

## SENATE.

WEDNESDAY, January 24, 1923.

(Legislative day of Tuesday, January 23, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Ernst	Lodge	Phipps
Bayard	Fletcher	McCormick	Ransdell
Borah	Frelinghuysen	McCumber	Reed, Pa.
Brookhart	George	McKellar	Robinson
Calder	Glass	McKinley	Sheppard
Cameron	Hale	McLean	Shortridge
Capper	Harrell	McNary	Smith
Caraway	Harris	Moses	Spencer
Colt	Harrison	Nelson	Sterling
Couzens	Heflin	New	Wadsworth
Culberson	Johnson	Nicholson	Warren
Curtis	Jones, Wash.	Norris	Willis
Dial	Keyes	Oddie	
Dillingham	La Follette	Pepper	

Mr. WILLIS. I desire to announce the absence of my colleague [Mr. POMERENE] on account of illness.

Mr. McKELLAR. I wish to announce the unavoidable absence of the Senator from North Carolina [Mr. OVERMAN] on account of illness.

The VICE PRESIDENT. Fifty-four Senators have answered to their names. There is a quorum present.

## MANUFACTURERS OF POSTS AND POLES (S. DOC. NO. 293).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the activities of trade associations composed of manufacturers of posts and poles in the Rocky Mountain and Mississippi Valley territory, which was referred to the Committee on Interstate Commerce and ordered to be printed.

## PETITIONS.

Mr. JONES of Washington presented petitions of sundry citizens of Outlook and Grandview, both in the State of Washington, praying for the passage of legislation extending payments under reclamation projects over a period of 40 years, which were referred to the Committee on Irrigation and Reclamation.

Mr. ROBINSON presented resolutions adopted by the board of directors of the Crittendon County Chamber of Commerce, at Marion, Ark., favoring amendment of the immigration laws to permit more liberal immigration so as to relieve the present labor shortage in the United States, which were referred to the Committee on Immigration.

## REPORTS OF COMMITTEES.

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

A bill (S. 4113) for the relief of Helene M. Layton (Rept. No. 1034);

A bill (S. 4191) for the relief of Harry E. Fiske (Rept. No. 1035);

A bill (S. 4313) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army (Rept. No. 1036);

A bill (S. 4366) for the relief of W. Ernest Jarvis (Rept. No. 1037);

A bill (H. R. 369) for the relief of the owner of Old Dominion Pier A (Rept. No. 1038);

A bill (H. R. 3836) for the relief of Nolan P. Benner (Rept. No. 1039); and

A bill (H. R. 7583) for the relief of Henry Peters (Rept. No. 1040).

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

A bill (S. 1280) for the relief of Eli N. Sonnenstrahl (Rept. No. 1041);

A bill (S. 4333) for the relief of Howard R. Gurney (Rept. No. 1042); and

A bill (S. 4345) for the relief of E. J. Reynolds (Rept. No. 1043).

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

A bill (S. 1103) for the relief of Frank Vumbaca (Rept. No. 1044);

A bill (S. 3071) to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty (Rept. No. 1045); and

A bill (S. 4085) for the relief of Samuel H. Butler (Rept. No. 1046).

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 4254) for the relief of Elizabeth McKeller, reported it with an amendment and submitted a report (No. 1047) thereon.

He also, from the same committee, to which was referred the bill (S. 4218) for the relief of E. G. Crews, reported it adversely and submitted a report (No. 1048) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 3854) for the relief of Liberty loan subscribers of the National Bank of Cleburne, Tex., reported it adversely and submitted a report (No. 1049) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6134) for relief of estate of Anne C. Shymer, reported it without amendment and submitted a report (No. 1050) thereon.

Mr. HARRELD (for Mr. STANFIELD), from the Committee on Claims, to which was referred the bill (S. 661) for the relief of Arthur Frost, reported it without amendment and submitted a report (No. 1051) thereon.

Mr. ERNST, from the Committee on Claims, to which was referred the bill (S. 1517) for the relief of Antti Merihelmi, reported it with an amendment and submitted a report (No. 1052) thereon.

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

A bill (S. 4310) for the relief of the owners of the steamship *Mohican* (Rept. No. 1053); and

A bill (S. 4311) for the relief of the owners of the steam lighter *Comport* (Rept. No. 1054).

Mr. NEW, from the Committee on Foreign Relations, to which was referred the bill (S. 3701) for the relief of Blattmann & Co., reported it with an amendment.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 266) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia, and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes, reported it with an amendment and submitted a report (No. 1055) thereon.

## BILLS INTRODUCED.

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

By Mr. HARRIS:

A bill (S. 4402) to amend the tariff act of 1922; to the Committee on Finance.

By Mr. HARRISON:

A bill (S. 4403) to amend the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended; to the Committee on Immigration.

By Mr. SMITH:

A bill (S. 4404) authorizing the Secretary of War to transfer to trustees to be named by the Chamber of Commerce of Columbia, S. C., certain lands at Camp Jackson, S. C.; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4405) granting an increase of pension to Nancy C. Pease (with an accompanying paper); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4406) authorizing the appointment of John T. Henderson as captain of Field Artillery; to the Committee on Military Affairs.

## THE MERCHANT MARINE.

Mr. McNARY submitted sundry amendments intended to be proposed by him to the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, which were ordered to lie on the table and to be printed.

## INVESTIGATION OF CROP INSURANCE.

Mr. McNARY. Mr. President, I desire to ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 413. I am sure it will not lead to debate. I have no purpose to delay the consideration of the pending bill. In September of last year a committee was appointed to study farm crop insurance. That committee, under the resolution, was to report in February next. Because of various reasons

they have been unable to do so. The resolution for which I intend to ask immediate consideration simply proposes that the time may be extended for the report of the committee until January 1, 1924. The resolution is not on the calendar, but I now, from the Committee on Agriculture and Forestry, to which it was referred, report it favorably without amendment and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. For the information of the Senate, the Secretary will read the resolution reported by the Senator from Oregon from the Committee on Agriculture and Forestry.

The Secretary read the resolution S. Res. 413, which was submitted by Mr. McNARY January 19, 1923, as follows:

*Resolved*, That the time for making report required of the committee appointed under Senate Resolution 341, agreed to September 9, 1922, is hereby extended to January 1, 1924.

Mr. McKELLAR. To what does the resolution relate?

Mr. McNARY. The committee have been making a study of crop insurance, but have been unable to complete its work.

Mr. McKELLAR. I have no objection to the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

#### THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I desire to have read a unanimous-consent proposal which I expect to submit to the Senate to-morrow.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

It is agreed by unanimous consent that on and after the calendar day of Monday, January 29, 1923, no Senator shall speak more than once or longer than two hours upon the shipping bill, nor more than once or longer than 30 minutes upon any amendment offered thereto, and on and after the calendar day of Monday, the 5th day of February, 1923, unless the bill is already disposed of, no Senator shall speak more than once or longer than 30 minutes on the bill, nor more than once or longer than 10 minutes on any amendment that may be offered thereto.

Mr. McKELLAR. I do not see the Senator from Florida [Mr. FLETCHER], who is on the Committee on Commerce, in the Chamber.

Mr. JONES of Washington. I am not asking for immediate action on the proposed unanimous-consent agreement. I shall ask for its consideration to-morrow.

Mr. McKELLAR. Very well.

#### IMPOSITION OF TARIFF DUTY ON WHITE ARSENIC.

Mr. SMITH. Mr. President, the District of Columbia appropriation bill is pending before the Senate, but I wish to call attention to a matter of, perhaps, more importance to the public at large than any other subject which could engage our attention. During the discussion and consideration of the tariff bill before its passage I offered an amendment to the bill proposing to put white arsenic on the free list. That amendment was adopted by an overwhelming vote on the Republican side, as well as the Democratic side, of the Chamber. It was done largely because it was made apparent that, perhaps, the greatest source of income to American commerce was being jeopardized. Even those Republicans who originally advocated a tariff duty on the commodity were willing to waive their views in order to aid in the fight against the pest that is rapidly destroying the cotton crop of the South. Billions of dollars of property are being destroyed, and the prosperity of the New England and the southern cotton mills is at this moment jeopardized because of the ravages of the boll weevil. The ginners' report for the middle of January, which came out yesterday, discloses that we have only a little over 9,500,000 bales of cotton to supply a 15,000,000-bale demand. The consumption of cotton by the American mills before the World War was on an average of about 4,500,000 bales yearly. Under the stimulus of war and the demand for cotton goods the consumption of cotton by American mills rose to something like 7,000,000 bales. Last year we made a little less than 8,000,000 bales. We carried over a surplus from preceding crops and preceding consumption which supplemented that short crop and gave an approximately adequate supply for the consumption year which ended August 1, 1922.

Now, we are in the consumption year extending from August 1, 1922, to August 1, 1923, with a probable demand of nearly 14,000,000 bales of cotton and with less than a 10,000,000-bale supply, or, with the surplus carried over, not to exceed a 12,000,000-bale supply of American cotton; so that the outlook for an adequate supply of this indispensable article of human

consumption seems to be almost hopeless unless we can find some means by which to meet and overcome the ravages of the boll weevil.

I am quite sure that there is not a Senator on this floor who fully appreciates the disastrous results of the impending destruction of the southern cotton crop. Mr. President, in the State of South Carolina I venture to assert that already 30 per cent of the tenants have left the State. On my own farm 80 per cent of the labor that has heretofore been engaged in the production of cotton has gone. I am informed that they have gone to the Northern and the Middle Atlantic States; some have gone to Maryland; others have gone to Pennsylvania and Ohio; they are leaving by the thousands. Not only is there a tremendous menace in the loss of this American monopoly but there is involved demoralization in every department of our industry, due to the fact that the keystone of the arch has been knocked out. The effect will be felt by every industry east of the Rocky Mountains.

In the time that I propose to occupy I shall not go into the details in reference to this matter, but I wish to call attention to the ruling of the customs department in reference to the compound that we use in fighting this insect, namely, calcium arsenate. As I have said, under the amendment which I offered on the floor and which was adopted by an overwhelming majority we put sulphide of arsenic and arsenious acid or white arsenic on the free list under paragraphs 1512 and 1513 of the tariff act. The customs officials, however, claim that calcium arsenate is dutiable at 25 per cent ad valorem under the basket clause for the following reasons, which I should like Senators to hear:

In paragraph 1 there is a duty placed on the different articles therein mentioned, and arsenic acid bears a duty of 3 cents per pound. According to the definition of chemists arsenic acid and arsenious acid are interchangeable terms. We put arsenic acid or white arsenic on the free list, and the bill should have been corrected so that arsenic acid should also have been put upon the free list, because, as I have said, according to the chemists they are interchangeable terms; they are the same thing.

The paragraph under which calcium arsenate is held to be dutiable is the following:

All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for, 25 per cent ad valorem.

The Senate specifically put arsenious acid or white arsenic on the free list and the sulphide of arsenic on the free list.

Yet, by spelling the same thing in a different form, they have put the compound of arsenic acid, mainly a mixture of lime, on the dutiable list. If there were a difference between arsenic and arsenious acid, it would not apply to calcium arsenate, because calcium arsenate is made from white arsenic, which is on the free list. Therefore, since calcium arsenate is made from white arsenic, which is on the free list, and from lime, which is unlimited—we have mountains of it—no form of which is on the dutiable list, I claim that the customs department is in error in putting calcium arsenate, which is a compound of free articles, upon the dutiable list, because that compound is not named in the tariff specifically at all.

I have come to the Senate in order to advise my colleagues here that the object of our putting white arsenic on the free list, and sulphide of arsenic on the free list, was to give the markets of the world to those who were attempting to save the American cotton crop from the ravages of this pest. Now, when we have gotten the ingredients on the free list, what advantage is it to us if the form in which the article must be used is on the dutiable list? It defeats the very object of the legislation that you so splendidly granted not only the South but the American people in fighting to maintain their great monopoly of the textile production of the world; and I am waiting to-day to find if the customs department is going to change this ruling. If not, I shall introduce a resolution asking that calcium arsenate, which we had in view at the time we put these ingredients on the free list, shall be placed upon the free list, so that wherever this thing is manufactured and can be sold in this country at the lowest possible cost to the already overburdened producers of cotton, they shall have the benefit thereof.

I thought I would take this occasion this morning to call the attention of the public to the fact that the intent and purpose of Congress was to put this ingredient on the free list, and allow the public to get it where they could—not white arsenic alone but the compound that was proposed



by the Agricultural Department as being the ingredient that would in a manner help to eradicate or control this pest.

If we are to have our calcium arsenate dutiable, it is the very form in which white arsenic is made available as an insecticide; and if the department claim that under the terms of the present law they must impose this duty, then I shall offer a resolution immediately upon the receipt of that knowledge from the department, and ask my colleagues here to see that the intent of Congress is carried out.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

Mr. PHIPPS. Mr. President, I ask that the Secretary proceed with the reading of the bill.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Harbor patrol," on page 59, line 21, to increase the appropriation for fuel, construction, maintenance, repairs, and incidentals from "\$3,000" to "\$3,500."

The amendment was agreed to.

The next amendment was, under the head "Fire department, miscellaneous," on page 61, line 17, to increase the appropriation for forage from "\$4,500" to "\$5,000."

The amendment was agreed to.

The next amendment was, under the head "Health department," on page 65, at the end of line 5, to strike out "\$6,000" and insert "\$6,500," so as to make the paragraph read:

For maintenance of disinfecting service, including salaries or compensation for personal services when ordered in writing by the commissioners and necessary for maintenance of said service, and for purchase and maintenance of necessary horses, wagons, and harness, \$6,500.

The amendment was agreed to.

The next amendment was, under the subhead "Bacteriological laboratory," on page 65, line 17, to strike out "\$650" and insert "\$750," so as to make the paragraph read:

For maintaining and keeping in good order, and for the purchase of reference books and scientific periodicals, \$750.

The amendment was agreed to.

The next amendment was, under the subhead "Chemical laboratory," on page 65, at the end of line 23, to strike out "\$750" and insert "\$1,000," so as to make the paragraph read:

For maintaining and keeping in good order, and for the purchase of reference books and scientific periodicals, \$1,000.

The amendment was agreed to.

The next amendment was, on page 66, line 7, after the word "month," to insert "or motor vehicle at not to exceed \$26 per month," so as to read:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed the health officer, assistant health officer, chief medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for maintenance by each of a horse and vehicle at not to exceed \$20 per month, or motor vehicle at not to exceed \$26 per month for use in the discharge of his official duties.

Mr. PHIPPS. That goes over for consideration with other items in the same category.

The VICE PRESIDENT. The amendment will be passed over.

Mr. PHIPPS. The next amendment is on line 9.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the end of line 9, to strike out "\$6,000" and insert "\$8,000," so as to read:

And other necessary traveling expenses, \$8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 67, after line 4, to insert:

For repairs and improvements in dog pens at dog pound, \$250.

The amendment was agreed to.

The next amendment was, on page 67, line 14, after the word "supplies," to strike out "\$15,000" and insert "\$18,000," so as to read:

For establishing and maintaining a child hygiene service, including the establishment and maintenance of child welfare stations for the clinical examination, advice, care, and maintenance of children under 6 years of age, payment for personal services, rent, fuel, periodicals, and supplies, \$18,000.

The amendment was agreed to.

The next amendment was, on page 72, line 1, after the word "expenses," to strike out "\$637" and insert "\$325; maintenance of motor vehicle used in performance of official duties, at not to exceed \$26 per month, \$312," so as to make the paragraph read:

Probation system: Probation officer, \$2,200; assistant probation officer, \$1,400; stenographer and typewriter and assistant, \$900; contingent expenses, \$325; maintenance of motor vehicle used in performance of official duties, at not to exceed \$26 per month, \$312; in all, \$5,137.

Mr. PHIPPS. That also is an item which will go over in accordance with the understanding.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Charities and corrections, Board of Charities," on page 75, line 8, to increase the appropriation for maintenance of four motor ambulances from "\$1,600" to "\$1,800."

The amendment was agreed to.

The next amendment was, under the subhead "Jail," on page 75, at the end of line 12, to increase the appropriation for screening doors and windows at the jail from "\$1,500" to "\$4,750."

The amendment was agreed to.

The next amendment was, under the subhead "Reformatory," on page 78, line 9, after the word "items," to strike out: "\$52,000, and all moneys hereafter received at the reformatory as income thereof from the sale of brooms to the various branches of the government of the District of Columbia shall remain available for the manufacture of additional brooms to be similarly disposed of" and insert "\$60,000," so as to read:

For maintenance, custody, clothing, care, and support of inmates; rewards for fugitives; provisions, subsistence, medicine and hospital instruments, furniture, and quarters for guards and other employees and inmates; purchase of tools and equipment; purchase and maintenance of farm implements, live stock, tools, equipment; transportation and means of transportation; maintenance and operation of means of transportation; supplies and labor, and all other necessary items, \$60,000.

Mr. McKELLAR. Mr. President, will the Senator give us an explanation of that item?

Mr. PHIPPS. Mr. President, the practice of allowing an activity to collect money through the sale of articles it manufactures and use it to pay for the running expenses of the institution is one which we are trying to discourage. We did not permit this last year. It has been suggested heretofore; and instead of permitting them to use the money received from the sale of brooms for current expenses we think the practice of covering it into the Treasury should be followed. Therefore we raised the amount to \$60,000.

Mr. McKELLAR. I agree with the Senator that that should be done.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 78, line 17, to increase the total appropriation for the reformatory from \$132,000 to \$140,000.

The amendment was agreed to.

The next amendment was, under the head "Medical charities," on page 80, line 8, to increase the appropriation for Eastern Dispensary and Casualty Hospital from \$5,000 to \$15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Gallinger Municipal Hospital," on page 82, line 7, to increase the appropriation for repairs to buildings from \$3,000 to \$5,000.

The amendment was agreed to.

The next amendment was, under the head "Child-caring institutions, Board of Children's Guardians," on page 83, line 1, before the words "at \$1,000 each," to strike out "two" and insert "four," and, at the end of line 3, to strike out "\$28,140" and insert "\$30,140," so as to make the paragraph read:

Salaries: Agent, \$1,800; supervisor and placing officer, \$1,740; investigator and placing officer, \$1,500; clerks—1 \$1,200, 1 \$900; stenographer, \$900; placing and investigating officers—6 at \$1,200 each, 4 at \$1,000 each, 10 at \$900 each; record clerk, \$900; messenger, \$500; laborer, \$500; in all, \$30,140.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School for Colored Children," on page 85, line 7, to increase the appropriation for additional amount for erection of cottage for boys from \$5,000 to \$7,000.

The amendment was agreed to.

The next amendment was, under the subhead "Home for Aged and Infirm," on page 86, line 14, after the figures "\$360," to strike out "one at \$180" and insert "two at \$180 each," and at the end of line 20 to strike out "\$21,052" and insert "\$21,232," so as to make the paragraph read:

Salaries: Superintendent, \$1,200; clerk, \$900; matron, \$600; chief cook, \$720; baker and laundryman, at \$540 each; chief engineer, \$1,000; assistant engineer, \$720; mechanic, \$1,000; physician and pharmacist, \$480; second assistant engineer, \$480; nurse, \$600; two male attendants and two nurses, at \$360 each; two female attendants, at \$300 each; orderly, \$360; three firemen, at \$360 each; assistant cooks—one \$360, two at \$180 each; foreman of construction and repair, \$840; blacksmith and woodworker, \$540; farmer, \$720; truck gardener, \$600; four farm hands, dairyman, and tailor, at \$360 each; seamstress, \$240; laundress, hostler, and driver, at \$240 each; three servants, at \$144 each; night watchman, \$240; temporary labor, \$2,000; in all, \$21,232.

The amendment was agreed to.

The next amendment was, on page 88, after line 12, to insert:

NATIONAL LIBRARY FOR THE BLIND.

For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

Mr. PHIPPS. Mr. President, I find that a correction is necessary in the location of the building. I send it to the desk in order that the amendments may be corrected to conform to the facts.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. In the amendment proposed by the committee strike out "1729 H Street NW." and insert "1800 D Street NW."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 88, after line 17, to insert:

COLUMBIA POLYTECHNIC INSTITUTE.

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Public Buildings and Grounds," on page 91, after line 22, to strike out:

For foremen, gardeners, mechanics, and laborers employed in the public grounds, \$31,200.

Mr. PHIPPS. Mr. President, at that point I should like to make a little explanation as to these activities coming under the park service. They have been carried in a number of separate items—various small items of \$2,000 and \$3,000, and some even smaller amounts. We think it unnecessary to carry separate items for those matters and that better administration may be had by combining them. They are all under the charge of the superintendent in any event. Colonel Sherrill has charge of the buildings and grounds; and we have stricken out quite a lot of the language covering these separate items in the bill and combined it in two or three items, commencing on page 96.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, where is it on page 96?

Mr. PHIPPS. Beginning at the top of page 96 we give one item of \$343,750, and then we have the separate items necessary to take care of the activities already in the bill. They are all in the bill as it came from the House. There is no change in the amounts, excepting beginning on page 96, line 16, where there are committee amendments; but the four items beginning at the top of page 96 take the place of the ones stricken out on pages 91, 92, 93, 94, and 95.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? Is not this merely getting away from making specific appropriations and giving a lump-sum appropriation?

Mr. PHIPPS. No; because the various items are considered in the estimates made by the various minor officials and approved by the commissioners, and they go to the Budget, and all of that detail is available to the committee in considering the total appropriation.

Mr. CARAWAY. But it is not in the appropriation bill.

Mr. PHIPPS. So that the effect is this, if I may explain to the Senator: Where an item is \$1,000 in one case and there is another item of \$1,500, they might average \$1,250 each without violation of the appropriation.

Mr. McKELLAR. Mr. President, I think I can answer the Senator from Arkansas. I call attention to the wording of the amendment on page 96:

For improvement and care of public grounds in the District of Columbia, including foremen, gardeners, mechanics, laborers, office rent, maintenance, repair, exchange, and operation of not to exceed three

motor-propelled passenger-carrying vehicles, and the maintenance, repair, exchange, and operation of motor cycles and bicycles for division foremen, \$343,750.

It will be noted that this lump-sum appropriation is very admirably arranged to increase the number of motor-propelled passenger vehicles for the use of another class of our office-holders in the District of Columbia, namely, for division foremen, whoever a division foreman may be. I call attention to it for the purpose of showing that whenever it is possible these lump-sum appropriations are used for passenger-carrying vehicles for the various officials and employees and others connected with the Government.

Mr. PHIPPS. Mr. President, I think at this point I should call the attention of the Senator from Tennessee to the language on page 94, which is identical with the language as transferred now to page 96, namely, "For improvement, care, and maintenance," and so forth. There is no intention to combine these with the idea of covering up anything. The language is identical with the language in the current law and the language as it came to us from the House.

Mr. McKELLAR. But the lump-sum appropriation is added to so that it can be switched around and the money utilized for the purpose of having as many motor passenger vehicles as possible.

Mr. PHIPPS. I can not agree with the Senator in that statement.

Mr. CARAWAY. Let me ask the Senator from Colorado if any purpose can be served here other than merely to save the printer's bill? The items which constitute the explicit directions to the commissioners for the expenditure of this money are stricken out and then a lump sum is appropriated for all these activities, as I gather from the bill.

Mr. PHIPPS. The intention of combining was not merely the saving of the cost of printing which might be involved, but it was in order to secure more latitude and better administration.

Mr. CARAWAY. Then the real purpose is to permit them to switch a fund from one purpose to another and use it wherever in their judgment they consider best?

Mr. PHIPPS. That is correct in a sense.

Mr. CARAWAY. Let me make a suggestion to the Senator from Colorado. It is easy to be critical, and I hope I do not impress the Senator that I merely want to criticize.

Mr. PHIPPS. Not at all.

Mr. CARAWAY. Under this peculiar form of government in the District of Columbia, I rather think there is less actual care given to the use of money appropriated than in any other municipality in the world. Let us take Irving Street, on which I live. It was dug up during the early fall three or four times, repaired, and resurfaced, and the next week it was dug up again from end to end. It was somewhat repaired, and then a lot of holes were dug in it two or three weeks later. There is no government except the government of the District of Columbia that would tolerate such a wasteful expenditure of money. I think a water main was laid after it was resurfaced. Just about the time it got so that one could get along without sticking to it, it was dug up again.

We have a rather ornamental commission in charge of affairs here. One of the members of the commission devoted all of his time for a while to trying to outrun Ford cars and seeing who were in them; if another member had any activities, nobody ever found it out, and the engineer commissioner put in most of his time trying to defend himself for not stopping to explain to every citizens' association what he intended doing. I believe the Senator from Colorado will agree with me that the government here has practically no administrative head.

Mr. PHIPPS. I will say very frankly that I could not agree with the Senator in that proposition. I have been in contact with the engineer commissioner, and I have a very high opinion of his ability as a business man, as a worker, and as a man with good ideas, and one who is earnest in his efforts to give good administration.

Mr. CARAWAY. Nobody said he was not earnest; but how many projects do they commence and quit? What became of the curbing along Connecticut Avenue?

Mr. PHIPPS. The proposition is to continue that as far as Chevy Chase Circle, and I think it is a good plan.

Mr. CARAWAY. Why was it abandoned?

Mr. PHIPPS. It was not abandoned. The fact is it was put in as an experiment, to demonstrate what was in the minds of the commissioners, and to draw forth comment. They were waited upon by a delegation of automobile users, who did not want to give the people who ride on trolley cars any consideration at all. The motive of the commissioners is to adopt that form where the roadway is wide enough.



For one-way traffic a 20-foot street would be wide enough for automobiles to pass, traffic moving in only one direction, thereby saving the expense of paving between and inside the tracks, because if the tramway company is compelled to expend that money in paving it becomes an investment, on which the authorities have to allow the companies to make earnings; and we are trying to get the car fares down.

Mr. CARAWAY. The fares in the District of Columbia are never reduced anyway. I am not saying it is not a wise thing, but there is no use expecting the present commission ever to reduce the rates of a utilities company in the District of Columbia. The commission always finds that the rates are reasonable, except where they find they are too low and raise them. They never find them to be too high.

Mr. BALL. Mr. President, the Public Utilities Commission reduced the fares about a year ago.

Mr. CARAWAY. The Senator remembers the row about the fares and how the commissioners have always found, as they did in the case of the telephone company, the companies get so much that even they themselves can not afford to say there should not be some kind of a reduction.

Returning to the experiment on Connecticut Avenue, great expenditures should not be made as an experiment.

Mr. PHIPPS. The place where the curbing was put in extends for about two and a half blocks.

Mr. CARAWAY. I know; I have seen it.

Mr. PHIPPS. It shows what the completed street would be under that plan. The object to be attained is to avoid, as they see it, unnecessary further capital expenditures on the part of the tramway company, so that they will not be in a strong position to say, "We can not reduce fares, because we are not making earnings."

Mr. CARAWAY. Everybody knows they will never reduce their fares. That is such an improbability that it does not amount to a reason at all. Recurring to Irving Street, can the Senator, as a great business man, justify the tearing up of the same street three or four times in that many months?

Mr. PHIPPS. No; certainly not; but, as a business man, if a resident on the street, I would have gone personally to the commissioners and endeavored to stop that right at the time; and I would like to ask the Senator if he made complaint in writing to the commissioners, calling their attention to it?

Mr. CARAWAY. No; I have never put in my time trying to tell another man how he ought to conduct his business. But the Senator is trying to defend the business administration of the District of Columbia, and I merely call his attention to it. If the commission do not know that Irving Street is in the District of Columbia, it might possibly have been wise for some one living upon it to call their attention to the fact, but it is a tolerably well-known street, it has been opened for a long number of years, it extends clear across the city, and I had naturally presumed that the city government would know there was a street by that name in the city.

Mr. PHIPPS. I do not think the Senator would expect the commissioner in charge of that particular work to visit Irving Street every week or every day. I should think that one having in mind the public interest and seeing a dereliction of that nature would call the attention of the commissioners to the fact.

Mr. CARAWAY. Who has the authority to authorize streets being torn up?

Mr. PHIPPS. The commissioner in charge of the street, or whoever he delegates.

Mr. CARAWAY. Why should I call his attention to it, when he has issued an order to have it done?

Mr. PHIPPS. In the public interest, I should think one would.

Mr. CARAWAY. He made the order. He knew, did he not, that he made the order to tear up the street? I know, and if the Senator was not overzealous to defend the District he would, that where you have divided authority, where public sentiment is not very acute as to the expenditure of the public funds, there is always waste. The taxes in the District of Columbia are so comparatively light, the Government of the United States pays such a large amount of the expenditures of the District, that the ordinary taxpayer is interested only in getting the appropriation, not in what is done with it after the appropriation has been made.

Mr. PHIPPS. Mr. President, I do not think I have been overzealous in trying to defend those in charge of the District government. There have been times when I felt that it was advisable and proper to encourage them in things they were doing, such as the very paving we have spoken of. At other times I have not hesitated to criticize them, nor have I hesitated to call their attention to things coming under my observa-

tion which I did not feel were being carried out as they should be.

Mr. CARAWAY. I rather think that the time the Senator felt like criticizing them was some time ago. All I have ever heard from him recently has been commendation. Possibly that is as it should be; and I hope that I am not indulging in mere criticism. I was calling attention to the very evils which can come about from transferring a whole host of items, including the activities of the city government, into one lump-sum appropriation, and then letting people who have not a very great regard for what becomes of it to expend it as they see fit.

The very incident I called to the Senator's attention, as to the way Irving Street was handled, should challenge our attention. The Senator now undertakes to justify the city government by saying I am derelict in my duties because I did not quit the Senate and go and hunt up the man in charge of it and tell him to go down and see what they were doing when they knew they were doing it.

Mr. PHIPPS. The Senator is probably not aware of the fact that the items under discussion here do not come under the commissioners. As I stated, this comes under Colonel Sherrill, who is in charge of public buildings and grounds.

Mr. CARAWAY. Suppose it does come under Colonel Sherrill; I am talking about the unwisdom of gathering up all the items and letting one do just as he pleases with them. I know the Senator is a business man of rare ability, and I know he would not conduct his own business in that way. Since he speaks now for the people who pay the taxes of the District of Columbia he ought to see that the business of the District of Columbia is conducted as economically and as wisely as he would the business he himself has conducted in the past. I do not mean to apply my remarks to the Senator personally.

Mr. PHIPPS. I do not take any of those remarks as being personal. I say to the Senator, however, that the proposition of combining these items into one, or under two or three separate heads, instead of a great number, being all under the operation of the man in charge of parks, was considered by the subcommittee, and it was felt advisable to combine them. That proposition met with the favor of the Appropriations Committee when the bill was under review. We thought it was advisable to take it to conference with Members of the House and to discuss it there with them.

Mr. CARAWAY. I am not finding fault with the manner in which it was done; I am just venturing to suggest that it is an unwise system. If it were wise to combine these items, why not say, "We make an appropriation for the District of Columbia of so many millions of dollars. Here it is. Expend it as may seem wise."

Mr. PHIPPS. I am very glad to have the Senator's views on the point. If the items go to conference, I shall certainly bear them in mind. Admittedly there is force in the argument which he has presented.

Mr. CARAWAY. I have watched the matter of appropriations for some time. While I have never had the honor of being a member of the Appropriations Committee, and never sought such membership, I have noted the tendency on the part of those who are expending public moneys to have the appropriations handed to them freed of all restriction. The argument of all the departments has always been, "If we had that money so we could use it as we see fit, we could effect economy." I have heard that argument ever since I have been a Member of Congress. The present provision seems to me to be a yielding to that general desire to have the money turned over and expended in that way. I think it is unwise.

Mr. McKELLAR. Mr. President, the Senator from Arkansas had something to say about the fixing of street car fares in the District of Columbia. I want to call the attention of the Members of the Senate to a contract which seems to have been ignored by everybody, including the Utilities Commission and those in charge of the Washington government.

I call attention to the contract entered into between the Capital Traction Co. and the city of Washington, in which it is said in part:

Said company shall receive a rate of fare not exceeding 5 cents for each passenger for each continuous ride between all points of its main and branch lines, but shall sell tickets in packages of six each for not exceeding 25 cents per package.

In the Washington Railway & Electric Co. contract a similar provision about fares is contained in section 19:

That said company shall receive a rate of fare not exceeding 5 cents per passenger, but six tickets shall be sold for 25 cents: *Provided*, That the said company and the Capital Traction Co. are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Co. shall be entitled to a continuous ride over the line of the other company, or vice versa.

During the war, I understand, as a war measure, the Utilities Commission authorized the companies to violate their contracts.

My recollection is from newspaper stories which I read at the time that the Capital Traction Co. protested against being required to raise its fares to 8 cents, but was required to do it anyway, and the public of Washington, who have to use the street cars, are still charged 6 tickets for 40 cents, or, where they pay cash, an 8-cent fare.

Mr. President, I want to protest against this action of the Public Utilities Commission and the city government. It ought not to be permitted. The Congress owes it to the people who have to use the cars here to require the two companies to stand by their contracts. It is remarkable that someone has not already tested the question in the courts as to the right of the commission to increase fares, and especially the right of the commission to increase them over the protest of one of the companies. I hope the Committee on the District of Columbia will look into the matter. I had hoped they would report a bill by this time requiring the companies to stand by their contracts and to furnish the people fares at 5 cents or six tickets for a quarter, as they should.

I looked over a statement of their earnings the other day, and I am sorry I have not the figures before me at this time. I shall undertake to get them and put them in the Record. My recollection is that one company passed to some improvement fund over a million dollars. I am just informed by a colleague sitting near me that it was over \$3,000,000. At any rate, the annual reports of the companies show that they are making money and are doing splendidly. They could do splendidly and abide by their contracts and stand by their contracts to furnish the people of Washington service at 5 cents or six tickets for a quarter, as they have contracted to do. The war has been over several years.

Mr. SMITH. Was that in their contract?

Mr. McKELLAR. Of course it was in their contract, and if it were a contract with a State they could not violate it. A State government has no right to enact a law violating the terms of a contract or impairing the obligation of a contract, as it is usually termed, and we ought not to permit it in this case. I doubt if it is lawful, but even if it were lawful, even if it should by a technicality be held not to apply to the National Government, the Congress ought to protect the people of this city who are compelled to use street cars, the people who do not have automobile transportation legislated for them by the Congress, the people who have not enough pull with the Congress to have the Congress legislate private automobiles for their private use as well as for their public use. Their interests ought to be looked after, and I regret that the Committee on the District of Columbia have not reported a bill requiring the companies, long after the war, to reduce their fares in accordance with their contracts.

Mr. PHIPPS. Mr. President, of course that is legislation to which I believe the Committee on the District of Columbia has been giving consideration. Naturally, it could not be treated in any manner on the appropriation bill now under consideration.

Mr. McKELLAR. If the Senator will permit me, of course I understand that, but it is a matter which has been running on for a long time in the District. The citizens who have to use the street cars have had this enormous tax burden to bear for so long and the District Committee has been so dilatory when the matter was brought up by other Senators, that it seemed to me some Senator ought to speak out in behalf of the people of this city who have to use the street cars. There is no reason in the world why the street car companies should not be required to live up to their contracts.

