

CONFIDENTIAL

Press Conference #337,
Executive Offices of the White House,
January 15, 1937, 10.45 A.M.

Q Do you think you can get a ticket (to your Inaugural)?

THE PRESIDENT: It is all very nice about this story of sending me a ticket. There was not any ticket enclosed. In that invitation to my Inaugural they did not enclose a ticket. (Laughter)

MR. DONALDSON: All in.

THE PRESIDENT: I don't think there is any news at all today.

Q Mr. President, can you tell us about any prospects of a new St.

Lawrence Treaty, or whether any consideration has been given to including the Niagara Falls Power and Improvement work in it?

THE PRESIDENT: I read a story this morning and, of course, it is just one of those things. The story is a factual story that goes about ninety percent further than there is any justification for. What has happened is this: Perfectly informally we have been talking with the Canadian Government in regard to the possibility of discussing the question of the St. Lawrence. Now that, literally, is as far as we have got and there isn't another thing. It is the question of the St. Lawrence -- I am not referring to specific treaties -- and the question of the St. Lawrence, of course, includes any one of the treaties, such as the Great Lakes, and it includes the question of Niagara Falls. It is the whole thing. You can call it the area from the headlakes of (Lake) Superior -- from Duluth down to the Montreal tidewater. That is as far as anybody has got. I could not write anything more than that because there isn't anything more to say.

Q Then there is not likely to be any treaty submitted at this session of Congress?

THE PRESIDENT: I honestly haven't got any idea. In other words, we are talking about whether we will have conversations.

Q Have you decided whether or not the Government employees will have January twentieth as a holiday?

THE PRESIDENT: I think it is in the law.

Q Is it?

THE PRESIDENT: So they tell me.

MR. EARLY: In the District of Columbia.

Q Will you make the Maritime Commission appointment soon?

THE PRESIDENT: I don't know when. As soon as I can.

Q Do you care to say anything about the story that you are calling an economic conference with France and Great Britain?

THE PRESIDENT: Of course there is not a word of truth in it. I don't know how a thing like that gets started. Sir Walter Runciman is coming over here. He has been (planning to) come over here on a holiday -- I think the thing was planned two or three months ago -- and when he comes here he will come to see me. But he is over here on a holiday and he is coming to see me as a personal friend and that is all there is to it.

Q Can you tell us anything about your discussion with Secretary Morgenthau and the Chairman of the I.C.C. on railroad practice?

THE PRESIDENT: I do not think there is anything more than the Chairman told you when he went out. That is about all there was.

Q No decision?

THE PRESIDENT: Oh, no.

Q Mr. President, it has been suggested that the two new battleships may be named the MAINE and VERMONT? (Laughter)

THE PRESIDENT: Well, I will tell you a story if you won't attribute it to me -- if you will attribute it to some wholly outside source. Almost off the record -- I think it is a good columnist story. Freddie Hale (Senator Hale) -- of course I have known Freddie ever since we were boys. I startled the entire end of our table by saying that we have the most awful protocol question -- it was at the Speaker's Dinner -- and I said there was an Ambassador from Maine and there was a question of where he should be placed and which one should come first. (Laughter)

Q Would it then be legal to name the battleships MAINE and VERMONT?

THE PRESIDENT: Would it be legal?

Q Yes.

THE PRESIDENT: I do not know the status of it. I am inclined to think that battleships have to be named after states.

Q That was what I was referring to.

THE PRESIDENT: Nuff said.

Q Have you fixed a time when you will send the Mellon Art Museum to Congress?

THE PRESIDENT: I have not heard from the Attorney General and Mr. Mellon's representative. They have been working on it and I will send it up just as soon as I get their report. It may come any day now, I should think.

Q Thank you, Mr. President.

CONFIDENTIAL

Press Conference #338,
Executive Offices of the White House,
January 22, 1937, 10.35 A.M.

MR. GODWIN: (Referring to Inauguration Day Address) Did you have any ill effects? Did you get a cold?

THE PRESIDENT: Not a sign of one. Charlie (Michelson) got one.

Q Steve (Early) said that you wore out two silk hats.

Q That was about the all-time high of bad weather.

THE PRESIDENT: I think it was.

MR. DONALDSON: All in.

THE PRESIDENT: Well, judging by the looks of people, I should say you could take it, too. (Laughter)

Q Nothing but a little rain.

THE PRESIDENT: Yes. I don't think there is any particular news this morning. I am sending up a message early next week on natural resources -- I cannot tell you more about it at the present moment because I have forgotten whether it is water or drought. (Laughter)

Q Isn't it that conservation plan?

THE PRESIDENT: Yes. Otherwise I don't think there is anything at all.

Q Have you anything to say about this automobile strike situation as it developed overnight?

THE PRESIDENT: I have no further news than what you have got. Of course I think that, in the interests of peace, there come moments when statements, conversations and headlines are not in order. (Laughter) Therefore, having no news I don't think

I will say anything further.

Q Do you plan to intervene in the automobile strike?

THE PRESIDENT: I think I have already answered the question.

Q Did you read Mr. Lewis' statement?

THE PRESIDENT: I have already answered the question.

MR. EARLY: May that one sentence be directly quoted?

THE PRESIDENT: Yes.

(The President's answer, "Of course I think that, in the interests of peace, there come moments when statements, conversations and headlines are not in order," was read to the Press by the stenographer.)

Q That sentence may be quoted?

THE PRESIDENT: Yes.

Q Will you see the British member of the Board of Trade tomorrow or today?

THE PRESIDENT: No, Mr. Runciman is coming tomorrow. I think he is coming just after lunch and staying until Monday.

Q Mr. President, can you tell us anything about the possibility of building a Government auditorium here for such a day as last January twentieth?

THE PRESIDENT: Quite aside from this last January twentieth there have been quite a number of occasions that have shown the need of a larger auditorium in Washington. Do you remember the party when they had to have overflow meetings in Constitution Hall because there wasn't any place big enough to take care of all of them? We have talked about it for a long time. It is a very desirable thing for the Government to have one very large

auditorium in Washington.

On the other hand, it is a question of what comes first and, in the present condition of things, you can take, for example, the Army. The Army is today, I think, in twenty-two different buildings, most of them rented. Probably it is more important to house some of our people, Government workers, than it is to build an auditorium. If we had enough money to build both, I would be delighted to build both.

I am working at the present time on a plan, which is all a part of the general planning idea, that lists the needs of the Government in the way of buildings in the District of Columbia. It is a more or less informal report that would be sent to the Appropriations Committees of both Houses, the thought being that it would plan to spend a certain amount of money each year for perhaps ten years. I think there have been plans of that kind before. It was on the basis of such a plan that the Triangle buildings were built. Now we have come to a point where we need new plans.

Q Would the expenditure of that money come out of the five million dollars for general public works?

THE PRESIDENT: Yes.

Q Is there anything in the TVA situation about which you care to comment?

THE PRESIDENT: There isn't any news on that at all at the present time. That very informal committee is working on it and I will probably see them over the weekend or early next week.

Q There have been a good many rumors that Dr. Morgan (Dr. Arthur E.

Morgan) is going to resign.

THE PRESIDENT: I haven't heard anything except what I have read.

Q Wasn't there another committee appointed for the same thing?

THE PRESIDENT: That went out of existence.

Q Did they ever report?

THE PRESIDENT: Only informally. We were not ready at that time

because it got through -- it passed one House and not the other.

Q Can you tell us whether you will join or support any legislation seeking a change of practice of the Supreme Court with respect to legislation?

THE PRESIDENT: That is a sort of "iffy" question.

Q I presume what you said about your program for public buildings supersedes everything that Secretary Ickes has said about it, the fact that it has been proposed as a Jefferson Memorial?

THE PRESIDENT: It does and it doesn't. Of course the Jefferson Memorial is in a different category because they have a Joint Committee on that. I cannot very well do more than refer to the fact that that Joint Committee is still in session.

Q Mr. President, will you make public the correspondence between the Treasury and the I.C.C. on taxes that passed through the White House?

THE PRESIDENT: I cannot tell you yet. There is only one letter so far, so it cannot be called "correspondence."

Q The other is on its way? (Laughter)

Q Have you selected any date or personnel yet for that conference about the courts that Senator Minton talked about?

THE PRESIDENT: There isn't any conference. Senator Minton is coming

down to confer with me. The Attorney General will come down
but I suppose he will come down with a lot of other Senators.

MR. YOUNG: Thank you, Mr. President.

CONFIDENTIAL

Press Conference #339,
Executive Offices of the White House,
January 26, 1937, 4.05 P.M.

MR. DONALDSON: All in.

THE PRESIDENT: I think you have practically as much news on the strike as I have. We have been giving out the various things as fast as they have been coming in.

Q Do you mean the flood?

THE PRESIDENT: Yes.

Q You said the strike. (Laughter)

Q There must be something on your mind. (Laughter)

THE PRESIDENT: No, not yet; I am coming to the other thing.

Q What about the flood?

