If his suggestions are properly written into legislation, somewhat in detail, these pieces of legislation if administered properly should not only give a square deal to every citizen but should also be instrumental in bringing about employment, normal prosperity, and happiness. The President, under his policy as outlined in this address, proposes to give to each and every citizen an opportunity to succeed on his or her own initiative, the right to work, and for a fair wage, the right to cultivate the soil and secure a fair price for farm products, the right for manufacturers and all lines of business to make a fair profit.

It is not the purpose of the President, neither should it be of the Congress, to so write legislation as to permit those in charge of same to rewrite largely these major pieces of legislation, under rules and regulations, and, perhaps, by and under the dictation of organized and selfish interests, which instead of giving a square deal to labor, farmers, small industries, and small business only leaves them to suffer the dictates of large and well-organized groups.

The National Industrial Recovery Act, as passed by the Congress in line with the President's policy for national recovery and a square deal, presented a beautiful picture as explained by those in charge of the bill and General Johnson. However, you must agree with me that many of the codes written under this legislation were written by the representatives of large industries, large business organizations, and administered by the representatives of these groups. You must also agree with me that under many of these codes and under the administration of same the representatives of these groups and of selfish interests which, for 60 years, have had complete control of the administration of the government, have created monopolies and price-fixing, which have piled up millions for these large groups and for selfish interests at the expense of labor, farmers, small unorganized industries, and the small business concerns of this country. When I, many other Congressmen, and the representatives of agriculture, and small business concerns complained, we were told by various heads of departments and those in charge of administering various bills passed by the Congress that, "We have charge of the administration of these bills." In a great many instances those in charge, not having any practical experience, short of common sense, unaware of the problems of these small industries and labor problems, especially the South, and apparently unconcerned, have so administered these pieces of legislation that they have caused many of these small concerns to go out of business and without regard to the consuming public.

Within the next few days I propose to give you some concrete cases under the administration of the N. I. R. A., especially as applied to the small sawmill operators of the Southeast. I expect to call names and expose the operations of a sawmill-lumber price-fixing monopoly which will make monopolies of the old days look like a joke.

Mr. MICHENER. Mr. Speaker, this bill is most artfully drawn. Boiled down to blunt facts, the first three sections provide for the appropriation of \$4,880,000,000 for "relieving economic maladjustments" and "to be used in the discretion and under the direction of the President in such manner, and for such purposes and/or such projects" as he might think advisable.

Sections 4, 5, 6, 7, and 8 have to do with administration and attempt to amplify and make clear certain powers granted in the first three sections of the bill and, as provided in section 1 of the bill—

The specific powers hereinafter vested in the President shall not be construed as limiting the general powers and discretion vested in him by this section.

This is the most important and far-reaching piece of legislation that will come before this Congress—yet it comes in

under a gag rule preventing any amendments from the floor to the first three substantive sections. All that the Membership of the House can do, so far as these sections are concerned, is to debate, and that debate is limited by this rule to 3 hours. The last four sections are subject to amendment, but because of the domination of the administration over the majority Membership, it will be impossible to enact a single amendment not approved by the administration.

This is a deplorable condition in what our country has been pleased to consider as the greatest legislative body on earth—a forum where each constituency is supposed to have its voice recorded through the agency of its Representative in Congress. In this bill Congress deliberately and unequivocally delegates to the President not only the right to spend \$4,880,000,000 but also lets him spend it without any restrictions and without any limitations, just so long as, in his judgment, it is aimed at "relieving economic maladjustments", which, of course, covers relief, development, and, last but not least, any reforms or changes in the present system of government which might, in the opinion of the President, tend toward the objective.

This bill gives to the President as great power over the subject matter as is possessed today by Mussolini, Hitler, or Stalin. The American people have always taken pride in the fact that the pursestrings of the Nation were in the hands of the direct Representatives of the people, who must answer to their constituents every 2 years.

The only defense offered by the advocates of this bill is that President Roosevelt is a good man and that he will not betray the trust placed in him. We all have the greatest respect for the sincerity of our President, but be it remembered that he is not infallible. Be it further remembered that no human being can spend this \$4,880,000,000 and personally direct its expenditure, to say nothing about figuring out the projects and how it is to be spent. As a practical matter, the money will be spent by bureaus, commissions, Federal corporations, and agencies set up by the President, and I for one am not ready to turn over to the Tugwells and this group the task of reforming and changing our Government.

I am opposed to lump-sum appropriations made blindly. I believe that the President, with his agencies for investigation is best prepared to submit recommendations as to where this money is to be spent, and the kind of projects to be developed, but surely the Congress should have some knowledge about what is contemplated to be done to our Government before it is too late.

I think we all agree that it is jobs people want and not the dole; that proper public works may be necessary at this time—but I am not ready to turn over \$4,880,000,000 to any agency of the Government for the purpose of reforestation in the building of impracticable shelter belts in the Middle West or the reclaiming of submarginal and arid lands while the taxpayers are at the same time paying the farmers in my community to cultivate less land. I think we all favor the further development of public roads and construction of national highways, and especially grade-crossing elimination. These are useful and necessary projects, will furnish the most labor generally distributed, and be of value to all our people. On the other hand, my constituents object seriously to spending the taxpayers' money in putting the Government in business in competition with industry. We want no more Reedsville furniture factories operated by the Government to put out of business our Michigan furniture factories. We do not want the Federal Government to compete with private business, and we can guarantee this protection in this measure by failing to make this appropriation without limitations.

The debate on this bill has made clear several things: First, that this House stands ready by unanimous vote to appropriate every dollar necessary for relief, regardless of the amount. Second, that if this body were permitted to vote its free will without outside domination, it would never delegate its legislative functions to the Executive. Third, that the Members of this body still believe in the legislative, executive, and judicial branches of our Government.

Fourth, that the only excuse for this legislation is the emergency of the hour.

I do not believe, in the light of expenditures of the last Congress along the same line, that this is the route to recovery. The amount of money here appropriated will not put 3,500,000 men to work and keep them at work until they are absorbed in industry. Experience has shown this and the statistics of the Labor Department bear me out in this statement. It is not the claim of the advocates of this bill that it will put men to work immediately, but it is hoped to be operating in 1936. Therefore, there is no hurry. Let the President submit a general idea of what projects he is going to develop and I for one will go along for anything that is reasonable. I was not sent here to vote blindly. I shall not return home and say that I voted for something about which I knew nothing.

To grant to the Executive the right to "delegate the powers conferred on him under this joint resolution to any governmental agency—including a corporation"—is inconceivable. It is more astonishing, however, to think that we should even contemplate authorizing the President "to prescribe such rules and regulations as may be necessary to carry out this joint resolution and any willful violation of such rule or regulation shall be punished by a fine of not to exceed \$5,000." In other words, the Congress permits the President to write criminal law with a penalty attached. Indeed, it goes further, and the President may delegate this power to any one of the alphabetical agencies or corporations, and that bureau or corporation may write criminal law, and subject to a \$5,000 fine for violation, without the legislative body, which the people elected, having anything to say about it. To me this is unthinkable.

Our people accepted much of the arbitrary legislation of the last Congress as emergency legislation. Those who supported that legislation thought, of course, that it would get results. Experience has shown otherwise. It is conceded here on the floor that there are more men out of work than there were a year ago; that there are more people on relief. I for one am absolutely opposed to the continued expenditure of billions of the taxpayers' money until I at least have some knowledge as to where, how, and when it is to be spent. The administration can get all the money it wants for relief by simply asking for it. I know that this bill is going to pass, that anything I may say will be but a protest, but I am hopeful that when this bill gets to the Senate, where no gag rules will be possible, proper amendments will be made and that a bill will be speedily returned to the House. Then the two bodies can agree on a real relief measure.

Possibly the most popular political vote would be to vote for this bill, because we are told we will have no other opportunity to vote for relief, and that if we do not vote for this bill as it is handed to us we will be accused of voting against relief. I think such argument is a reflection on the intelligence of the people back home who still believe in representative government. There is a difference between emergency relief and permanently changing our system of government.

A motion to recommit this bill, providing the same amount of money, but safeguarding its expenditure and the future of our country, will be submitted, and I shall be pleased to vote for that motion, but am constrained to vote against this unconscionable measure.

Government ownership of public utilities, development of our national resources, regulation of industry, and kindred subjects involve vital issues of policy and should be passed upon deliberately after full discussion and with full knowledge of the masses of our people. Economic planning may be advisable, but the country should at least have some information about these matters before the Government commits itself. This bill would permit boards, commissions, and bureaus, with the approval of the President, to go so far as to make it very difficult to change our course, even though the majority of the people in the end were much opposed. Let us differentiate between relief and reform.

Mr. REED. Mr. Speaker, as a Member of the House of Representatives of the United States, I feel that I have a

threefold duty: First, to the Nation as a whole; second, to the State of Illinois; and third, to the Eleventh Congressional District of that State, which has bestowed upon me the honor of making me their Representative. The people of my State and district, I believe, had confidence that if elected as their Congressman, I would, to the utmost of my ability, preserve their rights under the Constitution of the United States.

That historic document provides that "all legislative powers * * * shall be vested in a Congress of the United States." Section 6 of the bill under consideration gives to the Chief Executive of this Nation the power to prescribe "rules and regulations", the violation of which will subject the offender to the penalties of a criminal prosecution. One of the bulwarks of our civil freedom is the realization that criminal laws prescribing fines or imprisonment are definitely defined in the statutes of the United States or of the several States and that they were enacted by and upon the deliberate action of the chosen representatives of the people. The passage of this bill will give to one man the power, that belongs only to Congress, to enact criminal laws at any time, without any notice thereof, as in his judgment may be necessary to carry out the provisions of this joint resolution. What protection has a citizen of this great Nation, who may have diligently searched the printed statute law of the United States, who may have sought, obtained, and acted upon the best legal advice obtainable and who after exhausting all efforts within his power to satisfy himself of his course, acts and learns to his chagrin that he has violated a "rule" or a "regulation" issued by the Chief Executive, the existence of which he had no opportunity of ascertaining and concerning which he had no knowledge, which violation subjects him to indictment and punishment as a criminal.

Our Democratic friends tell us that Franklin D. Roosevelt would never abuse the authority granted him by this resolution. Possibly not. Then why give it to him? The authority may remain long after Mr. Roosevelt relinquishes the Presidency and the ideas and temperament of his successor might be far different than those of the present Executive. I cannot subscribe to those provisions contained in section 6 of this resolution, and their existence is repugnant to all of my ideas of fairness and equality under the law.

This bill is called an "emergency relief appropriation." I believe every Member on both sides of this House is sincere in his or her desire to relieve the distressed and to eliminate unemployment. We of Illinois are especially interested. During the month of September of 1934 a total of 284,600 families received unemployment relief from public funds of our State, which was an increase of 35 percent over the figure for September of 1933. The total number of persons receiving relief in Illinois during August 1934 was 1,075,977, while the total population of our State is 7,630,654.

As a relief measure I voice no objection to the amount of \$4,880,000,000 named in the bill. I do object to the unrestrained and unlimited authority granted in the resolution whereby the entire stupendous sum of money is turned over to the Executive to spend as he sees fit, without regard to the unemployment conditions in one State over that of another, without the assurance that a fair and adequate wage scale will be insisted upon, and without the understanding that, so far as practicable, the Government will not enter into competition with private business.