Mr. CARAWAY. Mr. President, may I make a suggestion?

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. PHIPPS. Certainly.

Mr. CARAWAY. I should like to suggest to the Senator that, as I now recall, the Washington Railway & Electric Co. paid for their properties here about \$8,000,000, certainly not to exceed \$9,000,000, and now they have the properties capitalized for \$30,000,000, and want the people to pay dividends on that capitalization.

Mr. McKELLAR. Of course, and they are paying the bill, and so far as I know the Committee on the District of Columbia have done nothing in the world about it, and there has been no move whatever to prevent this enormous tax being continued upon the people of the District.

Mr. CARAWAY. That is what I want to call attention to in connection with the efficient government which the Senator

from Colorado was eulogizing a moment ago—the active city government taking care of the interests of the people, when such a condition as that arises with their approval.

Mr. McKELLAR. It was a violation of the plain contract, and there has never been a protest on the part of any city official. There has never been a demand by any city official to require the companies which are confessedly making large sums of money, splendid incomes, and paying splendid dividends by charging the people of Washington more than is charged, I believe, in any city of the country, to reduce their rates. If we go to New York we can travel anywhere within the confines of that city for 5 cents. While the New York companies may not be making as much money as the Capital Traction Co. and the Washington Railway & Electric Co., they are managing to get along, and I have no doubt are doing fairly well. Surely the Congress ought to protect the people of Washington who have to use the street cars.

Mr. PHIPPS. At that time I was not a resident of Washington; I was a resident of the city of Denver, and I know what happened there. The War Labor Board ordered that the tramway lines there pay increased rates of compensation to their employees. The average increase in the city of Denver, as my recollection serves me, was about 60 per cent in the wages of labor. Those rates of pay were put into effect. Coincidentally the War Labor Board, having no right to order an increase in the passenger fares or rates, strongly recommended to the authorities of the city of Denver that permission be granted to increase the rates of fare.

I remember the telegram that was sent by the joint chairmen of the War Labor Board. The city authorities refused that permission, claiming a 5-cent fare contract similar to the one to which the Senator referred here. The business was conducted on the 5-cent fare for less than two years, when the company went into the hands of receivers, just as the New York transportation companies finally went into receiverships. That question is being thrashed out to-day. When the Denver company went into the hands of receivers and the United States court took jurisdiction the court ordered an increase in fares so that the company might be compensated for the extra outlay ordered by the War Labor Board. The question is now up for determination in the Supreme Court of the United States.

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

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. PHIPPS. Certainly.

Mr. CARAWAY. I desire to ask the Senator, because I am curious to know, what authority the War Labor Board had over the public utilities of the city of Denver?

Mr. PHIPPS. I tried to make my statement clear. The War Labor Board had authority over the pay for labor under the war exigency, and ordered that the rates of pay be increased. It could not order the authorities to permit an increase in fares, but strongly recommended such increase.

Mr. CARAWAY. I so understood the Senator. I did not know before that the War Labor Board had the right to say to a purely city public utility that it should raise its wages. Under what provision of the law did such an order go forward? It certainly was not issued here affecting the rates in the city of Washington.

Mr. PHIPPS. As I said, I was not a resident of Washington at that time and am not familiar with the action taken here, but I assume that the same action was taken here that was taken in Denver, in New York, and in other cities.

Mr. CARAWAY. I never knew before that the War Labor Board undertook to regulate the price of labor of street car companies.

Mr. PHIPPS. That is the fact.

Mr. CARAWAY. I rather imagined it was merely a matter of recommendation.

Mr. PHIPPS. Oh, no; it was an order.

Mr. CARAWAY. That is one thing that I am rather interested to know about. I knew they regulated practically everything else, but I never knew before that they regulated street car motormen's and conductors' wages.

Mr. PHIPPS. I believe the Senator will find that is correct. Mr. CARAWAY. I am not questioning the Senator's statement. I know it is true. I was merely thinking about the War Labor Board's usurpation of authority.

Mr. McKELLAR. Mr. President—

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

Mr. PHIPPS. I do.



Mr. McKELLAR. Has the District Committee given any attention at all to an investigation of the question of fares on the street car lines here in the city of Washington?

Mr. PHIPPS. I am not a member of the District Committee, I will say to the Senator.

Mr. McKELLAR. I was under the misapprehension that the Senator was.

Mr. PHIPPS. I am not.

Mr. McKELLAR. In the Senator's capacity as a member of the Committee on Appropriations, having to do with District business, I am wondering whether or not the question of the salaries of the officials of the street car companies has ever been brought to his attention or that of the committee?

Mr. PHIPPS. No; in my recollection, it has not been.

Mr. McKELLAR. The Senator does not know, then, what salaries are paid to the presidents and other officers of the street car companies?

Mr. PHIPPS. I will say to the Senator that I have heard those salaries mentioned, but not by any authentic source of information, and I do not now even recall them.

Mr. McKELLAR. The officials of the street car companies are paid in keeping with the 8-cent fare on the cars, I apprehend, are they not?

Mr. PHIPPS. I will say to the Senator that I have no information that would throw any light on that point.

Mr. McKELLAR. I wish to call the attention of the Senate—

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

Mr. PHIPPS. I do.

Mr. McKELLAR. As I understand, the Senator from Colorado had yielded the floor. I wish to be recognized in my own right.

Mr. PHIPPS. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, on this subject I wish to call the attention of the Senate to the constitutional provision that no State shall pass any "law impairing the obligation of contracts." Of course, the provision does not, in terms, declare that Congress shall not pass such a law; but I doubt whether a commission has the right to establish a rule impairing the obligation of the contracts between the two street railway companies here in the District of Columbia and the city of Washington or with the Congress itself. Whether a commission has such a right or not, surely that right ought not to be exercised to impair the obligation of the contracts which have been made. Even having done so, assuming that by some act of Congress it has been done, we surely ought not to continue it any longer. Congress owes it to itself and to a proper interpretation of the intent of the Constitution to see to it that these contracts are no longer violated. I hope the District Committee will report out a bill requiring the two street railway companies which are located here to live up to their contracts in reference to fares in the city of Washington.

Mr. KING. Mr. President, the subject referred to by the able Senator from Tennessee is one which has received attention at the hands of the District Committee, of which, Senators may recall, I am a member. A number of propositions have been submitted to the committee for consideration, tending to solve what might be denominated the street car problem of the city of Washington. In my opinion, the committee has not been as diligent in the prosecution of this important task as it should have been. However, the conditions following the World War, the attempt to get down to a peace basis, have produced such mutations from day to day that the committee probably have looked upon these changes as an excuse for not offering some concrete plan and forcing legislation in reference to this matter.

Mr. President, I wish to say that the question of dealing with the street car companies throughout the United States and in the various municipalities is a very serious one. A few years ago there was a great deal of building of street car lines and extensions of such lines in municipalities; millions of dollars were expended in building up interurban electrical systems. In the great States of Indiana, Ohio, and Illinois, particularly, and many others, the names of which will readily recall themselves to Senators, there were hundreds, if not thousands, of miles of interurban street car lines established. Those street car line systems brought great benefit to the people; they brought the country in contact with the cities; they reduced freight charges; they enabled the farmers and the agriculturists to get their products, particularly milk products, and their vegetables to the cities at rates far less than those which had previously been established by the steam railroads. I venture the assertion,

however, that during the past 10 or 15 years but very few miles of street car lines or of interurban electric lines have been built. I do not pretend to say that the street car lines and the interurban lines were improvidently managed or that incompetency characterized their administration; indeed, I am inclined to think that, generally speaking, the owners of such roads tried to operate them efficiently, so as to reap reasonable rewards. However, it may be said that many scandals have arisen in municipalities growing out of street car franchises. A franchise would be obtained and would be put into a corporation with an enormous capital. We know of the scandals in many of the cities—I shall not mention them—growing out of the improvident use of street car franchises and the corruption which was incident to the establishment of new street car lines within the cities.

During the past few years the road of the street car companies and of the interurban electric companies has been, generally speaking, in the language of the street, a "very rocky road." Many of the lines have gone into the hands of receivers. I repeat whether it was through improvidence and extravagance and maladministration I shall not pretend to state, but it is a fact that most of the street car companies for the four or five years immediately preceding our entrance into the Great World War proved unprofitable and paid but small, if any, dividends, and, in many instances, there were actual deficits.

Then the World War came on, and, as was stated by the Senator from Colorado [Mr. PHIPPS], the Labor Board projected itself—whether properly or improperly, I shall not pause to say—into the domestic affairs of the States, into the affairs of the municipalities, and into the contractual relations of private individuals. Rates were raised, and, of course, wages were advanced, as they should have been under the conditions then existing.

Mr. President, the condition in this city is very unsatisfactory with respect to the street car lines. I think that Congress ought immediately to deal with this subject. The two street car companies should be compelled by proper legislation, legislation that would not be destructive but constructive and would adequately and properly protect the right of bondholders and stockholders, to consolidate the lines, and then a just and fair rate should be fixed for the carrying of passengers within the District. Certainly the present situation is not only unsatisfactory but it is anomalous.

This question is before the District Committee, and during the next Congress—and if there should be a special session then during that special session—I hope the committee will take the matter up and report out one of the bills pending before it now, or a composite bill or a new bill, a measure of some kind, that will deal with this subject in a proper, in an effective, and in a just way.

#### ODD-LOT COTTON EXCHANGES.

Mr. DIAL. Mr. President, some days ago I introduced a bill providing penalties for persons who fraudulently fail to settle with parties who deal in future contracts, buying and selling agricultural products. That bill was referred to the Judiciary Committee, but has not as yet been reported by that committee. I hope that it will soon be reported.

I have in my hand a statement of the Odd-Lot Cotton Exchange of New York, the acts of which exchange particularly directed my attention to this matter. I see in the circular, which is "corrected to September, 1922," a list of firms eligible to that exchange. The circular states:

The following commission houses have complied with the requirements of the clearing-house department and are entitled to solicit general commission business.

After that, in alphabetical order, are named nine firms; but notwithstanding this list was corrected down to September 20, 1922, three out of those nine firms have since failed. My information is that some of the firms mentioned are of some standing, but that a number of them have been failures in other lines of business, have been kicked out of other exchanges, and are in bad repute.

There is no reason in the world why these firms should have failed if they had carried on a legitimate business. Their business is buying and selling odd lots, less than 100 bales, 100 bales being the minimum dealt in on the New York Cotton Exchange. The smaller exchanges appeal to people who are not well informed as a rule and to those who can ill afford to lose.

I have some correspondence in my office from some of my constituents, and also from people in other sections of the South, stating that they sent margins to some of these firms, naming them, and, notwithstanding handsome profits had been made, the firms refused to pay the profits or even to return the margin, and that at least one of these firms had

itself placed in bankruptcy, showing that it owed over \$100,000 and had assets of less than \$10,000. Upon investigation, I find that that firm made money, or should have made money, because its clients were on the bull side of the market, and there is no reason why they should have lost money.

I am strongly of the opinion that Congress ought to pass a law punishing those who fraudulently neglect to settle with their clients; and that is the object of the bill which I have introduced and which I hope may be reported by the committee and passed at an early date.

The circular goes on to say:

Membership in the exchange is zealously guarded. Unadjusted claims of one member against another constitute a first lien on memberships. Cooperation and assistance of all members and of the public is cordially invited in keeping our membership up to the highest possible standard. Information in regard to any of our members will be kept confidential by the board of managers if requested.

Mr. President, my opinion is that they have robbed the South, going and coming.

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

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. DIAL. Gladly.

Mr. CARAWAY. That is all a cotton exchange is ever organized for, is it not, namely, to rob the producing public? All the activities ever manifested and all the results that ever flowed from it show that, do they not?

Mr. DIAL. I would not like to put it that strong, although I am no defender of cotton exchanges.

Mr. CARAWAY. Did the Senator ever know anybody to make any money out of them legally?

Mr. DIAL. Very seldom.

Mr. CARAWAY. Did the Senator ever know anybody to make any money out of them?

Mr. DIAL. I think the statistics show that 98 per cent of those who deal with them lose; and that is a pretty strong indictment.

Mr. CARAWAY. And the 2 per cent that win are the professional gamblers who use them?

Mr. DIAL. I do not put it that way. Mr. President, it is time Congress was taking cognizance of the subject, and not only of these odd lots; of course, my bill did not refer to odd lots alone; it referred to the members of any exchange.

Mr. CARAWAY. May I ask the Senator another question?

Mr. DIAL. Yes.

Mr. CARAWAY. When does the Senator expect really to insist upon some action upon this measure?

Mr. DIAL. I am insisting every day.

Mr. CARAWAY. Has the Senator ever moved to make it the order of business in the Senate?

Mr. DIAL. The Senator misunderstands me. This last bill is before the Judiciary Committee, and they have not reported it. I am trying to get a report every day.

Mr. CARAWAY. I was referring to the Senator's bill regulating cotton exchanges.

Mr. DIAL. That amends the law. We had a vote on that the other day, and I hope to bring it to another vote pretty soon. That is a different proposition from the one I am speaking of now. This is before the Judiciary Committee, and provides a penalty for parties who refuse to settle with their clients.

Mr. CARAWAY. The Senator does not expect to hear from it soon, then?

Mr. DIAL. Yes; I hope so. The Judiciary Committee, I think, is looking into it, and I hope to have a report at an early date.

I merely want to bring to the attention of the Senate the great importance and necessity of quick action on this subject. I can not see why anyone should oppose a bill along the line of the one that I now have before the Judiciary Committee. As I understand, a great number of these people are experts in the business of defrauding their clients. I do not care to call names. I have the names in my office if anyone cares to see them. I merely want to show here that out of nine eligible members three have failed since the 20th of September, 1922. That shows the great mistake that people make in dealing with members who are not of good financial standing.

#### DISMISSALS FROM GOVERNMENT SERVICE.

Mr. CARAWAY. Mr. President, I dislike very much to delay the speedy passage of this appropriation bill, but my attention has been called to an item which appeared in the

Washington Herald of date Tuesday, January 23, 1923, under this headline:

Ousted Engraving Bureau workers vindicated.

I read:

SCANDAL PROBE FAILS TO SHOW ANY SHORTAGES IN OLD RÉGIME—TWENTY-EIGHT FORMER OFFICIALS ARE TO HAVE CIVIL-SERVICE RIGHTS RESTORED TO THEM—MAY BE GIVEN NEW JOBS—THREE WOMEN ALREADY PLACED, BUT NONE WILL GET AS GOOD POSITIONS AS THE ONES LOST.

(By John A. Kennedy.)

Withdrawal of the veil of suspicion shrouding the dismissal of 28 Bureau of Engraving and Printing officials from their posts last March will be accomplished within a few days, it became known yesterday.

Carrying with that gesture the complete vindication of what was generally conceded as political slaughter, the bureau officials will have their civil-service rights restored "without prejudice" after every investigating agency of the Government had probed deep into their activities.

#### TO GET SPEEDY ACTION.

Such a recommendation is in the hands of President Harding, and will probably be one of the first matters of importance cleared up when he returns to his desk, it was stated yesterday at the White House.

I shall not read the remainder of the article, but I ask that I may have the consent of the Senate to include the entire article in my remarks.

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

The remainder of the article is as follows:

But the order comes too late for at least one and possibly some others of the 28 summarily dismissed "for the good of the service" last March. E. I. Beech, one of the group, is dead. His death is attributed to worry over the stigma attached to his name after he had faithfully served the Government for more than a quarter of a century. Two others have taken jobs elsewhere.

#### FAIL TO FIND SCANDAL.

The administration by its failure to uncover any alleged "bureau scandal" adds the second chapter to the dramatic dismissal carried out at dusk on March 31, when President Harding issued an order discharging one set of officials who had served for many years and in their posts placing a complete new group to handle the bureau affairs.

On that night the men and women affected were separated from the service without notice and were forced to leave their desks under guard of secret-service agents. Hints of general shortages and similar character-damaging allegations were heard on every side in the weeks that followed.

The first word that the former administrators of the bureau were guiltless of any wrongdoing came in statements from high administration officials yesterday.

Three of the twenty-eight are already back at work in the Treasury Department, and according to the recommendation the rest will soon be "taken care of."

Cabinet officers and White House officials refused to estimate when the President will make the remainder of the group eligible to again work for the Government or to again enjoy the rights of retirement and raises in pay accorded those in the civil service. At the White House Secretary Christian said that when the President does sign the order it will be made public through the Treasury Department.

But when the men are given back their civil-service rights the old jobs in the bureau will not be for them. This was stated very positively last night by a Cabinet official. Similarly, Louis Hill, present director of the bureau, when asked if any of the men were coming back to his bureau, said, "They will not, sir."

Instead they will "be taken care of," according to the words of Secretary Mellon, who admitted yesterday afternoon that three women are already back in the service.

Under this plan it is understood the officials will be sent to posts in various other bureaus and departments of the Government at greatly reduced salaries.

Nor will the order be retroactive. The loss of 10 months' work and pay will stand, it is said.

#### WOMEN GIVEN WORK.

The women who have been returned to work, according to information furnished by the Secretary of the Treasury, are:

Mrs. Margaret S. Kerfoot, chief of the numbering division, who had a record of service of more than 38 years at the time of her dismissal. She was given a position in the Register of the Treasury on September 5 at a salary of \$1,200 per year plus the special bonus. According to the Treasury officials, she was receiving \$2,500 per year when she was summarily dismissed last April.

Miss Elizabeth Scott, who was chief of the packing division with a salary of \$2,000 per year at the time of her dismissal, is now in the office of the Register of the Treasury. She had a record of 37 years of service. She was taken back on December 14 at a salary of \$1,100 per year, plus the special bonus.

Miss Nellie Wilding, chief of the stamp-perforating section at a salary of \$2,000 per year at the time of her dismissal, has been placed in the loans and currency section of the Treasury Department at a salary of \$1,100 per year, plus the special bonus. She had been in the service for more than 24 years.

The three women each applied for restoration of their civil-service rights. Each case was sent to the President, and he "offered no objection in any of the cases," according to explanations made yesterday. No presidential order was issued in any of these instances, it was said.

Ralph H. Chappell, who was drawing \$3,250 per year as a section chief, is now under consideration for appointment in another bureau at a salary of around \$2,200 per year, it was said at the Treasury Department.

Coming on the heels of an announcement made two weeks ago by Director Louis A. Hill of the bureau that the double investigation made by the Department of Justice and by the Treasury Department revealed



no shortage of any kind in the bureau accounts, the recommendation of the Secretary of the Treasury, which are appended to the Treasury investigators' report, are taken as a vindication of the director, James L. Wilmeth.

Those who were dismissed last year and who have not so far been given back their civil-service ratings are: B. R. Stickney, E. H. Ashworth, Adam P. Ruth, J. J. Fisher, P. J. Farrell, James A. Chamberlain, George Jacobs, H. H. Ashworth, Frank Campbell, Ralph H. Chapell, George C. Cole, F. J. Crocker, William C. Deane, J. J. Deviny, George P. Jackson, John T. Howard, Thomas F. Roche, Frank W. Lerner, William C. McKinney, George V. Rose, Thomas F. Slattery, A. C. Steinbrenner, B. R. Stickney, Jesse E. Swigert, H. I. Willson, Benjamin Goldsworthy, and G. F. C. Smilla.

Mr. CARAWAY. Mr. President, all now know that the removal of the heads of the bureaus in the Bureau of Engraving and Printing was merely the beginning of a wholesale removal of civil-service employees for the purpose of supplanting them by active Republican politicians, regardless of what effect it might have upon the efficiency of the bureau. Had not the public reacted so violently to this outrageous act, it was to have been, as I am informed, repeated in all the departments. A word was coined, and much used, and came from some one close to the administration, that "they" were going to "Hardingize" the administration. After the investigation of the Attorney General, with all his love (?) for law and order and justice, for which he is so famous (?), and after all the activities of the Treasury Department in order to find some reason to justify the President for this hasty and unlawful action, it now becomes apparent that there was no justification for the removal of these people, and a recommendation is upon the desk of the President of the United States asking him to issue an order, which it is necessary that he shall do, revoking his former order striking down the reputation of these men and women and restoring them to the eligible list, so that they may be eligible to reemployment in the Government service.

As the article says, it comes too late for one. Doctor Beech, for 30 years a faithful servant of the Government, died of a broken heart, so his son says, because of the injustice done him by this wrongful removal. Three women, who through all the years have toiled up under the disadvantages that formerly beset women in Government employment and the discriminations that were practiced against them, had reached responsible positions with comfortable if not adequate salaries. Their good name, their right to earn an honest living, was stricken down by this order of the President of March 31, 1922.

Since then the President, ashamed of that act, has issued an order permitting these three women to go back into the Government employ, but at just half their former salaries. He gave to the henchmen of the administration their old places and permitted these women to creep back into the service at salaries where people who are just entering the public service are starting. Twenty-five and thirty years of faithful service and promotion were wiped out merely to give the places to some active Republican.

I called attention the other day to, and I intend to repeat, something of the character of these men.

Hill, the man who was put at the head of the bureau in the place then filled by Mr. Wilmeth, was being sued by his wife on charges that I should not care to rehearse. Shortly after he got his place his wife had to go into court and restrain him from throwing her and her children and her furniture in the streets to make room for somebody else.

McCully, who took the place of Mr. Ashburton as the chief of the bureau of rolls, dies, and plates, was being sued by his wife, and among the exhibits was a letter that he had written to a 15-year-old girl in the District of Columbia asking her to call upon a certain doctor, to whom he would direct her, and would pay whatever expenses were involved. Of course, everybody knows what the necessity of her going to the doctor was. That sort of a man was given the place of a man by the name of Ashburton, who, at 4 o'clock on the day he was dismissed, was given a letter by the committee that investigated his department commending him for his efficiency, his faithful discharge of his duties, and his intelligent administration of his bureau. At 6 o'clock he was dismissed "for the good of the service," so the order said. These men and women were not even permitted to go to their desks to get their private effects except under the custody of a detective. They could not remove their hats from the pegs where they had hung them without being shadowed. The detectives went to their homes and required their families to give the numbers of the Liberty bonds they had bought, to cast suspicion upon them. One woman came to my office this morning and said that she was hooted by other employees when she left the service, and later was told that if she made any complaint they would bring people to show that she was a common streetwalker, though the mother of three helpless children, making a decent living for them, and nobody had ever reflected on her good name before.

I say the President ought to issue this order. It ought to be the first thing he does, and in doing it he ought to go further; he ought to put the people back in the places from whence they came. If, as it is said, it will disarrange the present bureau, the fact is that the other shakeup disarranged it, and justice ought to be done under the Government if the heavens fall. The humblest man or woman that walks the earth ought not to feel that his Government will not do him exact justice. If he shall have reason to doubt that the Government is going to deal justly with him, of course it ends all effective appeal to his loyalty. It breeds disloyalty. No government is worth defending that is not just. All should know that no one, simply because he is temporarily in high place, may strike him down without redress.

It is said that a king of France, leading his army on the eve of battle, was appealed to by some peasant to redress a wrong that he had suffered at the hands of a military commander. The king halted the march of his army until he could right the wrong of the humble peasant. The President of these United States ought to be as big a man and as just a man as the king of feudal France, and I am going to say this: I do not believe the President would have done this if he had been properly advised. It was some overzealous partisan who was seeking places for friends who advised the President to do this. He has not time to go into all those matters, and I am sure that had he been properly advised he would not have done it. But now, knowing that he has been imposed upon, he ought to right the wrong, whatever the inconvenience may be. The people of this country will be sorely disappointed in the President of these United States, it now being admitted, as it is said here it is, coming from the White House, that these people were done a wrong, if he does not right it. All the glories of his administration must necessarily pale and tarnish if he does not so act in this matter that all will know that he is just enough to do justice; and he can not do justice, if this article is correct, unless he issues an order restoring these people to their eligibility and putting them back in the places from whence they were so unjustly taken.

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

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Arkansas yield to the Senator from Utah?

Mr. CARAWAY. I yield to the Senator.

Mr. KING. For information I should like to ask the Senator, was there authority for the President of the United States to oust these people from office in a way which, on the record, seems to have been unwarranted and unjust?

Mr. CARAWAY. There was no authority. Three of them were ex-service men who were protected by a special statute; but the Senator from Utah will remember that when I called attention to that fact and introduced a resolution to have it investigated the chairman of the Committee on Civil Service opposed it and had it sent to his committee, and everybody knew what would happen to it in that committee.

It was just as certain there to go to its death as the fly in the famous story we used to have in the readers—

Walk into my parlor, said the spider to the fly;  
It's the prettiest little parlor that ever you did spy.

The great friends of civil service in the Senate seem to be very much more the friends of the arbitrary power of the party that can promote and demote.

Mr. KING. If the Senator will pardon me, is there nothing that can be done by Congress to right the wrong that has been done to these faithful men and women who were in the Government service for so many years?

Mr. CARAWAY. Can an act of Congress go down into the muddy grave that holds the body of Doctor Beach and resurrect him and restore to him life and faculty to comprehend that justice is being done to his memory?

Mr. KING. No; of course, that is obvious. But it does seem to me that Congress ought to make such an investigation as will focus attention upon this great wrong—indeed, almost a crime—and hold up to the public those who are responsible for the grave injustice and the tragic consequences to which the Senator has referred.

Mr. CARAWAY. I wish the Senator from Utah would introduce a resolution asking for an investigation. The facts are now developed as to all the probings of the sleuths and detectives who wove themselves around these people's lives, trying to find out something they had done to justify the President for their removal. The paper says, and I take it that it speaks the truth, that information comes from the White House now that these probes have shown that the removals were without any justification at all. Congress could, of course, do them financial justice.

Nothing can recompense them for the humiliation and for the loss of reputation and good standing among the people where they have spent their lives. No act of Congress can remove the sense of injustice, which will stay with them all their lives, which they feel when they reflect that after years of faithful service they should be dismissed merely to make places for politicians, but with the stigma that it was done "for the public good." If they had been kicked out for the real reason that led to their removal—that is, to make places for politicians thought to be more actively supporting the administration—that would not have carried with it disgrace, but the infamy of it was that their removal was said to be for the good of the service, which implied and was interpreted everywhere as meaning that they were guilty of wrongdoing. We all know a propaganda went around the city that they had committed all kinds of outrageous crimes. A Republican Senator took me out into the corridor and told me I was fixing to be tremendously humiliated, that he was assured by people who knew that their speculations were frightful, and if it should become known it would almost destroy the credit of the Treasury, whatever that might be; and he believed it. He was certain of it, because he had been told. That was the infamous propaganda that went forth to destroy these people's reputations.

If the Senator will permit, I particularly complain of the dismissal of three women, who toiled there 25 or 30 years, through all the adverse circumstances that the Senator knows used to surround a woman in Government employ, discriminated against in favor of men who were more active politically, but who, by the sheer worth of character and intelligence and faithful employment, had risen until they were the heads of bureaus, only to find themselves removed "for the public good" and private detectives sent with them to get their little personal effects. Then, finally, by an Executive order, permitted to go back to work at just half their former salaries. Nothing can wipe out the infamy of that conduct. Nothing ever can be done that can compensate those poor people for the humiliation and the heartaches they have suffered through all these months they have labored under this stigma. I only hope the President will be as ready to issue an Executive order removing from their fair names the infamy placed upon them. When he has done that I suppose that will be as much as we may expect him to do, because the politicians have the places.

Mr. KING. Mr. President, when we were considering an appropriation bill a few days ago, there was some discussion concerning the Civil Service Commission and the administration of the civil service law. Criticism was voiced concerning the method in which the law was enforced, and views expressed that provisions of the law were being violated. Since I have been in the Senate, Senators have frequently called attention to what they considered were evasions of the law and flagrant infractions of both its letter and spirit. Undoubtedly a majority of Senators and Representatives are in favor of the civil-service system, but there are those among this class who are so dissatisfied with the administration of the law that they feel that perhaps a return to what is called the spoils system would produce no greater evils than those found under the unsatisfactory administration of the civil service law.

I have said upon a number of occasions that the law, as administered, was a farce and that the evils existing in the executive departments of the Government prior to the passage of the civil service law were perhaps no greater than those found in the executive branches of the Government to-day. I have felt that the civil service law in too many instances was used as a shield to protect incompetents and political favorites and that the law had so many loopholes and that its administration was accompanied by so much partisanship and incompetency that the benefits to be expected from an honest civil service law, honestly and fairly administered, were not realized.

There is no doubt that politicians in both political parties have attempted to use the law to protect incompetent officials and to secure positions for individuals purely because of political reasons. Within the executive departments of the Government can be found thousands of competent and efficient men and women. They earnestly and patriotically devote themselves to the discharge of duties required under the law. Many of them came into the service without having taken a civil-service examination. Some were blanketed into the service, and others entered the Government service before the civil service law was enacted. Still others, intrenched behind the civil-service ramparts, are wholly incompetent and are indifferent to their obligations and to the welfare of the Government.

This class do as little as they can, and they are indifferent and inefficient and compel the employment of a larger force than otherwise would be required. It is, I think, conceded

that employees of the Government, in the aggregate, do much less than employees doing the same character of work in private life. The faithful and efficient employees of the Government are compelled to suffer because of the incompetent and inefficient ones. The faithful suffer because of the faithlessness of the others.

Perhaps an important reason for the failure of the civil-service system, as it is administered in the United States, is found in the fact that many of the heads of Federal agencies seek to use their positions to induct into office individuals of their political faith. To accomplish this end the civil service law and the regulations promulgated to bring about its administration are evaded and oftentimes contemptuously disregarded. Faithful and competent employees whom they find discharging with fidelity the duties imposed upon them are demoted or assigned to other positions or transferred to less favorable stations or subjected to such embarrassments and humiliations as to compel their resignations. I believe the failure of the civil-service system is largely due to the animosity exhibited by those having executive authority. When a change of administration comes changes are made in the more important positions of the departments and of Federal and executive agencies. Those who come in with the new administration in many instances seek positions for their political protégés or for those who are indorsed by politicians of their party.

I think it may truthfully be said that under both Republican and Democratic administrations many individuals who are under civil service, and who are faithfully performing their duties, are improperly and in many instances unjustly dealt with by chiefs of bureaus and those who are placed in authority over them. In many instances, as I have indicated, they are changed or moved or transferred and their places filled by others who have the indorsement of persons of influence in the party in power. I do not think there is any particular loyalty to the civil-service system upon the part of many of those within the Government service whose duty it is to enforce the law, both in letter and spirit; and, as I have indicated, there are many persons holding inferior and subordinate positions who feel that they are intrenched for life, who in an apathetic and indifferent way perform the work assigned them.

I have heard much criticism of the Civil Service Commission and the methods employed by it in its examinations and in the methods employed in its ratings. I confess that I have been disappointed in some of its activities. I think, generally speaking, the civil service commissioners have been men of character and ability, and they have sought to build up a genuine civil-service system. I have, however, been compelled to take the view that some holding less important positions in the civil service administration have been partisan and have used their positions to advance the interests of applicants for Federal positions who belong to their political faith. Nor have I been satisfied with the methods employed to determine the competency of applicants for positions under the civil service. I believe that under the system employed injustices have been done and the least efficient have often been certified as eligible for appointment.

Mr. President, the civil-service system has been on trial for a number of years and it has not satisfied the people. I do not mean to say that the people would vote for the repeal of the law, but I am convinced that a majority of the American people are not satisfied with the law or with its administration. They are unable to determine where the fault lies. Some attribute it solely to the Civil Service Commission; others solely to executive departments and those charged with administering it. Without expressing any opinion as to where the fault lies, I am satisfied that there must be material changes either in the law or in its enforcement, or there will be a demand, formidable in character, for the sweeping away of the Civil Service Commission and the entire system.

I think the time has come when those who believe in genuine civil service should address themselves to the purification of the system and the rectification of faults which are now apparent. I am not prepared to say that the Civil Service Commission should be abolished, but I do take the position that we must have an honest and genuine civil service or none at all. To have a sham and farcical system can not be tolerated. The law must be amended and its administration must be materially changed if the results which honest civil-service reformers desire are accomplished.

The method adopted by the President in selecting postmasters is calculated to bring the civil-service system into still greater disrepute. Examples of the character just referred to by the Senator from Arkansas will arouse indignation and lead to vehement demands for the abolition of the entire system or for drastic reforms. Unless reforms are effectuated,



I shall not be willing to support these annual appropriations for the Civil Service Commission. I am willing to vote the necessary sums to inaugurate and perpetuate a civil-service system that will promote efficiency and advance the interests of the Government.

The President of the United States, if we are to believe the statements made by the Senator from Arkansas, has done a grievous wrong to a large number of faithful Government employees. Some one has imposed upon the President and he has used his authority in such a manner as to do irreparable wrong and injury to the persons referred to.

Mr. President, this is not the only instance of an abuse of the law. In my opinion, there are hundreds of cases where competent employees have been removed or demoted because of political reasons. Complaints have been made to me of flagrant violations of the civil service law by the Treasury Department under the present administration. In the Internal Revenue Department I am advised that many injustices have been done and the letter and the spirit of the civil service law have been disregarded.

Mr. President, let us not be insincere and hypocritical. Let us have a civil service law and enforce it—one that will meet the highest demands of a progressive people and a progressive Government or abolish it entirely and say to the political party in power "the offices belong to the victor."

Mr. President, a friend of mine who is a man of high character and great ability handed me an article which he prepared which deals with the civil-service question. There is so much of merit in the article that I feel like bringing it to the attention of the Senate by asking that it be placed in the RECORD, whereby it may secure wide circulation and proper publicity.

There has recently been considerable controversy over the enforcement of the prohibition law and the efforts which it is alleged are being made to pervert the law and the spirit of the law by placing within the civil service the great army of employees who are engaged in enforcing the Volstead Act. Of course, everybody knows that many of those who have been employed by the Treasury Department in the enforcement of this act have been corrupt and inefficient. The evidences daily demonstrate that many of those now in the service are incompetent and corrupt. Certainly the friends of prohibition and the friends of civil service can not support any proposition which looks to the issuance of a blanket order placing the thousands of individuals employed in the prohibition branch of the service under the civil service law. Mr. Dudley Foulke, vice president of the National Civil Service Reform League, has recently had something to say about this matter. His statement appears in the New York Times of the issue of January 8, 1923. I ask that it, as well as the article to which I have referred, be inserted in the RECORD.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

#### IS CIVIL SERVICE THREATENED?

Civil service has become an almost sacred institution with the American public. There is something so sordid and selfish and wasteful and unbusinesslike about the spoils system of operating Government institutions that it weakens people's respect for service and confidence in the sincerity of those who profess concern in economy and efficiency.

Certain national publications of civil-service organizations are asking the question, "Is civil service threatened?" For the first time in 25 years there seems to be a feeling of apprehension, not only on the part of Government employees but on the part of the general public, 95 per cent of which is not concerned with the political complexion of employees.

While there is no danger of the law being repealed, there have been a number of occurrences during the past year and a half, according to the CONGRESSIONAL RECORD, which seem to justify the misgivings of everyone except that class which might be barred from appointment on the ground of "pernicious political activity."