THE PRESIDENT: And on the Tennessee Valley (laughter) I have sent a letter to the various people concerned who are studying the transmission problem -- you will remember that. I said:

"On September 17, 1936, I asked you, together with other representatives of the Government and private interests, to participate in a conference to explore the possibilities of joint use of power transmission facilities in the Tennessee Valley area. The preliminary fact-finding arranged for at that conference has been completed and the report is in my hands.

"Since the conference of September thirtieth, a sweeping preliminary injunction has been issued against the Tennessee Valley Authority upon the application of nineteen utility companies, including certain companies who were parties to the conference. The securing of an injunction of this broad character, under the circumstances, precludes a joint transmission facility arrangement, and makes it advisable to discontinue these conferences."

That is that. In other words, there isn't any use in going ahead with the thing as long as we are enjoined. We have

the factual report of all of the power facilities.

Q Can you tell us anything about the report, what it shows, or anything like that?

THE PRESIDENT: Merely a factual report, no recommendation. It shows the amount of juice produced at every point and the amount transmitted on the different lines of transmission, the consumption in the various areas, the estimates made by the companies and by the Government on future consumption and the methods of distribution which are now in existence.

Now, we have all the facts and we will hold them.

Q Mr. President, will there be a further extension of the contract between TVA and the Commonwealth and Southern, which expires next week?

THE PRESIDENT: That, I think, is being taken up now. That is only one contract relating, I think, to only one place. This has nothing to do with that contract.

Q One question on that: I understand the president of the Commonwealth and Southern says that suit was pending at the time of your September conference and there have been no developments, really, to change the situation.

THE PRESIDENT: What did he say about the injunction?

Q He said the suit was pending and you did not require that they should withdraw the suit.

THE PRESIDENT: He would not have withdrawn it if I had required it. Obviously, the situation was somewhat changed by the sweeping character of the injunction.

Q Well, will Louis B. Wehle continue to function in the negotiations

as your representative?

THE PRESIDENT: He has not been my representative in the first place and, in the second place, I said it makes it advisable to discontinue these conferences. Otherwise you are all right. (Laughter)

On the visit of Mr. Runciman, I think he talked with the Press at the State Department and, as you know, the talks have been of a general character. Further talks will be necessary before it can be determined whether there is a suitable basis for trade negotiations and that leaves us as far as we have gone at the present time.

Q Do you expect to have similar conferences with Georges Bonnet, the French Ambassador, when he comes here?

THE PRESIDENT: Not that I know of. I think he is coming merely as the French Ambassador.

Q Anything about the strike or what will be done on it?

THE PRESIDENT: As you know, these conferences this afternoon related to labor legislation and labor legislation only was discussed with Harper Sibley and Bob Fleming and also with Mr. Ogburn and Mr. Green. Labor legislation was also the principal topic with the previous group, Mr. Hillman, Mr. Lewis, etc., although in that talk we did talk of the effects of labor legislation on this particular automobile strike. But that was only in general terms.

Then you will also want to know what I said during the course of the day and what I read in the paper this morning about the refusal of Mr. Sloan to come down tomorrow. I told

them I was not only disappointed in the refusal of Mr. Sloan to come down here but I regarded it as a very unfortunate decision on his part.

Q May we quote that?

THE PRESIDENT: Yes.

Q To whom did you tell that?

THE PRESIDENT: I think everybody today, including the Press.

Q Unfortunate for whom, Mr. Sloan? (Laughter)

Q You have not communicated directly with Sloan?

THE PRESIDENT: No.

Q What is the next step?

THE PRESIDENT: I don't know.

Q Mr. Sloan said if you invited him down here he would come. Do you plan to do that?

THE PRESIDENT: A representative of the President has asked him to come down here.

Q Mr. President, in connection with the discussion of labor legislation, was the Constitution discussed?

THE PRESIDENT: Yes, sure. (Laughter)

Q Why not? (Laughter)

Q Mr. President, what is the scope of the legislation, your objectives?

THE PRESIDENT: Well, we talked about a pretty wide scope, but we did not confine it exactly -- that is a little bit strong. We spoke chiefly about the problem of three things that I have talked about in several messages already this year, child labor and minimum wages and maximum hours. Of course those

dovetail into a good many other things, but those were the principal features we stressed.

Q Any discussion, Mr. President, of legislation, giving the Labor Department emergency powers of examination of records, etc., to handle situations of this kind in the future?

THE PRESIDENT: No, we did not discuss that today.

Q This legislation, has it taken form as yet? Will it be submitted to the Hill pretty soon?

THE PRESIDENT: Not yet but soon.

Q Is there any decision to broaden this legislation so that if either party to this controversy demands an election the Government can step in and bring about an election?

THE PRESIDENT: We did not discuss that at all. It hasn't anything to do with child labor or minimum wages or maximum hours. We did not treat that at all.

Q Did the Supreme Court dovetail into the discussion at all?

THE PRESIDENT: No.

Q Does your program for labor legislation depend on the Supreme Court decision on National Labor Relations Act?

THE PRESIDENT: No.

Q Have you heard from the nineteen Governors who wrote in regard to the child labor amendment?

THE PRESIDENT: I think we have replies from every one of them and from the smaller states the information I get is that it looks pretty favorable.

Q One has ratified in the meantime.

THE PRESIDENT: Kentucky has ratified.

Q I don't think that was one of the nineteen states, was it?

Q They had a special session. Your letter went out only to those having regular sessions.

THE PRESIDENT: I see.

Q In regard to the strike, is there any intention to renew the invitation to Mr. Sloan in a more emphatic manner?

THE PRESIDENT: I have not considered the matter any further.

Q Any subpoena power? You spoke perhaps as if you had, before today's conference, considered the necessity for such power.

THE PRESIDENT: No, I have not considered it at all.

Q Any possibility of legislation on the sitdown strikes?

THE PRESIDENT: No.

Q Did the discussion have any bearing on the shipping strike?

THE PRESIDENT: No, not at all.

Q Mr. President, incidentally, to the shipping strike, when are we going to get the Maritime Commission?

THE PRESIDENT: I hope soon. I ought to have a record to play on that.

Q You have never given me a definition of "soon." (Laughter)

Q Regarding your conversation with Runciman, you mentioned the trade subject. Did you mention any other subject that came up?

THE PRESIDENT: With whom?

Q Runciman.

THE PRESIDENT: No, that is all I mentioned. I might say we started, in our private conversations, on the North Pole and went clear to the South Pole and then started at longitude zero and went

'clear around the world until we came into longitude zero,
which is Greenwich.

Q Did they take in Fort Knox at any time?

THE PRESIDENT: Yes, and it took in not only gold but every known metal.

Q Were war debts encountered anywhere?

THE PRESIDENT: No, that was one topic that was not discussed because I understand when he landed in Boston somebody said "War debts" and he said, "God forbid." So I did not mention it. (Laughter)

Q Was your remark last Friday on the CIO properly construed as a rebuke?

THE PRESIDENT: Now, of course, I don't like to have to analyze what you boys write. If I once started I would get into some awful trouble. (Laughter)

Q So would we. (Laughter)

Q Mr. President, do you see any prospects at all, can you give us any possibility of daylight ahead on the strike in view of Mr. Sloan's refusal? Can you give us any idea of the next step ahead?

THE PRESIDENT: No, I cannot. I have a cheerful disposition; that is the only thing that is left.

Q Can you tell us anything on the flood situation? We heard from the heads today and from Mr. Early. I was wondering if you had anything?

THE PRESIDENT: No, the only thing I think is, without going into the details of the particular locality, that the emergency

certainly will not be over from the point of view of worst damage, worst destruction, worst danger to life from waters, for at least another forty-eight hours because a great deal of this water is still pretty high up on the Ohio River. As you know, up around Pittsburgh it has only just begun to recede an inch or two and that is the second crest they have had at Pittsburgh. Wheeling, in the last report I got, was still rising. Louisville is about stationary. Cincinnati has dropped three or four inches but that is not yet a final receding of the waters. So, for another forty-eight hours, we are still looking for a good deal of trouble from actual water and when we have got through with the final crest all the way down the Mississippi, then of course we face the second problem, which is cleaning up, and which is a very serious matter, both from the point of view of the work involved and also from the danger to life.

Q Is this flood going to give a stronger interest to more permanent flood control work in that area?

THE PRESIDENT: I would rather put it on a broader basis. We had an editorial this morning that pointed out that whenever we have a flood we have three or four different groups who rush to the Government to get money for this, that or the other thing. There are the people who are downstream, who want more and better levees, and then the next group that want dams in the rivers, and another group that wants to go up into the headwaters and plant trees, and another group that says it is entirely a question of soil erosion. So you get all these

different groups that say their own particular pet theory will stop the flood.