Previous Congresses have passed legislation to alleviate the conditions of agriculture. They have attempted to better the conditions of labor. They have tried to remedy the defects in our banking system. They have endeavored to aid citizens to secure loans on their homes. In short, it seems to me they have in recent years considered all classes of people except the small business men—the grocer, the butcher, the tailor, the barber, the baker, the druggist, the haberdasher, the furniture dealer, and other kindred enterprises. These have been the "forgotten men." They do not ask for help, but they sorely need it. They can obtain it if industry, and I mean small industry, is put on its feet and given a fresh start. This resolution could, in my opinion, be made immensely effective if a substantial sum of not

less than \$2,000,000,000 were to be used for the establishment of a revolving fund to make loans to industry. It would start humming the wheels of our small factories. It would reduce the relief rolls. It would increase the purchasing power of each and every community and reduce the public expenditures. It would provide employment and give to the small business man the benefit of that increased purchasing power that the regular weekly pay rolls gave to him in the days of our former prosperity. With this in mind, I present for consideration a plan submitted by Mr. Lester J. Norris, of St. Charles, Ill., and a portion of a survey of that plan by the Ira J. Owen Organization, Inc., industrial engineers, which discloses a concrete example of the operation of this idea and the effect it will have upon communities where put in operation.

The real productive work of America is in our factories. Today there are hundreds of factories in this country which have been forced to close because they could not get the needed funds for working capital. The result has been to throw men and women out of employment. These factory people, many of whom are skilled artisans, have been compelled through no fault of their own to apply to relief agencies for support. This situation no doubt has satisfied the worker for a while, but the continued unemployment and the acceptance of a dole from the State is beginning to create a serious situation.

Dissatisfaction, destruction of spirit, loss of skill, unfair practices, disregard for law, loss of respect, loss of ambition, loss of confidence in the administration—finally an unwillingness to work.

Now, if these people could be put back into productive work, there would be created—a new spirit, a better living standard, an increased purchasing power, the reestablishment of homes, the reestablishment of morale, work for others than the one directly benefited.

At the present time there is a demand for goods of all kinds over the entire country, but in order to create markets for these goods the purchasing power of the people must be increased. The outstanding factor in getting out of this depression is to put men and women back to work where the results of their labor will create wealth, which means prosperity.

Idle factories cannot start up without the necessary capital, nor can many of the going factories continue without financial help.

A plan to provide this capital, so that the factories can again turn their wheels and put men and women back to work, will go a long way in solving our present serious relief situation. Nonproductive relief will get us nowhere, but to give our idle factories relief so that they may be able to start to work on a productive basis will again start us on our way to creating the wealth necessary to provide decent living conditions and a few of the luxuries in life to which every American worker is entitled.

In order to provide funds for this purpose and a means for the return of this money over a short period of time, the following plan is suggested, the details of which will, of course, have to be worked out.

The Federal Government to set aside, from funds provided for relief purposes, a revolving fund of \$2,000,000,000, to be allocated according to requirements to the various States for the purpose of financing idle factories, also going factories, to put men and women now on relief rolls in gainful occupations.

The working of this plan is presented herewith.

A known idle factory has been taken as an example in a small town in Illinois. In this town there are at present 240 factory workers on the relief roll. The following indicates that by placing this particular factory into operation and taking these factory workers off the relief roll, the county's relief burden will be decreased by \$5,150 per month and the purchasing of the community will be increased \$14,040 per month.

The figures, insofar as relief burden is concerned, are taken from an official Illinois Emergency Relief Commission bulletin of statistics, and the figures relative to wage payments

in the factory are conservative and used to show what can be accomplished on a very minimum wage scale.

Present county relief burden per month, 337 families, at \$21.50 per month.....	\$7,265.50
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Idle factory reestablished employ, 240 men and women of all trades and kind, at 50 cents per hour, 40 hours per week.....	19,200.00
Less relief burden previously carried by State.....	5,160.00
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Increased monthly purchasing power.....	14,040.00
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Total families on county relief roll before factory opened.....	337
Less men and women reemployed at factory.....	240
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Families remaining on relief roll.....	97
<hr/>	
Relief burden of county before opening of factory.....	\$7,265.50
Reduction in relief burden to county after opening of factory.....	5,160.00
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Relief burden after factory operates.....	2,105.50

To support the above example, we give you the following data based on estimated sales, decided upon after a careful survey was made of the potential market for each article to be manufactured. The first column represents the sales and the accumulated totals by months, second column is the receipts based on 75 percent of the sales each month and also the remaining uncollected balance of the previous month, third column is the funds supplied by the State from the revolving funds, and indicates that after the sixth month of operation the factory is self-supporting. The factory during the last 6 months of the year will accumulate enough funds from collections to reimburse the State revolving fund, allow 1 percent of total sales as a reserve for bad accounts, and have a substantial balance at the end of the year.

	Sales		Cash receipts		Cash advance by State	
	Monthly	Accumulated	Monthly	Accumulated	Monthly	Accumulated
First month.....					\$60,375	
Second month.....	\$10,000				60,375	\$120,750
Third month.....	30,000	\$40,000	\$7,500		52,875	173,625
Fourth month.....	50,000	90,000	25,000	\$32,500	35,375	209,000
Fifth month.....	60,000	150,000	45,000	77,500	15,375	224,375
Sixth month.....	80,000	230,000	57,500	135,000	2,875	227,250
Seventh month.....	110,000	340,000	75,000	210,000	(1)	(1)
Eighth month.....	90,000	430,000	102,500	312,500	(1)	(1)
Ninth month.....	90,000	520,000	97,500	410,000	(1)	(1)
Tenth month.....	100,000	620,000	90,000	500,000	(1)	(1)
Eleventh month.....	120,750	740,750	95,000	595,000	(1)	(1)
Twelfth month.....	110,000	\$850,750	115,000	710,000	(1)	(1)
Balance accounts receivable at end of year.....				140,750	(1)	(1)
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Total of cash receipts from July to December.....						575,000
Less: Factor operating cost July to December.....						362,250
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Balance of accounts receivable ledger Dec. 31.....					140,750	
Less:						
1 percent of sales for bad accounts.....					8,507	132,243
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Cash repaid to State for advances.....						344,993
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On hand to start operations first of year.....						117,743

¹ No further cash required from State for operations.

It is to be remembered that this plan relieves the State of a burden of \$5,160 per month, and the wages paid to 240 men and women will increase the purchasing power of the community \$14,040 per month. Aside from the benefit of the foregoing enumerated results, the State would gain profit through the medium of sales tax on increased purchasing power.

Up to the present time private capital has not shown a willingness to put their funds into industrial enterprises, and the banks have not shown any disposition to lend money to worthy manufacturing business.

With the State taking the lead, a competitive situation will soon develop where private capital will look more favorably on worthy manufacturing projects, all of which will help in putting men back to work.

INCENTIVES

In order to get manufacturers interested in the employment of those now on our relief rolls, some sort of incentive should be given aside from impressing them of their patriotic duty. The following are two suggestions which, if properly set up, would go a long way in interesting the manufacturer and getting him to put on additional help to be taken from the relief roll employment record:

STATE TAX CREDIT

For every person taken off the registered relief roll and given employment for a period of 1 year a tax-credit check for \$100 will be given the company employing such person. This check will be accepted by the State in lieu of cash for payment of the company's State tax bills of whatever kind or nature.

RELIEF SERVICE STARS

A relief service certificate will be given companies employing persons from the registered relief roll, and for each person given employment a star will be given the company to be placed on the relief service certificate. Companies can print the number of stars in their ads showing the number of people taken off relief and employed by them and to show the public that they are doing their part in putting America back to work.

Mr. Speaker, I recall the eagerness with which patriotic Americans in 1918 placed in the windows of their homes and stores placards reading, "We have bought Liberty bonds." I still can see, even today, signs in the homes of numerous citizens, placed there shortly after the passage of the National Industrial Recovery Act, which read, "We do our part." The American public will always do its part. This resolution could be an instrument of great good to the Nation. In its present form I regret the fact that to support it I must vote to surrender the law making power of Congress to the Executive branch of the Government and approve the expenditure of four thousand eight hundred and eighty millions of dollars without any assurance of how, where, or in what manner it will be spent—whether it will be used to throttle or compete with industry or to crush labor. This I refuse to do.

Mr. GRAY of Indiana. Mr. Speaker, in 1930 the Republican majority in Congress, now the minority in the House and Senate, spoke for, urged, and voted for, with the one exception of James M. Beck, the delegation of legislative powers to be exercised by a Republican President, and known as the "reciprocal tariff agreement." The CONGRESSIONAL RECORD further shows that the Democratic Membership in Congress, including the present Democratic leadership, spoke against, condemned, and voted against the measure as a violation of the Constitution, and as fraught with great and menacing dangers to our system of free self-government.

In 1934 substantially the same measure and involving the same identical principle, the surrender of legislative power to be exercised by the executive department, in violation of the Constitution, was sponsored by the Democratic majority, and the same Democratic leadership, which had condemned the principle in 1930, and the same Republican leadership, which had led the full party Membership to vote for and support the act of 1930, now reversed themselves and faced about to oppose, condemn, and vote against the measure which they had approved, voted for, and enacted into law.

Now, here again before Congress in 1935 we are brought face to face with the same identical principle, the delegation of legislative powers to be exercised by the Executive, which has been condemned by both parties, condemned by the Democratic Party Membership in 1930 and by the Republican Membership in 1934. With the Democratic leadership of the House sponsoring the bill as a party measure and the Republican leadership opposing, we are to witness an exhibition of a complete change and reversal of the positions taken in 1930. The Democratic Membership will speak and vote for what they condemned as a dangerous precedent in 1930, and

the Republican Membership will oppose and vote against what they approved and voted for at that time. And the moral courage of the individual Member will yield and give way to fear, and principle will be sacrificed for party regularity.

I condemned the surrender of legislative power in 1930 to be exercised by a Republican President as a violation of the vital provisions of the Federal Constitution. This was before I returned to Congress in 1932, and maintaining a consistent record on principle, I voted against the reciprocal tariff provisions of 1934 surrendering the same power to a Democratic President. And now further pursuing a consistent course and to maintain and uphold the Constitution, I will be constrained to record my vote here against the pending resolution today surrendering the same and more legislative power to be exercised by a Democratic President in gross violation of the basic principles of the provisions of the Constitution.

The Republican Party leadership, long observing a loose or liberal construction of the provisions of the Federal Constitution, and always reposing greater confidence in the wisdom and judgment of the special few to legislate for and govern over the many, was more consistent and regular in their delegation of legislative power to be exercised by the Executive. And the support of this bill today would come with more consistent and better grace from the Republican Members and leadership than from the Democratic Members and leadership.

If there is any one principle of government upon which the Democratic Party stands more unequivocally committed than another, it is the principle of the separation of powers safeguarding against abuse and usurpation by the executive department of government. The exercise of the legislative and judicial powers with the power of the Executive to enforce the laws by one official or body of the Government is abhorrent to every principle of democracy declared for by its founder, Thomas Jefferson, and by the Democratic Party tradition reaffirmed over again for time immemorial.