The system seems to have taken on a new aspect and character during the past year. Once seriously considered and highly respected, it has become an ambushade for its opponents to work behind.

It is true that President Harding issued a proclamation putting all postmasters in civil service, as had President Wilson four years before. But the order of March 31, 1917, placed all such positions beyond the reach of partisan influence and control by giving the appointment to the applicant receiving the highest rating in every examination held; under this order President Wilson appointed more Republicans than Democrats in States north of the Mason and Dixon line.

Four years later, at the suggestion of the national chairman of the Republican Party and under the advice of an Attorney General who avowedly does not believe in civil service, President Harding issued his three-pronged order, by which all Democrats or inactive Republicans, no matter how faithful in the discharge of official duties, no matter how popular, experienced, or highly indorsed in their respective communities, are adroitly eliminated. In the selection of postmasters at present, an applicant armed with the indorsement of his local party committee may receive as a reward for political activity a responsible position in which political activity is expressly forbidden.

This is not civil service as expressed by the law, as implied in the Executive order, or as explained by advocates of the system, but it is the civil service of to-day.

The civil-service law provides that the President may issue executive orders perfecting the means of its enforcement or for making it

more effective, which is clearly an executive function. But the President may not issue an Executive order which has the effect of repealing an act of Congress or of nullifying its evident purpose. This has been the opinion of the Department of Justice for a half century. In other words, while the President may extend the scope of the civil-service system and is authorized to include in its operation any class of appointees he may designate, he can not legally change the law in its application to employees or officials thus included. That is a question of legislation, and it is doubtful if Congress could, even if it desired, confer on an executive the power to legislate.

When the President issued an order placing all postmasters in the classified service he was acting within his rights. His order became a part of the law, adding another class to those already affected by its restrictions and protection. It was not, on its face, a contradictory or subversive mandate. It merely designated additional positions to which the well-defined and generally recognized provisions of the law should apply.

What is the acknowledged purpose of this law? As indicated by its wording, the intention of its makers was to guarantee equal opportunities to all applicants for appointments to positions classified by legislation or proclamation, regardless of politics or religion, and to protect classified employees of the Government against the whims, bargains, and machinations of superiors who might seek to fulfill personal or political obligations at the expense of public service. If it fall in these essentials, of what avail is the law? If applicants are rejected because they have been identified with one party or another, if they are appointed because of their political affiliations or activities, what does the law amount to, anyhow?

Defenders of the spoils system, which is now masquerading in civil-service garb, compare the practice of selecting appointees from three certified applicants for postmastership, with the established plan of choosing one of the highest three on an eligible list in a post office. If these latter selections were based on partisanship or the recommendations of party organizations, the President and Postmaster General would be shocked and indignant. Any postmaster actuated by such considerations in recommending appointments would be summarily dismissed from office.

According to the provisions of the law and the rules of the commission, "no discrimination shall be exercised, threatened, or promised against or in favor of an applicant, eligible, or employee in the classified service because of his political or religious opinions or affiliations."

"Political discrimination," according to the rules governing the application of the civil service law, "consists in giving appointment, promotion, or any other favor to an appointee, eligible, or candidate because of his politics, or withholding appointment, promotion, or any other favor from an appointee, eligible, or candidate because of his politics."

"An appointing officer who appoints or refuses to appoint an applicant because the applicant does or does not entertain certain political opinions" violates the civil service act and rules. "The removal of a large number of employees of the same political faith" or, conversely, the selection of a large percentage from one political party, will be presumed to have been done for political reasons, according to the rules governing the commission.

Even a President of this Republic should not hold himself above the law and rely upon the numerical strength of political backing to validate his disregard of Federal statutes. There is little difference between the pernicious claim that "the king can do no wrong" and the equally pernicious doctrine that "the President may ignore a law which he expects others to observe."

Section 6 of the civil service act provides that "no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service, and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof, and also be allowed a reasonable time for answering." President Harding has ignored the law in both appointments and removals. He has commissioned postmasters in violation of his own Executive order, as well as of the law, and has removed faithful employees in the classified service against whom no charges had been preferred and to whom no hearing was accorded. All of which goes to prove that while the law may not be repealed or the system abolished, one has become a travesty and the other a farce.

At the beginning of the present administration there were many promises made to carry out the civil-service policy inherited from the previous administration. Postmaster General Hays, in his first official statement, declared himself in favor of the merit method, against the spoils system. Later, in his annual report of 1921, he designated the Post Office Department as a purely business institution, which should be removed entirely and immediately from political control. He said: "You can not expect men and women to give good service if they are to be the shuttlecocks of politics. I have said, and I reiterate, that the postal establishment is most certainly not an institution for politics nor for profit, but an institution for service."

And he further declared that the first step in postal improvement "is to make certain that honest and efficient service shall be honestly recognized and that the merit system shall control without any subterfuge under any circumstances whatever."

That was the promise but it is necessary to consider the fulfillment to ascertain the sincerity of those who administer the law. While this theory was expounded by the Postmaster General, by and with the advice, consent, and knowledge of the President, let us look at the practice. As explained by a Senator from the President's home State and in his confidence, on page 6783 of the CONGRESSIONAL RECORD for 1922, it is this: "We have asked the successful candidate (for postmaster) to secure the indorsement of the Republican county committee, which is the body upon which the party must depend for its work back home."

Apologists for the policy of applying political tests to applicants for positions placed in civil service by President Harding's Executive order say that "it is hard to say how far the merit rule should go." The answer should be easy to any honest, oath-bound, law-abiding official. The rule should apply to those who are classified by law or Executive order. If certain positions are to be considered political, they should not be included with those who are entitled to protection of this law.

The proper extension of civil service was discussed by the First Assistant Postmaster General, Hon. John H. Bartlett, when he was president of the Civil Service Commission. He said: "The classified service should be extended to include positions, with few exceptions, which do not involve the determination of administrative policies and which are part of the permanent operating force of the Government, thereby making them available as rewards for exceptional talent developed



within the service, and also utilizing valuable experience in the lower grades. The exclusion of the administrative offices of real distinction and comfortable compensation from the legitimate ambition of employees operate not merely against careers in the service but against the appointment to positions of high responsibilities of the very person best qualified to fill them because of their training and experience. Heads of bureaus and local offices are appointed from the outside without expert knowledge and rarely serve more than two or three years, when they give place to others equally inexperienced. A wider application of the principle of filling the higher administrative positions by a system of promotion or appointment on merit would be distinctly in the interest of efficiency, stability, and standards in the personnel of the service."

That was high ground. But which positions pertain to the transaction of Government business, and which are concerned in the determination of administrative policies? Let Postmaster General Hays answer: "We expect to have political offices largely filled by members of the political party in whom we have voted to intrust the administration of our public affairs. But what are political offices and how far should the principle apply? Wise men will not propose that we carry it into the appointment of Army officers, nor in the appointments to technical or business positions. It is steadily growing in the minds of the public that if we are to have the most efficient Postal Service we must keep it as far as possible out of politics. This should be done." But he expresses a fear that the doctrine will have a long "fight for proficiency against plunder, of service against spoils."

Even the First Assistant Postmaster General has fallen from the high ground he took as president of the Civil Service Commission. Glance back over the sentiments expressed while acting in that capacity and read what he says now in an article printed in a recent issue of the Supervisory Bulletin. Explaining why certain positions should not be included in the operations of civil service law, he says that "an administration must surround itself with men and women whom it can trust, and when I say trust I mean trust with its secrets as well as its funds."

Of course, if an administration has secrets to be kept from the public, and desires postmasters who will transact secret business concerning only the party in power, it would be a serious mistake to let the law interfere. If the success of a faction is to be held above the welfare of the country, if service is to be sacrificed to spoils, and inexperienced officials are to be installed and paid to guard or utilize political secrets, then the President and the Postal Department may feel justified in treating the civil-service system as a farce.

But what about those restrictions against participation by postmasters of every class in political affairs which have been so rigidly enforced for several years? Are rules to be changed so that new appointees may take part in politics, or carry on the secret negotiations to which the First Assistant has alluded. If they are not to be changed, what is the object in taking energetic party workers and putting them in positions where all manifestations of political energy are expressly forbidden? Is their activity to be muzzled or to be secretly directed and utilized for the benefit of some faction to which they owe their appointments? That policy almost wrecked a party organization back in 1912.

No; the life of civil service is not threatened. But its natural force is abated. The respect once accorded the system is changing to ridicule. Its enemies are its keepers. Spoilsmen wear its colors. The law is becoming a travesty.

In so far as the filling of offices is concerned, involving the payment of public salaries for political services, the harm directly wrought by a prostitution of civil service is not so great as that which arises and spreads and grows from disregard of any law by those to whom its enforcement is intrusted. Contempt for one law breeds and fosters indifference to all laws and the Government and the taxpayers suffer accordingly.

[New York Times, January 8, 1923.]

**FOULKE SAYS JOBS PAID FOR DRY LAW—ACCUSES ANTI-SALOON LEAGUE OF BUYING VOLSTEAD ACT WITH FEDERAL PATRONAGE—DENOUNCES ITS METHODS—NOW TRYING TO GET CIVIL SERVICE PROTECTION FOR CORRUPT ORGANIZATION. HE DECLARES—CHARGES "PARTY PLUNDER"—"CONGRESSMEN WANTED IT AND YOU LET THEM HAVE IT," HE SAYS IN LETTER TO NICHOLSON.**

The charge that the Anti-Saloon League bought the Volstead Act with Federal patronage and that it was now attempting to put a corrupt prohibition organization under the protection of the civil service laws was made yesterday by William Dudley Foulke, vice president of the National Civil Service Reform League. Mr. Foulke's charge was contained in a letter to S. E. Nicholson, secretary of the Anti-Saloon League.

After Mr. Foulke made an attack on the Anti-Saloon League a short time ago in a speech, Mr. Nicholson wrote to him that neither the Anti-Saloon League nor any other agency at the time the Volstead law was passed "could have got into that law a civil-service provision, and for the league to have forced the issue would have been to jeopardize the passage of the enforcement bill." Mr. Foulke retorted in his letter that a provision exempting the prohibition officers from the civil service law had been inserted in the law and supported by the league.

"The plain fact is that the Congressmen wanted the plunder and you let them have it," wrote Mr. Foulke. "All we wanted was no provision at all and your explanation puts the league in a far worse position than what you say I charged, for you admit that its members, although knowing the Congressmen's views were wrong, yielded to them to get the bill passed. That means that you bought the bill with congressional patronage and paid for it not with your own money but, far worse, with offices paid for out of taxes levied upon the people. I do not at all suppose you understood the immorality of that act, but in any reasonable system of ethics it was far more indefensible than opposing the civil service law."

NO MOVE MADE FOR A CHANGE.

"Your league is not like an ordinary political organization which can compromise and give and take what it will for the sake of expediency, but you are professedly engaged in accomplishing a great moral reform, and this can not be done through immoral means. And even if you could not get your bill through except by excluding appointments from the classified service, you could at least have declared that you were not cooperating with that part of the bill and did not approve of it."

"Even if it were contended that the end justified the means, the league should have done its utmost to have this iniquitous provision

removed and appointments placed under civil service rules as soon as possible. Many years have passed since that time. What have you done? We have repeatedly sent our representative to confer with enforcement officers and have drafted a bill providing for the classification and reexamination of all persons in this branch of the service, yet you never lifted a finger to stay the abuses you had created and to substitute a nonpolitical system for the party plunder you had introduced."

"When the Wilson administration closed and the Republicans came into power, and when the maxim 'turn the rascals out' was more deservedly applied to the enforcement bureau than I ever knew it applied before, would not that have been a good time to substitute nonpolitical and competitive tests for the appointment of those who were to succeed the men dismissed? Yet you never budged."

CHARGES OPEN VIOLATIONS.

"I could give you lists by the score of subordinates involved in frauds. Liquor is openly sold in some of the largest New York restaurants and other public places in the country, and statements made as to how much is paid to the inspectors for permission to make these sales. Liquor is imported daily in enormous quantities from the Bahamas, Canada, and elsewhere in violation of the law. The service is corrupted from top to bottom by a set of depraved political officials appointed under the spoils system which you promoted. Even those who seem anxious to enforce the law are so ignorant and inefficient that they make illegal searches and arrests in violation of the fourth amendment to the Constitution, as recently decided by one of our Federal courts."

"I have been for many years in a very small way a contributor to your organization. I believe that national prohibition, if adequately enforced, would be a great benefit to the families of workmen and others who have suffered from the evils of intoxication, but in view of your past course I am entirely through with you and believe that you have brought nothing but discredit upon the cause you support and that some better organization ought to take your place."

Referring to the bill providing that the field service and prohibition agents should be transferred to the classified service without further examination, Mr. Foulke said the bill was supported by the Anti-Saloon League. "That would include in the classified service every derelict whom the bureau now has in its employ," said Mr. Foulke. "No test of their qualifications was to be imposed. If the bureau had a decent, efficient service now, that might do, but with the corrupt gang that now fills the positions this provision would only render more permanent the present abuses."

Mr. Foulke also made public Mr. Nicholson's reply, in which the secretary of the Anti-Saloon League said he could not agree in condemning prohibition enforcement wholesale. "Of course, it is true that congressional and political pressure has kept some people on the pay rolls of the enforcement office who have failed to do their duty and perhaps have been corrupted," said Mr. Nicholson. "The department has made remarkable headway in getting rid of a good many of these people, even in the absence of the civil-service provision."

Mr. NORRIS. Mr. President, as a Member of Congress I have, in my weak way, always tried to defend the principle of civil service. I have charged several times, the last time just the other day, that both of the great political parties had violated their pledges made to the people in their various platforms when they went into office.

I do not want to sit quietly here and have any intimation go out that my civil-service belief is of a partisan nature. Reference has been made to the silence of those who pretend to believe in civil service. I want to call attention to the fact that when Mr. Wilson was first elected to the Presidency, or some time after that, I called the attention of the Senate to what took place in the Government Printing Office. I charged the Democratic administration with a violation of the spirit as well as the letter of the civil service law, particularly as it applied to the Government Printing Office. I thought I established the fact by direct evidence.

At that time, both before and after the disclosures which I put into the RECORD, I had had consultations with members of the Civil Service Commission, one of whom was a Democrat and one a Republican. What I said was partially, at least, the outcome of conversations I had with members of the commission, who, without regard to politics, had agreed with me that there had been a very flagrant violation of the civil service act. I complained again during President Wilson's administration, while Mr. Burleson was Postmaster General, as it applied to the post office. I did the same thing the other day, and it was not the first time I did it under a Republican administration, when I charged that the Republican administration was not, in my judgment, carrying out the spirit of the civil service law.

We will not get very far in defending the civil service law unless we shall be just as anxious to expose the violation of the spirit of that act when our party is in power as we would be when the opposite party is in power. I said the other day that in the filling of the post offices I believed my own party had gone farther astray than the preceding administration, at least as far as the post offices were concerned.

I have listened to what the Senator from Arkansas has said and what the Senator from Utah has said about what has happened in the Bureau of Engraving and Printing. I was very much shocked when the Executive order was originally made, and it seemed to me that order could not have been made and would not have been made by any sane man unless there was some reason to back it up.

I know that the Senator tells the truth when he says that there was a rumor afloat, more or less certain, that some wonderful disclosures of corruption were going to take place and



that the President, to head off a very bad condition of affairs, had removed all these officials in the Bureau of Printing and Engraving and put in others. No other condition would have justified the order of the President.

I concede that the President ought to have issued the order if he was satisfied, upon investigation, that the things that were rumored to be going on were in reality taking place in that bureau. We were given to understand, for instance, by various rumors, that it would be disclosed later that these officials who were removed had been guilty of all kinds of indiscretions and even crimes.

One rumor that persisted, and was repeated over and over, was that a great many Liberty bonds had been issued illegally from the bureau and were in circulation. All Senators have heard those reports. I was one who believed that the President would not issue the order unless he at least conscientiously believed that there was some foundation for it, and I am not willing yet to give up that theory.

Mr. ASHURST rose.

Mr. NORRIS. I will yield to the Senator in just a moment. I was shocked when the order came, because I believed, without having any knowledge of it except my belief that no official would issue such an order without foundation for it, that without doubt investigation would disclose that the order was rightfully issued. It appears now that the order was not rightfully issued, that the charges made against the discharged civil-service people was unfounded; and, at least so far as I am able to see now, that is the fact. The article which the Senator from Arkansas read is undoubtedly one which came from administration sources, and discloses that fact. That has been only a few days ago. The President has not had time probably to realize just what a mistake has been made. I believe with the Senator from Arkansas that he must have been very badly advised. Of course he could not make a personal investigation, but he believed he was justified in issuing the order. We ought to give the President sufficient time, it seems to me, after the facts are disclosed, to enable him to rectify the wrong.

I yield now to the Senator from Arizona.

Mr. ASHURST. The Senator from Nebraska stated that one of the reasons given for the discharge of the employees in the civil service was the rumor at that time that there had been issued a duplication of Liberty bonds.

Mr. NORRIS. Yes.

Mr. ASHURST. Within four or five days after the order was issued dismissing those employees I called upon what in common parlance we term the Secret Service, but which in law is the Bureau of Investigation, and was assured that the idea of an issuance of duplicate or illegal or fraudulent Liberty bonds was absurd; that no Liberty bonds had been duplicated; that it was impossible to make an approach toward issuing spurious Liberty bonds; that not only were the individual finished bonds duly accounted for, but that even every square inch of the paper upon which a bond could be printed was so guarded and accounted for by a series of locks, keys, and combinations and inspections that it would be beyond the range of possibility for the Bureau of Printing and Engraving to print and issue spurious or unauthorized Liberty bonds.

Mr. NORRIS. I have made no investigation myself. I am glad to get the contribution of the Senator from Arizona. But I still feel and I have felt all the time that even though the President were wrong he acted from a good motive. I dislike very much to cast an aspersion upon Government officials. Why, Senators, does any one realize the seriousness of the aspersion which, indirectly at least, through all these rumors was cast upon these employees of the Government? A crime that is abhorrent almost must have been committed if the rumors were true. I can well see how faithful, honest men, like the one who it is said died of a broken heart, would feel as though all of the ideals of life had passed away, and that he would even lose his mind or that he would die as a result of the cruelty which must have come upon him if in fact he was innocent.

I can not conceive of much lower degradation to which a human being could be put than to utilize a false charge against a fellow citizen, which, if true, would be a crime of the worst nature, for the simple purpose of getting that person out of office and getting himself in. If that kind of trick has been accomplished through the President being wrongly advised, the President will not make it right by simply restoring these people to their rights, but it will be his patriotic duty to punish to the utmost those who have been guilty of practicing that kind of a fraud upon him. If anyone, through that sort of method, has succeeded in getting his name upon the pay roll of the Government of the United States, it ought to be removed immediately.

I take it that the suggestion contained in the article which the Senator from Arkansas has read, even if carried out according to its intent, would not be a full compensation for the persons who have been removed. It would still be an injustice when it is ascertained that the charges were wrongfully made and that the people who were removed by the order were in fact honest and efficient, because it would not put them back where they ought to be to simply put them back on the eligible list and let them begin again at the foot of the ladder, where some of them commenced 20 or 25 or 30 years ago.

Mr. CARAWAY. Mr. President, may I interrupt the Senator? Mr. NORRIS. Certainly.

Mr. CARAWAY. The issuing of an Executive order restoring the eligibility of three ladies who were dismissed is an admission that they were entitled to exoneration, is it not?

Mr. NORRIS. Yes; it would seem that way to me.

Mr. CARAWAY. Then justice has not been done in that way when they are merely put back to work.

Mr. NORRIS. No; justice has not been done to them. If we are going to proceed in that way, it would still leave the way open to discharge officials of the Government when they had by good service mounted the ladder and occupied positions of responsibility and increased salaries. It would be no full justice if we said to them, "We are mistaken. You are honest. You are all right. We will put you back at the foot of the ladder, where you can start again." That would not be fair. That would be going some distance toward justice, but it would not be all the Government of the United States ought to do with any of its officials.

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

Mr. NORRIS. Certainly.

Mr. DIAL. I would say to the Senator that in my State there was a postmaster who had been in the service 39 years and who stood highest in the examinations, and yet he was not appointed, but a man who had no experience whatever was appointed in his place.

Mr. NORRIS. While there may be some reason not apparent why that was done, it does not approach the thing we are considering here. A postmaster is appointed for a specific term; and there are many who believe, no matter how efficient he may be, that he should retire at the end of the term if another party is in power. I do not agree with that, but a lot of honest men believe in it.

But here is a different proposition. These men and women were actually under civil service. They were removed by an arbitrary order, without trial and without a hearing. That is sometimes necessary, but after it is done they ought to have a hearing immediately. If they have been wronged, they ought to be put back in the identical place from which they were removed.

I do not know how long the knowledge has existed which is published in the paper. It was in the paper of January 23, only yesterday; and I can not help believing yet that if it is a correct statement of the situation—and I take it that it is—the President will do ample justice to the people who have been removed, because I can not get away from the idea that he has been deceived by somebody. If he does full justice, he will not only restore these people to their places but will punish those who have been guilty of practicing the imposition upon him.

I will say to the Senator from Arkansas that if this is not done, I will join with him any time in seeking a full and complete investigation in any honest, fair way. If he has a resolution now slumbering in the pigeonholes of a committee, and will make a motion to discharge the committee, I would be glad to do what little I could to help him either have the committee report the resolution or have the committee discharged and the resolution put on the calendar.

Mr. CARAWAY. Mr. President, may I interrupt the Senator again?

Mr. NORRIS. Certainly.

Mr. CARAWAY. I certainly appreciate the Senator's statement, and I know he will do it. If the President, then, does not quickly act, I shall invoke the aid of the Senator in getting some kind of action.

Mr. NORRIS. I honestly think, I will say to the Senator, that the matter ought not to be permitted to stop where it is. It seems to me on the face of it now that an injustice has been done of a very serious and grievous nature. If these people were guilty, then the public ought to know it and everybody ought to know it. If they were not guilty, as appears from the article that they are not, and some of them have already been reinstated in a lower grade, then the public ought to know just exactly how and why the wrong came about.

Mr. CARAWAY. That is what I particularly wanted to appeal to the Senator's high sense of honor about, that if the

women who were removed were not guilty, because an order has been issued to restore them to the eligible list and to put them to work at very much reduced pay, they ought to have a forum where they can go, together with the rest of the employees involved, and vindicate themselves. There ought to be some power somewhere to put them back from whence they came.

Mr. NORRIS. Under the civil service law, as I understand it, where the head of a department—though in this case it is beyond the head of the department, because the President removed them—removes some one and thinks it is necessary to remove them arbitrarily and at once without investigation, then after it is done it becomes the duty of the official to make an investigation. I can see how it would be true in this case if these people were guilty of any of the things that rumor said they were guilty of, that they ought to have been removed instantly.

Mr. CARAWAY. And arrested.

Mr. NORRIS. But there ought to have been immediately an investigation made to disclose whether or not there was anything wrong about the removal. In other words, they ought to have been given an opportunity to be heard. One of the fundamental principles of American jurisprudence is that no man shall be convicted without he has an opportunity to appear in his own defense and face the witnesses against him and have a proper investigation made. That right ought to be accorded to every one of these people. If the President has been imposed upon, as I am inclined to think he has been, he ought to take the lead in seeing that they are vindicated and that those who were guilty of the imposition are properly punished.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhulse, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Wood of Indiana, Mr. Wason, Mr. Dickinson, Mr. Byrns of Tennessee, and Mr. Griffin were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11626) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The message further announced that the House had passed a joint resolution (H. J. Res. 314) proposing an amendment to the Constitution of the United States, in which it requested the concurrence of the Senate.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 11626. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; and

H. J. Res. 261. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### INDEPENDENT OFFICES APPROPRIATIONS.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 13696.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, grant the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, and Mr. HARRIS conferees on the part of the Senate.

#### HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 314. Joint resolution proposing an amendment to the Constitution of the United States was read twice by its title and referred to the Committee on the Judiciary.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 24, 1923, the President approved and signed the following acts:

S. 3177. An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream;

S. 4031. An act to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Riverdale, in said county;

S. 4032. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between section 5, township 30 north, and section 32, township 31 north, range 13 east of the third principal meridian;

S. 4033. An act granting the consent of Congress to the State of Illinois, department of public works and buildings, division of highways, to construct, maintain, and operate a bridge and approaches thereto across the Kankakee River, in the county of Kankakee, State of Illinois, between section 6, township 30 north, and section 31, township 31 north, range 12 east of the third principal meridian;

S. 4069. An act to authorize the construction of a railroad bridge across the Colorado River near Yuma, Ariz.;

S. 4096. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the enunciation of the Monroe doctrine;

S. 4131. An act granting the consent of Congress to the city of Sioux City, Iowa, and to Union County, in the State of South Dakota, to construct, maintain, and operate a bridge and approaches thereto across the Big Sioux River at a point about 2½ miles north of the mouth of said river, between section 14, township 89, range 48, Woodbury County, Iowa, and section 15, township 89, range 48, Union County, S. Dak.;

S. 4133. An act granting the consent of Congress to the State of North Dakota and the State of Minnesota, the county of Pembina, N. Dak., and the county of Kittson, Minn., or any of them, to construct a bridge across the Red River of the North at or near the city of Pembina, N. Dak.; and

S. 4172. An act to authorize the building of a bridge across the Great Pee Dee River in South Carolina.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

The VICE PRESIDENT. Without objection, the amendment striking out lines 23 and 24, on page 91, is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Buildings and grounds," on page 92, after line 18, to strike out:

For improvement and care of public grounds, District of Columbia, as follows:

For improvement and maintenance of grounds south of Executive Mansion, \$4,000.

For tool shed and store yard for equipment used at the Executive Mansion and in the grounds south of the Executive Mansion, \$1,000.

For ordinary care of greenhouses and nursery, \$2,000.

For repair and reconstruction of the greenhouses at the nursery, \$3,000.

For ordinary care of Lafayette Park, \$2,000.

For improvement and ordinary care of Franklin Park, \$1,500.

For improvement and ordinary care of Lincoln Park, \$2,000.

For care and improvement of Monument Grounds and annex, \$7,000.

For improvement, care, and maintenance of Garfield Park, \$2,500.

For construction and repair of post-and-rail fences; repair of high iron fences, constructing stone coping about reservations, painting watchmen's lodges, iron fences, vases, lamps, and lamp posts; repairing and extending water pipes, and purchase of apparatus for cleaning them; hose; manure, and hauling same; removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flowerpots, twine, baskets, wire, splints, and moss, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction, and repair of fountains; abating nuisances; cleaning statues and repairing pedestals, \$18,550.

For improvement, care, and maintenance of various reservations, including office rent, the maintenance, repair, exchange, and operation of three motor-propelled passenger-carrying vehicles to be used only for official purposes, and the operation, maintenance, repair, and exchange of motor cycles and bicycles for division foremen, \$40,000.

For improvement, care, and maintenance of Smithsonian grounds, \$4,000.

For improvement and maintenance of Judiciary Park, \$2,500.

For laying cement and other walks in various reservations, \$3,500.

For broken-stone road covering for parks, \$10,000.

For curbing, coping, and flagging for park roads and walks, \$2,000.



For care and improvement of Rock Creek Park and the Piney Branch Parkway, \$30,000.

For improvement, care, and maintenance of West Potomac Park, including grading, soiling, seeding, planting, and constructing paths and roads, \$30,000.

For oiling or otherwise treating macadam roads, \$8,000.

For care and improvement of East Potomac Park, \$35,000.

For the maintenance of a tourists' camp in East Potomac Park, \$5,000.

For care, maintenance, and improvement of Montrose Park, \$5,000.

For placing and maintaining special portions of the parks in condition for outdoor sports, \$20,000, payable wholly out of the revenues of the District of Columbia.

For improvement, care, and maintenance of Meridian Hill Park, \$25,000.

For care and maintenance of Willow Tree Park, \$1,500.

For care of the center parking on Maryland Avenue NE., \$1,000.

For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza, \$4,000.

To provide for the increased cost in park maintenance, \$50,000.

For care of the center parking in Pennsylvania Avenue between Second and Seventeenth Streets SE., \$2,500.

Tidal Basin bathing beach: For purification of waters of the Tidal Basin and care, maintenance, and operation of the bathhouse and beach, \$12,000.

For care and maintenance of Mount Vernon Park, \$1,000.

For purchase and repair of machinery and tools for shops at nursery, and for the repair of shops and storehouses, \$1,000.

And in lieu thereof to insert lines 1 to 7, inclusive, on page 96, in the following words:

For improvement and care of public grounds in the District of Columbia, including foremen, gardeners, mechanics, laborers, office rent, maintenance, repair, exchange, and operation of not to exceed three motor-propelled passenger-carrying vehicles, and the maintenance, repair, exchange, and operation of motor cycles and bicycles for division foremen, \$348,750.

Mr. PHIPPS. I suggest that the three paragraphs following should be considered as one amendment with that just stated.

The VICE PRESIDENT. In the absence of objection, it will be so considered.

The READING CLERK. It is also proposed to insert the following paragraphs as an amendment on page 96, beginning in line 8:

For placing and maintaining special portions of the parks in condition for outdoor sports, \$20,000.

For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza, \$4,000.

For purification of waters of the Tidal Basin and care, maintenance, and operation of the bathhouse and beach, \$12,000.

Mr. McKELLAR. Mr. President, I wish again to voice a protest against this method of legislation. For a number of years both the House of Representatives and the Senate have been trying to get away from lump-sum appropriations. I do not believe that there is any poorer way to legislate than by so-called lump-sum appropriations, merely turning a very large sum of money over into the hands of a department and telling them to spend it as best they can, without any restriction or limitation. That is what is proposed to be done here.

It will be noted that in the House provision beginning on page 92 and running down to the bottom of page 95, the uses to which the money is to be appropriated are specifically set out. That character of legislation has been found wise from time to time heretofore, and it certainly ought to be continued. Of course, the Republican majority in the Senate is so large that they will no doubt indorse these lump-sum appropriations as they have been reported by the committee.

I served in the other branch of Congress for a number of years; I know what views were then held there in reference to lump-sum appropriations; and I believe, from the form in which the pending bill came from that body, Members of the House still have the views which they then held in reference to lump-sum appropriations. I sincerely hope that the House conferees will stand up for their views on this subject and will prevent this method of lump-sum appropriations.

I sometimes think it would be better, instead of attempting to impose any limitation, to turn the entire appropriation carried in the bill over into the hands of the District Commissioners and say, "Boys, here are the millions for which you ask; go ahead and do the best you can with the city government." If we should pursue that course, I do not know but that we should have a better city government than under the method we are now pursuing.

Mr. President, if no one else wishes to discuss the matter, I am going to ask for the yeas and nays on the amendment, because I think it involves a principle of such importance that we ought to have a record vote of the Senate in reference to it.

Mr. KING. Mr. President, before the Senator from Tennessee asks for the yeas and nays, I should be very glad if the Senator from Colorado [Mr. PHIPPS] would explain what items in the House bill are comprised within the aggregate

appropriation of \$348,750 as found on page 96, line 7, and whether any of the remaining amendments which are found on pages 96 and 97 comprise new matter?

Mr. PHIPPS. I will say to the Senator, as stated this morning when the question came up, the item in the last two lines, on page 91, and the items beginning with line 19, on page 92, and running down to the end of page 95, have been consolidated into four paragraphs, beginning at the top of page 96.

Mr. KING. If the Senator will pardon me—

Mr. PHIPPS. Yes.

Mr. KING. I notice on page 95 an appropriation of \$12,000 for the Tidal Basin Bathing Beach. Is that a different item from the item which is found on page 96 proposing to appropriate \$12,000 for the purification of the waters of the Tidal Basin?

Mr. PHIPPS. It is the same item, there being merely a change in the language. It was thought advisable to keep that item separate from the others, and also the items "For placing and maintaining special portions of the parks in condition for outdoor sports," and the item "For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza." The other items stricken out of the House bill are included in the first paragraph on page 96.

Mr. KING. I should like again to ask the Senator from Colorado whether the total of \$348,750 is less or more than the aggregate of the other items to which he has referred?

Mr. PHIPPS. It is \$12,000 more. In the item approved by the House in the language stricken out on page 94, lines 1 to 6, we allowed the Budget estimate of \$50,000, instead of \$40,000; and in the item on line 21, page 94, we allowed the Budget estimate of \$10,000, instead of \$8,000. So there is an increase of \$12,000 in all in those two items.

Mr. KING. Let me ask the Senator, why did the committee increase the appropriation of \$40,000, which is found on page 94, line 6, of the bill as it came from the other House?

Mr. PHIPPS. Because it was the judgment of the subcommittee and of the full Appropriations Committee that the amount allowed for the various items, including office rent, maintenance, and so forth, of various reservations throughout the city was inadequate. As the Senator from Utah knows, there are over 600 such reservations, and the appropriation was deemed insufficient to enable them to be properly maintained. The committee thought that the judgment of the Budget Bureau that the amount should be \$50,000 was correct, and that the action of the House in paring that appropriation down to \$40,000 was not in line with our view of what should be allowed for the work.

Mr. KING. How does the Senator differentiate a reservation from a park? He says there are a large number of reservations, six hundred odd—

Mr. PHIPPS. Yes.

Mr. KING. What distinction does the Senator make between reservations and parks?

Mr. PHIPPS. To illustrate, the four blocks in the northeast section comprising Lincoln Park are properly called a park, whereas the triangular spaces created by the intersection of streets running at angles are called reservations; and likewise where circles are formed, such as Scott Circle, Thomas Circle, and Du Pont Circle, those circular spaces are called reservations. The larger areas, of course, are definitely set aside for park purposes.

Mr. KING. Who controls the reservations?

Mr. PHIPPS. These public grounds are under the jurisdiction and supervision of the Superintendent of Public Buildings and Grounds, that position now being held by Colonel Sherrill.

Mr. KING. Do I understand that the reservations and the parks and all of the grounds of the public buildings—for instance, the Agricultural Department and others—are under the jurisdiction of Colonel Sherrill?

Mr. PHIPPS. That is correct; yes.

Mr. KING. And Rock Creek Park?

Mr. PHIPPS. Rock Creek Park is also under his jurisdiction.

Mr. KING. None of these reservations or parks is under the control of the District Commissioners or any agency directed by them?

Mr. PHIPPS. None whatever; they are all under the jurisdiction of Colonel Sherrill at the present time, and he is known in that capacity as the Superintendent of Public Buildings and Grounds.

Mr. KING. Have there been brought under one heading or under one appropriation all of the items that would be involved in caring for public buildings and grounds, including parks and reservations, or are they scattered all through this bill and other bills?

Mr. PHIPPS. The building, for instance, used for administrative purposes for the city government, known as City Hall, is provided for in this bill separately; the building occupied by the Supreme Court of the District of Columbia is likewise provided for by the bill separately; and that is also true of the Municipal Court Building.

Mr. KING. My recollection is that in the independent offices appropriation bill which was passed a few days ago appropriations were carried for the care of some of the public buildings and grounds.

Mr. PHIPPS. That is true; but those were not District of Columbia buildings, but buildings such as those of the Interior Department and other departmental buildings.