I have come to the conclusion that we have to pursue all of these things simultaneously. They all tie in in a general picture and, for the first time, we have in the last three or four years been developing a synchronized program to tie in the entire field of flood prevention and soil erosion. That is one reason why I hope, in the Reorganization Bill, we can have a Central Planning Authority, which will be responsible for, let us say in the case of all of the waters of the Mississippi, responsible for a plan which will cover all of the watersheds that go into the Mississippi. And then all the work that is being carried on will have some relationship to the work that is being carried on at some other point.

Q Did you discuss that with Secretary Wallace today, Mr. President?

THE PRESIDENT: Yes.

Q What do you think should be done this year towards flood control?

THE PRESIDENT: Go ahead with the program.

Q Mr. President, do you have the power to select the dams to be built this year? Will those be chosen soon?

THE PRESIDENT: Where?

Q On all the rivers.

THE PRESIDENT: No, I have not. That is all done in the law, in the specific appropriations for specific dams.

Q Some have to be started first and you are given the power to choose them.

THE PRESIDENT: I beg your pardon. You read that bill that went

through last year and you will find that every project was done, with the exception of TVA projects which will be carried out in accordance with the plan two years ago, which was submitted to the Congress. In other words, Congress knows what will be started in the TVA this year. I have no authority to choose any other dams.

Q Mr. President, I hope that I am wrong.

Q You will be. (Laughter)

THE PRESIDENT: Look it up and talk to me about it again because I don't think I have the authority to choose any dams.

Q I am sure you have.

THE PRESIDENT: Where? Let me know and I will start one. Will you check on it and let me know?

Q Mr. President, you have the power to give priority to projects to be selected under the Omnibus Bill.

THE PRESIDENT: Let us see. You are right on the appropriation for the New England and Upper Ohio that went through, within certain limits, but those limits are again dependent on the states getting together and getting the land for me and, so far, they have not got the land for me. In other words, the quicker they do it, the quicker the work will be started. You are right on that. I have the authority, but only after the states have the land for me, and I haven't any now.

Q In other words, that means that Pennsylvania goes up into New York and buys reservoir sites, and so on. Isn't that your situation?

THE PRESIDENT: In New England that is true.

Q It is true in Upper Ohio. Most of the headwaters would be in New York and they would derive no direct benefit, so they expect Pennsylvania to acquire those lands.

THE PRESIDENT: Yes. I don't know what happened in Ohio and New York but in the case of New England they have had that Commission which has been at work ever since I was there in the summer, and they have arrived at no conclusion. Connecticut is kicking now because Massachusetts and New Hampshire and Vermont have not come together. In other words, it is an illustration of this compact thing not working.

Q Another sitdown strike?

THE PRESIDENT: Yes.

Q Under the present status of things, would you care to urge the states to take early action to get that flood control program started?

THE PRESIDENT: I have been doing it ever since the bill passed.

Q Would you like to say something now?

THE PRESIDENT: I think you can gather enough from what I have said. (Laughter)

MR. YOUNG: Thank you, Mr. President.

CONFIDENTIAL
Press Conference #340,
Executive Offices of the White House,
January 29, 1937, 10.40 A.M.

(Senator Robinson was present at this conference.)

MR. DONALDSON: All in.

THE PRESIDENT: Following the line that we started the other day, the waters of the strike are receding -- (laughter).

Things seem to be continuing to improve on the Ohio and of course we have not got yet to the point on the lower River, from Cairo down, where we can make any more definite predictions than what I talked to you about the other day. The crest has not arrived on the Mississippi yet.

On Sunday Harry Hopkins, General Markham, Dr. Parran and Colonel Harrington, who is an Army engineer attached to WPA, are leaving for Memphis, to get there on Monday, and from Memphis they will go up the river, by boat, unless of course things are worse down below Memphis but they probably won't be at that time. They will stop at all important flood cities from Memphis north up the Ohio. The object is to plan, with the cities, the program of cleanup and sanitation, using, of course, the WPA, the Public Health Service, the Red Cross and all the various other Governmental agencies. They will be gone about a week.

I think that is about all I have got.

Q Anything on the strike, Mr. President?

THE PRESIDENT: No, not a thing.

Q Mr. President, last night or early this morning, before the final

agreement was reached on remaining points on the shipping strike, the Union leaders said that they were waiting on word from Washington.

THE PRESIDENT: I have not heard.

Q Anything new on a possible successor to Mr. Murphy at Manila as High Commissioner of the Philippines?

THE PRESIDENT: Nothing yet.

Q Is there anything to be said about the conference of the experts of the Treasury?

THE PRESIDENT: What is that?

Q There is a very mysterious conference supposed to be going on over there.

Q Did Mr. Morgenthau's visit here yesterday have anything to do with that?

THE PRESIDENT: Was he in yesterday?

Q He was in with Mr. Magill (Roswell Magill).

THE PRESIDENT: Just to introduce Mr. Magill.

Q Is that reported trip to Warm Springs still tentative?

THE PRESIDENT: That is necessarily so. It depends on how quiet things are on the Hill.

Q Harry Mitchell, President of the Civil Service Commission, called on you yesterday. Was there anything in that visit that you care to comment on?

THE PRESIDENT: No. We talked about the general problem of improving the Civil Service. We talked, for instance, about the -- one of our great difficulties at the present time is the present method of holding civil service examinations. We hold examinations for

some positions that a good many people can fill and we get sometimes as many as 200,000 people taking the examinations. As a result, we get an enormously long list of people who passed the examination and that list will last for three and four and five years, which does not seem to be a particularly good method. They are engaged in the study of the possibility of holding more frequent examinations and limiting them before the examination is taken so as to eliminate, before the examination is taken, the people who obviously would not pass.

Well, it is only in the study stage. In England, for instance, where probably their Civil Service is on a good deal sounder basis than ours, their examinations are held more frequently and are limited to people who are obviously qualified to take the examination. The methods we will use on that, I don't know, that is a matter for study, but the objective is to keep the list up to date.

Q Has anything been done to establish coast air bases under the Wilcox bill?

THE PRESIDENT: I don't know. I am afraid you have got me. I will have to look it up.

Q Is that civil service matter something that the Civil Service Commission can do itself?

THE PRESIDENT: That I don't know. It might call for legislation.

Q Are you familiar enough with it to know whether a person is eligible for appointment after passing for a period of two or three years? Don't they go off the list?

THE PRESIDENT: Oh, yes, some of our lists. One trouble we have

had was that in the setting up of one or two agencies, where civil service was required, like Social Security, we found in certain types of positions that the lists were four and five years old and that what might be called the cream of the list had been skimmed off and the only people left on the list were the people pretty well down at the bottom. Under the present method they do not have another examination until the old list is exhausted. So there comes a time, under the present method, when the quality of the people at the bottom of the list is pretty low and that is why we want to have examinations more frequently.

Q What can you tell us about the visit of members of the Business Advisory Council yesterday?

THE PRESIDENT: We talked about almost every known subject including , hours and wages and labor, and so forth and so on. That again is merely in a study stage.

Q Any conclusions?

THE PRESIDENT: Oh, no. In other words, in these talks you cannot write a factual story for this reason: There will be a group coming in and talking to me and I, to bring out their thought, will say to them very often, "What do you think of this?" We will then discuss it on the basis of a question from me. My mind will be running along such and such a line and I will ask them, "What do you think?" Whereupon you people are perfectly apt to get something that is natural; when somebody comes out you will have that somebody say, "The President is considering such and such a thing." Well, I am considering it from the

point of bringing out what the other fellow thinks. It is not a conclusion.

As you all know, at the present time I am asking a lot of questions about minimum wages for labor and I am trying to bring out things. There is no conclusion reached.

Q Can you tell us your views along the line of neutrality after your talks yesterday?

THE PRESIDENT: On that you have the bill which I think was introduced by Senator Pittman. I have talked to him about it and to the State Department about it and there isn't anything more to be said about it because there again it is in what might be called the secondary study stage between the introducer of the bill and the State Department. The third stage will be when Senator Pittman talks with Senator Robinson and the other leaders in the Senate and the members of his own committee. There isn't anything new on it. They are still talking about Senator Pittman's bill.

Q Might your description as to its being in the secondary study stage be taken to mean that there is a good deal of difference between the State Department and the introducer of the bill?

THE PRESIDENT: I would say practically none. In other words, there might be changes in language, slight changes in language, which would not change the objective, the purpose of the bill.

Q In connection with flood rehabilitation, could you tell us how far it is planned to go in restoring private property?

THE PRESIDENT: Using all available Government agencies which would have to be used anyway. In other words, the CCC -- we are talk-

ing about man power -- the CCC, the CWA, those are the two principal sources of Government man power. The Government has to use those people anyway and therefore, in the cleaning up process, we would divert them temporarily from other work to the cleaning up. In some cases it will be only a few days and in other cases it will be several weeks.

The second step would be the use of Government supplies and expert technicians. That would be the Army supplies, seeing that the people have coal and various other supplies, like blankets and things, until people get back to their homes. We would also use the Public Health Service.