This surrender and delegation of powers by Congress, conferring upon the President both legislative and judicial functions to be exercised with the Executive, violates every fundamental principle of democracy, rebukes the sacred tenets of Thomas Jefferson, compromises all that Andrew Jackson stood for, and makes free representative government a mockery, a delusion, and an empty claim. Threatening not only our own form of government but the institutions of other people who have followed in our footsteps and example in governments like our own.

If this bill is enacted as provided without change, elimination, or amendment, we are by this legislation saying to the world—our long-boasted rule of the people and free institutions and self-government is a farce and a mockery which we will not ourselves observe and which we cast off with indifference whenever a test or trial comes of a crisis in our public affairs.

Courage is not a positive or absolute term but a term varying in nature and degree from physical courage prompted in men by a realization of superior animal force to moral courage or courage of the conscience, inspired in men from a deep conception of right and duty toward their fellowmen. Then there is single or individual courage manifested in the course or conduct of men, the courage of man standing out alone prompting men to look beyond and forget self, to cope and battle single-handed always to win or achieve a victory above personal selfish profit or gain, a victory for the common cause of men.

And in contrast with this last form of courage we find still another form of the impulse which for want of a better name or expression we call collective or pack courage, one individual taking courage behind another, courage from the howling bedlam chorus, which, when scattered and dispersed, the individual is left fleeing to conceal his identity, crouching under the shadows of fear or moral and mental cowardice.

It is this form of collective courage which is often observed in partisan politics in the course of political proceedings, where men are prompted with courage to condemn the

wrongs and evils in their opposing parties but fail of the courage, the moral impulse, to oppose the same evils in their own party. I regret that this collective form of courage is not confined to party ward conventions or to petty ward political henchmen and that it is sometimes manifested in high party councils of State and sometimes in the Halls of Congress.

The one great distinctive feature standing out in the American Constitution, towering high above all others like a mountain peak piercing the sky and around and about which all other provisions and injunctions cluster like the foothills at the base, was and is the separation of powers for exercise, separate, independent, and apart, by different officials and bodies of men restrained from interference or encroachment one body from exercising the functions of another. And by solemn and imperative mandate clearly and unequivocally enjoined, the powers of the different departments created were to be exercised separate and independent, one free from restriction or influence from the other under a prohibition positive and imperative in terms and from which there was no exception reserved.

The framers of the Constitution were not acting for their own time and generation alone. They were building a fort, a defense, a bulwark, to safeguard the future and the generations to come. While reposing all and absolute confidence in Washington, Jefferson, and Madison, in Adams, Monroe, and other patriots of their time, they realized, in their wisdom and forethought, that to except these true and tried pioneers of liberty would be to compromise the safeguards and leave the way open for designing men. And in such realization and wisdom, looking always to the security of the future, the framers of the Constitution wisely imposed the same restraint and prohibition upon all men in the exercise of power, alike without reservation or exception, to the end that bad men could not make claim under the exceptions and reservations for good men.

In the exercise of such wisdom and forethought, the framers of the Constitution realized and understood that the virtues of rules, laws, and constitutions, and their force to compel respect and obedience, are dependent upon their universal application and their general enforcement upon all, without deviation, exception, or reservation as to any man, official, or body of men who might be intrusted with the exercise of power. They realized that such exception or reservation would leave the bars down, would leave the way open for some designing ambitious man who might gain place, power, or governmental position by strategy, intrigue, or pretense or be swept into office under force of some crisis of the people. They realized that great calamities, wide-spread misfortunes, and disasters, which divert the attention of the people and throw them off their guard, would be seized upon as an opportunity to take advantage and claim powers which at other times would not be attempted.

And the calamities and disasters of this great depression, as affording such opportunity for advantage, and the claim and the demand for the exercise of special and extraordinary powers, claimed necessary and imperative and required to meet and cope with the conditions of the times, is realized in the crisis of this panic. And the creation of separate and independent departments, and the restriction and limitation of powers enjoining their separate and independent exercise and the prohibition of one department of the Government from encroachment upon or exercising the powers of another, is prophetic of the wisdom and forethought of the framers of the Federal Constitution and the safeguards by them created and the dangers provided against in the separation and the division of powers.

It is in fulfillment of the fears and apprehensions in the minds of the framers of the Constitution that this evil hour in our history and the history of civilization, this great industrial panic, has come upon the people to burden and distress them. With the people writhing and suffering in the throes of economic depression and crying out in their anguish for relief at any cost or sacrifice; with the people ready and willing to surrender their inheritance and birthright of free institutions and self-government for the

proverbial mess of pottage of temporary economic relief, designing autocratic rulers, ambitious premiers of the Old World, looking always for opportunity to take advantage of some crisis or condition of the people, are making claim and taking over great special and extraordinary powers, assuming such powers as necessary and required to meet the conditions of the times brought on by the panic or depression.

Under the separation of powers provided, Congress, the National Legislature, the body of men making the laws, were prohibited from applying or enforcing the laws; the courts, the supreme judiciary, the body of men construing and applying the laws, were prohibited from making or enforcing the laws; and the President or Chief Executive, the official charged with the enforcement of the laws, was prohibited from making or construing the laws. The separation or division of powers enjoined was intended to serve as a check or restraint, one division or part upon another, each part to be exercised or administered separately or independently, one from the other, in jealous observance of limited jurisdiction, and thereby to safeguard against abuse or usurpation under which other like governments had failed and fallen.

We are dealing with the Constitution, the fundamental law of the land, upon which the foundation of the Government rests, and under which we claim and enjoy our rights, liberties, and freedom and security for our institutions of peace and civil life. We are dealing here with a hidden force, the power of precedent and example, which, in the course of time, ripens into positive and absolute law equally an obligation as binding as a solemn statutory enactment. Many of the laws in force today fixing property and civil rights have been put in force and made effective and remain in effect and continue in force by reason of the rulings of courts establishing the law by precedent and becoming by lapse or expiration of time an absolute law of property and civil rights.

Statutory laws end and terminate with the expiration of the time limit fixed. But laws by precedent and example continue beyond the time for which made and assert their force and effect with every reoccurring occasion and become the continuing law of the land. The force of laws to restrain evil and the power of constitutional safeguards, the rights, liberties, and welfare of the people are like character and reputation in men which require a lifetime to build up, but which can be compromised and surrendered by one false and unguarded step, sacrificing honor and integrity and which once impaired or surrendered can never be restored or regained.

This bill, if made a law, assumes only to make a delegation of the prohibited powers of the Constitution to a President now in office and for a specified time certain. Yet by the force of precedent and example, it will delegate these prohibited powers to other and future Presidents, and will operate as a surrender of legislative power by Congress for time continuing and indeterminate. The surrender or delegation of legislative powers by Congress to be exercised by a President under the hidden, covered, and concealed form of precedent and example before Congress, is a greater force, a more continuing power, than open enactment of statutory law, because continuing on to operate after a statute shall have ceased to exist by reason of the time limit fixed.

Under the precedent and example of granting legislative powers to be exercised by the Executive, first made to the Executive in 1930 and followed by the same grant of power in 1934, and, if followed again in this resolution, any future President, with a party majority in Congress, could make and enforce the same demand upon his majority party Membership. And with the same overshadowing power of the President no majority Membership in Congress in the face of these precedents and examples could resist or refuse the demand. The power of precedent and example will have ripened into the form of a positive rule of construction compromising constitutional safeguards. And the War of the Revolution and all the battles waged for liberty and all the sacrifice of bloodshed and treasure will have been fought and suffered in vain.

Under this precedent and example any man ambitious and thirsting for power who might be swept into the Presidency following some crisis or trying condition, would cite these precedents and examples and claim the same and greater power, and Congress, quailing before the demand, would be paralyzed and helpless to resist. Congress will be robbed of its defense, will be deprived of its refuge and a showing of an unbroken line of precedents and examples upholding and refusing to surrender its powers, and without and for the want of which the bars will be down and the way left open for the powers of Congress to be usurped and exercised by the executive branch of the Government.

This generation is not called upon or required to prepare or work out a Constitution providing safeguards for our form of institutions. The battles have all been fought. The sacrifices have all been made. The work has all been completed. The Constitution with all its provisions safeguarding our rights and liberties and guaranteeing our form of government has been committed into our hands for preservation and perpetuation. And this is the duty of Congress. This is our responsibility. This is the oath and affirmation which we take and subscribe before the altar of free institutions to uphold, defend, and perpetuate the integrity of the Constitution.

But this delegation of legislative power is not in fact a surrender of power to this President exclusively and personally, and which could not be exercised by any other man in the office of Chief Executive during and within the time for which granted. It is a delegation of legislative power, expressly prohibited by the Constitution, to the office of the Chief Executive, to be exercised by whoever may be President during the period, term, and time for which the delegation was made. Under the uncertainties of life, on the death or disability of the President, this power would go to be exercised by some one of the men in the line of succession provided for on the death or disability of the President, and who would be clothed with the extraordinary powers of lawmaker, judge, and executioner.

And on its face it is not a power to be exercised personally by this President. It is a mental and a physical impossibility for any one man to hold and apportion this vast sum of money for expenditure out among the many different projects to which the same may be allocated and to be charged with the responsibility which it is impossible for him to assume. It is the province of Congress to make these appropriations of money. It is the duty of Members of Congress to consider where the money is to go and for what purpose it is to be expended and by whom it is to be administered and for which they must assume the responsibility.

The delegation of legislative and judicial powers to be exercised by the executive branch of the Government is not only fundamentally wrong and in gross violation and in disregard of every principle of free self-government, disorganizing the balance of governmental powers and the restraint or check against usurpation, but it is a policy casting unwarranted burdens and staggering obligations of office upon the executive branch of the Government, commingling and confusing governmental functions and disorganizing the even balance of powers. It is tearing down the framework of free institutions to eradicate the evils and abuses and which can be otherwise more effectively remedied, and leaves Congress and the legislative branch without functions and obligations to assume, without responsibility for the course of legislation and no longer answerable to a constituency and their pledge made to the electorate.

If clause 1, section 1, of article I of the Federal Constitution, providing that all legislative powers therein conferred shall be vested in the Congress, consisting of a Senate and a House of Representatives, affirmatively excluding the executive and the judiciary, enjoins no restrictions of power; if these unequivocal provisions made a part of the Federal Constitution, conceived in self-denial, fasting, and prayer, adopted upon serious and deliberate consideration, proclaimed as the supreme law of the land, to be obeyed and observed inviolate, under solemn oath and affirmation of all the officials of the Federal Government; if all these provi-

sions of the Constitution are held merely passive and permissive and discretionary and directory only, enjoin nothing and mean nothing, then the flag, with its contrast of colors—then the waving Stars and Stripes, unfurled to the freedom of the breeze as the emblem of exact and equal justice, the symbol of liberty and equal rights—is a flaunting rag without meaning, is a mockery, a delusion, misleading men.

OUR BANKING SYSTEM

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered over the radio by the gentleman from Alabama [Mr. STEAGALL].

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

There was no objection.