As to the Agricultural Department Building, concerning which the Senator spoke, I thought he had reference to the grounds surrounding that building. Of course, for the upkeep of the building, which is the executive office of the Department of Agriculture, provision is made in a different bill, because that has nothing to do really with a District of Columbia activity.

Mr. KING. Then, as I understand the Senator the bill now before us carries appropriations for the maintenance and care of all reservations and all parks, including Rock Creek Park, and all of the grounds of the executive departments or bureaus or agencies, but not for the buildings of those departments?

Mr. PHIPPS. I am advised that provision for the care of the grounds surrounding the Agricultural Department does not come under this bill but under the independent offices appropriation bill, and also provision for Potomac Park and one or two other large reservations and parks.

Mr. KING. May I inquire of the Senator—because I have great confidence in his ability, and I know that he has addressed himself to these measures with a fidelity and zeal which merit the compliment and commendation of all—whether he has considered, or the committee have considered, the wisdom and propriety of transferring all these parks and grounds to the custody and care of the District Commissioners and taking them away from military or semimilitary control?

Mr. PHIPPS. They belong to the Government. We could not do that. We could not give the District officials control over this Federal Government property, and, certainly, it would not be proper to put it in any appropriation bill. That would have to come through a legislative bill. It is legislation.

Mr. KING. I appreciate that. It has occurred to me, I will say, that it would be in the interest of economy if the same agencies that care for the streets cared for the public parks and grounds; and that it would make for economy, and perhaps for a more satisfactory result in the beautification and development of these parks, etc., if they were all under one head; if the person or agency that handled the streets and the sidewalks controlled the parks and the public grounds. Some time ago I introduced a bill for that purpose, because it did seem to me that this divided responsibility was bound to increase the expenses, and would not secure as good results.

Mr. McKELLAR. Mr. President, I want to ask the Senator if the only purpose of the change of the House language is to consolidate those items?

Mr. PHIPPS. Absolutely; yes.

Mr. McKELLAR. Will the Senator point out where in the House amendments occur the words found on lines 2 and 3 of the amendment, "including foremen, gardeners, mechanics, laborers"?

Mr. PHIPPS. Page 91, lines 23 and 24, the first amendment that is taken into account—\$31,200 in that item.

Mr. McKELLAR. I will ask the Senator if it is not true that under this amendment the provision, for instance, "For care and improvement of Rock Creek Park and the Piney Branch parkway, \$30,000," can be used by the commissioners for that purpose or for any other of the various purposes cited on pages 93, 94, and 95?

Mr. PHIPPS. Yes; that could be done.

Mr. McKELLAR. In other words, instead of limiting to \$40,000 the amount "For improvement, care, and maintenance of various reservations, including office rent, the maintenance, repair, exchange, and operation of three motor-propelled passenger-carrying vehicles to be used only for official purposes, and the operation, maintenance, repair, and exchange of motor cycles and bicycles for division foremen," they would have the right to appropriate any amount within the \$343,750 for that purpose?

Mr. PHIPPS. That is correct.

Mr. McKELLAR. And, for instance, instead of improving and caring for and maintaining the Smithsonian grounds by expending \$4,000 on them, as provided by the House measure,

they would have the right not to spend a cent on those grounds? In other words, it is just left to their discretion?

Mr. PHIPPS. Yes; that is correct.

Mr. McKELLAR. I will take another one:

For care and improvement of East Potomac Park, \$35,000.

That is a very worthy appropriation, and it is very proper that the Congress should determine that that park should be improved; but under the Senator's amendment the commissioners would have a perfect right to spend that \$35,000 for passenger-carrying vehicles, if they saw fit, or for any other purpose they desired?

Mr. PHIPPS. There they would not have that right. That is to say, they could spend it for the maintenance or upkeep of them, yes; but not for the purchase of them.

Mr. McKELLAR. The Senator knows that they can switch them around and have as many as they want.

I call attention to another thing:

For placing and maintaining special portions of the parks in condition for outdoor sports, \$20,000.

By the way, it provides there that it shall be "payable wholly out of the revenues of the District of Columbia"; but that will not be provided for, and that will be changing the matter entirely, will it not?

Mr. PHIPPS. It would; and that point came up for discussion yesterday afternoon in connection with another item, at which time I called attention to the fact that, all told, the five or six activities which have been charged entirely to the District of Columbia the Senate committee feels should now go on the 60-40 basis, the same as other expenditures, and stated the reasons for that opinion.

Mr. McKELLAR. Yes; but we are changing law when we strike that out. We are changing the provisions of law, and I think it is really subject to a point of order, strictly speaking.

Mr. PHIPPS. I should have to take issue with the Senator on that statement.

Mr. McKELLAR. The Senator may be right about it, because I do not know whether I am right about parliamentary law or not. I never make an assertion about it, or at least I never make it without the reservation that I may be wrong about it. I am not sufficiently familiar with it to be accurate in my statement about it. However, here is an item reading:

To provide for the increased cost in park maintenance, \$50,000.

The commissioners can spend it for that or they can spend it for any of the other purposes mentioned herein and not spend a cent for that. Is not that true? How does that make for good legislation?

Mr. PHIPPS. They could, but we know they are not going to do that.

Mr. McKELLAR. Why not just turn over to them the lump sum and tell them to do the best they can with it? Why put any limitations on it if you do not put on a reasonable limitation? The Senator and his committee constantly rely on the Budget. Did the Budget recommend that these amounts be put in lump sums and not itemized? Did not the Budget itemize them? When the Budget recommended them, did they not recommend them as items?

Mr. PHIPPS. The Budget recommended them as items.

Mr. McKELLAR. Then the committee is going beyond its recommendation in consolidating them?

Mr. PHIPPS. The dictum of the Budget is not conclusive on the United States Senate.

Mr. McKELLAR. Oh, of course, it is not; and that is just what I have been urging for some time. I did not think you gentlemen intended to stand by it when you passed the Budget law; and most of the time now you refer to the Budget, not for the purpose of cutting down the expenditures but for the purpose of giving an excuse for increasing expenditures. I called the Senator's attention just a few moments ago to an item that was increased, where the provision for passenger-carrying vehicles and other things was put at \$40,000 by the House and increased to \$50,000 by the Senate.

Mr. PHIPPS. Yes.

Mr. McKELLAR. You then referred to the Budget as being your authority for it. You said that the Budget allowed \$50,000 instead of \$40,000, and you conformed to the Budget. Now, however, when you are asked about consolidating, and asked if the Budget provided for consolidation, you say no, and that you ought not to be bound by the Budget. When are you bound by the Budget and when are you not bound by the Budget?

Mr. PHIPPS. Mr. President, I call the Senator's attention to one item that we passed last night, where the Budget approved \$40,000 in a school item and the Senate committee made it \$25,000 on information that we had.



Mr. McKELLAR. I think for the committee to attack schools in reducing the Budget is a very, very poor point of attack. I want to say that if the Budget were going to be attacked I would never attack it on its appropriations for schools. I doubt very much whether we appropriate enough for schools. If the committee made the recommendation reducing the amount from \$40,000 to \$25,000 I think the committee made an error, and I would not support the committee in that contention.

Mr. PHIPPS. Mr. President, I have sat in committee with the Senator, and he knows the method of procedure. That regarding this bill is similar to that regarding the Post Office bill. The Senate committee obtains independent information for itself, supplementing information collected by the House committee and information obtained by the Budget. To say that we are criticizing the Budget because we change an item, and do not accept its findings, is not justifiable. That is not necessarily a criticism of the Budget. The Budget is useful as a guide, and has been efficient, and has enabled us to effect economies and make savings; but it does not take the place of the work that is performed in the committees of the Senate.

Mr. McKELLAR. Since the Senator has referred to the method which is pursued by the heads of departments, I will state that under the Budget law the heads of departments are prohibited from coming before committees of Congress and seeking to change the findings of the Budget; and, yet, in all the bills with which I have had anything to do since I have been here we find the heads of departments and officials of departments coming before the committee seeking to change the Budget recommendations whenever those recommendations are thought to be against the department.

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

Mr. McKELLAR. Just one moment. I say that if we are going to have a Budget we ought to stand by it. If we have a prohibition in the Budget law against officials of the departments coming up and undertaking to set aside the findings of the Budget we ought to carry out those provisions and we ought to force the heads of departments and officials of departments to conform to that law. I want to say to you that from my observation this year in appropriation bills, in so far as the Budget is concerned, you are making it a laughingstock and a matter of ridicule; and after this year, if we continue as we have started, we are going to find that nobody, either in the departments or out of the departments, will pay any attention to the Budget. If a budget system were properly carried out and if the Congress were to stand by it it would result in an immense saving to the people of the United States; but, conducted as the present Budget system is being conducted, as soon as a department official finds that some little matter or some big matter connected with the appropriation is not satisfactory to him, if he is allowed to run up to the committee and say, "Oh, the Budget did not give us enough here, and we want more," it means nothing in the world, and we might just as well repeal the Budget law.

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

Mr. McKELLAR. I yield.

Mr. PHIPPS. I asked the Senator to yield a few moments ago for the purpose of making the statement and calling his attention to the fact that in no single instance has any representative of a department or a bureau, during the consideration of this bill, been allowed to ask for more than the Budget had approved. I can say without fear of contradiction that during the consideration of this bill the rule has been absolutely enforced. They are precluded from asking for increases of salaries or increases in the amounts approved by the Budget. The Senator proceeds to set up a straw man and get very much worked up over some supposition when the facts do not exist.

Mr. McKELLAR. Oh, no. We belong to the same committee.

We have seen these officials come in and ask for increases. The Senator recalls it in the case of the post-office subcommittee. I heard a Senator who was a member of the Committee on Appropriations say that they had done it in other subcommittees, and warn our subcommittee against it. The Senator recalls the statement. Of course it is being done; but now I want to ask the Senator by whom was the provision at the top of page 96 prepared?

Mr. PHIPPS. It was prepared by the clerks of the Appropriations Committee.

Mr. McKELLAR. At whose suggestion?

Mr. PHIPPS. It was not at any suggestion other than their own in the interest of efficiency, as I am informed and believe; and it was brought to my attention by them, and not by any official of the District.

Mr. McKELLAR. Mr. President, I submit that this kind of legislation is improvident. It makes for inefficiency in the

control of the Government funds, and I ask for the yeas and nays on the amendment of the committee.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will report the amendment.

Mr. PHIPPS. The item at the foot of page 91, lines 23 and 24, is necessarily involved, and it should be reconsidered. That amendment was approved. Senators will understand that that is included in the present motion.

The VICE PRESIDENT. The amendment on page 91 was agreed to.

Mr. PHIPPS. That is included in the item now under consideration, and I request that the vote by which that amendment was approved be reconsidered.

The VICE PRESIDENT. Is there objection to the reconsideration of the vote by which the amendment at the bottom of page 91 was agreed to? The Chair hears none, and it is reconsidered.

The Secretary will state the pending amendment.

The READING CLERK. Strike out from line 19, page 92, to line 25, page 93, and at the top of page 96 insert:

For improvement and care of public grounds in the District of Columbia, including foremen, gardeners, mechanics, laborers, office rent, maintenance, repair, exchange, and operation of not to exceed three motor-propelled passenger-carrying vehicles, and the maintenance, repair, exchange, and operation of motor cycles and bicycles for division foremen, \$343,750.

For placing and maintaining special portions of the parks in condition for outdoor sports, \$20,000.

For operation, care, repair, and maintenance of the pumps which operate the three fountains on the Union Station Plaza, \$4,000.

For purification of waters of the Tidal Basin and care, maintenance, and operation of the bathhouse and beach, \$12,000.

The VICE PRESIDENT. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. KELLOGG (when his name was called). I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. ROBINSON (when his name was called). I transfer my general pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGER] and allow my vote to stand.

Mr. HALE. I transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. WARREN (after having voted in the affirmative). I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Maryland [Mr. FRANCE] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 43, nays 19, as follows:

#### YEAS—43.

Ball	Hale	McKinley	Reed, Pa.
Bayard	Harris	McNary	Sheppard
Borah	Jones, N. Mex.	Moses	Smoot
Brookhart	Jones, Wash.	Nelson	Spencer
Calder	Kellogg	New	Stanfield
Cameron	Keyes	Nicholson	Sterling
Capper	Ladd	Norbeck	Wadsworth
Curtis	Lenroot	Oddie	Warren
Ernst	Lodge	Pepper	Watson
Fernald	McCormick	Phipps	Willis
Frelinghuysen	McCumber	Polindexter	

#### NAYS—19.

Broussard	Gerry	King	Smith
Caraway	Harrison	McKellar	Stanley
Dial	Heffin	Pomerene	Swanson
Fletcher	Hitchcock	Ransdell	Williams
George	Kendrick	Robinson	

#### NOT VOTING—34.

Ashurst	Colt	Cummins	Elkins
Brandegee	Couzens	Dillingham	France
Bursum	Culberson	Edge	Glass

Gooding  
Harrell  
Johnson  
La Follette  
McLean  
Myers

Norris  
Overman  
Owen  
Page  
Pittman  
Reed, Mo.

Shields  
Shortridge  
Simmons  
Sutherland  
Townsend  
Trammell

Underwood  
Walsh, Mass.  
Walsh, Mont.  
Weller

So the amendment of the committee was agreed to.

The PRESIDING OFFICER (Mr. LADD in the chair). The amendment at the bottom of page 91, which was reconsidered, will be agreed to, without objection.

The next amendment was, on page 96, after line 15, to insert:

For commencing the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, \$4,000.

Mr. KING. I would like to ask the Senator what it is estimated the cost will be for preparing the designs and estimates for the development of the parkway. Four thousand dollars is here appropriated to begin with. I can not conceive how it can cost that much.

Mr. PHIPPS. The figure of \$4,000, I understand, is fixed as one that would cover the whole thing, but when they make the plans they may have to get into topographical work, and it is a question of just how far they would have to go. The plans should be complete as one unit so that as the development work goes along it will be a part of a plan already agreed upon that will be final, and in this way avoid the grading of roads or pathways and changing of grades which might afterwards have to be changed in completing the plan.

I feel confident that there is going to be no waste of money in that connection. The big thing is, as the Senator realizes, to put in shape the project for connecting up Rock Creek Park and Potomac Park to give a boulevard drive.

Mr. KING. May I inquire of the Senator just what territory is embraced within what is called in the item "Potomac Parkway"?

Mr. PHIPPS. Potomac Parkway would extend from the lower or southern end of Rock Creek Park, which would be about Massachusetts Avenue, as I understand it, though it may be nearer Connecticut Avenue or nearer the river, but in about that location, down through the intervening territory and coming out on the Potomac River at a point above the Lincoln Memorial, making a continuous driveway, and locating it as nearly as possible along the Potomac where the land which has already been recovered by the Government would be available for boulevard use, and in connection with the proposed new Arlington memorial bridge and all that development.

Mr. KING. That the project deserves the hearty support of Congress, no one will deny. I commend it very unreservedly. But it seems to me that with the officials already employed and already charged with caring for the parks and with the execution of work heretofore ordered, the appropriation is unnecessary.

Mr. PHIPPS. I will say for the information of the Senator that there is no intention to employ outsiders to prepare the plans. The work would be carried on with employees already in the Government service, but there is no authority of law now to delegate them to do the work. Their salaries from time to time have to be charged to the various items of appropriation. Of course, it involves the use of surveyors in order to get the plans in shape, because they are not merely plans which would give the metes and bounds of the property but plans that would have to take into account the contour of the land itself.

Mr. KING. Will the Senator kindly have read the data that were submitted to the Budget Bureau in support of the item?

Mr. PHIPPS. In the House hearings the item was submitted and the following took place:

Mr. CRAMTON. The next item is:

"For commencing the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, \$4,000."

To what extent has the property been acquired?

Colonel SHERRILL. That property is approximately 70 per cent complete, and it has been under acquisition for about seven years; and it is thought that, since the owners are not able and have not been since this project went through some six or seven years ago, to use the property, knowing this cloud was over it, I feel now is the time to take steps to finish the acquisition by condemnation.

Mr. CRAMTON. And preliminary to that you want to make some definite plans?

Colonel SHERRILL. Yes, sir; and we have not cared to develop any until we shall have bought all the land we can get, but now we will have to go to condemnation.

Mr. CRAMTON. Do you consider this an urgent item?

Colonel SHERRILL. Yes, sir; I put it in last year.

Mr. CRAMTON. What happened to it?

Colonel SHERRILL. Nothing, except, if you see the photographs I have showing the conditions there, I think you would agree that something ought to be done in the immediate future to improve the situation.

Mr. CRAMTON. You mean some land is being developed for other purposes?

Colonel SHERRILL. It is in such a dilapidated condition that we want in the near future to clean it up. [Exhibiting photograph.]

Now, it is to try to get this in shape for Congress to consider that I would like to have money for these plans.

Mr. EVANS. To get exactly what I have in mind, what change, if any, has been made in the paper I have just handed you and which you gave us last year? I am referring principally to the land remaining to be purchased.

Colonel SHERRILL. This figure does not show the percentage, but I can indicate what has been bought in 1922.

Mr. EVANS. It would be what proportion of that unpurchased last year?

Colonel SHERRILL. We have purchased about three-eighths of what we had to purchase last year.

Mr. CRAMTON. It is not three-eighths of the total, but of what remains.

Colonel SHERRILL. Of what remains; yes, sir.

Then we took it up before the Senate committee and had Colonel Sherrill before us.

Mr. KING. Did the Bureau of the Budget recommend the item?

Mr. PHIPPS. It was recommended by the Bureau of the Budget. It was estimated for.

Mr. KING. But not allowed by the House?

Mr. PHIPPS. For some reason it was not allowed by the House.

Mr. McKELLAR. Were all the items on page 96, from line 16 to line 24, recommended by the Budget?

Mr. PHIPPS. Yes; they were.

Mr. McKELLAR. What about those on page 97?

Mr. PHIPPS. That is a reappropriation, as the Senator will notice.

Mr. McKELLAR. I know; but I was wondering whether the Budget recommended it.

Mr. PHIPPS. They recommended it last year.

Mr. McKELLAR. They did not recommend it this year. Will the Senator state why?

Mr. PHIPPS. Because it is permissive. It has been approved as an appropriation. It was in the law of 1923. We desired to continue it and make it available and to allocate it to a certain designated piece of property recommended by the commission.

Mr. McKELLAR. I am not objecting to the item. That is not my purpose.

Mr. PHIPPS. It would not necessarily be submitted to the Budget this year.

Mr. McKELLAR. It ought to have been, because it is an item of appropriation that should have been submitted. I do not see how we can very well deal with it unless it has been submitted. The Senator will recall that it was held by the Appropriations Committee, in connection with the Post Office appropriation bill, that a recommendation by the Budget of last year did not hold good as to this year.

I did not rise for the purpose of opposing the item. I am perfectly willing that it should pass. I think it is a good thing. I merely wanted to call attention to the fact that the Senator's party is paying very little attention to its Budget system.

Mr. PHIPPS. My answer is that the Senate reserves to itself the right to put in any new items that may be just without referring them to the Budget, and the Senate Committee on Appropriations has the authority of recommendation.

Mr. McKELLAR. Oh, no; we have a rule about that; unless it is recommended by the Budget it is not in order. I am not going to make the point of order against it, because it is a proposition which I think ought to be in the bill, but I merely call the attention of the Senator again to the fact that in many of the items through all the appropriation bills the Senator's party is paying no attention whatever to the Budget law which was passed some time ago.

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

The amendment was agreed to.

The next amendment was, on page 96, after line 18, to insert the following:

For continuing the construction of a sea wall along the water front between the foot of New Hampshire Avenue and the north building line of G Street, including the grading and filling incident thereto, \$50,000.

Mr. KING. Mr. President, may I inquire of the Senator in charge of the bill whether the evidence before the committee justified so large an appropriation as \$50,000?

Mr. PHIPPS. I would say to the Senator that the item is only a very small one in connection with the work that necessarily should be carried on to make available the reclaimed land on the Potomac Flats. This particular sea wall will be erected a little upstream from the end of New York Avenue. It is quite a little distance above the Lincoln Memorial. The particular stretch is along that frontage of which the Government owned only a year or two ago obtained final possession.

The land had been "squatted" on, as the Senator will remember, by certain contractors or people in the contracting



business. The Government came into possession of the property later, and owns it in connection with the land in front of it down to low-water mark, which has been reclaimed by filling. Unless the retaining wall be erected within a reasonable length of time the banks will disintegrate and go into the river. Until the sea wall is built the land is not available for the particular purpose for which it has been set aside, to wit, the erection of the so-called *Titanic* memorial, a statue of bronze valued at some \$80,000.

Mr. McKELLAR. I think it is a perfectly proper appropriation and ought to be made, and I congratulate the Senator on having the backing of the merchants in connection with it.

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

The amendment was agreed to.

The next amendment was, on page 96, after line 22, to insert the following:

For the construction of a comfort station and shelter at Haines Point, East Potomac Park, \$15,000.

The amendment was agreed to.

The next amendment was, at the top of page 97, to insert:

The appropriation of \$25,000 contained in the District of Columbia appropriation act for the fiscal year 1923 for the construction of a bathing beach and bathhouse for the colored population of the city is continued and made available during the fiscal year 1924 for the construction and maintenance of said bathing beach and bathhouse at the Virginia end of the Key Bridge.

The amendment was agreed to.

The next amendment was, on page 97, at the end of line 14, to strike out "\$24,000" and insert "\$37,000," so as to make the paragraph read:

Lighting the public grounds: For lighting the public grounds, watchmen's lodges, offices, and greenhouses at the propagating gardens, including all necessary expenses of installation, maintenance, and repair, \$37,000.

The amendment was agreed to.

The next amendment was, under the subhead "Water service," on page 98, line 18, after the figures "\$1,500,000," to insert a colon and the following proviso: "Provided, That the Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of \$6,150,000, including all appropriations and contract authorizations herein and heretofore made," so as to make the paragraph read:

For continuing work on the project for an increased water supply for the District of Columbia, adopted by Congress in the Army appropriation act for the fiscal year 1922, as modified by the District of Columbia appropriation act for the fiscal year 1923, and for each and every purpose connected therewith, to be immediately available and to remain available until expended, \$1,500,000: *Provided*, That the Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of \$6,150,000, including all appropriations and contract authorizations herein and heretofore made.

Mr. McKELLAR. Mr. President, I would like to have the Senator in charge of the bill tell us whether the Budget recommended the item of \$6,150,000 and to have him give us the reasons why the committee have recommended it.

Mr. PHIPPS. The law of 1923 carried an item which covered the adoption of a certain project which covers the second conduit from Great Falls, the filtration plant, the connection with the present filter beds, and the general expansion of the water-distribution system, at a cost, as I recall it, of \$9,150,000. We appropriated for the year 1923 \$1,500,000 toward that work, and authorized additional contracts to the extent of \$1,450,000. We now make a direct appropriation of \$1,500,000 and authorize them to go to the extent of \$6,150,000, including appropriations heretofore and herein made. That gives them the right to enter into contracts up to the amount of \$6,150,000, which would leave about \$3,000,000 yet to be provided for.

Mr. McKELLAR. What is the purpose of entering into the contract now, if they are doing the work year by year? Why would it not be more economical to do as we have been doing? We all know the prices of labor and material are coming down. Why would it not be more economical to continue the project that we have started? As I understand, last year, according to the Senator's statement, we appropriated \$1,500,000 and authorized the entering into contract at \$1,400,000 more. Why not put the same limitation this year?

Mr. PHIPPS. That is in round figures what we are doing. That is, we authorized contracting last year to the extent of \$3,000,000, in round numbers, and the pending bill carries it up to \$6,150,000, so it is a little more than \$3,000,000 this year.

Answering the Senator's question further, in entering into a contract for the second conduit, which comes from Great Falls down to the Dalecarlia Reservoir, it would have been unwise and not economical to split the contract. The rock work there is very expensive. The greater part of that work is tunnel work, and not merely trench work that can be dug from the surface and filled in, but it requires blasting in rock for the tunnel on a great portion of that line.

When it comes to contracting for the filtration machinery, which is a very large item, an up-to-date mechanical type of filter will be used. The engineers can not well split that contract, for they have to contract for the filtration machinery as a complete unit.

Mr. McKELLAR. Will the filtration machinery be bought before the conduit is built?

Mr. PHIPPS. It will have to be contracted for. I have not any information from the engineers on this particular point as to how long it will take to acquire that machinery after it is ordered, but from information I have as to similar matters—electrical machinery, for instance—I know it is necessary to contract for such machinery from a year to a year and a half in advance in order to secure deliveries and to enable the plans and details to be worked out.

Mr. McKELLAR. At what time is it proposed to finish this project?

Mr. PHIPPS. It was estimated that the work would be completed within four years, and, if possible, within three years, in order to meet the exigencies existing here, where we are right now approaching the limit of the ability of the city to furnish the amount of water which is required by the present population. With a growing population, unless the project can be completed within the next three or four years, a water shortage will be threatened. Even now during the summer months fountains are not permitted to operate all the time, but only permitted at certain hours when there is reserve water available for the purpose.

Mr. McKELLAR. I understand the situation, and I think it is very important that an adequate water supply should be provided; but it seems to me that now to authorize the appropriation of this aggregate sum of \$6,150,000 is rather unwise legislation. However, I do not know. If we had had the reasons furnished as to why it should be done, my opinion might be different; but surely we ought not to buy the machinery so far ahead of the time when the conduit will be completed. I should think that the machinery might be bought a great deal cheaper hereafter.

Mr. PHIPPS. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I shall yield in just a moment. I am not at all familiar with the work, and I merely desire to obtain information about it. I am not sufficiently familiar with the matter to know precisely what should be done.

Mr. PHIPPS. Mr. President, I will say that this year satisfactory progress has been made under previous authorizations. In making the contracts it has been found that a contractor who has to provide the machinery incurs a certain amount of overhead and other necessary expense in bringing his machinery to the point where it is to be used and then taking it away again; and so, if he only gets a contract for, we will say, a mile of the work, as against 2 miles that have to be done, his bid must be proportionately higher. We can get a lower bid from him if the contract is let for 2 miles at one time.

The day labor in connection with this work does not cut a very great figure in the total amount, as a great deal of the excavation and other work is done by machinery. This year we are only giving authority to contract for the second third of the complete unit. We gave authority last year for the first third of the unit; this year for the second third, and next year we ought to authorize the completion of the work.

As the Senator will recall, the appropriations carried in this bill will run until July 1, 1924. That is quite a long time in the future, but we had to make provision for it in this appropriation bill.

Mr. KING. Mr. President, I should like to inquire of the Senator from Colorado whether arrangements have been made with the riparian owners at Great Falls or the point on the river where the water is taken out to relieve the District from damages because of the diminution of the water supply. I recall a number of years ago, when I was in the other House, that a suit was brought against the Government and tried in the Court of Claims or in some other court, and judgment was rendered against the Government for \$400,000 or \$500,000 for having taken water out of the river. The suit was brought by the riparian owners of the land at Great Falls.

I recall that another conduit was built or that the former one was enlarged—I am not sure which—and that a second suit was brought, claiming \$400,000 or \$500,000 damages, the contention being that under the law which prevails here, which is the common law, a riparian owner may not be deprived of his water supply, and if water be taken from a stream it must be returned undiminished in quantity and undeteriorated in quality; otherwise the one who takes the water is subject to a suit for damages.

I understand that damages have been paid for the former takings of water from the river. Has arrangement been made with the riparian owners to compensate them for damages, or shall we have another lawsuit upon our hands by further invading the river and taking more of the water from the stream?

Mr. PHIPPS. I will say to the Senator from Utah that by the law of last year provisions covering the acquisition of rights to property were carefully considered, and they were made as broad as possible, conferring all the authority which could be conferred for the taking of the necessary property, providing for court proceedings, and so on.

Mr. KING. Was provision made for the taking of the water or the taking of the land, may I inquire of the Senator from Colorado?

Mr. PHIPPS. In taking the land, as the Senator knows, where it is riparian land, the water would go with it.

Mr. KING. Except as to riparian owners lower down the stream.

Mr. PHIPPS. As the Senator from Utah is aware, there is not any arable land bordering on the Potomac below the point where the water is taken which would be affected by the taking of water at Great Falls.

Mr. KING. But it might be affected for power purposes. I am not sufficiently acquainted with the Potomac to know whether or not the taking of water at that point might possibly interfere with the potential electrical energy at some point lower in the river.

Mr. PHIPPS. I think not.

Mr. KING. May I inquire of the Senator if this appropriation is merely to build another conduit?

Mr. PHIPPS. The building of an additional conduit is only a part of the entire scheme. We had last year on the walls of the Senate Chamber, as the Senator will remember, the plans in detail showing where the water was to be taken from the Potomac, the line of the conduit down to the Dalecarlia Reservoir, and the second conduit from that point to the District line, where the additional reservoir and new filtration plant are to be erected, and also the connecting lines to various parts of the city; so that when it is a completed scheme we shall have a dual source of supply. For instance, if one conduit may be out of commission, the other conduit will furnish water up to its full capacity. So in the distributing lines where a line is cut off, which would prevent water going to a distant part of the city with this new installation, if one of those main lines goes out, there will be another line going around another portion of the city and connecting up so as to have what might be called a return current of water.

Mr. KING. I should like to inquire of the Senator whether he has been advised as to the results of a project—whether it was promoted by the District alone or by some of the commercial and civic organizations of the city; I am not advised—for the acquisition of a water supply from some remote portion of the country in Maryland or Pennsylvania, I am not sure which? I remember the matter was discussed here two or three years ago, and it was urged by some engineers that a suitable water supply could be obtained from some of the springs in adjacent mountains which would be very much superior to the present water supply.

Mr. PHIPPS. The Senator refers to the project that was under consideration at the time the Potomac project was considered, and the recommendation on the part of all officials who participated in that investigation was favorable to the Potomac project, which has now been adopted by the Congress, while the project referred to by the Senator from Utah has been discarded. That project might have to be resorted to in later years if the city shall again double its population, but the project which has been approved and is now under way will provide water for a population of over a million.

Mr. KING. I had not learned of the result of the investigation of the project to which I have referred. It seemed to me from what I could learn that it was a very feasible project.

Mr. JONES of Washington. That project was considered before the one which has been adopted was passed upon.

Mr. KING. I was not aware of that fact.

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

The amendment was agreed to.

Mr. PHIPPS. Mr. President at this point I desire to offer the amendment which I send to the desk and ask the Secretary to read. I will say that the amendment was included in the bill as reported by the House committee, but went out in the House; I do not know for what reason, but, as I understand, on a point of order.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado on behalf of the committee will be stated.

The READING CLERK. In the committee amendment, on page 98, line 24, after the word "made," it is proposed to insert a colon and the following:

*Provided further*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of the authorization and the revised estimates for the work: *Provided further*, That whenever the Secretary of War causes proceedings to be instituted for the acquirement by condemnation of any lands or interests therein needed for the said work, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, rights of way, or otherwise, to the extent of the interest to be acquired, and to proceed with the work herein authorized: *Provided further*, That certain adequate provisions shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriations by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next and each succeeding regular session of Congress, until the entire project shall have been completed, a report on said water system and increase of water supply showing, among other things, the progress of the work, construction under way and proposed within the District, connections with the present system of distribution, and revised estimates of cost.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado on behalf of the committee to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Water department," on page 101, line 7, before the words "per month," to strike out "\$10" and insert "\$13," so as to make the paragraph read:

For maintenance of the water department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, water meters, and all buildings and accessories, and the purchase and maintenance of motor trucks, purchase of fuel, oils, waste, and other materials, and the employment of all labor necessary for the proper execution of this work, and to reimburse three employees for the provision and maintenance by themselves of three motor cycles for use in their official work in the District of Columbia \$13 per month each; and for contingent expenses, including books, blanks, stationery, printing, postage, damages, purchase of technical reference books, and periodicals, not to exceed \$75, and other necessary items, \$10,000; in all, for maintenance, \$450,000.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments, except those which have been passed over.

Mr. PHIPPS. Mr. President, there are some amendments which have been considered by the members of the subcommittee, as well as by the full Committee on Appropriations, which it was thought advisable to offer separately rather than to incorporate in the bill as reported by the committee. I have a series of them, which I will send to the desk and ask the Secretary to state in order. I offer the amendments.

Mr. HARRISON. Are these amendments purporting to carry out the program with respect to playgrounds and school buildings?

Mr. PHIPPS. They are included in this number. I am sending them to the desk now in the order in which they would properly occur in the bill.

Mr. HARRISON. As I understand, the amendments that the committee proposes at this time were adopted by the House Appropriations Committee, and were reported to the House, but went out on a point of order?

Mr. PHIPPS. Not all of them. Some of them are in that category, and others are new amendments proposed by the Senate Committee.



Mr. HARRISON. Yes; but these with respect to the schools are carrying out the school program as mapped out by the Senate Committee on Appropriations?

Mr. PHIPPS. Some of them. For instance, we restore, I think, in every instance the school items that were stricken out on the floor of the House, and in addition to that the Senate Committee proposes some others which we think should be gone ahead with, particularly as to the acquisition of land. The Senator will recognize those items as they come up, and I will indicate which ones were stricken out on the floor of the House and which ones were not recommended by the House committee.

The PRESIDING OFFICER. The first amendment will be stated.

The READING CLERK. At the bottom of page 14, it is proposed to insert a new paragraph reading as follows:

MOUNT PLEASANT BRANCH LIBRARY.

For the purchase of a site for a branch of the Free Public Library in the Mount Pleasant-Columbia Heights section of the District of Columbia, \$25,000, or so much thereof as may be necessary, and authority is hereby conferred upon the Commissioners of the District of Columbia to accept from the Carnegie Corporation of New York not less than \$100,000 for the purpose of erecting a suitable branch library building on such a site, subject to the approval of said commissioners and the board of library trustees.

Mr. PHIPPS. That is an item which was recommended by the House committee and was stricken out on the floor of the House.

Mr. KING. Mr. President, may I inquire of the Senator what the view of the committee is with respect to these libraries? We have the Congressional Library, and then we have the Carnegie Library. Has the committee inaugurated any plan as to the number of library buildings that are to be erected within the District? How many are there to be?

Mr. PHIPPS. It has not. We have now as branches, in addition to the libraries named by the Senator, the Takoma branch and the Southeast branch, the latter having just gone into commission, and being patronized to-day away beyond the expectations of the Library Committee.

The Mount Pleasant site now proposed is out Sixteenth Street in a very desirable location, and the site is one which the owner is willing to let go at \$25,000, though it would readily sell to-day for at least \$50,000 for building purposes. Immediately in front of the plot of ground, lying between it and Sixteenth Street, is one of these small reservations that we had in mind a short time ago; so that from every standpoint the site selected is most desirable. Then, too, it is in the center of a territory that is practically all built up immediately around it, but within easy reach. The property is now being developed out Sixteenth Street, over to Eighteenth Street, and on the other side to Fourteenth Street, Thirteenth Street, and all the way to Georgia Avenue; so that this is really an ideal location for a library to serve the public, and, as I say, the site is perhaps the most desirable one that could be found in that location.