Then, the third factor, of course, relates to the helping of people as we did last year in the flood areas, people who need financial assistance to get back on their feet. There are two ways we can do that and did it last year. The first is through the Red Cross, which makes small loans to the fellow who needs \$25 or \$50 to get back into his house or to open up a little store. Then there are the larger sums which RFC provided last year under the special Act. In New England, Pennsylvania and New York it reached a total of eight million dollars of loans. However, we want to cut that down all we possibly can and we are asking all the banks in the flood areas to be as liberal as they possibly can in helping storekeepers who have lost their stock and things of that kind. Federal Housing will also probably take a part in that picture by their insurance of loans.

Q Mr. President, could you tell us anything about the considerations

that led to the commutation of sentences of Wilbur B. Foshay and Henry H. Henley?

THE PRESIDENT: The usual consideration of any commutation and the entire approval of the responsible people in both California and Minnesota. I talked with the Governors and the Senators and a number of Congressmen.

Q When is your natural resources message on water going up to the Capitol?

THE PRESIDENT: I have got three messages that I have been holding back from the Congress because you had so much news at the present time anyway.

Q Mr. President, what are you going to talk to Senator Robinson about?

THE PRESIDENT: Senator Robinson is here representing the Arkansas Traveler, I hope.

Q He is not eligible, that is a weekly. (Laughter)

THE PRESIDENT: He is here as the honorary guest of the White House Correspondents' Association. (Laughter)

Q One of the morning papers said today that you were going to have this wage and hour legislation ready to submit to Congress very shortly, perhaps next week.

THE PRESIDENT: No.

Q And also that it will include a definition by the Congress of "Interstate Commerce."

THE PRESIDENT: No, I won't have anything ready next week. We may begin to do a little more talking about the general objectives. That will come first. But when, I don't know.

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Q Talking about the Interstate Commerce Commission, have you any appointments or reappointments?

THE PRESIDENT: I have Eastman coming in this morning.

Q Any of the three messages you are holding back have to do with foreign affairs?

THE PRESIDENT: No.

Q Have you given any consideration to the Seed Loan Bill, which I think is about ready to get to you?

THE PRESIDENT: I think it is very nearly ready to come to me.

Q You said something last year and I was wondering whether you were ready to say anything about it now?

THE PRESIDENT: I guess I have got to sign it.

Q Do you favor the signing of the Deficiency Bill, which forbids certain employment of personnel?

THE PRESIDENT: Of course I am bound by what Congress says about its own investigation but, on the other hand, there are two classes of employees. It brings up a simple question from the point of view of the Executive Department. The first is people from the relief rolls. Now, there is no reason, as long as they have to be taken care of anyway, why they should not be put on a project to assist people, if requested by the Committee. Those are people from the relief rolls. Then you come to the other phase of that: I have not talked this over with Joe (Robinson) -- he may murder me. The other phase relates to the use of the higher-paid, expert Government employees and in that case we have always, I think, as long as any of us have been alive, had the practice for the Executive Departments

to honor a request by a committee to lend expert Government personnel temporarily to that committee. There is no reason why we should not continue that practice as long as in the lending we do not disrupt the executive machinery. If we are asked for an unreasonable number of people from the Executive Departments to assist a legislative committee, we would have to go frankly to the Congress and say, "We are terribly sorry, but this will stop the work of this department or bureau. But as long as it is done within reason, there is no reason why the practice should not continue and it is entirely a matter for the discretion of the Senate and House whether this particular amendment passes. I, personally, would be very sorry to see any important investigation slowed up by drastic action coming in the middle of the investigation.

Q I wondered if you had expressed to Miss Perkins any approval of the subpoena power she has requested of Congress?

THE PRESIDENT: Well, I will have to talk to you for background or off the record. It can be background on that. I suppose the best thing I can do is to put it this way: This morning, when I woke up, I read two editorials on the question of the subpoena power in the Department of Labor. Now, this is all background so there is no offense meant to any one paper. The Post this morning has what I would call an exceedingly intelligent editorial. The Herald-Tribune has a completely stupid editorial. (Laughter) So, if you will read those two editorials side by side you will get the drift of it. Now, the situation is, as I see it, a comparatively simple one which, however, does require

study. In this particular case of subpoenas in industrial controversies -- I won't say "disputes," I will say "controversies" -- the law offers two methods. The National Labor Relations Board takes cognizance of industrial controversies in most cases after they have gone a pretty long way. Let us take two words to make the meaning more clear. The National Labor Relations Board is a "settlement board." Now, on the other hand, in the Department of Labor there is a very large service called the "Conciliation Service" and those two words ("settlement" and "conciliation") describe the two functions that the Government uses in labor controversies. The Labor Department, in most cases, gets into a controversy before the National Labor Relations Board takes over. The National Labor Relations Board does have the power to subpoena. The Conciliation Service does not. And this question that has been raised relates to extending the power of subpoena to the Conciliation Service, in other words, to the preliminaries of labor controversies before they have reached the stage of being formally before this quasi judicial body called the National Labor Relations Board. Therefore this question, and it is a fairly large question, has been submitted to the Congress for study. It is felt by a good many people, and I feel so also, that there are a good many conciliation cases where the Government ought to have some right to get at the facts in connection with the conciliation work that the Government is doing. I think that is the easiest way of putting it.

Q Getting back to the investigation question, what is going to

happen as a practical matter? First, the Senate is often inclined to starve its investigating committees and now the House comes along and says that they cannot borrow experts from the Government itself, and some of our best legislation, as you know, comes from these investigations.

THE PRESIDENT: I don't want to curtail the investigating powers by the House in any way. It is up to the House entirely on this particular clause in this particular bill.

MR. YOUNG: Thank you, Mr. President.

CONFIDENTIAL

Press Conference #341,
Executive Offices of the White House,
February 2, 1937, 4.08 P.M.

MR. DONALDSON: All in.

THE PRESIDENT: Charlie Michelson says there is no news.

Q Mr. President, I understand you are choosing draperies for the
East Room?

THE PRESIDENT: I don't know; you will have to ask the engineer.

Q I thought it was the Fine Arts Commission?

THE PRESIDENT: No, it is the Army engineer. (Laughter)

Q Mr. President, can you tell us what will be done about the TVA
contract with Commonwealth and Southern, which I think expires
tomorrow?

THE PRESIDENT: I don't know. I have not heard a word, not a peep.
All I know is that they are talking about it.

Q Are we likely to expect something at this end or the other end?

THE PRESIDENT: I have no report except that they are talking about
it.

Q Is the study of the wage and hour legislation still in the non-
factual category?

THE PRESIDENT: Yes, still is.

Q Did you receive a report from Mr. Roper's Advisory Committee on
Industrial Relations?

THE PRESIDENT: I don't remember. I had two reports, one was on
census and the other was on unemployment. I think those were
the only two I have had.

Q Mr. President, have you had word on the report to be rendered by

this Committee headed by Mr. Jacob Baker?

THE PRESIDENT: Not yet. Steve (Early), will you see where that is sometime?

MR. EARLY: I saw a piece in the paper that they were still preparing it.

Q I gathered from the published report that it was ready to present.

THE PRESIDENT: It has not come in yet.

Q I saw some reports that there are a few Cabinet changes pending.

THE PRESIDENT: Oh, those started on the fifth of March, 1933 and have been going on ever since.

Q When will the unemployment census be taken up?

THE PRESIDENT: We are still talking about that.

Q Have you been making any progress?

THE PRESIDENT: No, but we are getting a little closer toward a meeting of the minds on it.

Q In connection with the hour and wages legislation, have you determined yet whether the fair trading practices will necessarily have to go in?

THE PRESIDENT: We have not discussed the fair trading practice end of it yet at all. We have just been discussing those questions of hours and wages and child labor.

Q Are they two separate matters?

THE PRESIDENT: That becomes a question, later on, of policy, if you put the other thing in too, whether it should go in the same legislation or a separate bill. That is a matter that depends a good deal on the state of legislation at that time. We have not discussed the fair trading practice end of it yet.

Q Anything to say on the automobile strike yet?

THE PRESIDENT: I have not had any news on that in twenty-four hours.

MR. YOUNG: Thank you, Mr. President.

THE PRESIDENT: I think it is a very dull day, everything all quiet. I will probably send up another message, to Congress this week on the Great Plains Drought Report.

Q Mr. President, Senator Connally of Texas says, regarding the Argentine Sanitary Convention, that the state is in the same comatose condition it has been for the last year unless the President puts the heat on. Will you enlighten us whether you intend to put the heat on?

THE PRESIDENT: The way I feel about the thing is that we ought to tell the truth and a very good illustration would be if we were to put the shoe on the other foot. Suppose, for the sake of argument, that there was a plague of cattle ticks in the Southeast and foreign nations were to decline to take any American beef from the Northwest because of cattle ticks in the Southeast. You would have the same parallel case. That is rather hard for Tom Connally to laugh off.