Mr. SNYDER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of the gentleman from Alabama [Mr. STEAGALL] over the radio on November 2, 1934:

Ladies and gentlemen of the radio audience: The depression through which the Nation is passing has been properly called a bankers' panic. During the years 1921 to 1932 we had over 10,000 bank failures involving deposits of three and one-half billion dollars. There was, of course, corresponding curtailment of the circulation of bank-check currency amounting to many billions of dollars. In 1931 there were over 2,000 failures and in 1932 there were over 1,000. Many of these were traceable to the decline in values following the orgy of speculation in 1929. Worst of all hundreds of solvent institutions were destroyed by withdrawals of deposits and runs due to loss of confidence. The demoralization and suffering attending these failures affected every community in the Nation. In such a situation it was only natural that bankers should cease to lend and proceed to enforce collection with enormous sacrifice of collateral pledged in order to meet their responsibility to their depositors.

All appeals by the President and Secretary of the Treasury during the years 1931 and 1932 to restore confidence were unavailing. Of the total supply of currency amounting to five and one-half billion dollars it is estimated that more than one-half was withdrawn—some hoarded, some in postal savings, and large amounts deposited in foreign lands.

When we remember that more than nine-tenths of the Nation's business is conducted by the use of bank credit it is easy to understand that the withdrawal of such stupendous sums of currency from normal uses must inevitably result in the enormous reduction of bank-check circulation shocking to trade and commerce.

Loss of confidence continued; values sank lower and lower; trade and commerce, foreign and domestic, were suffering from creeping paralysis; the rolls of the unemployed swelled to alarming proportions. Then came the complete collapse of the Nation's banking structure in March 1933. We faced a crisis presenting a challenge to American leadership unprecedented in time of peace.

The record of achievements since that eventful hour must be a source of pride to every patriotic citizen in the land. Leadership in the world of finance only brought us colossal failure. The people turned to their chosen leadership at Washington for guidance. With consummate courage and superb ability and tact the President took up the stupendous tasks awaiting him. Congress was summoned in extraordinary session. The Emergency Banking Act of 1933 was formulated and passed. The banks were reopened with assurances from the President that we were to have a banking system that would command public confidence. To enable the banks to meet the demands of their depositors a provision was incorporated in the act permitting the exchange of bank assets for Federal Reserve bank notes.

Some of us had recognized the weaknesses of our banking system and had struggled for years to secure the enactment of legislation for the protection of depositors. I had the honor of introducing numerous bills designed to accomplish this purpose. The last was on April 14, 1932. The bill was considered by the Banking and Currency Committee of the House, hearings were held, and the measure reported to the House. After prolonged consideration and debate it was passed by the House on May 27, 1932, the opposition not having votes enough to force a roll call.

During the next session of Congress the struggle was renewed. Final passage of the bill was secured during the closing hours of the Congress of the session.

The act provides for the establishment of a corporation known as the "Federal Deposit Insurance Corporation." The measure sets up a plan for the insurance of all deposits up to \$10,000; 75 percent of all deposits between \$10,000 and \$50,000, and 50 percent of deposits in excess of \$50,000. In order to permit proper examination and certification of banks for participation in the benefits of the insurance fund the effective date of the provision was set as of July 1, 1934.

The Federal Reserve banks are required to subscribe \$147,000,000 to the capital of the Corporation and the Treasury \$150,000,000 and all member banks of the Federal Reserve System are required to subscribe an amount equal to one-fourth of 1 percent of their total deposits with provision requiring each bank to pay in an

additional one-fourth of 1 percent of all deposits upon call of the board of directors of the corporation at any time it is found that the funds of the corporation are reduced to an amount less than one-fourth of 1 percent of the deposits of all participating banks. A provision of the bill allows all State banks and trust companies not members of the Federal Reserve System to subscribe to the capital of the Corporation and to participate in its benefits upon terms of equality with member banks.

The corporation is authorized to expand its capital three times and may require advancements by the Reconstruction Finance Corporation when needed to the amount of \$250,000,000. The resources of the Corporation are amply sufficient to command the full confidence of the public.

The act provides for the temporary insurance of all deposits up to the amount of \$2,500, effective January 1, 1934. In June 1934, the act was amended postponing the effective date of the permanent plan to July 1, 1935, continuing the temporary plan and raising the maximum amount to \$5,000.

Under the plan now in force more than 14,000 banks are members of the insurance fund. It embraces more than 90 percent of all the licensed banking institutions in the country. The total deposits of insured institutions aggregate \$35,000,000,000 covering 50,000,000 accounts.

The American Bankers Association at their annual meeting in Chicago in 1933 passed the following resolutions: "The American Bankers Association hereby records its deliberate judgment that the dangers involved in attempting to initiate at the beginning of 1934 the provisions for deposit insurance contained in the Banking Act of 1933 are genuine and serious. It holds that the whole project for deposit insurance embodied in that law should be reconsidered, and it reiterates its conviction that the postponement of the first phase of the project is of the first importance."

To say the least it would be scarcely expected that the American Bankers Association would call upon the President to set aside a solemn enactment of the Congress of the United States. But let us trace events that have taken place since the passage of this resolution. Definite figures are not available but it is certain there has been an enormous increase in deposits amounting to something like eight to ten billion dollars. There was not a single bank failure among insured banks during the first 6 months of 1934. During the first 10 months there have been only 6 bank failures and 3 of them were due to defalcations of officials and employees. Insured deposits in these failed banks amounted to less than \$700,000. Two-thirds of this amount will be realized out of the assets from the banks, leaving the final cost to the Deposit Insurance Corporation not exceeding \$250,000. This amounts to less than one-hundredth of 1 percent of the total deposits of insured banks. How trivial the burden compared to the benefits received.

In the case of each of these failed banks the Federal Deposit Insurance Corporation was on hand in less than 10 days to take care of all deposits insured. There were no mobs and no distress such as has attended bank failures in the past. In fact, there was no bank failure in the ordinary sense of the word, because the Federal Deposit Insurance Corporation stepped in promptly for the protection of depositors, and under the provision of the Glass-Steagall Act the Corporation continues the operation of the bank or sets up a new institution without disturbance to the normal business activities of the community.

Confidence in banks has been restored, the fear of depositors has been banished, and bankers no longer live in constant dread of withdrawals and runs. Solvent banks are free to employ their resources in support of business, and at least the first great obstacle to recovery has been removed. No more shall we witness the wreck and ruin of solvent institutions resulting from lack of confidence due to faulty and inadequate banking machinery.

The officials of the American Bankers' Association assure us that the banks of the country were never in so sound a condition as that which they enjoy at this hour. What of the dire predictions made at the Chicago convention as embodied in the resolution which I have just read? The plain fact is that the experience of these recent years has demonstrated quite clearly that our leaders of the banking world do not possess the infallible wisdom which we have been accustomed to ascribe to them. It is manifest that they are the victims of the same limitations and weaknesses under which the rest of mankind suffers. In any event, whatever else may be said, the resolutions adopted by the Chicago convention last year lend poor support to any contention that our bankers possess the gift of prophecy.

The public will not fail to note that at the first annual meeting of the American Bankers Association, 1 year from the passage of the resolution adopted at Chicago and following the first year of the operation of the Federal Deposit Insurance Corporation, during which period the Nation for the first time experienced relief from the distress and suffering incident to bank failures, there is to be found no official recognition of these happy developments by the Washington convention. It is a source of gratification to all of us that conditions have so improved that our friends, the bankers, seem to have forgotten the resolution adopted in Chicago in 1933. It is even more gratifying to know that a vast majority of the bankers of the Nation appreciate and approve what has been done for the elevation of banking.

In the light of what has transpired it would be folly to expect any system in the future to command public confidence, or to operate successfully without a guaranty upon which citizens may rely for the return of their deposits. The time has come when depositors, who appear at the window of a bank will demand to

know if the institution has its deposits protected by the Federal Deposit Insurance Corporation.

The Nation will never cease to remember the constructive service of Hon. J. F. T. O'Connor, both during the struggle for the enactment of the legislation and as Comptroller of the Currency and member of the Board, who bore the chief responsibility in laying the foundation for the remarkable success with which the act has been administered. Mr. Cummings, the first chairman of the Board, and Mr. Crowley, who now serves so efficiently in that capacity, have placed the Nation under an immense debt of gratitude to them.

Bankers should be the last to complain at what has been accomplished. The Government has done more for them than any other class of citizens. The Reconstruction Finance Corporation has made advances to banks of the country for the replenishment of capital amounting to more than \$1,000,000,000. These loans have not been made upon collateral security, as is required of other institutions obtaining loans, but they are made to banks without security. Provision has been made for the advancement by the Treasury of \$147,000,000 to Federal Reserve banks to aid and assist in loans to industry and advances are to be made practically without any requirement for reimbursement to the Treasury. If bankers are displeased that the Government is extending its activities unduly into the field of business, the remedy is to remove the necessity. Future policy does not rest alone with the Government. Men of the business world must share the responsibility. As much as all deplore the necessity for steps taken to meet existing emergencies Government officials cannot ignore the constitutional mandate to "promote the general welfare." If any banker longs for restoration of conditions that existed on the 4th of March 1933, he is at liberty to return to the Government moneys supplied him out of the Federal Treasury and close his bank, as it was in March 1933, and face his depositors, if he has the courage.

Every great reform in banking legislation has been accomplished not only without the support of banking leaders but in the face of their opposition. This was noticeably true in the passage of the Federal Reserve Act. The public had to make its appeal to statesmanship for the solution of the problems of that hour. That great enactment came from the brain of statesmen—men in political life, who constitute a part of that class known as "politicians." That splendid enactment, with all that it means to the Nation and to the world, was denounced and dire predictions indulged as to its operation, even as was done in the case of the act establishing a system for the insurance of bank deposits.

The people approve what has been done for the reestablishment of sound banking, for the restoration of agriculture, to save citizens from foreclosures of homes and farms and turning their families into the highways without shelter, for the relief of hunger and distress, and for the promotion of reemployment. The people of the Nation will not be satisfied with, nor accept as permanent, wide-spread hunger and nakedness in the midst of bountiful production from our farms and factories. Such a condition constitutes a stigma upon our economic system. It will not be tolerated as the lasting lot of the people of the United States.

Our forefathers crossed an ocean and encountered the dangers and hardships of an unbroken wilderness to establish the greatest civilization mankind has known. They set up the most ideal Republic of the ages. They have led the world in science and invention, in the struggle to overcome disease, and to conquer the hidden forces that have taken an enormous toll of human life. They extended our commerce on every sea and into every land. They lifted our flag to triumph and victory over every foe who challenged its supremacy. I do not believe that their sons are bankrupt in the courage and qualities that characterized these men of other days. Our people have always shown a capacity for choosing a leadership equal to every problem that has arisen. They called to the Presidency the Father of his Country, who charted the course that has guided us so happily for more than 150 years. At another critical juncture in our history they chose the immortal Lincoln as Chief Executive. Again in 1912 when unusual problems crowded upon us they selected Woodrow Wilson, the greatest leader of his time, who led the Nation into war in defense of the right of small governments to maintain their sovereignty and live their own lives. In 1932 in the midst of a crisis unprecedented in time of peace the people of the Nation, forgetting political alinement and party affiliation with a patriotism unexcelled in any period of the Republic, summoned to their service a student of government, rich in knowledge and ripe in experience, a great humanitarian whose heart is attuned to the pulse beat of humanity, the greatest leader of men that has blessed the earth in half a century, the premier statesman of the civilized world. He holds aloft the light that will lead us into the enjoyment of the full measure of prosperity and happiness that a bountiful Providence has so richly provided for the people of the United States—Franklin Delano Roosevelt.