Mr. KING. I should like to ask the Senator whether the committee are of the opinion that it is better to have a considerable number of libraries scattered throughout the District, rather small in proportions and not having a large volume of books, or to have one or two very large libraries, not only as to the size of the buildings but as to capacity to furnish a large number of books to the public?

Mr. PHIPPS. The committee have discussed that subject; and in that connection, we have had information as to branch libraries being carried on in other cities. One large city, New York, has as many as 34, I think. My own home city, Denver, Colo., has 8, and yet the population there is about 265,000 to 275,000 people. The plan of erecting these branch libraries in different sections of the city appeals to us as being the proper one, particularly if a corporation such as the Carnegie Foundation stands ready and willing to pay for the structure, providing the District furnishes a suitable site. There is no requirement as to further expenditure for upkeep, or anything like that, but it is left to the decision of the Congress as to what should be appropriated for maintenance. Taking, as an example, this new southeast branch, the branches really will be utilized, and will have a very fine educational effect upon the people of the community. They will patronize the branch libraries right at home when they would not think of going in to the central libraries.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado on behalf of the committee.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, there is a new item here which has not had the consideration of the House. I will ask the Secretary to state it.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. On page 22, after line 19, it is proposed to insert:

For the erection of a fireproof addition to the courthouse of the District of Columbia for the use of the office of the recorder of deeds and such other activities of the District government as the commissioners may designate, including fireproof vaults and heating and ventilating apparatus, to be constructed under the supervision of and on plans to be furnished by the Architect of the Capitol and approved by the Commissioners of the District of Columbia, \$500,000.

Mr. PHIPPS. Mr. President, I think a word of explanation would be in order.

The condition as to the present quarters for the recorder of deeds has been discussed at length on this floor, and the Senators present are perhaps familiar with that situation. To-day the records are not in a fireproof structure, and the force is hampered in its work by reason of restricted quarters, working in an insanitary building, with artificial light all of the business hours. Some change must be made there. In addition to that, the municipal court is quartered in a rented structure. The annual rental for the recorder of deeds is \$6,000; for the municipal court, \$3,600; and for the juvenile court, which is housed in a dwelling, \$2,000.

In laying out Judiciary Square the original plan contemplated the erection of a building to duplicate the one now occupied by the court of appeals, which structure is a very beautiful piece of architecture. The proposed building would be located on the corresponding corner of the present Supreme Court Building, so that we now have the separate building to the right rear of the Supreme Court Building, and we would have this proposed new building to the left rear.

Mr. KING. Mr. President, may I inquire of the Senator whether it is intended to erect a complete building?

Mr. PHIPPS. A complete building. There is no structure there at present.

Mr. KING. Just for the recorder of deeds?

Mr. PHIPPS. No; for the recorder of deeds, the municipal court, and the juvenile court. We say in the amendment, "the recorder of deeds and such other activities of the District government as the commissioners may designate." It may be available for still other activities. Later on it might be used for the register of wills.

The Supreme Court Building is really crowded at the present time. There is no available space whatever there. We examined the Court of Appeals Building, and went over it from attic to cellar; and while it is a large building, and is housing only one activity, there is really no space there that could be converted to any of these uses.

Mr. KING. May I inquire of the Senator how many rooms there are in the Court of Appeals Building?

Mr. PHIPPS. It is rather a difficult matter to say how many rooms there are or what would be called rooms. For instance, under the roof there are unfinished spaces that might be converted into rooms, but they would not be lighted; they would not have proper air space, unless the architecture of the building were destroyed by cutting windows, for instance. In the basement all of that space eventually will be available for the storage of records. The building is as nearly fireproof as a building can be made, but in its architectural plan the space has not been economically laid out.

Mr. KING. Mr. President, I can not understand the necessity for so much space for an appellate court. I am familiar with the courts in some of the Western States. An appellate court has its chamber, in which the judges meet to hear arguments, a library, an office for the clerk—usually one or two rooms—a room for a stenographer, and then a room for each of the judges. Aside from those, there is no necessity for additional rooms in an appellate court. It seems to me that some of the officials and agencies of the Government here in Washington have gotten the idea into their heads that they must have more room than is necessary, more room than is furnished in the States, where the work is just as onerous, and there is just as much of it as the work devolving upon the agencies here.

May I inquire of the Senator what is the size of the building?

Mr. PHIPPS. It is quite large. I should say that there are about 11,000 or 12,000 square feet on each of two floors, but in the case of the second and third floors the court room itself goes right up through the structure to the ceiling. It is a very high room; and these other rooms—the Senator asked me how many rooms there were—are scattered all around the corridors. We were hoping to find in that building available space to house the recorder of deeds, and we were disappointed to find that it would not be a possibility, and that it would not be a possibility even to find suitable space for the juvenile court, to say nothing of the municipal court.

Mr. KING. I must confess that from the description which has been given of this building I am astonished to know that there is no room there for more than the judges of the appellate court of the District. The Supreme Court of the United States has a small room in which it meets, and the judges have rather limited quarters. I should assume from what the Senator says and from what I know—and my knowledge of this building is quite imperfect—that the appellate court of the District has more room than the Supreme Court of the United States.

Mr. PHIPPS. The Senator is quite correct in his statement. I hope very much that he will take occasion to stop some morning on his way down to the Senate and go into the Court of Appeals Building, and see the condition that exists there, and give us the benefit of any suggestions that may occur to him whereby we could utilize some of what seems to our committee to be waste space.

Mr. KING. If the committee will just recommend restriction of the space for the appellate court, and introduce a bill to utilize the residue for other legitimate purposes, I am sure the Senate will follow him.

Mr. PHIPPS. Mr. President, that is exactly what the committee hoped it would find possible, but after the inspection it made it was forced to the conclusion that no such plan was practicable. If the Senator can suggest wherein any of these three activities can be cared for otherwise I am sure the committee would be very glad of the suggestion. Not one of the members felt it was possible, on account of the plan of that building, the way it was designed, the way it has been laid out, in spite of the fact that there is a very large floor area there to utilize it.

Mr. KING. May I inquire of the Senator whether the committee examined the District Building, which is a large one, and, as I was led to believe, was constructed for the purpose of housing more activities of the Government than are found within its walls; and whether, after such examination, he is satisfied that we may not restrict the space of some of the agencies there, and put other agencies of the District into the building?

Mr. PHIPPS. I will say to the Senator that the committee did not go to the District Building this time with that idea in view. The objection to that is its geographical location. It would be almost impossible to connect up the court activities of the recorder of deeds with the municipal building. It is necessary for attorneys and others who are dealing with the records to find near by the court records in the form of the deeds as recorded in the books. As an attorney, the Senator will recognize immediately that it would be practically impossible to house the recorder of deeds—and that is the most pressing activity of the three—in a building a mile and a half distant from the courthouse.

Mr. KING. It would not be impossible, but it would be rather inconvenient for litigants and for the courts. There is no doubt about that.

Mr. BALL. Mr. President, I would like to ask the Senator if he has visited the office of the recorder of deeds.

Mr. KING. Yes; but it was some time ago, I think three years ago.

Mr. BALL. When the Senator is inspecting the courts, I trust he will inspect the office of the recorder of deeds, and I am sure, if he will, he will come back here well satisfied with this appropriation.

Mr. KING. Mr. President, I feel sure that there should be some provision made for the recorder of deeds, but I am not satisfied to vote for this appropriation with the limited information we have, and in view of the fact that we have made appropriations in this bill calling for such a large sum, and appropriations in the bill passed a few days ago for additional buildings in the District. I think we are getting building mad, and are appropriating too liberally for the erection of public buildings in Washington and in other parts of the United States. It seems to me we can afford to wait until next year before embarking upon this enterprise.

Mr. DIAL. Mr. President, I have not been able to follow the pending bill closely, but I sincerely hope some provision is made for the lighting of the school buildings, some of which have not a single light in them. Some of these buildings are down in hollows, and I am informed that on dark days the children can scarcely see how to read at all. No wonder so many little chaps are going around Washington wearing glasses. I happen to know about a particular case where the school is very dingy and very dark. If we are going to appropriate money at all, we could not appropriate it for a better purpose than immediately to put lights into these buildings. I trust the subcommittee on the District of Columbia appropriations will give the matter immediate attention, and not wait until

some future time. Is there anything in this bill on that subject?

Mr. PHIPPS. Mr. President, for the information of the Senator from South Carolina I will state that the Senate committee has recommended, and this bill now carries, an increase of \$50,000 over the amount recommended by the House, for repairs and improvements of school buildings, and the largest item to be cared for out of that is the lighting of the school buildings.

Mr. DIAL. I am happy to hear it, and I hope they will apply it immediately.

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

The amendment was agreed to.

Mr. PHIPPS. Mr. President, the next amendment which I send to the desk is for the acquisition of two playgrounds. These items were recommended by the House committee and stricken from the bill on a point of order on the floor of the House.

The PRESIDING OFFICER. The Secretary will state the amendment.

The PRINCIPAL LEGISLATIVE CLERK. On page 36, after line 10, to insert:

For the purchase of a site now occupied by Hoover Playground, located in square 546, containing 65,000 square feet, at 25 cents per square foot, \$17,000.

For the purchase of a site at Twenty-seventh and O Streets NW., in square 1238 (lot 803), containing 10,000 square feet, at an estimated cost of \$5,000; and for the purchase of lot 804, square 1238, containing 3,840 square feet, at \$3,000; in all, \$8,000.

So much of any balance remaining after the purchase of sites for playgrounds authorized by this act as is necessary to clean up, grade, drain, fence in, and place such sites in safe and suitable condition for the purpose intended may be used for such purposes.

Mr. KING. Is it the purpose of this appropriation to round out some of the grounds already owned by the District?

Mr. PHIPPS. No; the Hoover playground is quite a good-sized tract, as the Senator will note, of which we have had the use for two or three years past. The owner has died and the property goes into the hands of the heirs, and the particular heir who now controls this property is willing to let us have it at 25 cents a square foot, which is, I would say, one-fourth of the present market price. It is in a built-up neighborhood in the northeast section of the city.

The other is for a playground for colored children at Twenty-seventh and O Streets, and the lot, offered at \$5,000, would readily sell for more than double that figure. It belongs to a colored order, the initials or name of which I do not recall, but it is a beneficial order, like the Odd Fellows. In their desire to provide playgrounds for the children of that section the members of the order are not only willing to turn over the land they own at about half its market value to-day but they guarantee to the commissioners that the adjoining property, containing 3,840 square feet, will not cost the city more than \$3,000, notwithstanding the fact that there is a fairly good brick building on the property, although it is old, and the owner will no doubt demand more than the \$3,000. These colored men are going to make it good. Eight thousand dollars in all gives a very sizeable piece of ground, and it will connect up with the Rock Creek and Potomac Park driveway, which we had under discussion a while ago; so that it is a very desirable piece of property to acquire.

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

The amendment was agreed to.

Mr. PHIPPS. Mr. President, the next amendment relates to the purchase of sites and the erection of school buildings, and of those the first three items were approved by the House committee and stricken out on a point of order on the floor of the House. That extends down to line 9, page 2, of this proposed amendment. I will just say, for information of Senators, that those items approved by the House committee are, as follows:

For the purchase of a site on which to locate a 16-room building between Georgia Avenue and Sixteenth Street NW., north of Park Road, \$80,000;

For the erection of an 8-room extensible building on the site to be purchased in the vicinity of Georgia Avenue and Sixteenth Street NW., north of Park Road, \$130,000;

For the erection of an 8-room extensible building, including a combination assembly hall and gymnasium, on the site to be purchased in the vicinity of and to relieve the Tenley School, \$60,000;

For beginning the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, \$100,000, and the commissioners are hereby authorized to enter into contract or contracts for such building at a cost not to exceed \$250,000;

For the purchase of a new site on which to locate a junior high school between Twentieth Street and Rock Creek and K and O Streets NW., or vicinity, \$50,000.



The remaining items are new ones recommended by the Senate Committee on Appropriations.

Mr. KING. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On page 53, after line 11, insert:

For the purchase of a site on which to locate a 16-room building between Georgia Avenue and Sixteenth Street NW., north of Park Road, \$60,000;

For the erection of an 8-room extensible building on the site to be purchased in the vicinity of Georgia Avenue and Sixteenth Street NW., north of Park Road, \$130,000;

For the erection of an 8-room extensible building, including a combination assembly hall and gymnasium, on the site to be purchased in the vicinity of and to relieve the Tenley School, \$60,000;

For beginning the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, \$100,000, and the commissioners are hereby authorized to enter into contract or contracts for such building at a cost not to exceed \$250,000;

For the purchase of a new site on which to locate a junior high school between Twentieth Street and Rock Creek and K and O Streets NW., or vicinity, \$50,000;

For the purchase of land adjoining the Ludlow School, \$15,000;

For the purchase of a site on which to locate a junior high school, north of Lincoln Park, \$50,000;

For the purchase of land adjoining the Dunbar High School, \$100,000;

For the purchase of a site near the Brightwood School, on which to erect a new school to replace the Brightwood School, \$20,000;

For the purchase of a site near Kittenhouse and Fifth Street NW., \$30,000;

For the purchase of a site north of Webster Street and east of Georgia Avenue, \$45,000.

Mr. McKELLAR. May I ask if these various items have been authorized by the Budget?

Mr. PHIPPS. Most of them have been approved by the Budget.

Mr. McKELLAR. I do not object to any of them; I think they all ought to be provided for; but I just wanted to see how far the committee comes into line with the Budget. Which items have the approval of the Budget and which have not?

Mr. PHIPPS. The items which were stricken out by the House had the approval of the Budget.

Mr. McKELLAR. Were the items remaining—those the Senator read awhile ago—approved by the Budget?

Mr. PHIPPS. They were approved by the Budget.

Mr. McKELLAR. And the remaining items, which the Senator did not read but which the Secretary has read, were not approved by the Budget?

Mr. PHIPPS. One or two of those were approved by the Budget but were not included by the House.

Mr. McKELLAR. Which ones were not approved by the Budget?

Mr. PHIPPS. The Budget did not approve the site for the location of a junior high school north of Lincoln Park.

Mr. McKELLAR. Was the matter presented to the Bureau of the Budget?

Mr. PHIPPS. I do not think our information will show how many of these were submitted to the Budget for their criticism. As the Budget comes to us, it is printed. It gives the recommendations of the Budget. In all cases it does not give the recommendation of the commissioners. In this matter the Board of Education has the first chance to recommend and does recommend to the commissioners. Then the commissioners, having in mind the amount of money they think they can afford to spend for school purposes, take out of the items what they think are the most important and recommend them to the Budget. Then the Budget may, and often does, cut out some of the recommendations of the commissioners.

Mr. McKELLAR. And then we come along and restore them.

Mr. PHIPPS. Yes; or we may add something entirely new. I want to be entirely frank with the Senator. If we go out on an inspection and find a location where there should be a school building which has not been approved by the Budget, our committee feel that we have the right to recommend that location to the Senate and let the Senate decide whether or not the appropriation should be made.

Mr. McKELLAR. Even though the whole matter had been submitted to the Budget and turned down by the Budget?

Mr. PHIPPS. In either case, whether it has or has not been passed upon by the Budget.

Mr. McKELLAR. In other words, it is one of those things about the Budget system, as it is being carried out, to which I have already called the attention of the Senate. The Budget plan is being violated whenever it is the desire of committees of the Senate to violate it and send in instructions to the contrary. I am not opposed to the proposition for schools, because I think we could make no mistake by building school buildings where they are necessary, and I am willing to take

the committee's recommendation for it. But it seems remarkable, if we have a Budget Bureau, that they should fall so short of finding out the facts and presenting them to the Congress. If they fall short as often as they have fallen short in the pending bill, and if they are to be overruled as often as they are being overruled in the pending bill, how much respect will we continue to have for any recommendations the Budget may make out of the ordinary?

Mr. KING. Mr. President, I would like some further explanation from the Senator in charge of the bill. I want to state to him, as I called attention to the matter yesterday, that the joint committee of the Senate and the House had devolved upon it the duty of investigating the school situation in the District. That meant not only the mechanical features of the school system, not only the buildings which were needed, but also to investigate the entire curriculum and the school system in its entirety.

As I suggested yesterday, some of the most eminent educators of the United States were brought before the committee. We took up the question of the size of the schoolhouse, whether it was to the advantage of a proper educational system to have larger units than heretofore had been erected or to maintain the present system, whether the system of high schools as it now exists in the District should be perpetuated or modified. All of those questions were gone into at very great length, as well as the educational features of the school system of the District.

I regret that our joint committee has not yet submitted its report. I think I can say without betraying any confidence that all of the members of the committee were of opinion that a number of schoolhouses should be erected, that material modifications should be made in the character of the buildings, and that perhaps as much as from \$5,000,000 or \$6,000,000 to \$8,000,000 or \$10,000,000 would be required within the next few years in order to erect sufficient and suitable buildings for educational purposes within the District.

There are a number of points upon which the members of the joint committee are not yet in agreement, or, at least, we have not sufficiently discussed all of the points, probably, to iron out unimportant differences which exist in the minds of the members of the committee.

I am not sure, Mr. President, that the amendment which has been offered by the distinguished Senator from Colorado in behalf of the committee will conform to the report which ultimately will be offered to the committee. I notice that the amendment indicates the size of the building. I feel sure that some of the buildings for which provision is made in the amendment will be different in character from what a majority at least of the committee will recommend. I was impressed by the testimony before the committee with the thought that the unit should be larger. The amendment seems to contemplate the old system of buildings—the 4-room, 8-room, and 16-room style.

I am not ready to vote for the amendment with the limited information which I have, not because there is no need for buildings; quite the reverse. I have been so impressed with the need for additional buildings that I have repeatedly said we would need from \$6,000,000 to \$10,000,000 in the near future to provide adequate buildings for the District of Columbia.

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

Mr. KING. Certainly.

Mr. BALL. I would like to state that it is due to the failure of the joint committee to make its report that we have had to offer the amendments which we have offered, subject to the point of order. I was responsible for the appointing of the joint committee of which the Senator has spoken. Both the committee of the House and the committee of the Senate having to do with matters relating to the District of Columbia have refused to recommend any legislation governing the schools or school buildings, awaiting the report of the joint committee.

I was present in the House when the point of order was made against the various provisions for erecting the buildings as well as for the purchase of land. The House Committee on the District of Columbia was censured very severely for not having presented the necessary legislation to provide for the purchase. I feel that the necessary legislation has not been enacted for a very just reason. When we enact legislation we want to do it on the basis of the report of a committee which has made a thorough examination. I have requested the joint committee to make its report previous to the preparation of the District of Columbia appropriation bill, but, owing to the absence of one or two members of the joint committee and a desire to receive a report, I think, from some person from

whom some testimony was expected on some special feature of the building proposition, I was told they were not ready to make the report.

I do not believe we should hold up the building of the proper schools for the District of Columbia because we have not all the information we had hoped to get. We must meet conditions as they arise. I hope that the program submitted by the joint committee will agree with the program recommended by the Appropriations Committee. If not, we will try to adjust in the future whatever buildings may be erected now and the locations selected for those buildings with the joint committee's general plan; but I trust the committee will make its report so that early in the next Congress proper legislation may be reported and enacted.

Mr. PHIPPS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. KING. I yield.

Mr. PHIPPS. I would like to call attention to the fact that the buildings which are now being constructed and planned for are all being erected on extensible sites, so called—that is to say, if we erect an eight-room structure, we could later add an additional eight-room structure and utilize the central heating plant and the other facilities, which would become joint for the 16-room building. The tendency is to erect larger structures to-day, rather than to scatter small ones over more territory.

Mr. KING. The statement made by the Senator from Delaware [Mr. BALL] is largely true. The joint committee has failed to report, and it is very unfortunate that the Committee on Appropriations did not have the report of the joint committee before them in drafting the bill dealing with educational matters. What I am afraid of, let me say to the Senator, is that, dealing with the subject in this piecemeal fashion, there will be much done that will have to be undone, or it will lead to extravagance and to an improvident course. It seems to me, in view of the fact that we are so short of school buildings and that so many of the present buildings have so deteriorated that they are unsuitable and ought to be torn down, that a plan ought to be devised to deal with the subject in a comprehensive and complete manner.

We are very much in the situation of a large city that has no public buildings to house its employees, its courts, and so forth. It is free from the restriction and inhibitions that would arise if it had a lot of incomplete or imperfect buildings which it felt as if it could not reject and must utilize as best it might.

Now, if we purchase all the places which are indicated and start the erection of the buildings which are indicated, I am afraid it will interfere with the comprehensive plan that would give us buildings which must cost, in my opinion, at least \$6,000,000 to \$10,000,000. I am entirely in sympathy with the program that calls for more buildings, but I want a program that will produce a unified system, a coordinated system, and buildings which are modern and up to date, scientifically and sanitarily constructed. I do not believe many of the buildings we now have ought to be used longer than is absolutely necessary to supplant them. They ought to be torn down. If we should develop a plan and build to that, coordinating all of the buildings we now have and then getting additional buildings, it would be far better than going at it in piecemeal style.

Mr. BALL. Mr. President—

Mr. KING. I yield to the Senator from Delaware.

Mr. BALL. I think I can assure the Senator that the purchase of the land will not interfere with his general plan, because we are purchasing the land in the different sections of the city which need the schools. We are securing locations in the most central part of the built-up densely populated sections of the city which are not properly provided with schools. The high schools are distributed to the different parts of the city.

So far as concerns the location proposed in the pending bill, I am sure it will not interfere with the plan of the joint committee. I am extremely sorry the joint committee did not make its report in time to get the general plan and size of the buildings before the Committee on Appropriations to use in the formulation of the District appropriation bill which we are now considering.

Mr. KING. May I inquire of the Senator whether in the proposed purchases the committee have taken into account the necessary grounds for playgrounds?

Mr. BALL. They have.

Mr. KING. The Senator knows, from an examination of the situation, that in some sections of the city there are no playgrounds at all.

Mr. BALL. I can assure the Senator that the proposition has been very carefully guarded in the selection and extent of the areas to be acquired.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me to ask the Senator from Delaware a question?

Mr. KING. Certainly.

Mr. McKELLAR. I wish to ask the Senator from Delaware if, when these buildings are constructed, we will then have enough school buildings? I have seen a great many statements in the newspapers about our lack of school buildings. Of course, to my mind it is a very serious condition and one that ought to be remedied at once. Even though we may not have the plans, I am perfectly willing—aye, not only willing, but anxious—that it be done, by all means. We ought to have the necessary buildings. When we erect those which have been authorized in the amendment, will they furnish sufficient buildings for the school system of the city?

Mr. BALL. They will not. There were no school buildings erected during the World War; the population has continued to increase, and we are not more than meeting the growing demands of the last two years. It will take several years before we catch up on the construction of school buildings, and have a sufficient number to equal the increased demands.

Mr. McKELLAR. When is the report from the joint committee expected to be made?

Mr. BALL. I hope it will be made before the present Congress goes out of existence.

Mr. McKELLAR. Mr. President, it seems to be a very remarkable situation, that here, at the Capital of the richest country in the world, we have not enough school buildings for the school children of this city. I think we ought to leave no stone unturned in order to provide an adequate number of buildings and sufficient school facilities for the children of Washington at the earliest day possible.

Mr. KING. Mr. President, I shall not raise a point of order against this amendment, relying upon the statement of the Senator from Delaware [Mr. BALL] and the statement of my friend from Colorado [Mr. PHIPPS] that these recommendations will not interfere with any well-considered plan that may hereafter be offered to provide necessary school buildings. I shall not oppose the amendment, although I regret that we are not in a situation to adopt a plan that would provide for all needed school buildings and comprehend the needs of the District for a number of years to come.

In my opinion, we should devise and adopt a plan that would take into account the growth of the city—and its growth will be rapid—and provide buildings and a proper and modern school system adequate for present needs and elastic enough to meet future requirements. A plan of that kind, properly adjusted and properly coordinated and integrated, would call for the expenditure of, perhaps, \$10,000,000. If we could have such a plan and could locate the buildings with reference to the immediate and prospective needs of the people, it would in the long run be economy and would make for a better educational system. I am afraid, however, that if these amendments be adopted we shall do as we have done in the past, build in a piecemeal style; that we shall put a building in plot A of a certain size and have immediately to remodel or change it or transfer the school from that point to some other for the reason it will be found unsuitable to fit in with a general, comprehensive, and proper educational building system. However, Senators upon the committee have given considerable attention to this matter, and I shall rely upon their judgment, expressing my apprehension that we will soon find that we run counter to a more matured and comprehensive plan which will be adopted dealing with the educational needs of the District.

Mr. President, let me say in conclusion that I note that some of the buildings provided for in this bill, comprising but a few rooms, are to cost from \$135,000 to \$160,000. I have said before with respect to the cost of building in the city of Washington that prices are too high. Some builders and contractors and others have robbed the people, and assigned themselves to the category of profiteers. I think that there are conspiracies in the District upon the part of individuals and organizations and corporations to maintain extortionate prices.

Some time ago, on the suggestion of Secretary Hoover and myself, a committee was appointed under the auspices of the District Commissioners. I shall not characterize the conduct or the work of the committee, but it very soon developed, Mr. President, that the committee would fail in reaching the cause of continued evils; and it became manifest that impediments were being offered to an investigation of the profits that were being made by certain concerns and organizations, and that obstacles were being interposed to a proper and exhaustive in-



quity as to whether or not conspiracies and combinations in restraint of trade and for the maintenance of high prices existed in the District of Columbia. I think the whole matter ought to go before the grand jury; I think the district attorney of the District of Columbia ought to summon a grand jury to inquire into the matter of the high prices in building and building materials and supplies and all cognate matters. The idea of a little building, almost square, with four walls, costing such enormous prices as indicated in this bill can not be defended. It shows, Mr. President, that there is something wrong in the building situation in the District of Columbia, and I sincerely hope that the District Commissioners, or whoever lets the contracts, will, before they are let, make an investigation and will protect the interests of the taxpayers against the extortionate demands of combinations and conspirators within the District.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of the committee is agreed to.

Mr. PHIPPS. Mr. President, I send to the desk an amendment, to come in on page 66, with relation to dairy-farm inspection.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The READING CLERK. On page 66, line 10, after the figures "\$8,000," it is proposed to insert:

And this appropriation shall be available for such other and additional traveling expenses as, in the judgment of the health officer, may be necessary for the proper inspection of dairy farms.

Mr. PHIPPS. Mr. President, that language was stricken out on the floor of the House, the House committee having included it. To-day the inspectors of dairies are covering over 1,500 farms which are located in Maryland and Virginia. Many of those farms are more than 20 miles distant from the District line. There is no provision of law that will permit the allowance to inspectors of their traveling expenses for railway fares; so they have been compelled to use automobiles to go on these long trips. The object of this amendment is to enable the commissioners to allow the railway fares to the inspectors and to save the use of automobiles.

Mr. McKELLAR. That is quite an innovation. What is the appropriation that is asked for railroad fares? Is it \$8,000?

Mr. PHIPPS. Oh, no. The amendment relates to an appropriation of \$8,000 for necessary expenses in connection with the inspection of dairy farms, and will merely permit, if it shall be adopted, railroad fares to be included in traveling expenses. The Senator will find the provision at the top of page 66. There is one item included in it which involves the automobile question which we have passed over, but the amendment I have offered is separate and apart from that.

Mr. McKELLAR. Then it is proposed to permit the officials of this department to use automobiles and also allow them money for railroad fare?

Mr. PHIPPS. Of course they must have automobiles; they have them to-day.

Mr. McKELLAR. Mr. President, I wish to ask, Is the appropriation increased?

Mr. PHIPPS. The appropriation is \$8,000, and the amendment does not increase the appropriation at all.

Mr. McKELLAR. If the amendment does not increase the appropriation, I am not going to object to it. I would just as soon have them spending the Government money on railroad fare as to spend it on automobiles. I do not approve of the waste of the people's money for either purpose. I will not contest the amendment.

Mr. BALL. It is in the interest of economy; it will save the Government money.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Colorado on behalf of the committee is agreed to.

Mr. PHIPPS. On page 79, in connection with the item relating to the National Training School for Girls, an appropriation was estimated for. I send an amendment to the desk to cover the amount recommended and ask that it may be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado on behalf of the committee will be stated.

The READING CLERK. On page 79, after line 20, it is proposed to insert the following:

That the board of trustees of the National Training School for Girls of the District of Columbia, a body corporate, is hereby authorized and directed to purchase, subject to the approval of the Commissioners of the District of Columbia, a tract of land of not more than 160 acres, to be situated in the District of Columbia or in the State of Maryland or in the State of Virginia, for the use of said school, and the said board of trustees are hereby authorized to construct on said tract two buildings of sufficient capacity to accommodate not more than 150

persons, the plans and specifications for which shall be approved by the Commissioners of the District of Columbia before acceptance by said board of trustees: *Provided*, That the purchase price for the said tract of land, the erection of the said buildings, and all expenses incidental thereto shall not exceed the sum of \$62,000, which amount is hereby appropriated. The title to the said tract of land shall be taken directly to and in the name of the United States; and in case a satisfactory price can not be agreed upon for the purchase of said tract, or in case the title to said tract can not be made satisfactory to the Attorney General of the United States, then the latter is directed to procure said tract of land by condemnation, and the expense of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said tract. The said board of trustees may, within their discretion, transport to the aforesaid tract for such periods as they may see fit any of the girls which may have been committed to said school in the District of Columbia, and the said board of trustees shall have the same power and authority over such girls during the period of their commitment to said tract or while they are being conducted to or from said tract as they now possess over such girls within the limits of the District of Columbia.

Mr. KING. Mr. President, reserving the point of order on the amendment, I should like to have an explanation of it.

Mr. PHIPPS. The National Training School for Girls is an activity that necessarily has to be conducted. It takes care of girls who have been sent to the institution by the juvenile court. The present quarters, as I understand, are located on the Conduit Road close to the District line, and there are, as I remember, 66 inmates of the institution at the present time, some of them being white and some of them colored. There being just one such institution provided the girls of necessity are thrown together a good part of the time, for it is not possible fully to segregate the white girls from the colored girls so many of their activities being necessarily in common.

Mr. McKELLAR. If this amendment shall be adopted, will it provide for a separation of the races?

Mr. PHIPPS. It will provide for a separation of the races. It will enable a tract of land of 160 acres to be purchased. It is desirable that some such area should be acquired in order to allow an opportunity to carry on the gardening work and other out-of-door activities and to keep the colored girls and the white girls apart.

Mr. CARAWAY. Is it proposed to teach farming to the girls?

Mr. PHIPPS. Oh, no; not necessarily; but to teach them gardening, perhaps. I believe there are some female gardeners in various places. The total cost authorized is \$62,000.

Mr. KING. Mr. President, so many of these organizations and institutions are provided for in this bill that without very careful study one is apt to be confused. I find, on page 85, "Industrial Home School."

Mr. PHIPPS. Yes; and the Senator will find on page 83 provision for the feeble-minded.

Mr. KING. I find, also, "Industrial Home School for Colored Children," "Child-caring institutions," "Board of Children's Guardians."

Mr. PHIPPS. That is a heading in the bill. Under "Child-caring institutions" we have the Board of Children's Guardians, which is the board in control of these child-caring institutions, and which, under the advice of the courts and in pursuance of the court orders, provides the quarters for children in these various institutions or in private homes.

Mr. KING. Then we have "National Training School for Boys," "National Training School for Girls," "Reformatory," "Workhouse," "Charities and Corrections," and I do not know how many more of these public institutions. May I ask the Senator what relation there is between all of these organizations? And may not some of them be combined, in the interest of economy, and in the interest of the correction and salvation—if I may use so extravagant an expression—of those committed to their care?

Mr. PHIPPS. Mr. President, it would be rather a large undertaking for me to attempt to furnish the Senator information that it has taken me days and I should say weeks to acquire by devoting my time to visiting some of these institutions. I frankly confess that I am not qualified to tell him just where the lines of demarcation are drawn. That is the province of the Board of Charities—consisting of reputable men and women, who are performing service for the District of Columbia without pay, without reward of any kind—to carry on the activities that must necessarily be carried on in every large city. Whether or not Washington has a greater number of institutions or a greater variety than other cities of its size, I can not say offhand; but bear in mind that we have the necessity for segregating the white and the colored populations.

Mr. McKELLAR. Is this the establishment of a new institution?

Mr. PHIPPS. Not at all.

Mr. McKELLAR. What one is it in connection with—what provision of the bill?

Mr. PHIPPS. The Senator will find it at the top of page 79, as read from the amendment. The amendment—which has been printed and lying on the Senator's desk since the first of the week—shows that it is to continue and enlarge and properly provide for the activities of that institution. It is something that must be maintained. There is very great and serious complaint about the quarters where these girls are housed at present, and the capacity is too limited. They are unable to take care of the number that they should have in that institution at the present time. They should have a capacity of at least 125; and with that in mind we are providing now a capacity of 150, which is not an unreasonable excess.

Mr. KING. Mr. President, I am making no complaint about providing for all needful reformatory institutions. The point I am making is that there seems to be too many or at least a very large number of reformatories and correctional institutions; and I was wondering whether, in the interest of economy and in the interest of better service for those who are so confined or placed within these institutions, some of the institutions might not be combined. For instance, on page 77 provision is made for the reformatory, and a large number of employees, with salaries, clerks, and whatnot. Then, on page 78, provision is made for the National Training School for Boys, and on page 79 for the National Training School for Girls, with a large number of employees—

Mr. PHIPPS. That is the one we are speaking of—the National Training School for Girls—but a reformatory is a penal institution. You can not send to that institution children who have committed no crime.

Mr. KING. Then on page 85 is the Industrial Home School. How is that to be differentiated from the one we are talking about?

Mr. PHIPPS. That is quite a different activity. Where a child is not being properly cared for in its home and complaint is made, the juvenile-court judge passes on the case; and if it is found that in the interest of the child it should be removed, it is turned over to the custody of the Board of Children's Guardians. Under the present plan they will temporarily place the child in this Industrial Home School until they can find some one who will provide a home for the child and take care of it, and, in cases where they have the parents' consent or where the child has no parents, they will adopt the child. It is a question of finding proper and suitable homes for those young children. The institution we now have under discussion—the National Training School for Girls—is for older girls, girls from 10 to 14 or 15 years of age. They teach them dress-making and domestic science, teach them to wash and iron and do things like that, train them for proper life, so that they can care for themselves, with a view to making them self-supporting and able to go out by the time they are 18 years of age.

Mr. KING. The reformatory deals with those who have been convicted of some offense?

Mr. PHIPPS. Yes.

Mr. KING. And the authorities do not wish to send them to the penitentiary, and therefore commit them to the reformatory? I am trying to distinguish between the function of the reformatory and the function of the training school.

Mr. PHIPPS. It is for grown-ups and, as I stated, it is a penal institution. People who have committed crimes are sent there. It is known as the Occoquan institution.

Mr. KING. Oh, yes; whereas the National Training School for Boys and the National Training School for Girls deal with those who are immature?

Mr. PHIPPS. Yes.

Mr. KING. And whose offenses, if they are offenses, are unimportant? Perhaps they should be denominated their delinquencies.