Q Mr. President, do you favor having the Department of Justice seek an inditement against those connected with the Debys' column? That is the Eugene Debys' column of people that want to go over and take part, in some way, in the fight against Franco. And they have organized to fight a Eugene Victor Debys' column. Now there is a report that the Department of Justice is, in some way, seeking to indite those who

they think are involved in the formation of the column. Are you in favor of it.

THE PRESIDENT: I never heard of the column. That is another columnist. (Laughter)

Q He is thinking of the "sub-debs," of course. (Laughter)

Q He has been working on that pun for two days. (Laughter)

Q Anything to be said on Norman Davis' visit today?

THE PRESIDENT: No, just discussing everything all around the world, both ways, and, by the way, latitude are the stripes that go around the world from east to west and longitude are those that go around the world from north to south. Somebody the other day said something about latitude starting at Greenwich. I just thought that I would put your navigation straight.

Q What can the Federal Government do about this automobile strike question?

THE PRESIDENT: That is very "iffy." There isn't any news on that.

Q Have you arrived at any decision on the appointment of the new Under Secretary of State, sir?

THE PRESIDENT: No, has not been discussed.

Q Any further action been taken on the Maritime Commission?

THE PRESIDENT: No; that is, again, soon.

MR. YOUNG: Thank you, Mr. President.

CONFIDENTIAL

Press Conference #342,
Executive Offices of the White House,
February 5, 1937, 10.55 A.M.

MR. DONALDSON: All in.

THE PRESIDENT: I have a somewhat important matter to take up with you today. And I am asking that this speech of today be held in very strict confidence until the speech is released in accordance with the wording of the release on the press copies that will be given to you in a few moments. It is also requested that nobody reveal what is said or the text of the material to any person outside of the employ, outside of those in your own organization, until the time of the release, until it is actually read in either the Senate or the House, whichever one reads it first. Copies will be given to you as you go out and don't anybody go out until that time. (Laughter)

Q We brought our lunches. (Laughter)

THE PRESIDENT: That is all right; I am glad you did.

As you know, for a long time the subject of constitutionality of laws has been discussed and for a good many months now I have been working with a small group in going into what I have thought of as the fundamentals of the subject rather than those particular details which make the headlines.

In this review of the Federal Judiciary we have come to the very definite conclusion that there is required the same reorganization of the Judiciary as has been recommended to this Congress in the case of the Executive branch of the Government.

As a part of it, I have received from the Attorney General

a letter which you will also get and which I will just touch the high spots of. It is a part of the message.

(Reading)

"My dear Mr. President:

"Delay in the administration of justice is the outstanding defect of our federal judicial system. It has been a cause of concern to practically every one of my predecessors in office. It has exasperated the bench, the bar, the business community and the public."

He goes on and speaks of the fact that

"The litigant conceives the judge as one promoting justice through the mechanism of the Courts. He assumes that the directing power of the judge is exercised over its officers from the time a case is filed with the clerk of the court. He is entitled to assume that the judge is pressing forward litigation in the full recognition of the principle that 'justice delayed is justice denied.' It is a mockery of justice to say to a person when he files suit, that he may receive a decision years later. Under a properly ordered system rights should be determined promptly. The course of litigation should be measured in months and not in years.

"Yet in some jurisdictions, the delays in the administration of justice are so interminable that to institute suit is to embark on a life-long adventure.

(Laughter)

"Many persons submit to acts of injustice rather than resort to the courts. Inability to secure a prompt judicial adjudication leads to improvident and unjust settlements. Moreover, the time factor is an open invitation to those who are disposed to institute unwarranted litigation or interpose unfounded defenses in the hope of forcing an adjustment which could not be secured upon the merits. This situation frequently results in extreme hardships. The small business man or the litigant of limited means labors under a grave and constantly increasing disadvantage

because of his inability to pay the price of justice.

"Statistical data --

very carefully collected from every district --

"indicate that in many districts a disheartening and unavoidable interval must elapse between the date that issue is joined in a pending case and the time when it can be reached for trial in due course. These computations do not take into account the delays that occur in the preliminary stages of litigation or the postponements after a case might normally be expected to be heard.

"The evil is a growing one. The business of the courts is continually increasing in volume, importance, and complexity. The average case load borne by each judge has grown nearly fifty percent since 1913, when the District Courts were first organized on their present basis. When the courts are working under such pressure it is inevitable that the character of their work must suffer.

"The number of new cases offset those that are disposed of, so that the Courts are unable to decrease the enormous back-log of undigested matters. More than fifty thousand pending cases (exclusive of bankruptcy proceedings) overhang the federal dockets - a constant menace to the orderly processes of justice. Whenever a single case requires a protracted trial, the routine business of the court is further neglected. It is an intolerable situation and we should make shift to amend it.

"Efforts have been made from time to time to alleviate some of the conditions that contribute to the slow rate of speed with which causes move through the Courts. The Congress has recently conferred on the Supreme Court the authority to prescribe rules of procedure after verdict in criminal cases and the power to adopt and promulgate uniform rules of practice for civil actions at law in the District Courts. It has provided terms of Court in certain places at

which federal Courts had not previously convened. A small number of judges have been added from time to time.

"Despite these commendable accomplishments, sufficient progress has not been made. Much remains to be done in developing procedure and administration, but this alone will not meet modern needs. The problem must be approached in a more comprehensive fashion, if the United States is to have a judicial system worthy of the nation. Reason and necessity require the appointment of a sufficient number of judges to handle the business of the federal Courts. These additional judges should be of a type and age which would warrant us in believing that they would vigorously attack their dockets, rather than permit their dockets to overwhelm them.

"The cost of additional personnel should not deter us. It must be borne in mind that the expense of maintaining the judicial system constitutes hardly three-tenths of one percent of the cost of maintaining the federal establishment. While the estimates for the current fiscal year aggregate over \$23,000,000 for the maintenance of the legislative branch of the government, and over \$2,100,000,000 for the permanent agencies of the executive branch, the estimated cost of maintaining the judiciary is only about \$6,500,000. An increase in the judicial personnel, which I earnestly recommend, would result in a hardly perceptible percentage of increase in the total annual budget.

"This result should not be achieved, however, merely by creating new judicial positions in specific circuits or districts. The reform should be effectuated on the basis of a consistent system which would revitalize our whole judicial structure and assure the activity of judges at places where the accumulation of business is greatest. As congestion is a varying factor and cannot be foreseen, the system should be flexible and should permit the temporary assignment of judges to points where they appear to be most needed. The newly created personnel should constitute a mobile force, available for service in any part of the country at the assignment and direction of the Chief

Justice. A functionary might well be created to be known as proctor, or by some other suitable title, to be appointed by the Supreme Court and to act under its direction, charged with the duty of continuously keeping informed as to the state of federal judicial business throughout the United States and of assisting the Chief Justice in assigning judges to pressure areas."

He then appends statistical information. The Attorney General then says,

"The time has come when further legislation is essential."

The statistical information shows, for example, that while we have added judges since 1913, we have increased them from 92 to 154, the criminal and civil cases other than bankruptcy have increased from 25,000 to 75,000, the average number of cases filed per judge from 276 per judge to 484 per judge. It has nearly doubled. The number of bankruptcy proceedings have increased from 20,000 to 60,000.

The second table gives the case load in the courts. The cases filed and terminated show that over the past six years we have made practically no progress in cutting down the number of cases, this back-log of cases in the Federal courts.

The message itself is fairly long and has to be on a thing like this. I will try to do a little highspotting as I go through it.

(Reading)

"I have recently called the attention of the Congress to the clear need for a comprehensive program to reorganize the administrative machinery of the Executive Branch of our Government. I now make a similar recommendation to

the Congress in regard to the Judicial Branch of the Government, in order that it also may function in accord with modern necessities.

"The Constitution provides that the President 'shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.' No one else is given a similar mandate. It is therefore the duty of the President to advise the Congress in regard to the Judiciary whenever he deems such information or recommendation necessary.

"I address you for the further reason that the Constitution vests in the Congress direct responsibility in the creation of courts and judicial offices and in the formulation of rules of practice and procedure. It is, therefore, one of the definite duties of the Congress constantly to maintain the effective functioning of the Federal Judiciary.

"The Judiciary has often found itself handicapped by insufficient personnel with which to meet a growing and more complex business. It is true that the physical facilities of conducting the business of the courts have been greatly improved, in recent years, through the erection of suitable quarters, the provision of adequate libraries and the addition of subordinate court officers. But in many ways these are merely the trappings of judicial office. They play a minor part in the processes of justice.

"Since the earliest days of the Republic, the problem of the personnel of the courts has needed the attention of the Congress. For example, from the beginning, over repeated protests to President Washington, the Justices of the Supreme Court were required to 'ride Circuit' and, as Circuit Justices, to hold trials throughout the length and breadth of the land -- a practice which endured over a century."

And I might add that riding Circuit in those days meant riding on horseback. It might be called a pre-horse-and-buggy era.