EMERGENCY RELIEF WORKS APPROPRIATIONS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief telegram from the Governor of Nebraska and my answer thereto.

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

There was no objection.

Mr. STEFAN. Mr. Speaker, all through the consideration of this gigantic appropriation I have felt that it is a mistake to appropriate so large a lump sum without at least definitely setting aside specific amounts for particular purposes. Supporting my position in this regard, I desire, under the leave granted me, to insert here as an extension of my remarks copy of telegram that I received this afternoon from the Governor of Nebraska, and copy of my telegraphic reply to him.

The telegrams are as follows:

LINCOLN, NEBR., January 24, 1935.

HON. KARL STEFAN,
Member of Congress:

Because State highway departments know definitely what projects can be accomplished in the immediate future and have the organizations necessary to facilitate their construction, I urge that a definite amount of money be set aside for highway projects as a part of the proposed 4 billion dollar public-works program.

R. L. COCHRAN,
Governor of the State of Nebraska.

WASHINGTON, D. C., January 24, 1935.

HON. R. L. COCHRAN,
Governor, Lincoln, Nebr.:

Your telegram just received urges definite amount of money be set aside for highway projects in emergency relief-works appropriation. Bill as reported to House specifies improvement of existing road systems as one objective of appropriation, but sets aside no definite amount for that purpose. Bill now before House simply provides lump-sum appropriation and itemized program is totally absent. Parliamentary rule under which bill is being considered in House, coupled with attitude of majority toward any amendments which may be proposed within restricted latitude for amendments, precludes any practical prospect that House will amend bill to set aside any definite amount for any purpose.

KARL STEFAN, M. C.

Government business.

PROGRESSIVE PLANNING IN PIEDMONT CAROLINA

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter written by me today to the Secretary of the Interior concerning the planning of the Upper Carolina Development Association and a resolution passed yesterday in Columbia by that association.

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

There was no objection.

Mr. McSWAIN. Mr. Speaker, I am very happy to report to the Congress that a most promising and forward-looking meeting was held in the hall of the house of representatives in Columbia, S. C., by the Upper Carolina Development Association. There were about 150 representatives present, among them some of the most wide-awake farmers and business men of upper Carolina.

I was also very happy to note the presence of many Members of the House of Representatives and of the Senate. We were fortunate to have with us as representatives of various Federal activities the following persons, who spoke to us most happily and instructively: Mr. R. A. Winston, of the Federal Soil Erosion Service; Mr. H. A. Kircher, regional manager of the Federal Forest Service; Mr. H. M. Sears, State manager of the Federal Forest Service; Dr. T. S. Buie, in charge of the Soil Erosion projects in Spartanburg County along the Tyger River; Mr. L. P. Slattery, State representative of the Public Works Administration; Mr. J. C. Capt, executive officer of the rural rehabilitation division of the F. E. R. A. Inspiring and instructive remarks were made by many members of the association.

At the conclusion of the meeting resolutions were adopted, a copy of which is printed herewith for the information of the Congress and the country. Also a committee was specially charged with the duty of keeping in contact with the United States Senators and Representatives in Congress from South Carolina, and with the President and his various agencies engaged in employing the \$4,000,000,000 fund to revive business and to assist in worthwhile and beneficial work in order to give employment to the unemployed. That committee consists of the Honorable D. A. G. Ouzts, of Greenwood, S. C.; the Honorable W. D. Douglas, of Winnsboro, S. C.; Hon. Lewis H. Gault, of Union, S. C.; Mr. I. E.

Davis, of Greenwood, S. C.; and Mr. J. B. Douthit, of Pendleton, S. C.

Doubtless this committee will soon be in Washington and will keep in constant touch with the Members of Congress from the State of South Carolina, and especially those from the Piedmont section, in the hope of convincing the Federal administrations that upper Carolina is "ready to go" with its plans for development and improvement. It is most singular that the Upper Carolina Development Association was organized at Spartanburg, S. C., on November 10, 1934, and that the report of the National Resources Board was made public on December 17, 1934, and that there is a remarkable similarity and identity between the plans outlined by these two bodies. Of course, the Carolina plans are regional and local, but they harmonize happily with the suggestions of the National Resources Board. Naturally we are very proud of this coincidence, and we believe that it demonstrates that we are forward-looking in our vision and our ability to make practical application of generalized views.

Recently the House of Representatives of the State of South Carolina Legislature passed resolutions calling upon the Congress to enact legislation providing unemployment insurance, but the very best preliminary step to that result is to give actual employment in constructing useful and socially valuable projects, such as we propose in soil-erosion control, water-power development, rural electrification, farm diversification, farm-marketing centers, and practical and common-sense instruction for all the people of all ages, described by our association as "applied education." All of these are appended as part of these remarks.

Upon my arrival in Washington this morning I wrote a letter to the Secretary of the Interior, the Honorable Harold L. Ickes, reporting upon our splendid meeting and upon our progressive plans and am printing that letter as a part of my remarks.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 24, 1935.

HON. HAROLD L. ICKES,
Secretary of the Interior,
Washington, D. C.

MY DEAR MR. SECRETARY: I thank you very much for your letter of January 21 and beg to advise that at the meeting of the Upper Carolina Association in Columbia, S. C., held in the hall of the house of representatives and being full of members of the State legislature and of members of the committees of the said association and of public-spirited and high-minded citizens, your letter was read and many expressed regret that you could not be present in person. I also regretted that Mr. Walters could not go. However, Mr. N. A. Winston, of the Soil Erosion Service, was present and made a most splendid presentation of that Service.

We also had present, representing the Chief Forester, Mr. J. C. Kircher, and also the regional forester, Mr. H. M. Sears. We also had Mr. J. C. Capt, representing the Rural Rehabilitation Service of the Federal Emergency Relief Administration.

The association adopted a set of resolutions, of which I hand you a copy; and I shall be happy to have the privilege of calling upon you in person at a very early date to present this cause to you more specifically. Probably there will accompany me at the time I call the special committee of five members of the association appointed yesterday for the purpose of contacting Federal officers and Members of Congress in behalf of the association. They are the Honorable D. A. G. Ouzts, of Greenwood, S. C.; the Honorable W. D. Douglas, of Winnsboro, S. C.; Hon. Lewis H. Gault, of Union, S. C.; Mr. J. B. Douthit, of Pendleton, S. C.; and Mr. I. E. Davis, of Greenwood, S. C.

We have a very definite program that we believe will meet the recommendations of the National Resources Board 100 percent, and also meet the recommendations of the President 100 percent by offering to the unemployed useful service in the following particulars:

1. Greatly increase and extend the work of the Soil Erosion Service.
2. At least double the number of C. C. C. camps engaged in soil-erosion work and in reforestation.
3. Enlarge and extend the Enoree National Forest and the Long Cane National Forest.
4. Increase and enlarge the Nantahala National Forest eastward across the mountains to and include Hogback Mountain in Spartanburg County.
5. Develop at once the waterpower at Buzzards Roost on Saluda River, at Lyles Ford on Broad River, the upper Saluda River near Greenville, S. C., and perhaps other projects that have been surveyed by the United States engineers and found to be feasible.
6. Set up at once farm marketing centers at or near Greenville, S. C., and at Spartanburg, S. C., to take the fruit, vegetables, milk, cream, eggs, chickens, hogs, and cattle, and miscellaneous farm products from the farmers near to Greenville in the following counties, to wit: Greenville County, Pickens County, Oconee

County, Anderson County, and Laurens County; and next at Spartanburg, S. C., to serve the farmers of Spartanburg County, Cherokee County, Chester County, Fairfield County, and Union County.

7. To employ a large number—perhaps 50—educated and trained men now unemployed, entirely belonging to the "white-collared class", to go among the farmers at once and to tell them to plant standardized crops of vegetables and be prepared to supply the demands of the canneries at said farm marketing centers and also to tell the farmers what our program is to enable them to get away from the one-crop system of cotton which has impoverished them, being on the very fringe of the Cotton Belt.

8. Push the work of rehabilitation of stranded families in the cities and industrial centers by putting them out on the farms. Personally, I have about 700 acres of uncultivated farm lands and my close relatives have at least 1,000 more acres which we would be willing to lease to the Government for 5 years for just enough rental to pay the taxes; and on this land at least 25 or 30 families could be placed to begin farming. We would give an option on this land at a very low price, averaging, perhaps, not over \$12.50 an acre, so that if the Government decided to buy it and to give these families a chance to acquire homes from the Government on long terms, whatever work they do within the 5-year period would not be lost to them but they would get the benefit of it if they subsequently bought the land.

9. Assist and encourage those who are now upon the land, but as tenant farmers and are prosperous as such, so that they may buy homes while land is now cheap and may buy the same on long terms and at low rates of interest. For illustration, within the last 5 years I have bargained to sell several farms to industrious, hard-working families and allow them as long as 15 years to pay the principal and also charge a low rate of interest. I am proud to say that they are all up with their obligations and some of them have anticipated their payments. This is a splendid work that the Government can do to help the tenant class to become landowners and thus become independent and substantial citizens.

10. Assist counties in the procurement of terracing machinery with which to terrace the lands of the farmers at the actual cost of such work whereby the original cost of the machinery may be refunded to the county. Most of the counties are now financially too weak to buy such machinery, which would cost only \$4,000 or \$5,000 per county.

I enclose clipping from my remarks of January 8, describing a plan of section-wide soil-erosion-control service, said plan being devised by Dr. T. S. Bule, in charge of the soil-erosion work at Spartanburg, S. C., and I hope that you will consider this very carefully, and assist us by advising Mr. Hopkins or whomever else may be put in control of this particular kind of work, to go forward with this great program.

I am pleased to tell you that yesterday on two or three different occasions I spoke in the strongest terms of endorsement concerning the work and the report of the National Resources Board, and a number of the gentlemen will be writing for copies of this report, in order that they may become familiar with its details.

I again call your attention to the fact that this Upper Carolina Development Association was organized on November 10, before the report of the National Resources Board came out, and to the remarkable fact that the organization and committees appointed by that association parallel their set-up with complete harmony the work and the report of the National Resources Board. I think, therefore, that our section, being thus beforehand and being so wide-awake and prepared to cooperate so fully as manifested by the enclosed resolutions, that we ought to have something of a priority in the way of assistance and encouragement and cooperation.

Therefore, Mr. Secretary, I trust that after you have had a chance to read this long letter you will have your secretary telephone me when it will suit you to have a short personal conversation with me about this splendid enterprise of the wide-awake citizens of upper Carolina.