Mr. PHIPPS. The present item seeks to do for the girls exactly what we have already done for the boys in providing a proper national training school.

Mr. KING. Mr. President, of course it is the duty of the Government to erect such needed institutions for persons of the character described as Congress deems proper. The point I am trying to get at is that there seems to be an overlapping of so many of these institutions. It occurs to me that it would be wise to investigate all of them, with a view to coordinating and perhaps eliminating some of these institutions. I do not know enough about this particular item to have any opinion on the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado on behalf of the committee.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, on page 81, after line 14, the committee favors an amendment in language similar to that which was in the bill when it passed the Senate last year but to which the House conferees declined to agree.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 81, after line 14, it is proposed to insert:

Hereafter, patients may be admitted to the Tuberculosis Hospital for care and treatment at such rates and under such regulations as may be established by the Commissioners of the District of Columbia, and all moneys received from this source shall be credited to the current appropriation for maintenance of said hospital.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, on page 82, after line 7, a similar amendment is proposed with reference to the Gallinger Municipal Hospital, which was also carried in last year's bill as approved by the Senate, but was declined by the House conferees.

Mr. KING. What objection was there to it?

Mr. PHIPPS. The objection is, as to the Tuberculosis Hospital, that it is a charitable institution. There are some people who do not feel that they are in a position where they should accept full charity. They want to make a payment on account, to the limit of their ability. Perhaps they can afford to pay \$5 a week where they could not pay the full charge in some other institution. This would permit of their admission to this charitable hospital by their making a donation, if they so desire.

Mr. McKELLAR. Mr. President, I want to suggest to the Senator that in the committee amendment, on page 78, a different policy is adopted from the one that is suggested in these two amendments. In the amendment on page 78 it is provided that—

All moneys hereafter received at the reformatory as income thereof from the sale of brooms to the various branches of the government of the District of Columbia shall remain available for the manufacture of additional brooms to be similarly disposed of.

That was stricken out, and those moneys are to be covered into the Treasury on the ground, as the Senator stated this morning, that it is better for the Congress to appropriate the actual sums necessary to carry on the work and let the income go into the Treasury. I thought it was a very wise policy, and supported the Senator's amendment. Now the Senator offers two amendments here, and provides that the income that arises from these sources, instead of going into the Treasury, as is provided here, shall go to the institutions and be used by the institutions. I doubt the wisdom of that policy. I hope the Senator will change his amendment so as to strike out that particular part of it, let the money go into the Treasury, and let us appropriate for the institution. It is much wiser legislation.

Mr. PHIPPS. Mr. President, I submit for the Senator's consideration the fact that those items are not comparable at all. The one is a case of manufacture; the other is a case of manufacturing an article that is sold. They already have the labor, and we have provided the money for the material. There we feel that the money received from the sale should go back into the Treasury; but in this case we are making provision under which additional patients may be admitted to a hospital where there are ample facilities for caring for them, and permit them to make a payment on account. We are simply allowing them to contribute a part of the additional cost incident to their admission to the hospital. I do not think the items are comparable. I hardly feel that the Senator's point is well taken.

Mr. McKELLAR. I have no objection to the amendment if the amounts received are covered into the Treasury. Otherwise, I make a point of order against both of the amendments.

Mr. PHIPPS. Mr. President, I think one of them was adopted.

Mr. KING. May I inquire of the Senator the reason for the increase in the item on page 78 from \$52,000 to \$60,000?

Mr. PHIPPS. We have an additional number of inmates coming to the reformatory, and we did not agree to the House provision. We were well within the estimate in raising the amount. The estimate was for more than that.

Mr. KING. Will the proceeds derived from the sale of any property be covered into the Treasury?

Mr. PHIPPS. Yes; they must be.

Mr. McKELLAR. Mr. President, I shall make a point of order against the amendment unless the Senator is willing to modify it. I am perfectly willing not to make the point of order if it is modified.

Mr. PHIPPS. I ask a question for information. Was the first amendment, relating to the tuberculosis hospital, adopted?

The VICE PRESIDENT. That was agreed to.



Mr. PHIPPS. Then I understand the Senator is making a point of order against the amendment in relation to the Gallinger Hospital?

Mr. McKELLAR. I ask unanimous consent to go back to the preceding amendment, because the two amendments are exactly the same in that particular. I want to make a point of order against the other one unless my suggestion is followed.

Mr. PHIPPS. I do not see any serious objection to the Senator's proposal. Certainly there is no serious objection to having it done in that way. I was trying to point out to the Senator the reason why we thought this was not in the same category with the manufacture of brooms. However, we think it very desirable to have that incorporated in the bill; and therefore, in order to meet the Senator's views, I am willing to modify those two amendments, going back to the amendment for the tuberculosis hospital and striking out the language which reads, "and all moneys received from this source shall be credited to the current appropriation for maintenance of said hospital," so that under the law it would then go into the Treasury.

Mr. McKELLAR. That is entirely satisfactory.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. The question now is on modifying the amendment on page 81, line 14.

Mr. PHIPPS. There I move to further amend by striking out the language which has been read, "and all moneys received," and so forth.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to will be reconsidered, and the question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PHIPPS. On page 83 the Senate committee proposes an amendment with reference to the home for the feeble-minded. When the appropriation bill for 1923 was under consideration the Senate Appropriation Committee recommended certain language and an appropriation for the acquisition of a home for the feeble-minded. That was introduced by the Senate, not having been contained in the bill as it passed the House. The bill went to conference, and after many inspection trips, requiring some days and much effort, on the insistence of the House the Senate conferees finally agreed to recommend and did recommend to the Senate the House contention that the home for the feeble-minded should be located on a piece of property belonging to the District and known as Blue Plains.

The buildings authorized have not yet been erected on that site. There is strong and general complaint against the utilization of that building site for the proposed home for the feeble-minded. I feel that there is undoubtedly good ground for that opposition, although at the time I felt that the need for the home was so urgent that it was much better to accept that objectionable site rather than to lose the project, and I know my fellow conferees had the same view. But we acceded to the House proposition. In view of the fact that the buildings have not been erected we desire now to have inserted the language of last year's bill by reporting the item as it was approved in the appropriation bill of 1923 and substituting the original language. I desire that the Secretary report the amendment.

Mr. KING. What provisions will now be made for the feeble-minded?

Mr. PHIPPS. There is practically none made, except housing them out, as may be, wherever they can be cared for. We have no institution in which to house them, and here we have the proposition not only of segregating the races but segregating the sexes as well, which is very important.

Mr. KING. Let the amendment be read.

The READING CLERK. On page 83, after line 5, insert the following:

The paragraph in the District of Columbia appropriation act for the fiscal year 1923, approved June 29, 1922, which reads as follows—

"The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia on lands owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding \$250,000, and toward said purpose there is hereby appropriated the sum of \$100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law"—is hereby repealed; and the Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding \$300,000, of which not more than \$40,000 shall be expended for a site, and toward said purpose there is appropriated the sum of \$125,000 to be immediately available; if the land proposed to be acquired is

within the District of Columbia, and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land can not be acquired within the District of Columbia, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site.

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it recess until 11 o'clock to-morrow.

Mr. KING. Mr. President, we have been meeting at 11 for some days, and some of us have committee meetings in the morning. Will not the Senator make it 12 o'clock?

Mr. JONES of Washington. We are very anxious to get started with the rural credits bill, which is for the benefit of farmers, and with another appropriation bill, which is to be reported to-morrow.

Mr. KING. What appropriation bill is that?

Mr. JONES of Washington. The legislative appropriation bill. It is very desirable that we should begin the consideration of business which the committees have actually reported, and which is on the calendar. I hope the Senator will not object.

Mr. KING. Does the Senator expect to take up the appropriation bill to-morrow? It has not yet been reported.

Mr. JONES of Washington. I heard the Senator from Utah [Mr. Smoot] say that he has it ready to report. I do not know whether he will report it to-day or not.

Mr. SMOOT. It will be ready to report just as quickly as we can have it printed after 12 o'clock to-morrow.

Mr. JONES of Washington. Senators are very anxious to get started on the rural credits bill.

Mr. SMOOT. I think the appropriation bill will be printed and ready to consider before the rural credits bill is disposed of.

Mr. JONES of Washington. That is probably true.

Mr. KING. Then the appropriation bill referred to will probably not come up to-morrow.

Mr. SMOOT. Not before 3 or 4 o'clock in the afternoon, anyway.

Mr. KING. As the Senator knows, that bill contains some important items, and there will be no chance to see what is in it before to-morrow morning.

Mr. SMOOT. This is the legislative bill, not the Army bill. The Army appropriation bill will not be ready for reporting until Friday, I think, perhaps Saturday.

Mr. KING. I shall not object to the Senate recessing until 11 o'clock, although I wish the Senator would fix the hour at 12 o'clock.

Mr. JONES of Washington. We are very anxious to get started on the rural credits measure.

Mr. DIAL. Mr. President, I regret to object to anything the Senator from Washington requests, but when we attend to our other business in the forenoon we can not get here at 11 o'clock. I think we will make just as much progress if we meet at 12, and I hope the Senator will not press his request. I am a great believer in work, but there is such a thing as becoming tired and not accomplishing as much as could be done in a shorter space of time. I think we will do just as well if we meet at 12 o'clock, and I hope the Senator will not urge his request.

Mr. JONES of Washington. I shall endeavor to have the Senate recess, when we conclude our business to-day, until 11 o'clock to-morrow.

Mr. HARRISON. In this connection I want to ask a question or two. I wish to inquire what it is intended shall be taken up to-morrow when the pending bill gets out of the way, if it does get out of the way this afternoon?

Mr. JONES of Washington. It is intended that the Lenroot rural credits bill shall be taken up.

Mr. HARRISON. Then, when any appropriation bill is ready Senators will sidetrack the rural credits bill and take up the appropriation bill, if the rural credits bill shall not have been disposed of in the meantime?

Mr. JONES of Washington. I am not certain as to that. I do not control that matter, but I imagine Senators all want to get the appropriation bills out of the way.

Mr. HARRISON. There are only two appropriation bills left, are there not?

Mr. JONES of Washington. I think so.

Mr. HARRISON. The legislative appropriation bill and the Army appropriation bill?

Mr. JONES of Washington. The legislative bill and the Army bill; and then whatever deficiency appropriation bill may come over from the House.

The VICE PRESIDENT. The Chair is not quite certain about the request of the Senator from Washington for unanimous consent.

Mr. JONES of Washington. I understood that there was objection, and I shall not make a motion at this time, but I expect to make a motion when the time comes to close the business of the day, unless we get along extraordinarily well.

Mr. HARRISON. Does not the Senator from Washington think we have been getting along pretty well with the pending District of Columbia appropriation bill?

Mr. JONES of Washington. I will be ready to answer that question along about 5 o'clock.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, on page 91, after line 15, we desire to recommend an amendment which I will ask the Secretary to report. It is new matter entirely.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 91, after line 15, insert:

The Board of Engineers constituted by Public Act No. 441, approved March 2, 1911, is hereby directed to submit through the Chief of Engineers, United States Army, on or before the first day of the next regular session of Congress a report recommending such modifications in existing project for Anacostia Park above Benning Bridge as may now appear desirable and in the interest of economy.

Mr. PHIPPS. Mr. President, we desire that direction, and the engineers really want it also, the point being this: A survey was made some years ago and lines for property to be taken above the Benning Bridge approved. The work below the Benning Bridge has been nearly completed, so that the appropriation carried in this pending bill will enable them to complete all dredging and get well along with the sea-wall work. For the last three years we have declined to let any money appropriated to be used above the Benning Bridge, one reason being the thought the engineers had in mind that it would be necessary to put draw spans in a couple of bridges in order to get the dredges through. I think they are now convinced they can move those dredges and get them above the Benning Bridge without having to erect drawbridges. They can jack them up and move them along on rollers.

Now, next year the work of recovering lands above the Benning Bridge should be undertaken. Before doing that, the committee feel that the higher ground would cost too much to justify the taking; that eliminating some of the high ground we would have as a minimum 250 acres above the Benning Road that would be available for park purposes. It is the thought of the committee that the amount of land to be acquired should be restricted as far as possible, cutting down the amount, and therefore we are asking to have the engineers make a new survey and fix new lines.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PHIPPS. I offer an amendment to come in on page 97, after line 24. The amendment relates to Rock Creek Park. It is language which was stricken from the bill on the floor of the House.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 97, after line 24, the last line on the page, insert the following:

*Provided*, That the following areas and parcels described and delineated on map No. 2, contained in House Document No. 1114, Sixty-fourth Congress, first session, as a part of total area to be acquired for said parkway shall be excluded from the total area finally to be acquired, to wit, 815 square feet of lot 801 in square 2541, 349 square feet of lot 836, 1,303 square feet of lot 74 in square 2543, 549 square feet of lot 58, 2,106 square feet of lot 800 in square 1262, 3,600 square feet of lot 20 in square 23, 199 square feet of lot 80 in square 1238, and 60 square feet of lot 3 in square No. 1: *Provided further*, That the following described lots and parcels that are without the taking line shall be included in the area finally to be acquired, namely, 4,483 square feet of lot No. 1, 2,919 square feet of lot 2, 3,259 square feet of lot 3 in square 2510, 6,879 square feet of lot 1 in square 47, and about 902 square feet of lot 803 in square 2543: *Provided further*, That in order to protect Rock Creek and its tributaries, none of the moneys herein or heretofore appropriated for the opening, widening, or extending of any street, avenue, or highway in the District of Columbia shall be extended for the opening, widening, or extension of any street, avenue, or highway which shall or may in the judgment of the District Commissioners permanently injure or diminish the existing flow of Rock Creek or any of its tributaries, nor shall permission so to do at private expense be granted to any private person or corporation except by the joint consent and approval of the Commissioners of the District of Columbia and the officer in charge of public buildings and grounds.

Mr. PHIPPS. For the most part these are simply metes and bounds that are incorporated so that certain property heretofore authorized to be taken under condemnation or purchase is now eliminated. It simply provides that those areas shall be excluded from the taking for park purposes.

Mr. KING. Has suit been brought to condemn?

Mr. PHIPPS. They have acquired all they desire in the location covered by the particular area, and now they are declaring that they do not desire to take these certain pieces, which releases the owners of the property, so there is no cloud remaining on their title and they can go ahead and sell it or dispose of it as they please.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PHIPPS. On page 97, after line 24, relating to the same activity, I offer another amendment which is new; that is, it was not approved by the House. It was considered by the House committee.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Insert after the amendment last agreed to the following:

The authority of the commission is hereby extended to acquire by purchase or condemnation or otherwise the following additional tracts of land for park purposes, to wit: The tract known as the Klinge Valley Park, containing about 8 acres, as shown on map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as the map of Klinge Valley Park, dated January 12, 1923; the Piney Branch Valley Park, containing about 6 acres, as shown on map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as the map of Piney Branch Valley Park, dated January 12, 1923; and a portion of the tract known as the Patterson tract, being parcel 129/2, except the portion of the west side of said tract, indicated as eliminated from said tract by a map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as map of the Patterson tract, dated January 12, 1923, containing about 70 acres. The commission is further authorized to reduce the area to be acquired in either of said tracts, where by reason of improvements constructed or unreasonable prices asked or for other reasons in their judgment the public interest may require and the limit hereinafter fixed to be paid for said tracts shall be reduced accordingly: *Provided*, That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klinge Valley Park, \$155,950; the Piney Branch Valley Park, \$94,050; and that portion of the Patterson tract above designated, \$425,000, and there is hereby authorized and appropriated for the purposes specified herein the sum of \$675,000: *Provided further*, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army: *Provided further*, That Cleveland Avenue from Thirty-fourth Street eastward to Thirty-third Place is hereby declared closed and the title thereto re-ceded to the owner of the abutting property by whom it was dedicated, in consideration of the dedication by the same owner of a larger area for widening and extension of Thirty-third Place, as shown by the map of Klinge Valley Park herein referred to.

Mr. PHIPPS. Mr. President—

Mr. KING. I reserve the right to raise a point of order against the amendment.

Mr. PHIPPS. As relating to the Patterson tract, the Senate approved an item last year of \$600,000 for the entire tract, in round figures, 80 acres of land. That provision went out in conference. The Senate subcommittee again visited the tract and, through the Superintendent of Public Buildings and Grounds, Colonel Sherrill, were in touch with the owners of the Patterson estate, who, by the way, are not desirous of selling the property. It was found that we could work out a plan whereby the triangle nearest the railroad, the lowest ground and least desirable for park purposes, could be eliminated from the part that was to be taken, leaving 70 acres of desirable higher ground, and that by making that change in the entire tract we could acquire the property for \$425,000. It comprises 70 acres. That is, in round figures, \$6,000 an acre.

The owners of the property could utilize it to much better advantage, there is no doubt. It is in a section that is growing up. It is right near the city. It was Camp Meigs, and everyone knows what Camp Meigs was. It is beautiful-lying ground, and adjoining the asylum for the deaf and dumb.

The Klinge Valley tract, which it is proposed to take, would be a part of the connecting link between Rock Creek Park and Potomac Park. It is largely hilly, wooded ground, and yet there are no precipitous hillsides. They are such that people can walk over them, and they are undoubtedly available as park lands. Unless they are taken, and taken promptly, for park purposes, the lands are going to be used as a dump for filling material and built upon. Even now the amount that was originally proposed to be taken has been materially sheared down in area because of buildings encroaching on the park lands.

The same is true of the Piney Branch Park. There the recommendation covered in the bill is that we now take the minimum amount necessary to provide a proper entrance to the upper end of the park at Arkansas Avenue. The roadway



would come in under the cement-arch bridge crossing Sixteenth Street at that point.

The three items are items which the committee feel very strongly should be approved at this time. If the properties are not acquired now, the chances are it will be impossible to acquire them later.

Mr. KING. May I inquire of the Senator whether Mr. Glover, whose interest in the parking system of the District has been very great, and whose recommendations, so far as I know, have been exceedingly wise, appeared before the committee or made any suggestions relative to either of the tracts?

Mr. PHIPPS. Mr. Glover was not before our committee this year, but I have the information, I recall, from former hearings, that Mr. Glover favors the acquisition of the tracts.

Mr. BALL. I may say that I received a letter from Mr. Glover which I turned over to the Senator from Colorado.

Mr. PHIPPS. Yes; we have a letter from Mr. Glover recommending the acquisitions. I will say in this connection that I know Mr. Glover has been instrumental with the owners of the property in inducing them to put minimum prices on their holdings.

Mr. KING. The judgment of Mr. Glover would be very persuasive with me, because in a public way and in a very disinterested way he has for many years devoted himself to the building up of a park system in the District. I think he is entitled to the thanks of the people here for his disinterested services.

However, as to the last proposition, I am not sure that Congress ought to acquire the land. At the expense of wearying the patience of the Senate for a moment, I want to call attention to a memorandum which has been handed to me dealing with the question. I ask the attention of the Senator in charge of the bill, so that if he regards any of the reasons as obstacles to the execution of his purpose he will so indicate.

In the first place, the appropriation, I understand, was not recommended by the Budget.

Mr. PHIPPS. Two of the items were not. The Patterson tract item was not. It was in our bill last year.

Mr. KING. But the Patterson tract has not been recommended by the Budget, nor has it been recommended by the commissioners.

Mr. PHIPPS. I call the Senator's attention to the fact that it was recommended by the Senate in Senate bill 3098, which passed this body on February 20, 1922. That act specified the Klinge Road Valley Park and Piney Branch Valley Park. In that case it gave 16.3 acres, where we now have cut it down to 8 acres. The Patterson tract, known as parcel 129, subdivision 2, containing 81.76 acres, was recommended. The commission was further authorized to acquire it, and the prices were given: Klinge Road, \$186,800; Piney Branch, \$237,700; and the Patterson tract, \$600,000.

The same bill has been reported to the other House by the House committee, but the House has not yet taken action on it. The report made by Mr. Focht, of the District Committee, in the House was a favorable one and recommended the passage of the bill covering all three sites. So the matter has been acted on by the Senate and has received very careful consideration at the hands of the House committee.

Mr. KING. Mr. President, as I understand, the Budget Bureau did not approve of this item, nor did the commissioners, nor did the House of Representatives.

Mr. BALL. Mr. President—

Mr. KING. I yield to the Senator from Delaware.

Mr. BALL. The commissioners did approve of the bill in a letter which was written by them to the Senate committee.

Mr. KING. Let me say to the Senator that in the estimates for the fiscal year for 1924 the commissioners did not recommend the acquisition of the Patterson tract.

Mr. BALL. They recommended the acquisition of the Patterson tract to our committee before the bill was reported to the Senate, and the bill for that purpose has passed the Senate.

Mr. KING. But they did not appear before either the House committee or the Senate committee in the preparation of the pending bill and recommend the purchase of the Patterson tract.

Mr. BALL. That is true, but they were already on record as recommending it, from the fact that they had previously appeared before our committee in its behalf.

Mr. KING. At any rate, they did not appear before the Appropriations Committee, either of the House or of the Senate, nor does their testimony indicate that the commissioners approve of this appropriation.

The Senator has properly said that the owners of the Patterson tract, of which I am now speaking, are not favorable to the acquisition of that tract by the District. It has been

stated to me—and I have only made a very imperfect investigation, so I have not any settled opinion of my own—that the acquisition of a part of the Patterson tract will permanently block the future industrial growth of the city in this region.

Mr. PHIPPS. Does the Senator from Utah desire me to answer the points he suggests as he goes along?

Mr. KING. Let me complete this statement, and then I shall be glad to yield to the Senator. The property practically adjoins the heart of the industrial locality of the city. It is close to the center of population and is the natural location for distributing warehouses, enabling them to provide minimum delivery charges to the consuming public. It abuts the railroad along its entire western and northern frontage. It is the only tract of appreciable size suited for future industrial development in that region.

Now, I shall be glad to have the Senator from Colorado make any comment he desires upon the views which I have just expressed.

Mr. PHIPPS. Mr. President, attention has been called to the fact that it is proposed to eliminate about 11.6 acres of the Patterson tract and take 70 acres. Those 11.6 acres constitute a triangle along the line of the Baltimore & Ohio Railroad at New York Avenue. To set aside any more of the property adjoining the railroad on New York Avenue for sites for warehouses would not be practicable, on account of the contour of the ground. The ground rises rather rapidly 100 or 200 feet from Florida Avenue on one side, and New York Avenue crosses the Baltimore & Ohio Railroad by an overhead bridge; but, as New York Avenue is graded along the line of this property, to-day that bridge is standing up in the air and is not being used. This ground rises very rapidly from Florida Avenue to the crest of the hill. It adjoins the Columbia Deaf and Dumb Institution on the east, and the Baltimore & Ohio Railroad bounds it on the west.

Answering the Senator's other suggestion that there is no other ground available for warehouse sites, I will say that all that could be utilized for that purpose has been eliminated by the amendment and is not proposed to be acquired. The map clearly shows that the acquisition of the property as contemplated would not block development or the march of improvements in a northerly direction at that point.

Mr. KING. Mr. President, in view of the fact that the property abuts the railroad along its entire western and northern frontage, in view of the rapid growth of the city, and in view of its favorable location to the railroads and the evident necessity of further ground for industrial development, I most respectfully submit that the small part of the tract to which the Senator refers as having been eliminated from the purview of the amendment would not furnish adequate ground for industrial purposes, but that the entire tract is needed. I think the contention that it is the most available, if not the only available, tract for industrial development is one which is very appealing, and ought to cause Congress to hesitate before it embarks upon the expenditure of this huge sum.

Mr. President, there is another aspect to this question to which I desire to call the Senator's attention, namely, that, if the northeast section requires any additional park area at the present time, there is other land immediately available and at practically no expense. A large tract, of approximately 150 acres, abuts the Patterson tract on its entire eastern frontage. That tract is already partly owned and controlled by the Government and is largely maintained and supported by Federal appropriations. Much of the tract is used only for farm purposes, and a great deal of it is wooded and not used at all. If a park area is now required, the economical and practical measure would be the utilization for this purpose of the land already available and under Federal jurisdiction.

Mr. President, I have not investigated the facts regarding there being 150 acres available, but I know that there is a considerable tract of ground that is available for park purposes which is owned or controlled entirely by the Federal Government. I yield to the Senator from Colorado if he cares to make any observations in regard to that statement.

Mr. PHIPPS. Mr. President, the map which I showed the Senator also indicates the property on which the Columbia Institution for the Deaf and Dumb is located, and the estimate of 150 acres of ground is certainly entirely too high. There is not that great an acreage; I think it has about the same area as the Patterson tract, or approximately eighty-odd acres. A good part of that could and should be utilized as a park in connection with the proposed acquisition; but unless we acquire the Patterson tract, so far as we are able to see there is no land within the next 2 miles that would serve as a park for the northeast section of the city.

Mr. BALL. And that section has no park now.

Mr. PHIPPS. As the Senator from Delaware suggests, there is no park there now and there is no place where playgrounds can be located. If we could secure this piece of ground it would certainly eliminate the necessity of providing two or three playgrounds. As a matter of fact, when we had the appropriation bill under consideration last year and put in this item, we struck out two items for playgrounds in the northeast section. Unless this property is acquired within the very near future it is going to be impossible to secure it at all.

Mr. KING. I inquire of the Senator why not make use of the tract of land already controlled by the Government—whether it is 150 acres, as I have stated, or 80 or 90 acres, as the Senator suggests—for playground purposes and for park purposes instead of buying the Patterson tract at such a very large figure?

Mr. PHIPPS. I think even if we did not to-day own the ground around the Columbia Institution for the Deaf, and it were another piece of property contiguous to the Patterson tract, that the right thing to do would be to buy them both and not go half way.

I feel that the price at which the property can be acquired is, indeed, reasonable. We all know that the owners could undoubtedly take that property and develop it and sell it to much better advantage. We are getting a decrease in the price more than proportionate to the area eliminated by not including in the amendment provision for acquiring the lower area of ground adjoining the railroads.

If I gave the Senator the impression that the railway bounded the northerly side of the property, I did not mean to do so. The northerly boundary is New York Avenue and not the railroad property. The property is bounded on what I take to be its northerly side by New York Avenue, and the railway runs along but a very small portion of the frontage of the property. In any event, the item should be put in the bill.

Mr. KING. Mr. President, I dislike very much to raise a point of order. If the Senator will divide the amendment as I think it should be divided, so that we may vote upon the first two projects, I shall be glad to do that. I ask that the amendment may be divided.

Mr. PHIPPS. Mr. President, I do not understand on what the Senator would base a point of order as to the provision with reference to the Patterson tract. The opinion of the Senate has already been expressed by the passage of Senate bill 3080, to which I have called the Senator's attention.

Mr. KING. First, the item has not been estimated for by the Budget Bureau and it is not in the House bill.

Mr. PHIPPS. But it has been reported by the standing committee, and the committee has authority so to report.

Mr. KING. I do not understand that under the new rule even the report of a standing committee of an item for an appropriation would render it immune from attack upon the ground that it is not proper legislation on an appropriation bill under the circumstances that surround this bill. It is conceded that this item—I am speaking of the last one now, the appropriation for the Patterson tract—was not estimated for by the Budget Bureau; it was not recommended to the House by the Appropriations Committee of that body, and the House did not make any provision for it. So far as this bill is concerned the amendment is initiated by the committee and comes to the floor of the Senate without the approval of the Budget Bureau and without the approval of the House. I raise the point of order against the provision in the amendment covering the Patterson tract because it has not been estimated for by the Budget Bureau and is in contravention of the rules of the Senate.

Mr. JONES of Washington. Mr. President, I want to suggest that it is reported by a standing committee of the Senate, as the rules provide.

The VICE PRESIDENT. The Chair is of the opinion that this does not come within the prohibition, having been reported from a standing committee of the Senate.

Mr. KING. I ask for a division of the amendment. The Chair will see that there are really three amendments there.

Mr. PHIPPS. Mr. President, I recognize the justice of the Senator's request. There is no objection to having them treated separately. Let us take Piney Branch and Klinge Road and the Patterson tract separately.

Mr. KING. As far as I am concerned, I have no objection to the first two, and will vote for those two. I desire to have the Patterson tract voted on separately.

The VICE PRESIDENT. The question is on agreeing to the Klinge Valley and Piney Branch portions of the amendment.

The amendment indicated was agreed to.

The VICE PRESIDENT. Now the question recurs on the Patterson tract portion of the amendment.

Mr. KING. Mr. President, will the Senator leave the vote upon that until just before we recess? I do not want to call for a quorum, and if for any reason the matter should go over until to-morrow morning I should be glad. I shall not ask that it go over until to-morrow morning if the bill can be concluded to-night, however.

Mr. PHIPPS. We should like very much to conclude the bill to-night; but certainly there is no objection to postponing action on this particular amendment until we have cleaned up other matters with relation to the bill, even if it does have to go over.

Mr. KING. I do not want to put the Senate to the trouble of calling for a quorum if I can avoid it.

Mr. JONES of Washington subsequently said: Mr. President, when the amendment with reference to the purchase of park land was under consideration and the question was raised as to whether or not the provision as to the purchase of the Patterson tract was in order, I stated to the Chair that it had been reported to the Senate by a standing committee of the Senate. I think I ought to say that I did that, of course, on the spur of the moment; but, as a matter of fact, it was presented by the Senator from Colorado by authority of the committee, the committee feeling that on account of the doubt about it being in order it ought not to be reported as a committee amendment, thereby endangering the bill and possibly leading to its recommitment to the committee. The committee was in favor of it, but it was not proposed as a committee amendment. Under the new rule, I think the committee could not do that unless the Chair should hold that, independent of that, it would be in order upon the bill.

I thought that I ought to make this statement so that it might be in the RECORD when the question comes up to-morrow for a vote and possibly a reconsideration of the ruling on the point of order.

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

Mr. JONES of Washington. The Senator from Tennessee [Mr. McKellar] has the floor.

Mr. McKellar. I yield.

Mr. LENROOT. I suggest that the statement just made by the Senator from Washington has a very material bearing upon the ruling made by the Chair with reference to the question. It appears that the amendment was not moved by direction of a standing committee, and therefore the amendment should be treated as an individual amendment not estimated for.

Mr. PHIPPS. Mr. President, there is one further amendment, on page 97, after line 24, providing for a permanent system of highway surveys. I ask to have the amendment stated. It is new matter.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 97, after the amendment agreed to at that place, it is proposed to insert the following:

The Commissioners of the District of Columbia under the authority of the act of Congress of March 2, 1893 (27 Stats., p. 532), providing for a permanent system of highways for the District of Columbia, are hereby authorized and directed to make a complete restudy of the highway system of the District of Columbia outside of the built-up portions of the District and outside of the limits of the old city of Washington, with a view to the location of the highways in accordance with the best city planning practice and with a view to maintaining the natural topographical features—hills, valleys, and wooded areas—as far as may be practicable, and such map as may be produced in accordance with this authority shall be submitted to the commission created by the above act of March 2, 1893, for its amendment or approval: *Provided further*, That no change of location of the roadways shall be made in any built-up subdivision, but changes of location as may be necessary in any unsubdivided areas or in subdivided areas unbuilt up may be made. There is hereby appropriated for this purpose the sum of \$50,000 for the payment of salaries of technical and clerical employees, the purchase of the necessary materials, and labor.

Mr. PHIPPS. Mr. President, a word of explanation.

When the plans for the old city, as we know it, were adopted they provided for regular squares and blocks, and then streets running on diagonals, with resultant circles, in different parts of the city. Then extension was made over as far as Georgetown, and the streets and avenues in the old city were projected on through the newer portions. As they were built up and became occupied further and additional property was brought in, additions were tacked on and laid out on the same plan of intersecting streets at right angles and at acute angles and all kinds of angles. To improve or build up any section of that outlying district, the owners to-day have to take into account the plan which is before them, and that requires the roads to go straight through on certain lines. The contour of the country may be such as to make it almost impossible, or, at least, unduly expensive, to continue those avenues along straight lines to connect up with those now established; and it not only means undue expenditure on the part of the property owners and the home builders but it necessarily entails added and unnecessary



expense on the city government in order to make the cuts and fills to carry out the grades that should be provided.

I may cite Connecticut Avenue as an instance of what I mean. Some of the cuts and fills there are greater than should be necessary, because to-day we have the automobile and the trolley car, and the road over the hill is not so objectionable as when we relied on horse-drawn vehicles. In some sections, however, instead of the avenue being projected on a straight line, a curve may be resorted to that will preserve proper contours and give passable grades, and at the same time save a great amount of expense for the home builder and the city as well.

Therefore your committee feels justified in recommending that a comprehensive topographical survey be made, so that it may be determined what changes should be made at this time in the projected streets where the property has not yet been built up, and we feel that it should meet the support of the Senate.

Mr. KING. It is a good idea.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado on behalf of the committee.

The amendment was agreed to.

Mr. PHIPPS. That completes the amendments in which the committee is interested, with the exception of one reserved for the final vote by the Senator from Utah [Mr. KING].

Now, I should like to inquire of the Senator from Tennessee [Mr. McKELLAR] if we may have action on the items reserved for his consideration?

Mr. McKELLAR. Mr. President, I wish to say that on yesterday, after the colloquy in reference to automobiles occurred here in the Senate, I telephoned to the secretary of one of the commissioners, Mr. Oyster, and he informed me that a statement would be prepared as to the number of automobiles and sent up to me either yesterday afternoon or early this morning. I have not heard from them at all further; but I find in the afternoon News this statement:

Full details on the use of District automobiles will be sent to the Senate within two days to answer charges of Senator McKELLAR yesterday that Government autos were used for private purposes, Daniel E. Garges, secretary of the commission, said to-day.

So I assume from this statement, if it is correct, that the figures will not be sent until after this bill is passed. I imagine that they will wait carefully until the two days are out and the bill is passed, and then they will send up the figures. Of course, if the city commission wishes to withhold those figures, it can do so; but there is no reason in the world why they should not have been sent. Whoever talked to me over the telephone yesterday afternoon said that they would be sent right away. I have had nothing further from them; so that there is but one thing for us to do, and that is to vote on my amendment to strike out these provisions about automobiles.

If the majority of the Senate think that this kind of practice may continue to be indulged in, and that it is the duty of the Government to appropriate these large sums for the maintenance of passenger-carrying automobiles, of course I am going to take my medicine like a man, and say no more about it for the present; but I serve notice here now that during the next six years, whenever these appropriation bills come up, I am going to protest against this wasteful and useless extravagance in the matter of passenger-carrying automobiles being used by the various officials of the Government. There are found in this bill innumerable places where automobiles are provided for, and in other places the upkeep and operation of automobiles is provided for.

As long as our Republican majority desire to keep that up, of course they have the votes over there, and can do it; but I do hope that enough economists will come to the front at some time to stop this practice, which is little short of a scandal.

Really, the way it is being done now is little short of a public scandal, and I regret that the city commissioners are not sufficiently considerate of the Senate to send these figures up here before a vote is taken. Of course, those officials knew that the consideration of the bill was in progress and that it was desired to finish it at an early date.