(Laughter) That is not in the message. (Laughter)

"In almost every decade since 1789, changes have been made by the Congress whereby the num-

bers of judges and the duties of judges in federal courts have been altered in one way or another. The Supreme Court was established with six members in 1789; it was reduced to five in 1801; it was increased to seven in 1807; it was increased to nine in 1837; it was increased to ten in 1863; it was reduced to seven in 1866; it was increased to nine in 1869."

This is all by statute.

"The simple fact is that today a new need for legislative action arises because the personnel of the Federal Judiciary is insufficient to meet the business before them. A growing body of our citizens complain of the complexities, the delays, and the expense of litigation in United States Courts."

I then mentioned the letter from the Attorney General.

"Delay in any court results in injustice."

Now we will take up the case of the lower courts showing delay:

"It makes lawsuits a luxury available only to the few who can afford them or who have property interests to protect which are sufficiently large to repay the cost. Poorer litigants are compelled to abandon valuable rights or to accept inadequate or unjust settlements because of sheer inability to finance or to await the end of a long litigation. Only by speeding up the processes of the law and thereby reducing their cost, can we eradicate the growing impression that the courts are chiefly a haven for the well-to-do."

Now we come to the next, the courts of appeal.

"Delays in the determination of appeals have the same effect. Moreover, if trials of original actions are expedited and existing accumulations of cases are reduced, the volume of work imposed on the Circuit Courts of Appeals will further increase."

Then we come to the highest court:

"The attainment of speedier justice in the courts below will enlarge the task of the Supreme Court itself. And still more work

would be added by the recommendation which I make later in this message for the quicker determination of constitutional questions by the highest court.

"Even at the present time the Supreme Court is laboring under a heavy burden. Its difficulties in this respect were superficially lightened some years ago by authorizing the court, in its discretion, to refuse to hear appeals in many classes of cases. This discretion was so freely exercised that in the last fiscal year, although 867 petitions for review were presented to the Supreme Court, it declined to hear 717 cases."

That is a tremendously important fact. As you know, any litigant seeking to appeal to the Supreme Court takes it there on certiorari. That is a certiorari process and out of 867 cases the Supreme Court last year turned down 717. It declined to hear them without an opinion.

"If petitions in behalf of the Government are excluded, it appears that the court permitted private litigants to prosecute appeals in only 108 cases out of 803 applications. Many of the refusals were doubtless warranted. But can it be said that full justice is achieved when a court is forced by the sheer necessity of keeping up with its business to decline, without even an explanation, to hear 87% of the cases presented to it by private litigants."

That is an amazing statement.

"It seems clear, therefore, that the necessity of relieving present congestion extends to the enlargement of the capacity of all the federal courts."

In other words, let us apply the same rule from top to bottom.

"A part of the problem of obtaining a sufficient number of judges to dispose of cases is the capacity of the judges themselves. This brings forward the question of aged or infirm judges -- a subject of delicacy and yet one which requires frank discussion.

"In the federal courts there are in all 237 life tenure permanent judgeships."

There are a very small number of judges who, when they die, their places are not to be filled. They are really temporary judges. But there are 237 of them.

"Twenty-five of them are now held by judges over seventy years of age and eligible to leave the bench on full pay. Originally no pension or retirement allowance was provided by the Congress. When after eighty years of our national history --

That was in 1869 --

"the Congress made provision for pensions, it found a well-entrenched tradition among judges to cling to their posts, in many instances far beyond their years of physical or mental capacity. Their salaries were small. As with other men, responsibilities and obligations accumulated. No alternative had been open to them except to attempt to perform the duties of their offices to the very edge of the grave."

I am talking about 1869. (Laughter)

"In exceptional cases, of course, judges, like other men, retain to an advanced age full mental and physical vigor. Those not so fortunate are often unable to perceive their own infirmities. 'They seem to be tenacious of the appearance of adequacy.'"

That is a quotation from a very important justice. It is in quotes. You will have to find out who said it. I am not going to tell you.

"The voluntary retirement law of 1869 provided, therefore, only a partial solution. That law, still in force, has not proved effective in inducing aged judges to retire on a pension.

"This result had been foreseen in the debates when the measure was being considered. It was then proposed that when a judge refused to retire upon reaching the age of seventy, an additional judge should be appointed to assist in the work of the court. The proposal passed the House but was eliminated in the Senate.

"With the opening of the twentieth century, and the great increase of population and commerce, and the growth of a more complex type of litigation, similar proposals were introduced in the Congress. To meet the situation, in 1913, 1914, 1915 and 1916, the Attorneys General then in office --

I will end the suspense by saying that it was McReynolds and Gregory --

"recommended to the Congress that when a district or a circuit judge failed to retire at the age of seventy, an additional judge be appointed in order that the affairs of the court might be promptly and adequately discharged.

"In 1919 a law was finally passed providing that the President 'may' appoint additional district and circuit judges, but only upon a finding that the incumbent judge over seventy 'is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character.' The discretionary and indefinite nature of this legislation has rendered it ineffective. No President should be asked to determine the ability or disability of any particular judge.

"The duty of a judge involves more than presiding or listening to testimony or arguments."

And I go on and talk about the complexity of the modern average case, that it has increased tremendously in the last twenty or twenty-five years.

"Modern complexities call also for a constant infusion of new blood in the courts, just as it is needed in executive functions of the Government and in private business. A lowered mental or physical vigor leads men to avoid an examination of complicated and changed conditions. Little by little, new facts become blurred through old glasses fitted, as it were, for the needs of another generation; older men, assuming that the scene is the same as it was in the past, cease to explore or inquire into the present or the future.

"We have recognized this truth in the civil service of the nation and of many states by compelling retirement on pay at the age of seventy. We have recognized it in the Army and Navy by retiring officers at the age of sixty-four. A number of states have recognized it by providing in their constitutions for compulsory retirement of aged judges.

"Life tenure of judges, assured by the Constitution, was designed to place the courts beyond temptations or influences which might impair their judgments: it was not intended to create a static judiciary. A constant and systematic addition of younger blood will vitalize the courts and better equip them to recognize and apply the essential concepts of justice in the light of the needs and the facts of an ever-changing world.

"It is obvious, therefore, from both reason and experience, that some provision must be adopted, which will operate automatically to supplement the work of older judges and accelerate the work of the court."

Now, some recommendations.

"I, therefore, earnestly recommend that the necessity of an increase in the number of judges be supplied by legislation providing for the appointment of additional judges in all federal courts, without exception, where there are incumbent judges of retirement age who do not choose to retire or to resign. If an elder judge is not in fact incapacitated, only good can come from the presence of an additional judge in the crowded state of the dockets; if the capacity of an elder judge is in fact impaired, the appointment of an additional judge is indispensable. This seems to be a truth which cannot be contradicted.

"I also recommend that the Congress provide machinery for taking care of sudden or long-standing congestion in the lower courts. The Supreme Court should be given power to appoint an administrative assistant who may be called a Proctor. He would be charged with the duty of watching the calendars and the business of all the courts in the federal system. The Chief Justice thereupon should be authorized to make a temporary assignment of

any circuit or district judge hereafter appointed --

This would not apply to the members of the bench at the present time, only the new ones, --

"in order that he may serve as long as needed in any circuit or district where the courts are in arrears.

"I attach a carefully considered draft of a proposed bill, which, if enacted, would, I am confident, afford substantial relief. The proposed measure also contains a limit on the total number of judges who might thus be appointed and also a limit on the potential size of any one of our federal courts.

That bill, I might add, as I explained to the Chairmen of the Judiciary Committees of the House and Senate just now, is merely something for them to work on, as in any other case when any bill goes in. It is simply something for them to work on to save them trouble of trying to put the language together. (Laughter)

"These proposals do not raise any issue of constitutional law."

Some of you may, perhaps, realize why I said what I did in my annual message of January fifth.

"They do not suggest any form of compulsory retirement for incumbent judges. Indeed, those who have reached the retirement age, but desire to continue their judicial work, would be able to do so under less physical and mental strain and would be able to play a useful part in relieving the growing congestion in the business of our courts. Among them are men of eminence and great ability whose services the Government would be loath to lose. If, on the other hand, any judge eligible for retirement should feel that his court would suffer because of an increase in its membership, he may retire or resign under already existing provisions of law if he wishes so to do. In this connection let me say that the pending proposal to extend to the Justices

of the Supreme Court the same retirement privileges now available to other federal judges, has my entire approval." (Laughter)

You know what the situation is there. Any Circuit or District Judge may retire on full pay. A Supreme Court Judge can resign and get full pay. The only difference is that if he resigns and gets full pay, he is subject to changes in the income tax laws and things like that. This recommendation would put him on the same status as the judges in the other courts.

"One further matter requires immediate attention."

This is the other important one.

"We have witnessed the spectacle of conflicting decisions in both trial and appellate courts on the constitutionality of every form of important legislation."

This is concerned primarily with constitutional questions.

"Such a welter of uncomposed differences of judicial opinion has brought the law, the courts, and, indeed, the entire administration of justice dangerously near to disrepute.