With great respect, I am,

Yours most sincerely,

J. J. McSWAIN.

[Enclosure]

A resolution by Upper Carolina Development Association

Whereas the President of the United States has recommended to the Congress the appropriation of \$4,000,000,000 to be used in giving useful employment to the unemployed of the United States by the construction of projects that will be socially and economically beneficial to the people of the United States for the present generation and succeeding generations; and

Whereas it is practically certain that such appropriation will be made for said purposes; and

Whereas the Upper Carolina Development Association was organized at Spartanburg, S. C., on November 10, 1934, with various subcommittees, for the promotion of projects in harmony with the report of the National Resources Board for the development and employment of water power and rural electrification and for the reforestation of worn-out and badly eroded lands and for the conservation of soils by soil-erosion control and by the devoting of submarginal lands to reforestation treatment, and by the setting apart of mountain lands for the conservation of wildlife and the amusement and diversion of the congested industrial populations: Now, be it

Resolved by the said Upper Carolina Development Association, meeting in the hall of the house of representatives at Columbia, S. C., on January 23, 1935, That our Senators and Representatives

in the Congress be memorialized to cooperate with us in presenting to the President of the United States, and to his agents and representatives in the several departments and emergency administrations having in charge the wise and the useful employment of said \$4,000,000,000, our plans for economically useful projects.

Resolved further, That we hereby pledge ourselves collectively as an association and individually as citizens to cooperate with all representatives and the agencies of the President and of his administration in carrying forward the program of conservation, development, and employment of the natural resources of soil, water, forests, mineral, and human, in the Nation at large, and in South Carolina in particular; be it further

Resolved, That a special committee of five persons be appointed by the chairman of this meeting to keep in constant touch and contact with the South Carolina delegation in Congress and with the President of the United States and his various administrations and agencies to the end that the unemployed in South Carolina may have the opportunity to earn a support and that the natural resources of soil, water, forest, mineral, and greatest of all, human beings, may receive a full and just share of this enormous expenditure of Federal funds to relieve unemployment, to revive business, and to restore prosperity.

Resolved further, That the diversification of crops is necessary to the economical conduct of farms and that crop diversification is practically impossible without adequate and convenient markets for such diversified products, and that the setting up of farm, marketing centers, with Federal aid, wherever possible, including canneries, creameries, cold storage, poultry, and eggs, assembling plants and miscellaneous farm products, are hereby urged to be established by cities, counties, or other municipal corporations especially chartered by the general assembly, including parts of counties or several counties, with power to set up and operate such farm-marketing centers.

Duly adopted.

A concurrent resolution by house of representatives to memorialize Congress to provide the means for adoption of some plan providing insurance to the unemployed

Whereas in recent years the problems confronting the people of our country by reason of unemployment of those who are ready and willing to work but by reasons beyond their control are unable to secure employment have become great in magnitude; and

Whereas such problems affect our whole national and economic life and should be met and combated by the Government of the United States of America in such a way as to reduce the evils thereof to a minimum; and

Whereas it is felt that the safest and sanest way to minimize the effect of the unemployment is by the adoption of some plan of unemployment insurance: Be it

Resolved by the house of representatives (the senate concurring), That the United States Senators and the Members of the United States House of Representatives from South Carolina be, and they are hereby, requested and urged to make every effort to have some plan of unemployment insurance adopted by the Government of the United States of America.

CLAUDE A. TAYLOR,
Speaker.

IN THE HOUSE OF REPRESENTATIVES,
Columbia, S. C., January 22, 1935.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the House of Representatives and concurred in by the Senate of South Carolina.

JAMES E. HUNTER, Jr.,
Clerk of the House.

SUGGESTED OUTLINE FOR THE EXTENSION OF THE SOIL-EROSION-CONTROL PROGRAM IN THE PIEDMONT SECTION OF SOUTH CAROLINA WITH THE SOIL EROSION SERVICE, THE AGRICULTURAL EXTENSION SERVICE, AND THE FEDERAL EMERGENCY RELIEF ADMINISTRATION COOPERATING

Since the watershed demonstrations of soil-erosion control located in Spartanburg, Greenville, and York Counties have advanced to the point where practical control measures have been developed, the following outline of procedure is presented as a method of immediate extension of erosion-control measures throughout the Piedmont in response to urgent demands from farmers for such service. Such an expansion of the work is made possible because of the availability at this time of a considerable number of men who have had some specialized training in erosion-control methods, as well as a limited number of men who have had experience in soil classification and land use while employed with the land-use-survey project, and who are at this time without employment.

1. The soil-erosion service is to be responsible for all technical training and supervision of technical personnel.

2. The Extension Service, through the local county agent, will be responsible for educational, publicity, and contact work with the individual farmers of the respective counties and will select the farms or areas for demonstration.

3. All costs of county personnel and the necessary supplies and equipment, other than that furnished by the cooperating farmers, will be borne by the Federal Emergency Relief Administration. The cost of training and supervision of technical work will be borne by the soil-erosion service.

4. The work will be organized on the county-unit basis, employing the following personnel: One experienced local man to be

known as the "cooperating agent" and be selected jointly by the soil-erosion service, the Extension Service, and the Federal Emergency Relief Administration; four assistants, one to be especially trained in soils, agronomy, farm management, agricultural engineering, and forestry.

These assistants will be selected, subject to the approval of the local Federal Emergency Relief Administration authorities, by the soil-erosion service. The training and experience of these men must be such that they are capable of directing the work in their respective fields. As the program develops it may be expanded as the need arises, provided trained personnel is available.

5. The procedure followed will be to select representative farms or fields ranging in size from 10 acres to 100 acres as demonstrations. These selections are to be located in several sections of the county as the county agent and cooperating agent may see fit.

6. On these selected demonstration farms a complete program of erosion control will be put into effect, which will include soil and erosion classification, proper land utilization, diversification of crops, terracing as needed, terrace outlets, controlled waterways, agronomy and forestry plantings, and woodlot management.

7. The cooperating agent, under the direction of the county agent, will keep such records as to cost and accomplishments as may be mutually agreed upon. The results of such demonstrations will be available for use and publication by each of the cooperating agencies.

8. The working plans for each demonstration will be developed by representatives of the soil-erosion service and the Extension Service. The soil-erosion service and county agent shall have supervision over, and be responsible for, the carrying through of the working plans thus formulated on these demonstration farms.

9. Each county unit will arrange with the local Federal Emergency Relief Administration authorities to use the maximum amount of common labor possible. This will be employed in surveying terrace lines, construction of terrace outlets, preparation of controlled waterways, and in making plantings for erosion control.

10. The cooperating farmer will be required to supply all labor and material required in excess of that made available by the Federal Emergency Relief Administration or other source.

11. The three directing agencies named herein will develop and carry out this program in full cooperation with the State agricultural college, the State experiment station, the State forest commission, and all other conservation and educational agencies interested in the welfare of agriculture.

Estimate of cost, county unit

	Amount	Percent
Personnel:		
1 cooperating agent, 6 months, at \$150.....	\$900	
4 technical men, at \$100 per month each.....	2,400	
Total, supervisory personnel.....	3,300	19
Estimate use 40 men, 24 weeks, at 30 cents per hour.....	11,520	65
Total, labor and supervision.....	14,820	
Travel, 1 at \$50 and 4 at \$25.....	900	5
Equipment:		
4 horse-drawn terracers, at \$75.....	300	
1 level and other surveying equipment.....	100	
6 drag pans, at \$10.....	60	
4 terracing plows, at \$20.....	80	
Miscellaneous tools.....	100	
Total equipment.....	640	4
Supplies: Wire, cement, etc., \$200 per month.....	1,200	7
Grand total per county.....	17,560	100

SOUTH CAROLINA, THE IODINE STATE

The State of South Carolina for several years conducted a food-analysis laboratory under the direction of a most eminent chemist, and his work was checked and rechecked by some of the most distinguished and scientific men of the Nation and of other nations. They have all agreed that the reports of the South Carolina Food Laboratory are correct, and upon that basis a comparison of the mineral content of vegetables and milk produced in upper South Carolina is most instructive. For the information of the Congress I am printing herewith a table showing such comparison, and it is manifest that in the case of iodine, iron, and manganese the South Carolina vegetables contain from 10 to 50 times as much of these most important health-preserving and health-restoring minerals as vegetables produced in other parts of the country.

[Dry basis]

	Iodine	Iron	Copper	Manganese
	<i>P. p. b.</i>	<i>P. p. m.</i>	<i>P. p. m.</i>	<i>P. p. m.</i>
Gerber's vegetable soup.....	50	240	6.8	23.0
Clapp's baby soup.....	40	85	11.1	12.0
Campbell's vegetable soup (sample 784).....	17	185	14.4	8.4
Campbell's tomato soup (sample 789).....	15	327	13.8	8.0
If these vegetables had been selected from the Piedmont section of South Carolina the analysis would have been.....	490	658	20.0	108.0

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. PEYSER, for today, on account of being confined to his home with a cold.

To Mr. HENNINGS (at the request of Mr. COCHRAN), indefinitely, on account of illness.

Mr. WIGGLESWORTH. Mr. Speaker, my colleague the gentleman from Massachusetts [Mr. TINKHAM] is unavoidably absent on account of illness.

ORDER OF BUSINESS

Mr. TAYLOR of Colorado. Mr. Speaker, owing to the lateness of the hour, and at the request of many Members, I wish to announce that the caucus that was to meet this evening at 7:30 will be postponed until Tuesday evening at the same hour.

Mr. SNELL. Will the gentleman tell us what the program will be for tomorrow?

Mr. TAYLOR of Colorado. The Ways and Means Committee has a small bill which is unobjectionable, and they are going to bring it up tomorrow morning. It will take about an hour or an hour and a half. The Post Office and Treasury Departments appropriation bill will then be taken up for general debate. General debate will continue for the rest of the day. I hope the House will then adjourn over until Monday.

ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

Mr. RICH. Mr. Speaker, in view of the action taken by the House today, I move that we adjourn sine die.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Friday, January 25, 1935, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON NAVAL AFFAIRS

(Friday, Jan. 25, 10:30 a. m.)

Progress of ship construction of the Navy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 4005. A bill to amend section 21 of the Interstate Commerce Act, as amended, with respect to the time of making the annual report of the Interstate Commerce Commission; with amendment (Rept. No. 24). Referred to the House Calendar.

By Mr. STUBBS: Committee on Indian Affairs. H. R. 3810. A bill for the benefit of the Omaha and Winnebago Indians of Nebraska; without amendment (Rept. No. 25). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. COOPER of Tennessee: Committee on Ways and Means. House Resolution 56. Resolution requesting the names and addresses of all persons and corporations who own tax-exempt securities in the amount of \$100,000 or over (Rept. No. 23). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 4661) to stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a drawback under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected

with a national public interest; to conserve the bituminous-coal resources of the United States and to establish a national bituminous-coal reserve; to provide for the general welfare, and for other purposes; to the Committee on Ways and Means.

By Mr. DIMOND: A bill (H. R. 4662) to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens Light, Power & Water Co., and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes; to the Committee on the Territories.

By Mr. DIRKSEN: A bill (H. R. 4663) to make eligible for loans under the Home Owners' Loan Act of 1933 property used for both home and business purposes; to the Committee on Banking and Currency.

By Mr. GOLDSBOROUGH: A bill (H. R. 4664) to liberalize the retirement law for members of the former Life Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. HEALEY: A bill (H. R. 4665) to authorize the appointment of a district judge to fill the vacancy in the district of Massachusetts occasioned by the death of Hon. James A. Lowell; to the Committee on the Judiciary.