I am not going to ask the Senate to postpone the vote on this matter until to-morrow, because I know it would be a useless thing. The commission would not send up the figures until the next day if we were to postpone it until to-morrow. So, Mr. President, I am going to ask for a vote on one provision, or we might vote on all of them in bloc, if that is satisfactory to the Senate.

The VICE PRESIDENT. Is there objection to voting on them in bloc? The Chair hears none, and it is so ordered.

Mr. KING. Let them be stated first.

Mr. PHIPPS. Mr. President, before the vote is taken I should like to give an opportunity for the offering of other

amendments. The Senator from Delaware [Mr. BALL] has an amendment that I have asked him to withhold until this time, and I think there may be some others.

Mr. McKELLAR. The Senator is not ready to vote on this amendment now?

Mr. PHIPPS. I should prefer to have these other smaller amendments considered first.

Mr. McKELLAR. I judged from what the Senator had stated to me that all the other amendments had been disposed of, or I would not have brought up this matter.

Mr. BALL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 47, line 2, in the item relative to Americanization work, it is proposed to strike out "\$6,480" in the House text and to insert in lieu thereof "\$9,980."

Mr. HARRISON. Mr. President, let us have an explanation of that.

Mr. KING. I should like some explanation from the Senator in regard to this item.

Mr. BALL. Mr. President, what does the Senator wish to know? It was not estimated for by the Budget.

Mr. KING. It is not estimated for and not allowed by the House nor by the Senate committee?

Mr. BALL. It is the same appropriation that was granted last year. There is a deficiency of \$4,500. I will state to the Senator that the deficiency is recommended by the Budget for this year, and it is to be allowed, under the bill, as I understand. Perhaps the chairman of the committee can give the Senator some further information about it.

Mr. PHIPPS. Mr. President, Americanization work is largely night-school work, though there are some day classes. The appropriation for the present year has been found to be inadequate, and unless a deficiency is allowed, the night schools will have to stop the 1st of April, instead of carrying along through April, May, and June, as it is desired they should do. The Budget is recommending \$4,500 as a deficiency for this year, I am informed, and while the Committee on Appropriations was not given an opportunity to consider this additional item of \$3,500, since it has been brought to my attention I have spoken to as many of the members as I can reach, and I find that they do not object to the inclusion of the item, and to carrying it to conference, so that the activity may be properly cared for, rather than have a deficiency again this year.

Mr. KING. Under whose auspices is this money expended?

Mr. PHIPPS. Under the auspices of the Board of Education; but they have collaborated with the Department of Labor for a time, and I think even yet the Department of Labor runs a day school in the department building. The work is most important. There was a provision in the bill as it went to the House this year, attempting to exclude people over 21 years of age, unless they paid tuition. That is one item the Senate committee did not favor. We think the amount included in this one item in the bill, \$6,480, is really insufficient. It ought to be about \$10,000, or, as they have it, \$9,980.

Mr. HARRISON. How many teachers are there doing this Americanization work? I notice the appropriation is to pay for a principal, \$1,800 a year, and janitors and teachers. How many teachers are there employed in that work? The language of the bill as it passed the House is:

For Americanization work and instruction of foreigners of all ages in both day and night classes, including a principal, who, for 10 months, shall give his full time to this work, at \$1,800 per annum, and teachers and janitors of Americanization schools may also be teachers and janitors of the day school, \$6,480.

Mr. PHIPPS. This year they had \$12,000, and the estimate they are submitting is for \$6,480. The saving was accomplished by the transfer of five teachers, or the work of five teachers was put under another heading, as I recall it.

Mr. HARRISON. They are not paid out of this sum, then?

Mr. PHIPPS. They are not paid out of this sum, but we have granted permission to the teachers who teach during the day in the regular day school to teach these night classes. We provide for vocational trade instructors and teachers of Americanization work. That number, I think, has been segregated. I did have the number, but at the moment I can not find the memorandum.

Mr. HARRISON. There are five teachers doing this work, in addition to the principal.

Mr. PHIPPS. I think there must be more than that number, because most of them are employed only at night. I am sorry I can not furnish the Senator with more information at this

time; but my suggestion would be to allow this item to go to conference, and then we can go into it and fully study it.

Mr. HARRISON. This is an important proposition. I do not know how much we appropriate for the Department of Labor for Americanization work, but it is quite a sum. We have been cutting it down in recent years, but it is quite important.

This bill should be rushed along as speedily as possible, and I think progress on the bill has been very speedy. I think it is a very splendid bill, taken as a whole, and the Senators who have drafted the Senate committee bill have done a wonderful work; but, in the interest of speeding it up, can not the Senator suggest that, say, to-morrow at 2 o'clock all debate shall close upon this bill, and in the meantime we can decide on the amendments?

Mr. PHIPPS. I do not see that it should be necessary to carry this bill over until to-morrow. We have only two items in dispute.

Mr. HARRISON. I make the suggestion because the Senator from Utah [Mr. KING] has an amendment pending touching the purchase of some land somewhere, and the Senator from Tennessee is framing one amendment and has another amendment to be voted on, and there is this great work of Americanization to be considered. The Senator from Ohio [Mr. WILLIS], I understand, has a very important amendment to offer. So we can speed it up by fixing a definite time to stop debate and vote upon the proposition. Just in the interest of the economy of time I suggested that at 2 o'clock to-morrow all debate close.

Mr. PHIPPS. Of course, we could include that in the motion to recess, and I understand from other Senators interested that 1 o'clock to-morrow would be acceptable.

Mr. HARRISON. Just let us fix some definite time, so that we will get through with the bill.

Mr. PHIPPS. I suggest to the Senator in charge of the unfinished business, then, that he incorporate that understanding in the agreement to recess to-night.

Mr. JONES of Washington. Mr. President, another Senator has said he desires to offer some amendments, and that he might discuss them somewhat. If the Senate will agree to close debate on the bill and all amendments at 1 o'clock to-morrow, I am willing that the Senate shall recess until 12 o'clock.

Mr. KING. We will agree to that.

Mr. McKELLAR. Mr. President, we may possibly get the figures from the District Commissioners by morning, and I think only an hour would be a very short time, because I have another amendment I want to offer.

Mr. JONES of Washington. I am willing that the Senate shall recess until 11 o'clock, then.

Mr. McKELLAR. Let us recess until 12 and vote at 2. I am sure that will give us ample time.

Mr. JONES of Washington. I do not think we ought to do that.

Mr. McKELLAR. I wish to say, in regard to meeting at 11 o'clock, that we met at 11 o'clock this morning, and it took exactly 21 minutes by the clock to get a quorum. I think it is a bad practice to meet at 11 o'clock. I do not believe much time is gained by it. I do not know what arrangements have been made about the time. It will take me but a very short time to submit the two amendments I have.

Mr. KING. Let me say to my friend from Tennessee that the amendment which I shall offer will take but a few moments, and he can have half an hour.

Mr. McKELLAR. I joined in an agreement to vote on a bill at a certain time the other day, and some other Senator took all the time; and I did not have an opportunity to present what I desired to submit. I think 15 minutes will be all the time I shall want to consume to-morrow. Let us make the time of meeting 1.30 o'clock.

Mr. JONES of Washington. Let me suggest to the Senator that he get recognition to-night and occupy the floor in the morning. Then he can present the matter and have his 15 minutes.

Mr. WILLIS. Mr. President, I understand of course that it is possible for Senators to agree on how they will parcel out the time, but I have an amendment which I think is of some importance. I am perfectly willing to go on with it now; but if Senators are to join in an understanding that the time is to be divided up to-morrow, I want it understood that I have an amendment that I desire to offer. I am perfectly willing to proceed with it to-night.

Mr. McKELLAR. I hope the Senator from Washington will make the hour of meeting to-morrow 12 o'clock.

Mr. JONES of Washington. Let us go on this evening and finish as much as we can, and then try to get agreement directly.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. BALL]. The amendment was agreed to.

Mr. WILLIS. Mr. President, I desire to call up an amendment offered by me on yesterday.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 68, line 4, after the word "officers" insert: "Director probation department, \$2,400."

On page 68, line 6, after the figures "\$1,500" insert: "Case supervisor, at \$1,800; two probation officers, at \$1,400 each."

On page 68, line 10, after the figures "\$1,200" insert: "Stenographer, at \$1,200."

Mr. PHIPPS. Mr. President, I regret to call the Senator's attention to the fact that this is an item that has not been estimated for, it has not been approved by the Budget, and has not been reported by a standing committee. The Senate subcommittee working on the bill heard the judge of the juvenile court and called her attention to those facts, and later, in personal conferences, I called the attention of the judge to the fact that these very activities are provided for under the Board of Children's Guardians, and it was merely a technical question whether the work that it was suggested should be done by the officers now proposed in this amendment was not being done by the people we are already paying to do the work. I shall have to make a point of order against the amendment.

Mr. WILLIS. Mr. President, I desire to be heard on the point of order.

Mr. MOSES. May I ask the Senator from Colorado, in connection with the point of order, whether probation officers are not estimated for and reported?

Mr. PHIPPS. These are not.

Mr. MOSES. Then it is a mere question of terminology, and the Senator from Ohio can change the language so as to authorize the appointment of additional probation officers.

Mr. PHIPPS. They are not known as probation officers in the place where they are provided for; they are known as investigating and placing officers.

Mr. MOSES. The Senator can change it so as to provide for additional probation officers, can he not?

Mr. PHIPPS. No.

Mr. MOSES. Why not?

Mr. PHIPPS. Because they are not estimated for.

Mr. MOSES. I would like to know very definitely if the situation here in the Senate is such that a Budget Bureau or a committee is going to shackle the Senate if it wishes to increase the number of officers already named in a bill, or if we want to appoint an extra clerk.

Mr. LODGE. It could not be done under the old rules, even before there was a Budget Bureau.

Mr. MOSES. We have always done it.

Mr. LODGE. Not if it had not been reported by a standing committee.

Mr. MOSES. We have frequently increased the number of officers provided for in a bill.

Mr. LODGE. Yes; if there was a majority of the Senate in favor of it.

Mr. MOSES. That is the question before the Senate now, or will be before we get through with this matter.

Mr. LODGE. It could not be done without a committee recommendation first.

Mr. MOSES. We will find out whether a majority of the Senate will stand for this.

Mr. LODGE. I meant to say that a majority of the Senate could do it, after a committee had reported it.

Mr. MOSES. I understand that.

Mr. LODGE. If there was no report from a standing committee, it was out of order under the old rule.

Mr. MOSES. Then, Mr. President, we have to override a point of order plainly raised, in order to do something that the Senate wants to do and which ought to be done?

The VICE PRESIDENT. The Chair would like to be informed as to whether it has been estimated for.

Mr. MOSES. These particular additional officers, I understand, have not been estimated for, but if it is the judgment of the Senate that there should be more of them, is the Senate to be denied the right to name them?

The VICE PRESIDENT. The Chair would like to know further whether there is any doubt that the amendment would increase the appropriation?

Mr. PHIPPS. It undoubtedly would increase the amount of the appropriation.

Mr. WILLIS. Undoubtedly it would increase the appropriation, but I should like to be heard before the Chair rules.

Mr. PHIPPS. There are no employees of any of the three classes designated in the amendment who are employed under



the particular activity to which the amendment is proposed, the juvenile court.

Mr. FLETCHER. Not only is that true, but it increases the number of employees and, being in the same department, it necessarily increases the appropriation.

The VICE PRESIDENT. The Chair will hear the Senator from Ohio.

Mr. WILLIS. Mr. President, there is no doubt, of course, that the amendment would increase the appropriation. It increases the number of employees and therefore increases the appropriation. But my contention is that it is in conformity with an authorization already made in conformity with existing law. I have before me the estimate of the Budget, at page 941 of which appears the heading "Probation officers," and it goes on, then, with the different items under that heading. If there is no authority of law for the officials which I am proposing in my amendment, there is no authority of law for those already in the bill, so far as that is concerned. The amendment is to carry out a provision of existing law.

In order that there may be no misunderstanding about the purpose of the amendment, let me call attention to the fact that its purpose is to save the children and the homes and the money of the taxpayers all at once. Here is the situation:

As it stands now, a child is brought up before the juvenile court because of delinquency. It develops that the home is not a proper home. As it is proposed to be carried out, if the amendment shall be defeated, the only thing the court could do would be to commit the child to the Board of Guardians. Now it is proposed by the creation of these additional offices to give authority not only to put the child, as it were, on probation but to put the home on probation as well.

The natural instinct of the parent, which ought to have some consideration, will prompt the parents to say, "Let us take the child back home." That is all right, if the court has sufficient officers to enable it to supervise the home. That makes it possible to keep the child in the home and to keep from breaking up the home. I should prefer that a child be kept in a home, even an indifferent one, rather than to have it put in a public institution.

Furthermore, when the child is in the home the public is relieved of the burden of caring for it, and that is at least \$1 a day. The amendment would save the taxpayers money, the child, and the home. It is a matter which carries out the terms of existing law. I insist that the amendment is in order.

Mr. MOSES. May I ask the Senator from Ohio if the effect of the amendment is contrary to what has been stated, namely, to increase the amount of the appropriation, but that we would save money by it?

Mr. WILLIS. Without any question.

Mr. PHIPPS. I desire to correct a statement I made inadvertently. I said the probation officers were not included in the activity under which the amendment was proposed. That was an incorrect statement. They are so included.

The VICE PRESIDENT. What does the Senator from Ohio say is the provision of existing law which he proposes to carry out by his amendment?

Mr. WILLIS. I understand that the law now authorizes an appropriation for probation officers as estimated for in the Budget. There is no doubt about that. The law now provides for that. The amendment proposes to increase the number of officers. There is no question about that, and therefore it will increase the appropriation to that extent. But, as has been pointed out by the Senator from New Hampshire, without doubt it will save the public funds, because it would cost less to have one official to supervise 25 children in their own homes, where the public is relieved of the burden of supporting them, than it would to have those children put in public institutions.

I contend that the amendment is to carry out the terms of existing law, and therefore is in order.

The VICE PRESIDENT. The Chair does not understand the rule in accordance with the suggestion made by the Senator from Ohio. It would seem to the Chair that the Senator is undertaking to make some existing law and then provide an appropriation to meet it. Therefore the Chair rules that the point of order is well taken.

Mr. McKELLAR. Mr. President, I offer the amendment which I have sent to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 10, after line 22, insert the following proviso.

*Provided, That the appropriation in this section shall not become available until the Public Utilities Commission shall fix rates of fare for the street railway companies in the District of Columbia at rates not in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress, and,*

*on and after February 1, 1923, said companies shall receive a rate of fare not exceeding 5 cents per passenger, and six tickets shall be sold for 25 cents.*

Mr. JONES of Washington. Mr. President—

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. JONES of Washington. I ask unanimous consent that when the Senate conclude its business to-day it recess until 12 o'clock to-morrow, and that all debate on the pending bill and amendments close at 1 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

It is agreed by unanimous consent that when the Senate concludes its business to-day it will take a recess until 12 o'clock meridian, calendar day of Thursday, January 25, 1923, and that at not later than 1 o'clock p. m. on said calendar day all debate shall cease on the bill H. R. 13660 and all amendments offered thereto.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. McKELLAR], on which that Senator is entitled to the floor.

Mr. PHIPPS. Mr. President, having heard the reading of the amendment, and speaking to the amendment, I regret that I shall have to make a point of order against the amendment that it is legislation upon an appropriation bill and therefore out of order.

Mr. McKELLAR. I differ with the Senator. It is strictly a limitation upon the appropriation made in the bill. It is not legislation; it is merely a limitation upon an appropriation. Is the Senator ready to take a recess now? Can not this matter go over until to-morrow?

Mr. PHIPPS. I am quite willing to let it go over if the Senator prefers.

Mr. McKELLAR. I desire to look up the authorities between now and to-morrow noon, and I hope the Senator, if the Senate is going to take a recess in a few moments, will permit the amendment to go over.

Mr. PHIPPS. That is agreeable to me.

Mr. JONES of Washington. Will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield to the Senator from Washington.

#### COLUMBIA RIVER BRIDGE, OREGON.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (S. 4341) granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a toll bridge across the Columbia River at or near the city of Hood River, Ore., and I submit a report (No. 1056) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, lines 9 and 10, to strike out the words "and that the time for the commencement and completion of such bridge," and, on page 2, line 2, after the numerals "1906," to strike out "shall be commenced within one year and completed within three years, respectively, from the date of approval hereof," so as to make the bill read:

*Be it enacted, etc., That the consent of Congress is hereby granted to the Oregon-Washington Bridge Co., a corporation organized under the laws of the State of Washington, and its successors, to construct, maintain, and operate a toll bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation at or near the city of Hood River, Ore., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.*

*SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.*

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

BERTHA N. RICH.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4114) for the relief of Bertha N. Rich. I do not think it will take very long to pass the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey?

Mr. DIAL. I have looked into the measure, and it will involve some considerable discussion. Therefore I shall have to object to taking it up at this time.

The VICE PRESIDENT. There is objection.

Mr. FRELINGHUYSEN. Do I understand that the Senator from South Carolina objects to the present consideration of the bill?

Mr. DIAL. At the present time. It would involve considerable discussion, and I would not like to detain the Senate at this late hour.

#### FOX RIVER BRIDGES.

Mr. JONES of Washington. For the Senator from New York [Mr. CALDER], I report two bridge bills, in which the Senator from Illinois [Mr. MCKINLEY] is interested, and I shall ask for their immediate consideration.

I report favorably with amendments the bill (S. 4353) granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River, and I submit a report (No. 1057) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 11, to strike out the numerals "1908" and insert "1906," and on page 2 to strike out lines 1, 2, 3, and 4, in the following words:

SEC. 2. That said highway commissioner of the town of Elgin, be, and is hereby, further authorized and empowered to construct all necessary abutments, piers, and other structures for the accomplishment of this end.

And to renumber the section in line 5, so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the highway commissioner of the town of Elgin, situated in the county of Kane and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in substantially a direct line, connecting Mill Street on the east side of the river with Spring Street on the west side of the river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

Mr. JONES of Washington. I report back favorably, with amendments from the Committee on Commerce, the bill (S. 4169) granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River, and I submit a report (No. 1058) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 2, to strike out lines 3 to 11, inclusive, in the following words:

SEC. 2. That said city of Aurora, be, and it is hereby, further authorized and empowered to construct all necessary abutments, piers, and other structures for the accomplishment of this end, and to move, change, and reconstruct the existing dam, if necessary.

SEC. 3. That the authority empowered to construct said bridge and to initiate and consummate the actual erection of said bridge shall exist for a period of five years from and after the date of the passage thereof—

and to renumber the section in line 12, so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of Aurora, a municipal corporation situated in the county of Kane and State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the west branch of the Fox River, reaching from Stolps Island to the mainland and connecting the west end of Main Street with the east end of Galena Street in said city, county, and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. FLETCHER. May I inquire of the Senator if these are free bridges?

Mr. MCKINLEY. They are bridges just within the limits of the city of Aurora.

Mr. FLETCHER. Not toll bridges?

Mr. MCKINLEY. Not toll bridges.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

#### PRICE OF ANTHRACITE COAL.

Mr. WALSH of Massachusetts. I submit a resolution and ask for its immediate consideration. It simply seeks for information from the Interstate Commerce Commission, and I do not think it will lead to debate.

The resolution (S. Res. 418) was read, considered by unanimous consent, and agreed to, as follows:

Whereas it has been reported that large shipments of anthracite coal are being made from the United States to foreign countries, and that such coal is being sold at retail in foreign countries at prices considerably below the retail selling price of anthracite coal in the United States; and

Whereas in the present national emergency the inadequate supply of anthracite coal makes it imperative that the fuel requirements of the United States be first met; and

Whereas the Interstate Commerce Commission has authority under section 2 of the act entitled "An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices," approved September 22, 1922, to order an embargo on all shipments of anthracite coal to foreign countries until the national emergency declared by such act has been terminated: Therefore be it

*Resolved*, That the Interstate Commerce Commission is directed to report to the Senate (1) whether it has investigated the feasibility and advisability of ordering an embargo upon shipments of anthracite coal to foreign countries; (2) the action taken as a result of such investigation, if one has been made, together with the facts considered and the conclusions reached by the commission; (3) if no investigation has been made, whether such an investigation should not be immediately instituted to determine the feasibility and advisability of ordering such an embargo; and (4) what "other necessary and appropriate steps for the priority in transportation and equitable distribution of coal" (anthracite) have been taken "to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal (anthracite) at prices unjustly or unreasonably high."

#### REGULATION OF MOTOR-VEHICLE OPERATORS.

Mr. BALL. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes.

Mr. MCKELLAR. What is the nature of the bill?

Mr. BALL. It is a bill giving the Commissioners of the District authority to annul licenses to operate automobiles under certain conditions.

Mr. LODGE. They ought to have the power to withdraw licenses from motor operators under certain conditions.

Mr. BALL. If the Senator from Tennessee will permit me, I believe I can explain conditions so that he will know that action is required. At present the law provides that for certain offenses certain fines and imprisonment shall be imposed.

Mr. MCKELLAR. Let us have the bill reported.

The VICE PRESIDENT. The Secretary will read the bill.

The reading clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to require operators of all motor vehicles in the District of Columbia to obtain a permit under such regulations as said commissioners may deem necessary; and said commissioners are hereby authorized and empowered to make, modify, and enforce all such regulations as they may deem necessary for licensing operators of motor vehicles in the District of Columbia, and to refuse or revoke any such permit after hearing by said commissioners, when for any reason in their judgment the issuance or continuance of such permit would be a menace to public safety: *Provided*, That nothing herein contained, or in the regulations of the commissioners made hereunder, shall be deemed to repeal the provisions of the act of Congress approved March 3, 1917, concerning the operation of motor vehicles in the District of Columbia by persons not legal residents of said District who have complied with the laws of the State of their legal residence, except, however, that the operation of motor vehicles in the District of Columbia by persons not legal residents or domiciled therein may be forbidden under like conditions as above set forth for resident operators.

Mr. MCKELLAR. Mr. President, as I understand, if this bill shall become a law the Commissioners of the District of Columbia will have the right to revoke an operator's license, whether it be issued by the city of Washington or in some other jurisdiction.

Mr. BALL. The bill provides for the revocation of a driver's license under certain conditions.

Mr. MCKELLAR. If the bill, if enacted, will have the effect of aiding in preventing so many accidents in this city, if it has that purpose, I am willing that it shall be passed.

Mr. BALL. If the Senator desires, I will cite a case or two, although I understand he has withdrawn his objection to the consideration of the bill.

Mr. MCKELLAR. I have already withdrawn my objection to the consideration of the bill, but I shall be very glad to hear the Senator from Delaware if he desires to make a statement.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WADSWORTH. Mr. President, I have been engaged in conversation, endeavoring to ascertain the effect of this bill, and,



owing to my own fault, have not been able to do so. I wish the Senator from Delaware would once more explain the bill. I regret making this request of him.

Mr. BALL. Mr. President, the bill provides that the Commissioners of the District of Columbia may, under certain conditions, revoke the permits of operators of motor vehicles in the District of Columbia. It permits operators who are driving automobiles under permits issued by the States to do so, unless, of course, they should commit certain offenses, in which case the Commissioners of the District would have the right to revoke their permits, so far as operating in the District of Columbia is concerned only. If the Senator from New York will permit me, I desire to say that the concrete case which brought the attention of the Commissioners of the District to this matter was an accident which occurred a few weeks ago as the result of an intoxicated man operating an automobile. The commissioners attempted to annul his permit, but it was decided that he could only be fined and imprisoned, and he was fined and imprisoned in that case; but immediately he operated his car again and within a week was again arrested for intoxication. The commissioners again attempted to annul his permit, and they did take his District permit away from him, but he went over into Virginia and secured a permit there, as he was doing business in that State, and he continued to operate the car. Within two weeks, however, while driving his automobile when intoxicated he ran over a child. The commissioners appealed to the court, but the court decided that there was no authority for annulling a permit granted by another State.

Mr. WADSWORTH. I wish to ask the Senator from Delaware a question. Assuming that a person is operating an automobile in the District of Columbia and is not a resident of the District of Columbia but a resident of a State which does not require an operator's license, what power would the District Commissioners, under the terms of this bill, have over such a driver?

Mr. BALL. Under the terms of the bill, I would say that they would probably have a right to require such an operator to take out a permit here.

Mr. FRELINGHUYSEN. Is it not true that licenses relate to the car?

Mr. BALL. The bill refers to operators' permits. At present, Mr. President, the District Commissioners have absolutely no control over operators, except they may be imprisoned upon conviction.

Mr. FLETCHER. Do I understand the chairman of the committee to say that this bill has been considered by the District Committee and unanimously reported by the committee?

Mr. BALL. The bill was prepared by the Commissioners of the District of Columbia, but it has been considered by the Committee on the District of Columbia and reported unanimously.

Mr. WADSWORTH. Do I understand it to be a fact that if this bill shall be passed every person driving a car in the District of Columbia must have an operator's permit, whether he be a legal resident or a nonresident temporarily domiciled here?

Mr. BALL. I asked one of the District Commissioners that question last evening, and he told me that it would not interfere with those operating cars who come here from States, unless they drive while intoxicated or become involved in accidents, but that then they might afterwards be compelled to operate under a District permit.

Mr. WADSWORTH. Then it is discretionary with the District Commissioners?

Mr. BALL. It is discretionary with the District Commissioners.

Mr. WADSWORTH. And they could under this bill, if passed, require everyone to take out a District permit?

Mr. BALL. To take out a permit to operate cars. There is such a law now, but it is not compulsory.

Mr. FRELINGHUYSEN. There is a reciprocal law here.

Mr. WADSWORTH. The point of the matter is, as I read this bill—although I may be wrong about it—that this is one of those measures which pyramid the number of licenses to which the humble citizen is subjected. As I read the bill a person domiciled here, although not a legal resident, may be compelled to take out an operator's permit to drive a car which is not registered here, although he is compelled to take out a license in another State and may be obliged to secure licenses in several States. I am opposed to such a pyramiding of permits upon people who are not residents of the District of Columbia.

Mr. BALL. My construction of the bill is that the Commissioners of the District of Columbia may compel an operator to

secure a permit and that they would have control over that permit in the future.

Mr. WADSWORTH. We are having exactly the same kind of a situation in reference to the taxes on motor vehicles. In some instances several States have tried to tax the same automobile. The State of Maryland is trying to do it now on District of Columbia automobiles, pyramiding license costs. I wish to know whether this bill will have the effect of pyramiding operators' costs?

Mr. FLETCHER. I do not see how that could happen, but it looks to me as though a person ought to be required to have a permit to operate a car in the District of Columbia, whether that car is owned by a citizen of some State or whether the owner is a resident of the District of Columbia.

Mr. WADSWORTH. If that is correct, Mr. President, then the District of Columbia should also charge a license fee for a New York car which is operated in the District.

Mr. FLETCHER. I do not know that they need charge for it, but a permit ought to be required.

Mr. WADSWORTH. That would be the consistent and logical thing to do, and I am opposed to it.

Mr. McKELLAR. The commissioners ought to be in a position to revoke a license if the operator of a car is drunk or is otherwise unfit to operate it.

Mr. BALL. I feel that unless we are going to grant the commissioners some authority over those who operate motor vehicles in this city, they will not be able to control accidents.

Mr. McKELLAR. If the bill should be passed and become a law and should not work properly Congress would still have the power to repeal it or change it.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, I do not intend to adopt obstructive tactics, but I think this bill is of more importance than some of the Senators supporting it realize. I am opposed to its consideration at this time. I do not know whether I am too late in making the objection.

The VICE PRESIDENT. The Senator from New York can interpose objection at any time.

Mr. WADSWORTH. Then I object to the consideration of the bill at this time.

The VICE PRESIDENT. Objection is made.

EUGENE FAZZI.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield to the Senator.

Mr. FRELINGHUYSEN. I ask unanimous consent for the immediate consideration of Order of Business No. 951, being the bill (H. R. 3461) for the relief of Eugene Fazzi.

Mr. McKELLAR. What is the purpose of the bill?

Mr. FLETCHER. Mr. President, I do not wish to object to considering the bill, but I submit it is a very bad practice just as we are about to adjourn to be taking up bills on the calendar. Not one-fourth of the Senators are present, and I think it a bad practice to consider bills under such circumstances.

Mr. FRELINGHUYSEN. I agree with the Senator, but there are on the calendar several bills which affect my State which have been reported from the Claims Committee, and naturally I am anxious that they should be considered and passed. I am merely trying to take advantage of the opportunity to have the bills acted upon. Unimportant bills are frequently presented and considered toward the close of a session of the Senate. I do not think the Senator will object to the bill when he understands it, and I do not want to delay him and keep him here.

Mr. FLETCHER. I do not know what the bill is, and I should like to accommodate the Senator, but I think it would be much better if he would ask that it be taken up to-morrow.

Mr. FRELINGHUYSEN. Will the Senator consent to the consideration of this one bill?

Mr. FLETCHER. I would prefer that the Senator let it go over until to-morrow.

EXECUTIVE SESSION.

Mr. LODGE. I move the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 35 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Thursday, January 25, 1923, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate January 24 (legislative day of January 23), 1923.*

## ASSOCIATE JUSTICE OF SUPREME COURT OF THE UNITED STATES.

Edward T. Sanford, of Tennessee, to be Associate Justice of the Supreme Court of the United States, vice Mahlon Pitney, resigned.

## ASSISTANT DIRECTOR OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Robert A. Jackson, of New York, to be Assistant Director Bureau of Foreign and Domestic Commerce at \$3,000 per annum, vice Thomas R. Taylor, promoted.

## RECEIVER OF PUBLIC MONEYS.

Raymond B. Lewis, of Montana, to be receiver of public moneys at Bozeman, Mont., vice James P. Bole, term expired. Morris S. Wright nominated September 14, 1922, and confirmed September 19, 1922, but declined.

## COAST AND GEODETIC SURVEY.

Casper Marshall Durgin, of New Hampshire, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy, in the Coast and Geodetic Survey, by promotion from junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, vice J. D. Crichton, resigned.

Henry William Hemple, of Illinois, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy, in the Coast and Geodetic Survey, by promotion from junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, vice Benjamin Friedenberg, resigned.

## APPOINTMENT IN THE REGULAR ARMY.

## CHAPLAINS.

Chaplain John Thomas Axton to be chief of chaplains with the rank of colonel for a period of four years beginning March 18, 1921, with rank from July 15, 1920. Colonel Axton was previously nominated March 11, 1921, and confirmed March 14, 1921. This message is submitted for the purpose of correcting an error in the date of commencement of the period of four years during which his appointment is to continue in force.

## POSTMASTERS.

## ALABAMA.

Margaret E. Stephens to be postmaster at Attalla, Ala., in place of M. M. Russell. Incumbent's commission expired November 21, 1922.

William L. Power to be postmaster at Blountsville, Ala., in place of D. P. Bynum. Incumbent's commission expired July 1, 1922.

Grova Grace to be postmaster at Dora, Ala., in place of Grova Grace. Incumbent's commission expired November 21, 1922.

## ARKANSAS.

William D. Swift to be postmaster at Lincoln, Ark., in place of J. B. Dixon, resigned.

## CALIFORNIA.

Daniel W. McGowan to be postmaster at Arcata, Calif., in place of George Marken. Incumbent's commission expired September 5, 1922.

## COLORADO.

Gerald H. Denio to be postmaster at Eaton, Colo., in place of M. A. McGrath. Incumbent's commission expired September 5, 1922.

## GEORGIA.

Lemuel S. Peterson to be postmaster at Douglas, Ga., in place of L. S. Peterson. Incumbent's commission expired September 28, 1922.

William C. Chambers to be postmaster at Fort Gaines, Ga., in place of Susie McAllister. Incumbent's commission expired March 16, 1921.

Harry M. Wilson to be postmaster at Waycross, Ga., in place of H. C. Bunn. Incumbent's commission expired September 28, 1922.

## IDAHO.

Haly C. Kunter to be postmaster at Ririe, Idaho, in place of A. E. Bowen, removed.

## ILLINOIS.

Harry R. Morgan to be postmaster at Aledo, Ill., in place of C. E. Duvall. Incumbent's commission expired October 24, 1922.

John Lawrence, jr., to be postmaster at O'Fallon, Ill., in place of W. H. Evans. Incumbent's commission expired October 24, 1922.

## INDIANA.

Ralph W. Gaylor to be postmaster at Mishawaka, Ind., in place of J. A. Herzog. Incumbent's commission expired September 5, 1922.

Vernon D. Macy to be postmaster at Mooresville, Ind., in place of Emsley Roberts, resigned.

Henry D. Long to be postmaster at New Harmony, Ind., in place of C. P. Wolfe. Incumbent's commission expired September 5, 1922.

Ernest A. Bodey to be postmaster at Rising Sun, Ind., in place of C. A. Steele. Incumbent's commission expired September 5, 1922.

Orville B. Kilmer to be postmaster at Warsaw, Ind., in place of L. C. Wann. Incumbent's commission expired September 5, 1922.

## IOWA.

Daniel H. Eyler to be postmaster at Clarion, Iowa, in place of W. E. Leshner. Incumbent's commission expired September 5, 1922.

Henry H. Gilbertson to be postmaster at Lansing, Iowa, in place of J. J. Dunlevy. Incumbent's commission expired September 5, 1922.

Spencer C. Nelson to be postmaster at Tama, Iowa, in place of A. E. Jackson. Incumbent's commission expired September 5, 1922.

## KANSAS.

Frank H. Dieter to be postmaster at Oakhill, Kans., in place of F. H. Dieter. Office became third class April 1, 1921.

## LOUISIANA.

James M. Cook to be postmaster at Oakdale, La., in place of J. M. Cook. Incumbent's commission expired September 5, 1922.

## MASSACHUSETTS.

Clarence E. Deane to be postmaster at Athol, Mass., in place of E. J. Hayden. Incumbent's commission expired October 1, 1922.

## MICHIGAN.

Ernest Paul to be postmaster at Pigeon, Mich., in place of G. H. Anklaam. Incumbent's commission expired November 15, 1922.

Charles J. Kappler to be postmaster at Port Austin, Mich., in place of H. S. Morrow. Incumbent's commission expired November 21, 1922.

Dorr A. Rosencrans to be postmaster at Reed City, Mich., in place of D. A. Rosencrans. Incumbent's commission expired November 15, 1922.

## MINNESOTA.

Benjamin H. Peoples to be postmaster at Detroit, Minn., in place of E. W. Davis. Incumbent's commission expired September 13, 1922.

## MISSISSIPPI.

Mary E. Cain to be postmaster at Vaiden, Miss., in place of M. E. Cain. Incumbent's commission expired September 19, 1922.

## MONTANA.

John M. Bever to be postmaster at Bridger, Mont., in place of A. D. G. Hough. Incumbent's commission expired September 13, 1922.

## NEW YORK.

Walter F. Hawkes to be postmaster at Buchanan, N. Y., in place of M. A. Lynch. Office became third class October 1, 1920.

Henry S. Whitney to be postmaster at Manlius, N. Y., in place of L. R. Bell, deceased.

James G. Lewis to be postmaster at Naples, N. Y., in place of J. E. Lyon. Incumbent's commission expired September 28, 1922.

