

Mr. HEBERT. I desire to announce that the Senator from New Jersey [Mr. KEAN] is paired with the Senator from Louisiana [Mr. LONG]. If the Senator from New Jersey were present and permitted to vote, he would vote "yea", and the Senator from Louisiana would vote "nay." I desire further to announce that the Senator from Indiana [Mr. ROBINSON] is paired with the Senator from Mississippi [Mr. STEPHENS]. I am not advised as to how the Senator from Indiana would vote if present.

The result was announced—yeas 23, nays 55, as follows:

YEAS—23

Austin	Gibson	Hebert	Schall
Barbour	Goldsborough	Keyes	Stelwer
Carey	Gore	McNary	Townsend
Copeland	Hale	Metcalf	Vandenberg
Davis	Hastings	Patterson	Wagner
Fess	Hatfield	Reynolds	

NAYS—55

Adams	Caraway	Hayden	O'Mahoney
Ashurst	Clark	Johnson	Overton
Bachman	Connally	King	Pittman
Bankhead	Coolidge	La Follette	Pope
Barkley	Couzens	Lewis	Robinson, Ark.
Black	Dill	Logan	Sheppard
Bone	Duffy	Loneragan	Shipstead
Borah	Erickson	McCarran	Thomas, Okla.
Brown	Fletcher	McGill	Thompson
Bulkley	Frazier	McKellar	Trammell
Bulow	George	Murphy	Tydings
Byrd	Glass	Neely	Van Nuys
Byrnes	Harrison	Norris	Wheeler
Capper	Hatch	Nye	

NOT VOTING—18

Balley	Kean	Robinson, Ind.	Walcott
Costigan	Long	Russell	Walsh
Cutting	McAdoo	Smith	White
Dickinson	Norbeck	Stephens	
Dieterich	Reed	Thomas, Utah	

So the amendment of Mr. HASTINGS was rejected.

CLAIMS OF TURTLE MOUNTAIN BAND OR BANDS OF CHIPPEWA INDIANS—VETO MESSAGE (S.DOC. NO. 179)

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 326, referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota to the Court of Claims for adjudication and settlement.

The principal claims of these Indians were settled by a treaty ratified by the Indians and by the act of Congress of April 21, 1904, whereby \$1,000,000 was appropriated for the benefit of the Indians, and under which they executed a release of all claims whatsoever held by them against the United States.

If such releases and settlements are ignored or deprived of their legal effect in this instance, an undesirable precedent would be created for applications for similar relief for other Indian tribes. This would require the Court of Claims and Supreme Court to pass upon questions of governmental policy in dealing with the Indians, and upon the propriety or impropriety of the Government's action in specific cases. These are questions of a political nature which, heretofore, Congress has consistently refused to remit to the courts for review. Further, it seems to me very questionable whether the courts can be asked or required to adjudicate the rights of the Indians and the United States and, at the same time, to exercise the powers of an arbitrator.

Section 4 of the bill opens the doors of the court to the institution of suits for individual losses or claims, something which the Congress has heretofore sedulously refused to do. This section also empowers the court to entertain questions with reference to agreements and treaties which the courts have uniformly held are strictly political and not within the province of a court. Recognition of Indian title is a purely political matter and can be accorded solely by the sovereign. Section 4 of this act might fasten upon the United States liability for the payment of the value of land which they had never recognized as belonging to these particular Indians solely because some official of the United

States, minor or otherwise, had "recognized" title and occupancy by long possession as being in these particular Indians.

For the foregoing reasons, I consider the bill contrary to the best interests of the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 10, 1934.

Mr. FRAZIER. I move that the message of the President of the United States, with the accompanying bill, be referred to the Committee on Indian Affairs.

The motion was agreed to.

THE AIR MAIL

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the Chair may lay before the Senate at this time the amendments of the House to the so-called "air mail bill."

There being no objection, the Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 3170) to revise air-mail laws, which were to strike out all after the enacting clause and insert:

That this act may be cited as the "Air Mail Act of 1934."

Sec. 2. (a) Effective July 1, 1934, the rate of postage on air mail shall be 5 cents for each ounce or fraction thereof.

(b) When used in this act—

(1) The term "air mail" means mail of any class prepaid at the rate of postage prescribed in subsection (a) of this section.

(2) The term "person" includes an individual, partnership, association, or corporation.

(3) The term "pilot" includes copilot.

SEC. 3. (a) The Postmaster General is authorized to award contracts for the transportation of air mail by airplane between such points as he may designate, and for periods of not exceeding 1 year, to the lowest responsible bidders tendering sufficient guaranty for faithful performance in accordance with the term of the advertisement at fixed rates per airplane-mile. The base rate of pay which may be bid and accepted in awarding such contracts shall in no case exceed 35 cents per airplane-mile for transporting a mail load not exceeding 300 pounds. Payment for transportation shall be at the base rate fixed in the contract for the first 300 pounds of mail or fraction thereof, plus one tenth of such base rate for each additional 100 pounds of mail or fraction thereof, computed at the end of each calendar month on the basis of the average mail load carried per mile over the route during such month.

(b) In case of a determination by the Postmaster General that any bidder is not responsible or is otherwise disqualified under the terms of this act, such determination shall be subject to review in any manner authorized by law.

(c) The Postmaster General shall not award contracts for air-mail routes in excess of an aggregate of 29,000 miles, and shall not establish schedules for air-mail transportation on such routes in excess of an annual aggregate of 40,000,000 airplane-miles.

Authority is hereby conferred upon the Postmaster General to provide and pay for the carriage of mail by air in conformity with the terms of any contract therefor issued prior to the passage of this act, and to extend any such contract for an additional period not exceeding 9 months, at a rate of compensation not exceeding that provided for in the original contract: *Provided*, That the contractor shall consent in writing to the extension and shall likewise agree to comply with all provisions of this act during the extended period of the contract.

SEC. 4. The Postmaster General shall cause an advertisement of each air-mail route to be conspicuously posted at each post office that is a terminus of the route named in such advertisement, for at least 15 days, and a notice thereof shall be published at least once in some daily newspaper of general circulation published in the cities that are the termini for the route, before the time of the opening of bids.

SEC. 5. Any person having a claim against the United States arising out of the annulment of an air-mail contract heretofore held by it, may prosecute such claim in the Court of Claims of the United States, if suit therefor is brought within 1 year after such annulment. No person shall be ineligible to bid and contract for carrying air mail under this act by reason of the provisions of section 3950 of the Revised Statutes (act of June 8, 1872; U.S.C., title 39, sec. 432), nor by reason of any restriction imposed in prior legislation in respect to air-mail contracts.

SEC. 6. All persons holding air-mail contracts shall keep their books, records, and accounts under such regulations as may be prescribed by the Postmaster General, and he is hereby authorized to examine and audit the books, records, and accounts of such contractors and to require a full financial report under such regulations as he may prescribe.

SEC. 7. Before the establishment of any air-mail route the Postmaster General shall notify the Secretary of Commerce, who thereupon shall certify to the Postmaster General the character of equipment to be employed and maintained on such route. The Secretary of Commerce in certifying his specifications to the Postmaster General shall only determine the speed, load capacity, and safety features and safety devices of airplanes to be used on