By Mr. HOEPEL: A bill (H. R. 4666) to amend the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to give class B officers of the Army the benefits of such act; to the Committee on Military Affairs.

Also, a bill (H. R. 4667) to amend the retirement laws affecting certain grades of Army officers; to the Committee on Military Affairs.

By Mr. LEWIS of Maryland: A bill (H. R. 4668) providing for membership of the United States in the Permanent Court of International Justice; to the Committee on Foreign Affairs.

By Mr. LLOYD: A bill (H. R. 4669) providing for settlement of war debts to the United States providing for payment thereof and prescribing penalties for noncompliance with the terms of this act; to the Committee on Ways and Means.

By Mr. McSWAIN (by request): A bill (H. R. 4670) to authorize the Attorney General to settle outstanding claims against Chapman Field, Fla., and for other purposes; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 4671) to reduce the internal-revenue tax on malt liquors; to the Committee on Ways and Means.

By Mr. MEAD: A bill (H. R. 4672) to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4673) to authorize the purchase for postal purposes of abandoned bank buildings; to the Committee on Public Buildings and Grounds.

By Mr. OWEN: A bill (H. R. 4674) to establish a new division of the northern district of Georgia with terms of court to be held in Newnan, Ga.; to the Committee on the Judiciary.

By Mr. PALMISANO: A bill (H. R. 4675) to amend section 4865 of the Revised Statutes, as amended; to the Committee on Education.

By Mr. RANKIN: A bill (H. R. 4676) to extend the provisions of the Tennessee Valley Authority Act of 1933 to the Tombigbee River and Bear Creek Basins; to the Committee on Military Affairs.

By Mr. ROGERS of Oklahoma: A bill (H. R. 4677) to provide for the cooperation by the Federal Government with the several States and Territories and the District of Columbia in meeting the crisis in education; to the Committee on Education.

By Mr. SANDERS of Louisiana: A bill (H. R. 4678) to exempt lepers from reduction of pension, compensation, or emergency officers' retirement pay for the reason that they are being furnished treatment or care; to the Committee on World War Veterans' Legislation.

By Mr. SCHULTE: A bill (H. R. 4679) to establish a quota for immigration of aliens from the Republic of Mexico; to the Committee on Immigration and Naturalization.

By Mr. SUTPHIN: A bill (H. R. 4680) to authorize the Secretary of War to sell military posts or reservations that are unnecessary, useless, and possess no military or strategic value, for park and recreational purposes; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 4681) for the relief of the counties of Haywood and Swain in the State of North Carolina by reason of their loss in taxable valuation by the establishment of the Great Smoky Mountains National Park; to the Committee on the Judiciary.

By Mr. ZIONCHECK: A bill (H. R. 4682) to provide grades of hourly pay for substitute postal employees; to the Committee on the Post Office and Post Roads.

By Mr. WITHROW: A bill (H. R. 4683) to improve the navigability and to provide for the flood control of the upper Mississippi River; to provide for reforestation and the use of marginal lands in, and for the agricultural and industrial development of, the upper Mississippi River Basin; to provide for the restoration and preservation of the water level, and for the development of electrical power, in the upper Mississippi Basin, and for other purposes; to the Committee on Flood Control.

By Mr. KVALE: A bill (H. R. 4684) to improve the navigability and to provide for the flood control of the upper Mississippi River; to provide for reforestation and the use of marginal lands in, and for the agricultural and industrial development of, the upper Mississippi River Basin; to provide for the restoration and preservation of the water level, and for the development of electrical power, in the upper Mississippi Basin, and for other purposes; to the Committee on Flood Control.

By Mr. DIRKSEN: A bill (H. R. 4685) to improve the navigability and to provide for the flood control of the upper Mississippi River; to provide for reforestation and the use of marginal lands in, and for the agricultural and industrial development of, the upper Mississippi River Basin; to provide for the restoration and preservation of the water level, and for the development of electrical power, in the upper Mississippi Basin, and for other purposes; to the Committee on Flood Control.

By Mr. DINGELL: A bill (H. R. 4686) to amend sections 301 (d) and 302 of title III of the National Housing Act, approved June 27, 1934; to the Committee on Banking and Currency.

Also, a bill (H. R. 4687) to amend section 2 of title I of the National Housing Act, approved June 27, 1934; to the Committee on Banking and Currency.

By Mr. RANDOLPH: A bill (H. R. 4688) to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes; to the Committee on Labor.

By Mr. CELLER: Resolution (H. Res. 70) protesting against the anti-Catholic practices of the present rulers of Mexico; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 132) directing the President to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. BLAND: Joint resolution (H. J. Res. 133) to cede to the Commonwealth of Virginia jurisdiction over that portion of the Fort Monroe Military Reservation leased to the Old Point Comfort Hotel Corporation; to the Committee on Military Affairs.

By Mr. SMITH of Virginia: Joint resolution (H. J. Res. 134) to continue the commission for determining the boundary line between the District of Columbia and the State of Virginia for not to exceed 1 additional year, and to authorize not to exceed \$10,000 additional funds for its expenses; to the Committee on the Judiciary.

By Mr. RAYBURN: Joint resolution (H. J. Res. 135) authorizing and directing the Federal Communications Commission to investigate and report on the American Telephone

& Telegraph Co. and on all other companies engaged, directly or indirectly, in telephone communication in interstate commerce, including all companies related to any of these companies through a holding company structure or otherwise; to the Committee on Interstate and Foreign Commerce.

By Mr. COLE of Maryland: Concurrent resolution (H. Con. Res. 4) to provide for the printing of additional copies of the hearings held before the Committee on Interstate and Foreign Commerce of the House of Representatives on the resolution to investigate the petroleum industry (H. Res. 441); to the Committee on Printing.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to the payment of the adjusted-service certificates; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Nebraska, memorializing Congress relative to bridge projects across the Missouri River; to the Committee on Ways and Means.

Miss, memorial of the Legislature of the State of California, memorializing Congress to pay the adjusted-service certificates; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H. R. 4689) for the relief of Domenico Politano; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 4690) for the relief of William Henry Palmer; to the Committee on Military Affairs.

By Mr. BEAM: A bill (H. R. 4691) for the relief of Martin J. Maguire; to the Committee on Military Affairs.

By Mr. BLACKNEY: A bill (H. R. 4692) granting a pension to Florence Christie; to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 4693) granting a pension to Annie S. Nealley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4694) granting a pension to Maria B. Thompson; to the Committee on Invalid Pensions.

By Mr. BRUNNER (by request): A bill (H. R. 4695) for the relief of the Sterling Bronze Co.; to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 4696) for the relief of Otto Schluter; to the Committee on Naval Affairs.

By Mr. BUCKLEY of New York: A bill (H. R. 4697) for the relief of Ralph Riesler; to the Committee on Claims.

Also, a bill (H. R. 4698) for the relief of Mary A. Maher; to the Committee on Claims.

Also, a bill (H. R. 4699) for the relief of Estelle M. Gardner; to the Committee on Claims.

By Mr. CASEY: A bill (H. R. 4700) for the relief of Dominick Edward Lepore; to the Committee on Naval Affairs.

By Mr. CROSBY: A bill (H. R. 4701) granting a pension to Elsie Latshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4702) for the relief of the heirs of William G. Raymond; to the Committee on War Claims.

Also, a bill (H. R. 4703) for the relief of the heirs of John Alger; to the Committee on War Claims.

By Mr. CROWTHER: A bill (H. R. 4704) for the relief of Emmett C. Noxon; to the Committee on Claims.

Also, a bill (H. R. 4705) granting a pension to Rose Marie Cronin; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 4706) conferring jurisdiction upon the United States District Court for the District of New Mexico to hear, determine, and render judgment upon certain claims against the United States; to the Committee on Claims.

By Mr. DEROUEN: A bill (H. R. 4707) validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. DIRKSEN: A bill (H. R. 4708) for the relief of E. F. Droop & Sons Co.; to the Committee on the District of Columbia.

Also, a bill (H. R. 4709) for the relief of Louis E. Rotterman; to the Committee on Claims.

By Mr. DOBBINS: A bill (H. R. 4710) granting a pension to Susan Brennan; to the Committee on Pensions.

By Mr. GINGERY: A bill (H. R. 4711) granting a pension to Anna E. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4712) granting a pension to Lana Miller; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 4713) for the relief of Ray Eugene Dix; to the Committee on Naval Affairs.

By Mr. HOPE: A bill (H. R. 4714) for the relief of Elmer W. Haas; to the Committee on Military Affairs.

By Mr. JENKINS of Ohio: A bill (H. R. 4715) for the relief of Perry W. Heldman; to the Committee on Military Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 4716) granting an increase of pension to Alice Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4717) granting an increase of pension to Cynthia A. Mitchell; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 4718) for the relief of Yamato Sesoko; to the Committee on Claims.

By Mr. KINZER: A bill (H. R. 4719) granting an increase of pension to Catherine E. Hinkle; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 4720) granting a pension to Mary Eskew; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 4721) granting a pension to George E. Ryan; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 4722) for the relief of Fred A. Lewis; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 4723) for the relief of Maurice Clifford; to the Committee on Military Affairs.

By Mr. O'BRIEN: A bill (H. R. 4724) for the relief of John P. Hart; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 4725) for the relief of Catherine Donnelly; to the Committee on Claims.

Also, a bill (H. R. 4726) for the relief of Elizabeth A. Tucker; to the Committee on Claims.

Also, a bill (H. R. 4727) for the relief of Claire E. Donnelly; to the Committee on Claims.

Also, a bill (H. R. 4728) for the relief of John Kufall; to the Committee on Claims.

Also, a bill (H. R. 4729) for the relief of Mary A. Kufall; to the Committee on Claims.

By Mr. RAMSAY: A bill (H. R. 4730) granting an increase of pension to John Flanagan; to the Committee on Pensions.

Also, a bill (H. R. 4731) making Nancy J. Litman eligible to receive the benefits of the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. RICH: A bill (H. R. 4732) granting an increase of pension to Sarah E. Sturm; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 4733) granting a pension to Jane Smith Depew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4734) granting a pension to Abijah Wombles; to the Committee on Pensions.

By Mr. SCRUGHAM: A bill (H. R. 4735) for the relief of Fred M. Munn; to the Committee on Military Affairs.

By Mr. SEGER: A bill (H. R. 4736) granting a pension to Agnes S. Doremus; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 4737) for the relief of Robert Luther Milam; to the Committee on Naval Affairs.

By Mr. VINSON of Kentucky: A bill (H. R. 4738) granting a pension to Louise Workman; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 4739) granting an increase of pension to William B. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 4740) granting a pension to Florence C. Gilmore; to the Committee on Pensions.

By Mr. WOLCOTT: A bill (H. R. 4741) granting a pension to Ida Carter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

401. By Mr. ASHBROOK: Petition of 102 high-school seniors of Mansfield, Ohio, protesting against the electoral college and favoring a more democratic method of determining the popular vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

402. By Mr. BOYLAN: Resolution adopted at a meeting of the Franklin Society for Home Building and Savings, New York City, N. Y., regarding discrimination of Federal savings-and-loan associations under the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

403. By Mr. BRUNNER: Resolution of the Cedar Manor Regular Democratic Club, 110-46 One Hundred and Fifty-seventh Street, Jamaica, N. Y., urging Congress to make an additional appropriation to the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

404. By Mr. BUCKBEE: Petition of William Craft and 18 other citizens, of Ottawa, Ill., requesting enactment of House bill 2856, old-age-pension bill introduced by Representative WILL ROGERS; to the Committee on Ways and Means.