"A federal statute is held legal by one judge in one district; it is simultaneously held illegal by another judge in another district. An act valid in one judicial circuit is invalid in another judicial circuit. Thus rights fully accorded to one group of citizens may be denied to others. As a practical matter this means that for periods running as long as one year or two years or three years -- until final determination can be made by the Supreme Court -- the law loses its most indispensable element -- equality.

"Moreover, during the long processes of preliminary motions, original trials, petitions for rehearings, appeals, reversals on technical grounds requiring re-trials, motions before the Supreme Court and the final hearing by the highest tribunal -- during all this time labor, industry, agriculture, commerce

and the Government itself go through an unconscionable period of uncertainty and embarrassment. And it is well to remember that during these long processes the normal operations of society and government are handicapped in many cases by differing and divided opinions in the lower courts and by the lack of any clear guide for the dispatch of business. Thereby our legal system is fast losing another essential of justice -- certainty.

"Finally, we find the processes of government itself brought to a complete stop from time to time by injunctions issued almost automatically, sometimes even without notice to the Government, and not infrequently in clear violation of the principle of equity that injunctions should be granted only in those rare cases of manifest illegality and irreparable damage against which the ordinary course of the law offers no protection. Statutes which the Congress enacts are set aside or suspended for long periods of time, even in cases to which the Government is not a party.

"In the uncertain state of the law, it is not difficult for the ingenious to devise novel reasons for attacking the validity of new legislation or its application. While these questions are laboriously brought to issue and debated through a series of courts, the Government must stand aside. It matters not that the Congress has enacted the law, that the Executive has signed it and that the administrative machinery is waiting to function. Government by injunction lays a heavy hand upon normal processes; and no important statute can take effect -- against any individual or organization with the means to employ lawyers and engage in wide-flung litigation -- until it has passed through the whole hierarchy of the courts. Thus the judiciary, by postponing the effective date of Acts of the Congress, is assuming an additional function and is coming more and more to constitute a scattered, loosely organized and slowly operating third house of the National Legislature.

"This state of affairs has come upon the nation gradually over a period of decades. In my annual message to this Congress I expressed some views and some hopes.

"Now, as an immediate step, I recommend that the Congress provide that no decision, injunction, judgment or decree on any constitutional question be promulgated by any federal court without previous and ample notice to the Attorney General and an opportunity for the United States to present evidence and be heard. This is to prevent court action on the constitutionality of Acts of the Congress in suits between private individuals, where the Government is not a party to the suit, without giving opportunity to the Government of the United States to defend the law of the land."

That sounds like common sense.

"I also earnestly recommend that in cases in which any court of first instance --

That is the District Court --

"determines a question of constitutionality, the Congress provide that there shall be a direct and immediate appeal to the Supreme Court, --

Not taking away any right of any lower court to pass on constitutionality, but it provides for an immediate appeal to the Supreme Court and that such cases --

"take precedence over all other matters pending in that court. Such legislation will, I am convinced, go far to alleviate the inequality, uncertainty and delay in the disposition of vital questions of constitutionality arising under our fundamental law.

"My desire is to strengthen the administration of justice and to make it a more effective servant of public need. In the American ideal of government the courts find an essential and constitutional place. In striving to fulfill that ideal, not only the judges but the Congress and the Executive as well, must do all in their power to bring the judicial organization and personnel to the high standards of usefulness which sound and efficient government and modern conditions require.

"This message has dealt with four present

needs:

"First, to eliminate congestion of calendars and to make the judiciary as a whole less static by the constant and systematic addition of new blood to its personnel; --

That is the first need --

"second, to make the judiciary more elastic by providing for temporary transfers of circuit and district judges to those places where federal courts are most in arrears; third, to furnish the Supreme Court practical assistance in supervising the conduct of business in the lower courts; fourth, to eliminate inequality, uncertainty and delay now existing in the determination of constitutional questions involving federal statutes.

"If we increase the personnel of the federal courts so that cases may be promptly decided in the first instance, and may be given adequate and prompt hearing on all appeals; if we invigorate all the courts by the persistent infusion of new blood; if we grant to the Supreme Court further power and responsibility in maintaining the efficiency of the entire federal judiciary; and if we assure government participation in the speedier consideration and final determination of all constitutional questions, we shall go a long way toward our high objectives. If these measures achieve their aim, we may be relieved of the necessity of considering any fundamental changes in the powers of the courts or the constitution of our Government -- changes which involve consequences so far-reaching as to cause uncertainty as to the wisdom of such course."

The bill itself, so that you will get a practical idea of the bill, -- most of the bill is technical -- I will only go over the highlights:

"When any judge of a court of the United States, appointed to hold his office during good behavior, has heretofore or hereafter attained the age of seventy years and has held a commission or commissions as judge of any such court or courts at least ten years, con-

tinuously or otherwise, and within six months thereafter has neither resigned nor retired, --

In other words, when he gets to be seventy years and six months old and has neither resigned nor retired, --

"the President, for each such judge who has not so resigned or retired, shall nominate, and by and with the advice and consent of the Senate, shall appoint one additional judge to the court to which the former is commissioned."

Is that clear?

"The number of judges of any court shall be permanently increased by the number appointed thereto under the provisions of subsection (a) of this section. No more than fifty judges shall be appointed thereunder, nor shall any judge be so appointed if such appointment would result in (1) more than fifteen members of the Supreme Court of the United States, (2) more than two additional members so appointed to a circuit court of appeals, the Court of Claims, the United States Court of Customs and Patent Appeals, or the Customs Court, or (3) more than twice the number of judges now authorized to be appointed for any district or, in the case of judges appointed for more than one district, for any such group of districts."

Then Section 2 relates to assignments by the Chief Justice of any judge hereafter appointed to any other district or circuit.

The rest of the bill, that is Section 3, relates to the appointment of the Proctor, whose duty is to get information for the court in regard to the volume and status of litigation in all the courts of the United States, the need of assigning District Judges to congested areas or methods for expediting cases pending on the dockets. The Proctor, we suggest, should get a salary of \$10,000 a year.

That is about all in the Act. The rest is technical.

And that is all the news.

Q Mr. President, will you deliver this message or read it in person?

THE PRESIDENT: It will be read in about half an hour.

Q Mr. President, this question is for background, but is this intended to take care of cases where the appointee has lost the mental capacity to resign? (Laughter)

THE PRESIDENT: That is all.

Q Was that the reason for the special Cabinet meeting?

THE PRESIDENT: Yes.

Q Can you tell us what the reaction was this morning?

THE PRESIDENT: I did exactly what I did here. As soon as I finished I came in here. There was no discussion.

MR. YOUNG: Thank you, Mr. President.

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Press Conference #343
At the White House,

February 9, 1937 -- 4 P.M.

THE PRESIDENT: Nobody occupying Fred's chair.

Q Don't you think that the Dean should occupy it?

THE PRESIDENT: That's right! Go on, sit down! (Laughter)

Q Has he reached that age -- the retirement age?

DEAN YOUNG: They want me to sit down because of my height,
not my age! (Laughter)

THE PRESIDENT: He doesn't know how to write sitting down.

(More laughter) (Then, to the folks in the back of
the room) We just made a decision in the front row;
Fred Storm's chair being empty, we unanimously ap-
pointed Dean Young to occupy it.

I have a message going up tomorrow on sending
up the drought report of the Great Plains Committee,
which supplements the report that went up last week
and ties in with the general situation in regard to
floods and drought and public works in general, and
also with the conference I had today and yesterday
with Kentucky and Ohio Senators.

Q Mr. President, has anyone introduced an Arkansas Valley
Authority Bill?

THE PRESIDENT: Oh, I think there have been bills last ses-
sion and this for two or three dozen authorities. I

will tell you what we are talking about at the present time in regard to natural resources and public works. After looking at a dozen different schemes and examining into these individual bills for authorities like a Potomac River Authority, an Ohio River Authority, et cetera, we have come around to this point of view: I told this to the Senators this morning, that in the interest of orderly planning it seems best to set up perhaps eight regions -- not necessarily eight, it might be seven, nine, or ten, but eight regions, in a general way, seemed to cover the country without any one region having too large an area and at the same time avoiding too many small watersheds, and thereby keeping the overhead down.

Each of these regional authorities or administrations or whatever Congress wanted to call them, would have the task every year of submitting a list of projects for flood or drought or soil erosion or navigable channels or reforestation within their region, listing them in the order of preference.

After all the regional reports were in -- oh, say July or August -- we would add up the figures of their recommendation and, based on the condition of the Treasury -- in other words, a careful check-up by the Budget as part of the Budget Message -- determine how

much the President could recommend to the Congress for the Nation as a whole in his budget. Thereupon, under the reorganization plan the third agency under the President, the National Planning Agency, would get hold of these eight regional agencies and say to them, "The President can only approve so many dollars to go into his budget; therefore, will you all cut (of course it would be every year a cut) your recommendations down to fit into the total budget figure that is possible, and give us a list for each region of the things that would fit into the budget sum; then put down at the same time a B list of projects that you approve, that you have recommended, that are all ready to shoot on the following fiscal year."

The President thereupon submits both lists to Congress, the first list being within the budget, and the second list being what might be called alternative projects, leaving it to Congress to determine whether they want to go along with the original recommendation or lift anything out and put something else in -- wholly a matter of congressional discretion.

That makes for early planning and ties in all of these problems that are before us because of acts of God and man during the past few years -- drought, dust storms, floods; the control of floods by levees, reser-

voirs, and soil erosion control. They all tie into one general planning picture every single year -- that is the important part. I shall probably have a few more conferences with members of the House and Senate in regard to it with the hope we will get some kind of legislation. It is a procedure that costs comparatively little money.

Q What will be the cost, Mr. President?

THE PRESIDENT: The cost will be very low.

Q What will be the expenditure?

THE PRESIDENT: Approximately what is being spent now on national planning -- probably actually making a saving over what we are doing now on national planning because we have a dozen different agencies.

Q How much will be spent on projects?

THE PRESIDENT: That depends on what can go into the budget. It will come in under that \$500,000,000 limitation that I talk about so often. That, of course, includes public buildings, highways, harbor work, and things of that kind.

Q These would be regional divisions, not corporate authorities?

THE PRESIDENT: They would be regional divisions. In working it out, possibly in some cases the regional divisions would also have administrative duties -- as,

for instance, in the case of the T.V.A. -- but in most instances they would be planning authorities.

Q When you talked to us about two years ago, when you used the phrase "reshaping the face of nature," you mentioned \$500,000,000, but we did not understand that would include harbors.

THE PRESIDENT: Yes, all public works.

Q Would this new plan change the omnibus flood control bill enacted by Congress?

THE PRESIDENT: It ties in with it. As you know, that bill authorized all kinds of things -- about \$300,000,000 worth. The taking up of those things depends each year upon the amount appropriated by Congress, and this fits right into that. It is possible that in the course of two or three years there may be coming from the planning division a recommendation that some of those projects rather hastily thrown together be eliminated and others put in their place.

Q Do you plan strict adherence to the principle established in that omnibus bill with reference to local contributions?

THE PRESIDENT: That's a headache. I will give you a very good illustration. Yesterday I approved a letter that the Secretary of War is going to send out.

We had those terrible floods up on the Connecticut River -- very serious, but didn't do as much damage as on the Ohio River; but they were front-page on the newspapers for two weeks, at least, and in New England longer than that. Congress appropriated \$10,000,000 for immediate construction of reservoirs and things of that kind, conditioned on the four states involved -- Vermont, New Hampshire, Massachusetts, and Connecticut -- buying the land. The land cost was estimated at three and one-half million dollars, and the problem came, because most of the land was in Vermont and New Hampshire, as to how much Massachusetts and Connecticut would contribute. Vermont and New Hampshire didn't want to buy all the land for benefits that would accrue as far south as Hartford; so the state contract method was tried.

The first week in August we were trying to work out a prorata of the cost of that land. We are now nearing the middle of February and they haven't bought any land; so the \$10,000,000 which we are ready to spend is held up. We are ready to go ahead. That is the question brought up last week. It is discretionary on my part. We will start the work as soon as we get the land. That method doesn't seem

to be working. That is as far as we have gone, except the Secretary of War is asking the governors of these four states whether they can get together, and they are sending up our engineers to assist the states.

Q What is the cure, Mr. President, for this headache you spoke of?

THE PRESIDENT: I don't know. It obviously seems clear that the states and the localities ought to bear some of the burden; but when you come down to the prorating of it, it is an awfully difficult problem. I hesitate very definitely involving the Federal Government in bearing the whole expense, because I think we should have some local contribution.

Q Some of these senators today said that power and reclamation would be tied in together.

THE PRESIDENT: It all ties in together. One dam may be a dam solely for reclamation; another dam may be for reclamation and navigation; another dam may be for navigation and power. It depends on the individual project.

Q Mr. President, would these regional administrations deal only with Federal projects, or would they also plan what the states and localities might do with Federal aid?

THE PRESIDENT: The message on drought has this sentence that goes up tomorrow: "All the different programs must be cooperative and will require complementary lines of action by the Federal Government, state governments, and all the states of the region." Don't use that in quotes, because the message has not gone to Congress yet.

Q What you are saying today can be used?

THE PRESIDENT: Yes.

Q Could you give us today's interpretation of the Walsh-Healey Act under which the Navy is struggling to buy some steel?

THE PRESIDENT: No; I have asked for a report on it. I know we are not getting steel.

Q One of your early messages had to do with the long-range view of the development of resources and the subject of unemployment; does this tie in with that idea so they could use unemploy^{ed}~~ment~~ in this kind of work?

THE PRESIDENT: Yes; the last report that went up on the water resources contained a very definite recommendation on that. With this planning organization we would do a certain amount of that every normal year. We would be ready, however, with surveys and plans in case of a year where we started to have a depression,

to increase the amount and thereby keep the purchasing power up by keeping unemployment from increasing.

Q Do you oppose the splitting of your judiciary reform bill into two measures?

THE PRESIDENT: You will have to read my message for the present.

Q Did you say you have asked for a report on the Walsh-Healey Act?

THE PRESIDENT: I have asked.

Q Did you give the senators who called today your views on reclamation expenditures outside the reclamation fund?

THE PRESIDENT: No, we talked about the general picture. We also did bring out in conversation this general thought which is useful, I think, from a national point of view: A lot of us people in the East have the feeling that we are spending an awful lot of money in the West, proportionately, on a population basis -- more than we are spending in the East. That is true; but, on the other hand, people in areas like the western Dakotas have to move. They can't find a livelihood where they are, and out in the West -- those states with a small population -- we can take care of a good deal bigger population than are out there at the present time. It costs

money to go; and that is where reclamation comes in. We can undoubtedly support twice or three times the population, if we plan for it, in those same states -- mountain states -- and I think it is money well spent, because it will give a place to those people to go who have to make a living.

Q Mr. President, will the regional administrat^{ors}~~ions~~ be Federal officials?

THE PRESIDENT: Yes.

Q Do you expect to appoint a successor to Morris Cooke on the Power Policy Committee?

THE PRESIDENT: No, I don't think so; I am not appointing anybody to succeed Morris Cooke; Morris is going on a well-deserved holiday.

Q He is coming back?

THE PRESIDENT: I think so.

Q "Achieving Greater Safety for Air Passengers": Can you tell us the result of your conference on that?

THE PRESIDENT: We had a very satisfactory talk. They gave me a list of things they had agreed on at that conference. Whether that is for release to the public I don't know. You will have to find out.

Q Can you tell us about the call of Governor Earle and Senator Guffey?

THE PRESIDENT: That related to the situation that has arisen because the constitution of the State did not allow Pennsylvania to do what most of the other states do, which is to pay for their relief problem by issuing bonds. Until Governor Earle came in they had been blocked on any bond issue, and also they had not increased the taxes at all to pay for relief, so they are up against it. During that period the State of Pennsylvania got much less in the form of public works assistance from the Federal Government than the other states did; so they made, I think, a rather justified plea that they should have some public works money to make up for what they lost during the previous administration in Pennsylvania.

Q It has been reported that you have been in touch at least once with the people in the automobile strike -- Mr. Lewis and Governor Murphy.

THE PRESIDENT: No, I didn't telephone to anybody yesterday.

Q Nor Sunday either?

THE PRESIDENT: I talked to Frank Murphy Saturday night. They seemed to be awfully close together, and I hoped they could bridge the gap.

Q Have you been in touch with anybody today?

THE PRESIDENT: No.

Q Have you expressed a desire for the time when you wish your Supreme Court legislation passed?

THE PRESIDENT: No.

Q Are you considering going on the air?

THE PRESIDENT: No.

Q If any additional appointments to the Supreme Court became necessary, would that increase in size already reported be a permanent one?

THE PRESIDENT: I think you will have to read the message and the proposed bill.

Q Mr. President, did you say anything about your conference on the St. Lawrence Seaway?

THE PRESIDENT: The only thing is they gave me a report on what the St. Lawrence-New York State Power Authority is doing and told me that they hoped very much that these unofficial preliminary conversations with Canada would proceed a little faster. They are proceeding; I don't know whether they are proceeding any faster or not.

Q When you speak about people moving west, does that point to a larger resettlement program or some further Government encouragement?

THE PRESIDENT: We do not have to start anything. If we have any reclamation projects where people can go out and get 40- or 50-acre farms, they will do it.

Q Is it possible for the State of Pennsylvania to get money under the existing circumstances?

THE PRESIDENT: Yes; if they have a P.W.A. list of projects and will confine their request for a grant approximately to the number of people they take off the relief rolls I think we can put it through.

Q Mr. President, is there any comment you can make about the report that the dockets are being cleared rather rapidly?

THE PRESIDENT: I haven't read it.

Thank you, Mr. President!

The Press Conference then adjourned.