405. Also, petition of Wallace Rowland and 18 other citizens, of Shabbona, Ill., requesting enactment of House bill 2856, old-age-pension bill introduced by Representative WILL ROGERS; to the Committee on Ways and Means.

406. By Mr. BUCKLER of Minnesota: Petition of Peter J. Christopherson, W. W. Adams, and 158 other citizens of Fergus Falls, Minn., and vicinity, requesting the support and the enactment of the Townsend old-age-pension plan into Federal legislation; to the Committee on Ways and Means.

407. Also, petition of the House of Representatives of the State of Minnesota, offering a concurrent resolution memorializing Congress to enact legislation to protect American industry and the employees thereof against cheap foreign labor and products; to the Committee on Labor.

408. Also, petition of the House of Representatives of the State of Minnesota, requesting the Minnesota Representatives in Congress to join with all proper forces in removing obstructions to the early completion of the Great Lakes-St. Lawrence deep waterways; to the Committee on Foreign Affairs.

409. By Mr. DOBBINS: Resolutions of Decatur Division No. 96 and of Mattoon Division No. 139, Order of Benefit Association of Railway Employees, requesting their Representative in Congress to support the modification of the fourth section of the Interstate Commerce Act in the interest of more equitable competition between the railroads and other forms of transportation; to the Committee on Interstate and Foreign Commerce.

410. Also, resolution of Mattoon Lodge No. 795, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, requesting their Representative in Congress to support the modification of the fourth section of the Interstate Commerce Act in the interest of more equitable competition between the railroads and other forms of transportation; to the Committee on Interstate and Foreign Commerce.

411. By Mr. FULMER: Memorial of the House of Representatives of the State of South Carolina, memorializing Congress to provide the means for adoption of some plan providing insurance to the unemployed; to the Committee on Labor.

412. By Mr. GOODWIN: Petition of the American Veterans' Association, Inc., submitting list of names of those who register their opposition to payment of the soldiers' bonus before it is due and urging that Members of Congress vote against it; to the Committee on Ways and Means.

413. By Mr. HOOK: Resolution of the committees of the Mine, Mill, and Smelters Associations of the Iron River Local, No. 125; Gastra Local, No. 130, and Crystal Falls

Local, No. 126, requesting that the Congress of the United States enact such laws providing minimum wage scales for all underground miners, Federal unemployment insurance, old-age pensions, etc.; to the Committee on Labor.

414. By Mr. KRAMER: Resolution of the California State Federation of Labor, relative to the calling for civil-service examinations so that the qualified civil-service employees be given work opportunities; to the Committee on the Civil Service.

415. Also, resolution of the California Federation of Labor, with respect to the enactment of House bill 1545; to the Committee on Labor.

416. Also, resolution of the California Federation of Labor, relative to enforcement of all laws pertaining to safety of life at sea; to the Committee on the Judiciary.

417. Also, resolution of the American Legion, relative to the immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

418. Also, resolution of the fifty-first session of the California Legislature, with reference to the enactment of old-age pension legislation; to the Committee on Labor.

419. Also, resolution of the California State Federation of Labor, relative to the substitute employees in post offices; to the Committee on the Post Office and Post Roads.

420. Also, resolution of the fifty-first session of the California Legislature, relative to the enactment of legislation to provide for a working week of not more than 5 days of 6 hours each, etc.; to the Committee on Labor.

421. By Mr. MILLARD: Petition signed by members of the American Veterans' Association, New York City, opposing the immediate payment of the bonus; to the Committee on Ways and Means.

422. By Mr. PLUMLEY: Petitions of William Russell, of Mount Holly; R. S. Crawford, and Stephen Hawkins, of Lyndon; C. A. Webster, F. H. Davis, and E. A. Pierce, of Lyndonville; Elmer Pinney, of Morgan Center; G. N. Tetrau, of Troy; Myra Dwinell, of Marshfield; and some 500 others, requesting the enactment of old-age pension legislation; to the Committee on Ways and Means.

423. Also, petition of Burlington Squadron No. 2, Detachment of Vermont, Sons of the American Legion, favoring the immediate payment of the adjusted-service certificates, with cancelation of all interest charges; to the Committee on Ways and Means.

424. By Mr. PATMAN: Petition of H. S. Green, B. F. Lane, and eight other citizens, of Red River County, Tex., favoring an old-age pension and particularly the Townsend plan; to the Committee on Labor.

425. Also, petition of Alfred P. Stone, Henry Barnowski, H. Hodder, and 3,314 other citizens of Detroit, Mich., favoring the immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

426. By Mr. SMITH of West Virginia: Resolution of the Kanawha Cooperative Farm Bureau, of Charleston, W. Va., urging the Congress of the United States to enact during its present session legislation as may be necessary to eliminate the Federal tax on gasoline; to the Committee on Ways and Means.

427. Also, petition of J. G. McNeely and other citizens of the county of Logan, State of West Virginia, urging the passage of House bill 2856, providing for an old-age pension; to the Committee on Ways and Means.

428. By Mr. TREADWAY: Petition of members of Branch No. 21, Holyoke, Mass., American Federation of Full-Fashioned Hosiery Workers, favoring the enactment of unemployment- and social-insurance legislation; to the Committee on Ways and Means.

429. By Mr. TRUAX: Petition of Lorain Chapter No. 20, Disabled American Veterans of the World War, by their adjutant, Roy A. Stackhouse, resolving to write Representative DINGELL, of Michigan, complimenting him on his introduction of bill (H. R. 2758); also to write their Congressmen urging them to do their utmost to enact same into law; and requesting the immediate payment of the soldiers' bonus; to the Committee on the Civil Service.

430. Also, petition of the Trade Union Unity Council of Greater New York, by their secretary, Rose Wortis, representing 45,000 organized workers of New York City, being vitally concerned with the problem of unemployment insurance, since thousands of their members are unemployed, have gone on record endorsing the workers' unemployment-insurance bill (H. R. 2827); to the Committee on Labor.

431. By the SPEAKER: Petition of the United Irish Societies of Brooklyn and Long Island, opposing United States membership in the World Court; to the Committee on Foreign Affairs.

432. By Mr. KENNEDY of New York: Memorial of the Senate of the State of New York, memorializing the Government of the United States, acting through the proper officials, to take appropriate action in condemning the tactics of such officials of the Mexican Government as they deem proper; to the Committee on Foreign Affairs.

433. By the SPEAKER: Petition of the city of Portland, Oreg., supporting payment of the bonus; to the Committee on Ways and Means.

SENATE

FRIDAY, JANUARY 25, 1935

(Legislative day of Monday, Jan. 21, 1935)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal for the calendar days Wednesday, January 23, and Thursday, January 24, 1935, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 117) making appropriations for relief purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled joint resolution (H. J. Res. 112) to clarify the definition of disagreement in section 19, World War Veterans' Act, 1924, as amended, and it was signed by the Vice President.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Coolidge	La Follette	Robinson
Ashurst	Costigan	Lewis	Russell
Austin	Couzens	Logan	Schall
Bachman	Cutting	Loneragan	Schwollenbach
Bailey	Davis	McCarran	Sheppard
Bankhead	Dickinson	McGill	Shipstead
Barkley	Dieterich	McNary	Smith
Bilbo	Donahey	Maloney	Steiwer
Black	Duffy	Metcalf	Thomas, Okla.
Bone	Fletcher	Minton	Thomas, Utah
Borah	Frazier	Moore	Townsend
Brown	Gerry	Murphy	Trammell
Bulkley	Glass	Murray	Truman
Bulow	Gore	Neely	Vandenberg
Burke	Guffey	Norbeck	Van Nuys
Byrd	Hale	Norris	Wagner
Byrnes	Harrison	Nye	Walsh
Capper	Hastings	O'Mahoney	Wheeler
Caraway	Hayden	Pittman	White
Carey	Johnson	Pope	
Clark	Keyes	Radcliffe	
Connally	King	Reynolds	

Mr. AUSTIN. I wish to announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is absent in the Philippines upon business of the Senate, and that the Senator from New Jersey [Mr. BARBOUR] is unavoidably absent.

Mr. LEWIS. I announce the absence of the Senator from Georgia [Mr. GEORGE] and the Senator from Louisiana [Mr.

OVERTON], caused by illness; the absence of the Senator from New Mexico [Mr. HATCH] and the Senator from Louisiana [Mr. LONG], detained on official business; the absence of the Senator from New York [Mr. COPELAND], necessarily detained; and I again announce the absence of the Senator from California [Mr. McADOO], the Senator from Maryland [Mr. TYDINGS], and the Senator-elect from Tennessee [Mr. MCKELLAR], members of the Philippine Commission, they not having as yet returned.

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

EXECUTIVE REPORTS OF COMMITTEES

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

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the following nominations:

Lee M. Eddy, of Missouri, to be a member of the Railroad Retirement Board for a term of 4 years from June 27, 1934;

Garland S. Ferguson, Jr., of North Carolina, to be a Federal Trade Commissioner for a term of 7 years from September 26, 1934 (reappointment);

W. A. Ayres, of Kansas, to be a Federal Trade Commissioner for the remainder of the term expiring September 25, 1940, vice James M. Landis;

Frank R. McNinch, of North Carolina, to be a member of the Federal Power Commission for the term expiring June 22, 1939 (reappointment);

James W. Carmalt, of the District of Columbia, to be a member of the National Mediation Board, for the term expiring February 1, 1936;

John T. Williamson, of Illinois, to be a member of the Railroad Retirement Board for a term of 3 years from June 27, 1934; and

William M. Leiserson, of Ohio, to be a member of the National Mediation Board, for the term expiring February 1, 1937.

Mr. WAGNER, from the Committee on Interstate Commerce, reported favorably the following nominations:

John Carmody, of New York, to be a member of the National Mediation Board for the term expiring February 1, 1935, and also to be a member of the same board for the term expiring February 1, 1938 (reappointment); and

Murray Latimer, of New York (now chairman), to be a member of the Railroad Retirement Board for a term of 2 years from June 27, 1934.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of Alex Smith, of Alabama, to be United States marshal, northern district of Alabama, to succeed Thomas J. Kennamer, term expired.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BUSINESS TRANSACTED AS IN LEGISLATIVE SESSION

During the executive session the following legislative business was transacted by unanimous consent:

NATIONAL CONSTITUTIONAL PROHIBITION

Mr. SHEPPARD. I ask unanimous consent that the two joint resolutions submitted by me yesterday, being Senate Joint Resolution 44 and Senate Joint Resolution 45, may be printed in the RECORD at this point.

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

Senate Joint Resolution 44

Joint resolution proposing an amendment to the Constitution of the United States relating to intoxicating liquors

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"SECTION 1. The manufacture, sale, or transportation of alcoholic liquors within, the importation thereof into, or the exporta-