## NORTH CAROLINA.

John C. Snoddy, jr., to be postmaster at Red Springs, N. C., in place of A. K. Brown. Incumbent's commission expired March 16, 1921.



## NORTH DAKOTA.

William R. Jordan to be postmaster at Luverne, N. Dak., in place of M. S. Bothne. Office became third class April 1, 1921.

Carl E. Knutson to be postmaster at Portland, N. Dak., in place of S. K. Kringlie. Incumbent's commission expired May 10, 1920.

## OHIO.

Mary E. Ross to be postmaster at Lebanon, Ohio, in place of C. B. Dechant. Incumbent's commission expired September 19, 1922.

Georgiana Pifer to be postmaster at Rock Creek, Ohio, in place of W. E. Brettell. Incumbent's commission expired November 21, 1922.

## OKLAHOMA.

Perry E. High to be postmaster at Maysville, Okla., in place of C. L. Williams, resigned.

## PENNSYLVANIA.

William P. Parker to be postmaster at Kittanning, Pa., in place of W. A. McAdoo, deceased.

William E. Housel to be postmaster at Lewisburg, Pa., in place of J. F. Kurtz, removed.

## SOUTH CAROLINA.

Walter W. Goudelock to be postmaster at Trough, S. C., in place of W. W. Goudelock. Office became third class April 1, 1921.

## SOUTH DAKOTA.

Evert D. Law to be postmaster at Bonesteel, S. Dak., in place of P. J. Donohue. Incumbent's commission expired September 11, 1922.

## TENNESSEE.

Harold T. Hester to be postmaster at Portland, Tenn., in place of H. M. Moore. Incumbent's commission expired October 1, 1922.

## TEXAS.

Joseph C. Council to be postmaster at Granger, Tex., in place of W. E. Thies. Incumbent's commission expired September 5, 1922.

Rufus H. Windham to be postmaster at Kirbyville, Tex., in place of Eyre Kennedy. Incumbent's commission expired September 5, 1922.

E. Otho Driskell to be postmaster at Mansfield, Tex., in place of E. O. Driskell. Incumbent's commission expired September 5, 1922.

Nathaniel B. Spearman to be postmaster at Mount Pleasant, Tex., in place of A. C. Cheney. Incumbent's commission expired July 21, 1921.

## VERMONT.

Vernie S. Thayer to be postmaster at Readsboro, Vt., in place of H. H. Crosier. Incumbent's commission expired September 19, 1922.

## WISCONSIN.

Frank E. Wieman to be postmaster at Washburn, Wis., in place of John O'Sullivan. Incumbent's commission expired September 5, 1922.

Simon F. Wehrwein to be postmaster at Manitowoc, Wis., in place of H. C. Schuette, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 24 (legislative day of January 23), 1923.*

## UNITED STATES DISTRICT JUDGE.

Albert L. Reeves to be United States district judge, western district of Missouri.

## POSTMASTERS.

## CALIFORNIA.

Julia M. Arbini, Fairfax.  
Flora B. Reynolds, Mill Valley.

## FLORIDA.

William H. Turner, Largo.  
Ulysses D. Kirk, Sebring.

## MASSACHUSETTS.

Edmund Spencer, Lenox.  
Edgar O. Dewey, Reading.

## NEW YORK.

Wade E. Gayer, Fulton.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 24, 1923.

The House met at 12 o'clock noon and was called to order by the Speaker.

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

Heavenly Father, be merciful unto us; forgive us our sins and help us to start the day with good cheer, hope, and courage. In our unwisdom and lack of knowledge may the fundamental principles of right and wrong be fulfilled in our daily practice. Endow our plain, common lives with the beauty and sanctity of unselfish service. Bless us with the consciousness that we have done that which is worthy and far beyond the thought of personal gain. Lead us on in a lofty faith and in deep desire to know and to do Thy will, and be with us until we reach the end of our days. Amen.

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

## TERMINATION OF LEASES FOR POST-OFFICE IMPROVEMENTS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to strike from the calendar, No. 323, found on page 11 of the calendar, a bill that was enacted into law a year ago on an appropriation bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to strike from the calendar and lay on the table the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10244) repealing the law relating to the termination of leases for post-office premises.

Mr. GARNEZ. Mr. Speaker, what is the gentleman's request? The SPEAKER. To lay on the table a bill which has already been enacted into law on an appropriation bill. Is there objection?

There was no objection.

## CORRECTION OF A PAIR.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for one minute in reference to a correction that should be made in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GREEN of Iowa. This morning the gentleman from New York [Mr. COCKRAN] called me over the telephone and asked me how he came to be paired against the resolution which was voted upon yesterday. I told him I had not looked over the pair list, and he asked me if I had not received his telegram, and I told him that I had not. After I came into the House just a moment ago the following telegram was handed me:

NEW YORK, January 23, 1923.

Representative W. R. GREEN,  
Washington, D. C.:

Regret can not reach Washington in the evening. Please pair me for the resolution.

W. BOURKE COCKRAN.

I regret very much that I did not receive this telegram until to-day. I knew the gentleman from New York was in favor of the resolution. I had seen him a few days prior to the time it was taken up, and he told me he was in favor of it, and that he expected to be here and vote for it.

Mr. BLANTON. Well, entire Wall Street is in favor of it. [Laughter.]

Mr. GREEN of Iowa. No; the gentleman is mistaken. The Wall Street Journal has been opposing it all the time.

Mr. Speaker, I would ask, somewhat in the nature of a parliamentary inquiry, whether the pair list can be corrected now?

The SPEAKER. The Chair at first blush thinks the pair list is like the roll call in that respect.

Mr. GARNER. Mr. Speaker, the pair list is a private matter. It is of no concern to the House of Representatives. If the gentleman from New York could find somebody to pair with him, somebody against the resolution, and wanted to ask unanimous consent that it be inserted in the RECORD, I can see no objection to that.

The SPEAKER. Of course that is true. The Chair thinks it is like correcting the RECORD; it can be done by unanimous consent. But of course this publicity practically accomplishes the same thing.

Mr. GREEN of Iowa. Of course I would have been pleased in any event to have attended to the matter of the gentleman from New York, but I would have been more than desirous

under the circumstance, if I had gotten the telegram, to put the matter the way he wanted it. Naturally, as the author of the resolution, if the gentleman from New York was to be paired, I wanted him to be paired in favor of the resolution.

Mr. BLANTON. As it is now, he is paired against the resolution in the RECORD?

Mr. GREEN of Iowa. Yes; because I did not receive his telegram until to-day.

Mr. BLANTON. And, of course, two men will have to be selected to be paired against him in the new adjustment.

Mr. COCKRAN. Mr. Speaker, I regret I was not here to vote for the amendment. I wanted to be paired for the measure, and I so telegraphed to the gentleman from Iowa, and I think the RECORD ought to be made to conform with the disposition of the Member.

The SPEAKER. The gentleman can ask unanimous consent that that pair be canceled.

Mr. COCKRAN. Yes; I will do that.

The SPEAKER. The gentleman from New York asks unanimous consent that the pair be canceled. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Mr. Garrett in the edition of January 13 of the Saturday Evening Post with reference to tax-exempt securities. It is an extremely well-written article, written in a popular manner. I think it would be of very great information to the public in regard to the action of the House yesterday.

Mr. GARRETT of Tennessee. Yes; it is a very well written, but it is a copyrighted article. I do not think a copyrighted article should be inserted in the RECORD, except with the consent of the publication. I object.

The SPEAKER. Objection is made.

#### NO QUORUM—CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

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

Ansoorge	Fish	Langley	Slomp
Anthony	Free	Larson, Minn.	Smith, Mich.
Bankhead	Gahn	Layton	Stiness
Barkley	Gallivan	Lee, N. Y.	Stoll
Benham	Goodykoontz	Lehlbach	Strong, Pa.
Blakeney	Gould	Linthicum	Sullivan
Bland, Ind.	Graham, Pa.	Little	Summers, Wash.
Bowers	Greene, Vt.	Lowrey	Sweet
Brand	Griffin	Lyon	Swing
Burke	Herick	McPherson	Tague
Burroughs	Hersey	Mead	Taylor, Ark.
Butler	Hickey	Merritt	Taylor, Colo.
Campbell, Kans.	Hill	Michaelson	Taylor, N. J.
Cantrill	Huck	Moore, Va.	Ten Eyck
Carew	Huddleston	Morgan	Thompson
Carter	Ireland	Morin	Thorpe
Chandler, N. Y.	Jefferts, Nebr.	Mudd	Tucker
Chandler, Okla.	Johnson, S. Dak.	O'Brien	Underhill
Clark, Fla.	Jones, Pa.	Olyp	Vestal
Classon	Kahn	Osborne	Volk
Codd	Keller	Overstreet	Weaver
Colton	Kelly, Pa.	Park, Ga.	Wheeler
Conley	Kendall	Perkins	Williams, Tex.
Cullen	Kennedy	Petersen	Winslow
Davis, Minn.	Kindred	Rainey, Ala.	Wood, Ind.
Dempsey	King	Rainey, Ill.	Woods, Va.
Denison	Kirkpatrick	Reber	Woodyard
Drane	Kitchin	Reed, W. Va.	Yates
Drewry	Kieczka	Rodenberg	Zihlman
Dunbar	Kline, N. Y.	Rossdale	
Dunn	Knight	Ryan	
Dyer	Kuiz	Scott, Mich.	

The SPEAKER. On this call 304 Members have answered to their names. A quorum is present.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to dispense with further proceedings under the call. Is there objection?

There was no objection.

#### REQUEST TO EXTEND REMARKS.

Mr. ROSENBLUM. Mr. Speaker, I ask unanimous consent to address the House for one minute and to revise and extend my remarks in 8-point type.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to address the House for one minute and to revise and extend his remarks in 8-point type. Is there objection?

Mr. GARRETT of Tennessee. What about?

Mr. ROSENBLUM. "The voice is Jacob's voice, but the hands are the hands of Esau."

Mr. MONDELL. I demand the regular order, Mr. Speaker.

Mr. BLANTON. The subject the gentleman announces is too general. I object.

The SPEAKER. The gentleman from Texas objects.

Mr. BLANTON. If the gentleman will tell us exactly what he is going to talk about—

Mr. ROSENBLUM. On the resolution that was adopted yesterday proposing an amendment to the Constitution of the United States.

Mr. BLANTON. I withdraw the objection.

Mr. MONDELL. I shall have to object to taking up time on that subject to-day.

The SPEAKER. The gentleman from Wyoming objects.

Mr. ROSENBLUM. I have asked for only one minute.

The SPEAKER. The gentleman from Wyoming objects. To-day is Calendar Wednesday. The Clerk will call the roll of the committees.

#### RADIO.

Mr. GREENE of Massachusetts (when the Committee on the Merchant Marine and Fisheries was called). Mr. Speaker, I call up the bill (H. R. 13773) to amend an act to regulate radio communication, approved August 13, 1912, and for other purposes.

The SPEAKER. The gentleman from Massachusetts calls up a bill, which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Wisconsin [Mr. STAFFORD] will please take the chair.

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

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. ROSENBLUM. I object.

The CHAIRMAN. The Clerk will report the bill.

The bill was read as follows:

*Be it enacted, etc.,* That the act of Congress entitled "An act to regulate radio communication," approved August 13, 1912, be amended by striking out sections 1, 2, and 3 thereof and by inserting in lieu thereof the sections 1, 2, and 3 following:

"SECTION 1. A. No person, company, or corporation within the jurisdiction of the United States shall use or operate any apparatus for radio communication as a means of intercourse among the several States or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the transmission of radiograms or signals the effects of which extend beyond the jurisdiction of the State, Territory, or the District of Columbia in which the same originate, or where interference would be caused thereby with the transmission or reception of messages or signals from beyond the jurisdiction of said State, Territory, or the District of Columbia, except under and in accordance with a license in that behalf granted by the Secretary of Commerce and except as hereinafter authorized.

"B. The Secretary of Commerce from time to time shall (a) classify licensed radio stations and the operators required therein; (b) prescribe the nature of the service to be rendered by each class of licensed station and assign bands of wave lengths thereto; (c) make, alter, and revoke regulations applicable to all licensed stations not inconsistent with this act or any other act of Congress or with the terms, binding on the United States, of any radio communication convention to which the United States is a party, concerning the service to be rendered by each class of stations so established; the location of any station; the wave lengths to be used by any station; the kind of instruments or apparatus in any station with respect to the external effect produced thereby; the power and the purity and sharpness of the waves of each station or the apparatus therein; the area to be served by any station and the times and methods of operating any station or the apparatus therein; (d) make such other regulations not inconsistent with law as he may deem necessary to prevent interference between all stations affected by this act. The Secretary shall have authority to exclude from the requirements of any regulations any radio station and the operators required therein, or to modify the same in his discretion, in any case in which he shall find that such action will facilitate commerce and will not be incompatible with the public interest.

"C. Every such license shall provide that the President of the United States, in time of war or public peril or disaster, may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

"D. Radio stations belonging to and operated by the United States shall not be subject to the provisions of paragraphs A and B of this section. All such Government stations shall use such wave lengths as shall be assigned to each by the President. All such stations, except



stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any message other than a message relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Secretary of Commerce may prescribe: *Provided*, That upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other emergency, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States. All stations owned and operated by the United States and all other stations on land and sea shall have special call letters designated by the Secretary of Commerce, and such stations and the designated call letters shall be included in the list of radio stations of the United States as published by the Department of Commerce. Radio stations on board vessels of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall not be deemed to belong to or be operated by the United States or to be Government stations within the meaning and for the purposes of this act.

"Sec. 2. A. Paragraph A of section 1 of this act shall not apply to persons sending radio messages or signals on a foreign ship while the same is within the jurisdiction of the United States.

"B. The station license required hereby shall not be granted to, or after the granting thereof such license shall not in any manner, either voluntarily or involuntarily, be transferred to (a) any alien or the representative of any alien; (b) nor to any foreign government or the representative thereof; (c) nor to any company, corporation, or association organized under the laws of any foreign government; (d) nor to any company, corporation, or association of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned, controlled, or voted by aliens or their representatives or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country.

"Such station license, the wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any other person, company, or corporation without the consent in writing of the Secretary of Commerce.

"C. The Secretary of Commerce, subject to the limitations of this act, in his discretion, may grant to any applicant therefor a station license provided for in sections 1 and 2 hereof.

"No license granted by the Secretary shall be for a longer term than 10 years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license the Secretary, in his discretion, upon application thereof, may grant a renewal of such license for the same or for a lesser period of time.

"The Secretary of Commerce is hereby authorized to refuse a station license to any person, company, or corporation, or any subsidiary thereof, which, in the judgment of the Secretary, is monopolizing or seeking to monopolize radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus or by any other means. The granting of a license shall not estop the United States from prosecuting such person, company, or corporation for a violation of the law against monopolies or restraint of trade.

"The Secretary of Commerce in granting any license for a commercial station intended or used for communication between the United States or any territory or possession, continental or insular, subject to the jurisdiction of the United States, the Canal Zone, or the Philippine Islands, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine cable licenses by section 2 of an act entitled 'An act relating to the landing and the operation of submarine cables in the United States,' approved May 27, 1921. Every license for such commercial station shall be approved by the President before the same shall be issued and become effective.

"D. The Secretary of Commerce may grant licenses only upon written application therefor addressed to him, which application shall set forth such facts as he by regulations may prescribe as to the citizenship, character, and financial, technical, and other ability of the applicant to operate the station; the ownership and location of the proposed station and of the stations with which it is proposed to communicate; the wave lengths and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as he may require. Such application shall be signed by the applicant under oath or affirmation.

"E. Such station licenses as the Secretary of Commerce may grant shall be in such general form as he may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (a) The ownership or management of the station or apparatus therein shall not be transferred in violation of this act. There shall be no vested property right in the license issued for such station or in the bands of wave lengths authorized to be used therein, and neither the license nor any right granted thereunder shall be assigned or otherwise transferred in violation of this act; (b) such license shall contain such other conditions, not inconsistent with this act, as the Secretary of Commerce may prescribe.

"F. Any station license granted by the Secretary of Commerce shall be revocable by him for failure to operate service substantially as proposed in the application and as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this act, or of any regulation of the Secretary of Commerce authorized by this act, or by the provisions of any international radio convention ratified or adhered to by the United States or any regulations thereunder, or whenever any licensee who is a common carrier shall fail in the judgment of the Secretary of Commerce to provide reasonable facilities for the transmission of messages, or whenever the Interstate Commerce Commission in the exercise of the authority conferred upon it by law shall find that any licensee has made any unjust and unreasonable charge or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of messages or service, or whenever the Secretary of Commerce shall deem such revocation to be in the public interest: *Provided*, That no order of revocation shall take effect until 30 days' notice in writing thereof, stating the cause for the proposed revocation, to the parties known by the Secretary to be interested in such license. Any person in interest aggrieved by said order may make written application to the Secretary at any time within said 30 days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the

hearing herein directed. Notice in writing of said hearing shall be given by the Secretary to all the parties known to him to be interested in such license 20 days prior to the time of said hearing. Said hearing shall be conducted under such rules and in such manner as the Secretary may prescribe. Upon the conclusion thereof the Secretary may affirm, modify, or revoke said orders of revocation.

"Sec. 3. A. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Secretary of Commerce.

"B. The Secretary of Commerce, in his discretion, may grant special temporary operators' licenses to operators of radio apparatus under such regulations in such form and under such conditions as he may prescribe, whenever an emergency arises requiring prompt employment of such an operator.

"C. An operator's license shall be issued by the Secretary of Commerce in response to a written application therefor, addressed to him, which shall set forth (a) the name, age, and address of the applicant; (b) the date and place of birth; (c) the country of which he is a citizen and, if a naturalized citizen of the United States, the date and place of naturalization; (d) the previous experience of the applicant in operating radio apparatus; and (e) such other facts or information as may be required by the Secretary of Commerce. Every application shall be signed by the applicant under oath or affirmation.

"D. An operator's license shall be issued only to a person who, in the judgment of the Secretary of Commerce, is proficient in the use and operation of radio apparatus and in the transmission and reception of radiograms by telegraphy and telephony. Except in an emergency found by the Secretary of Commerce to exist, an operator's license shall not be granted to any alien, nor shall a license be granted to a representative of a foreign government.

"E. An operator's license shall be in such form as the Secretary of Commerce shall prescribe and may be suspended by him for a period not exceeding two years upon proof sufficient to satisfy him that the licensee (a) has violated any provision of any act or treaty binding on the United States which the Secretary of Commerce is authorized by this act to administer, or of any regulation made by the Secretary under any such act or treaty; or (b) has failed to compel compliance therewith by any unlicensed person under his supervision; or (c) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (d) has willfully damaged or permitted apparatus to be damaged; or (e) has transmitted superfluous signals or signals containing profane or obscene words or language.

"F. A license may be revoked by the Secretary of Commerce upon proof sufficient to satisfy him that the licensee was at the date his license was granted to him, or is at the time of revocation, ineligible or unfit for a license.

"Sec. 4. A. After the approval of this act the construction of a station for which a license is required by this act shall not be begun, nor shall the construction of a station already begun be continued, until after a permit for its construction has been granted by the Secretary of Commerce upon written application therefor. This application shall set forth such facts as the Secretary of Commerce by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the wave length or wave lengths desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Secretary of Commerce may require. Such application shall be signed by the applicant under oath or affirmation.

"B. Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified, unless prevented by strikes, riots, acts of God, or other causes not under the control of the grantee. The rights granted under any such permit shall not be assigned or otherwise transferred to any person, persons, company, or corporation without the approval of the Secretary of Commerce: *Provided*, That a permit for construction shall not be required for Government stations or for private stations as provided for in section 4, fifteenth regulation, of the act of August 13, 1912. The granting of this permit to construct a station as herein required shall not of itself be construed to impose any duty or obligation upon the Secretary to issue a license for the operation of such station.

"Sec. 5. An advisory committee is hereby established to whom the Secretary of Commerce shall refer for examination and report such matters as he may deem proper relating to: (a) The administration or changes in the laws, regulations, and treaties of the United States relating to radio communication; (b) the study of the scientific problems involved in radio communication, with the view of furthering its development; (c) the scientific progress in radio communication and use of radio communication.

"The advisory committee shall consist of 15 members, of whom 1 shall be designated by the Secretary of State, 1 by the Secretary of the Treasury, 1 by the Secretary of War, 1 by the Secretary of the Navy, 1 by the Secretary of Agriculture, 1 by the Postmaster General, 1 by the Secretary of Commerce, and 1 by the chairman of the United States Shipping Board, to represent these departments, respectively, and 7 members of recognized attainment in radio communication not otherwise employed in the Government service, to be designated by the Secretary of Commerce.

"The necessary expenses of the members of the committee in going to, returning from, and while attending meetings of the committee, including clerical expenses and supplies, together with a per diem of \$25 to each of the six members not otherwise employed in the Government service, for attendance at the meetings, shall be paid from the appropriation made to the Department of Commerce for this purpose.

"Sec. 6. Radio telephone stations, the signals of which can interfere with ship communication, are required to keep a licensed radio operator, of a class to be determined by the Secretary of Commerce, listening in on the wave length designated for distress signals during the entire period the transmitter of such station is in operation.

"Sec. 7. Regulation 1 of section 4 of said act of Congress approved August 13, 1912, is amended by striking out the words, 'this wave length shall not exceed 600 meters or it shall exceed 1,600 meters.'



"Regulation 2 of section 4 of said act of Congress approved August 13, 1912, as amended by striking out the words 'Provided, That they do not exceed 600 meters or that they do exceed 1,600 meters.'"

"Regulations 3 and 4 of section 4 of said act of Congress approved August 13, 1912, are hereby repealed."

"Regulations 15 and 16 of section 4 of said act of Congress approved August 13, 1912, are amended by striking out the words 'exceeding 200 meters' and substituting in lieu thereof the words 'of less than 150 meters nor more than 275 meters.'"

"SEC. 8. Any person, company, or corporation who shall erect, use, or operate any apparatus for radio communication in violation of this act, or knowingly aid or abet another person, company, or corporation in so doing, or knowingly make any false oath or affirmation for the purpose of securing a permit or a license, shall incur a penalty not to exceed \$1,000, which may be mitigated or remitted by the Secretary of Commerce, and the permit or license of any person, company, or corporation who shall violate any of the provisions of this act, or of any of the regulations of the Secretary of Commerce issued hereunder, or knowingly make any false oath or affirmation for the purpose of securing a permit or license, may be suspended or revoked by the Secretary of Commerce."

"SEC. 9. That the Secretary of Commerce is hereby authorized and directed to charge, and through the imposition of stamp taxes on applications, licenses, or other documents, or in other appropriate manner, to collect the fees specified in the schedule following. The Secretary shall collect said fees through the collectors of customs or other officers designated by him, and he may make such regulations as may be necessary to carry out the provisions of this section."

**"SCHEDULE OF FEES TO BE COLLECTED FOR TRANSMITTING STATIONS AND OPERATORS' LICENSES."**

"For transoceanic radio station license, \$300 per annum; for commercial land station license, other than transoceanic, 1 kilowatt transmitter input or less, \$50 per annum, and for each additional kilowatt or fraction thereof, \$5 per annum; for ship station license, \$25 per annum; for experiment station license, \$25 per annum; for technical and training school station license, \$15 per annum; for special amateur station license, \$10 per annum; for general and restricted amateur station license, \$2.50 per annum; for commercial extra first-class operator's license, \$2.50 per annum; for commercial first-class operator's license, \$1.50 per annum; for commercial second-class operator's license, \$1 per annum; for commercial cargo grade operator's license, 50 cents per annum; for experiment and instruction grade operator's license, \$1 per annum; for amateur first-grade operator's license, 50 cents per annum; for amateur second-grade operator's license, 50 cents per annum; for commercial extra first-class radio operator's examination for license, \$2.50 for each examination; for commercial first-class radio operator's examination for license, \$2 for each examination; for commercial second-class radio operator's examination for license, \$1.50 for each examination; for commercial cargo grade radio operator's examination for license, \$1 for each examination; for experiment and instruction grade radio operator's examination for license, \$1 for each examination; for amateur first-grade radio operator's examination for license, \$1 for each examination; for amateur second-grade radio operator's examination for license, 50 cents for each examination."

"In the event that other classes of station and operators' licenses or other examinations shall hereafter be prescribed in any lawful manner, the Secretary of Commerce is hereby authorized and directed to charge and collect in the same manner as herein provided fees for such new classes of licenses and of examinations, which fees shall be substantially of the amount herein specified for the license and examination nearest in character and purpose to the new license or examination so prescribed."

"For failure to pay at the time and in the manner specified by the Secretary of Commerce any of the above fees the Secretary of Commerce is authorized to refuse to issue such licenses, or, if issued, to suspend or revoke the same, as he may deem proper."

"SEC. 10. Wherever the words 'naval and military stations' appear in the act to regulate radio communication approved August 13, 1912, said words 'naval and military' shall be stricken out and the word 'Government' substituted in place thereof."

"SEC. 11. All acts or parts of acts in conflict with this act are hereby repealed."

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized for one hour.

Mr. HARDY of Texas. Mr. Chairman, would the gentleman from Massachusetts like to agree on a limit of time for debate?

Mr. GREENE of Massachusetts. Under the rule we have an hour on a side. If there is no call for debate on the bill, we can close the debate at any time.

Mr. HARDY of Texas. The gentleman is correct about that. I was going to suggest that we take only half an hour on a side.

Mr. GREENE of Massachusetts. There is no objection to that, so far as I know. There is no objection to the bill on either side of the House. We have a unanimous report on the bill. We want to expedite business to-day if possible, as I have four bills to present.

Mr. BLANTON. There is just one paragraph that I think needs discussion. There ought to be some little time for discussion on just one paragraph.

Mr. GREENE of Massachusetts. I am willing to allow discussion if the gentleman can get time from his side.

Mr. HARDY of Texas. If there is no limitation agreed on, there is an hour on a side.

Mr. GREENE of Massachusetts. Mr. Chairman, this bill has been fully considered by the committee and in special hearings that were held at the Department of Commerce. It has had the widest consideration, both by your committee and by the Department of Commerce.

Of course, the question of radio is one of the most absorbing questions now before the country. The first law was passed

in 1912, and it has served a very good purpose. It covers all the expanse above us and all around us all over the world. It is wonderful to note the advancement that has been made in the use of radio and the number of demands that have been made for it. I do not think anybody could imagine the amount of material that has been brought to our attention in the preparation and consideration of this bill. On account of its importance, and because of the general belief of the membership of the committee that the bill is a very essential one, it comes to you with a unanimous report, and if you will give it attention I think we shall be able to close the debate and come to a vote thereon at an early hour.

I yield such time to the gentleman from Maine [Mr. WHITE], chairman of the radio subcommittee, as he may desire to use in presenting this bill.

The CHAIRMAN. The gentleman from Maine is recognized. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I have been so much occupied the last three or four days in persuading myself that I did not have the grippe, and that I was growing better and better each day, that I have had no time and no disposition to prepare a statement on the bill. What I say, therefore, will be based on the general information I have and on some notes hurriedly placed on paper within the last hour. I do wish to make a very brief general statement, and then, if it please the members of the committee, I will go through the bill section by section, stating the purpose of and the reasons which prompted the committee to frame the particular provisions.

The bill amends and enlarges the radio act of 1912 which has been and is now the basic law on the subject. At that time radio was in its infancy. For a year after the approval of that act, or as of June 30, 1913, there was not a single broadcasting station in the United States. There was at that time only one transoceanic station communicating with Germany, and that in a purely experimental stage of development. Outside of ship stations communicating between ship and ship and between ship and shore, and outside of amateurs, who at that time transmitted on a short wave length and with a low power, and who interfered very little with others, there were less than 100 transmitting stations in the United States. Radio was used practically wholly for communication at sea. Since that date there has come a most amazing development. As of January 1, 1923, there were something like 21,000 transmitting stations in the United States. Something like 2,762 of those stations were on board ship. There were about 570 broadcasting stations scattered throughout the United States, one or more in every State of the Union except the State of Mississippi. There were 12 transoceanic stations communicating with Great Britain, France, Germany, Poland, Holland, Italy, Hawaii, Japan, and there were other stations in contemplation of erection.

As the number of stations has multiplied so have the uses of radio multiplied. To-day we find this instrumentality used not alone for communication between ship and ship and ship and shore, but we find it utilized in our Coast Guard Service. We find it being availed of for the transmission of weather and crop reports, for time signals, for music, for sermons, and an infinite variety of matter of educational, entertainment, and religious value.

It has become well recognized now that there are physical limitations to the use of the air. Going back to last July, 1922, there were available for use in this country only about 191 different wave lengths. Of these 191 wave lengths 122 were utilized by something like 279 Government stations. That left available for over 17,000 private stations only 69 available wave lengths. From these physical limitations and this vast increase in use and users have come conditions which demand a more systematic ordering of the paths of the air and of those who use these paths. It is as essential that there shall be a law and regulation governing the use of these air paths and that traffic policemen enforce these laws and these rules and regulations as that there should be similar provisions and similar control of the movements of traffic in the streets of the cities of the Nation.

I think the users of radio recognize the situation that has come, recognize how the different users are crowding and jostling and interfering with each other in the air.

I think the first public expression of this recognition came from a radio conference called by Secretary Hoover, with the approval of the President, and held in this city in the early part of last summer or in the late spring. That conference was held at the Department of Commerce. The members of the conference, with one or two exceptions, were men familiar with the general subject, familiar with the commercial use of radio, and equally familiar with the technical and scien-



tific aspects of the art. That conference held hearings for several days, at which all persons interested appeared and made specific recommendations as to needed legislation and also made specific recommendations as to technical details. After hearing these many witnesses the conference resolved itself into two committees, one a technical committee, one a legal committee, and the particular province of the legal committee was to frame a proposed bill which would make possible and make effective the recommendations of the technical committee and of the full conference.

The genesis of this bill now before you was in the recommendations of that conference. Your Committee on Merchant Marine and Fisheries has conducted hearings. Hearings were held a short while ago, and from time to time during the last two or three Congresses other committees of the Congress, both of the House and the Senate, have considered various phases of this subject.

I want to repeat what has been said by the chairman, that the bill comes before the House with the unanimous recommendation of the committee, and, like all legislation, is a composite of the views of the individual members of the committee.

I think all who use the radio, all who utilize it for the transmission of intelligence, or who listen in for communications by this means, and the general public are vitally interested that the legislation should be passed. It is not a comprehensive radio law. It leaves the 1912 act practically intact.

It does seek—and this is the prime purpose of the legislation—it does seek to confer on the regulatory body, the Secretary of Commerce, powers of regulation commensurate with the difficulties of the situation and adequate to clear these paths, these lines of communication in the air, so that they may be used with the utmost efficiency. That is all I care to say as a general statement. I shall be glad to go through the bill if members of the committee are interested, in detail, and as I go along over the particular paragraphs of the bill I will answer as far as I can any questions that may be asked with respect to them.

Mr. MACGREGOR. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. MACGREGOR. I do not know anything about radio, but I assume that the purpose of the bill is to prevent conflict between wave lengths.

Mr. WHITE of Maine. That is one of the primary purposes.

Mr. MACGREGOR. What is the object of making all these details in reference to procuring licenses and affixing stamps, creating a new bureau for the examination of operators, if the only purpose is to fix the wave lengths?

Mr. WHITE. It does not create anything new. That is already done by the Bureau of Navigation in the Department of Commerce. What we have sought to do is to make certain and to make sure some of the doubtful powers of the Department of Commerce, the powers which in many cases they are now unable to enforce because of defects in the existing law. All of this is done under existing law—all the licensing of operators is done under existing law. We have only dealt with the subject with more particularity than does existing law.

Now, I will call attention to some of the changes in existing law. Section 1 (a) of the bill is in almost identical language with section 1 of the act of 1912. It might be called the basis of the entire legislation. It is the assertion of jurisdiction by Congress over this kind of communication between States and between States and foreign nations. There is no change in substance in section 1 (a) from existing law.

Section 1 (b) has in it nothing radically different from existing law. I think I may state it is this way—that there is existing law for substantially every provision contained in section 1 (b). We have, however, in section 1 (b) stated the powers directly and affirmatively. We have not left them to inference, as they are left in some cases under existing law.

Mr. KNUTSON. The gentleman is now referring to section 1 (b).

Mr. WHITE of Maine. Yes.

Mr. SNELL. Could the gentleman explain in a short way who has to have license under this bill; what class of people?

Mr. WHITE of Maine. This bill does not touch the receiver at all. There are in the United States, as I said, something like 21,000 transmitting stations. No one can tell how many receiving stations there are, but the estimates run all the way from a million and a half to two and a half million receiving sets. This legislation does not touch the operator or the receiving set at all, but it does require, as does existing law, a license for every transmitting set, except the Government sets. No license is required for stations owned and operated by the Government.

Mr. SNELL. But at the present time everyone who transmits anything through the air has to get out a personal license?

Mr. WHITE of Maine. He requires a license under existing law, and this does not change that at all.

Mr. SNELL. Is there any restriction upon how many licenses are to be permitted or can anyone get a license who applies for it?

Mr. WHITE of Maine. One of the defects of the existing law is that no one knows whether the issuance of a license is mandatory upon the Secretary of Commerce, or whether it rests in his discretion. By this legislation we have sought to make it certain that the issuance of licenses is in the discretion of the Secretary; that he is to be guided by what is in the public interest, and he is not required to issue the license when the granting of it would be prejudicial to public interests.

Mr. SNELL. How is he to decide that, if a large number apply for license in one part of the country and a few in another?

Mr. WHITE of Maine. Let me get on with my explanation of section 1 (b).

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

Mr. WHITE of Maine. Yes.

Mr. BARBOUR. I would like to ask the gentleman a question about the subject of licenses. If the gentleman wants to wait until he reaches that, very well.

Mr. WHITE of Maine. I will ask the gentleman to ask his question now.

Mr. BARBOUR. I notice the requirement in section b on page 10—

Mr. WHITE of Maine. That is as to operators' licenses?

Mr. BARBOUR. Yes.

Mr. WHITE of Maine. I will ask the gentleman to wait until I come to that.

Mr. BARBOUR. Other questions were brought up in respect to the matter of licenses, and that is what prompted me now.

Mr. WHITE of Maine. There are two classes of licenses provided. There is the station license and then there is the operator's license, and that same distinction exists in the present law.

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

Mr. WHITE of Maine. Yes.

Mr. HOCH. Does the committee consider that the jurisdiction of the Federal Government in this field rests entirely upon the commerce clause of the Constitution, or does it consider that the Federal Government has some primary or inherent jurisdiction over the air in the matter of the transmission of these messages?

Mr. WHITE of Maine. I can not answer for the committee upon that point. I think we started out with the proposition that Congress had legislated in substantially this manner some ten years ago; that the right of Congress to exercise this jurisdiction has never been questioned; and we base this legislation upon that original proposition and upon the acquiescence of the people in that exercise of jurisdiction of these 10 years.

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

Mr. WHITE of Maine. Yes.

Mr. HUDSPETH. Many people have in their homes receiving stations. They get musical entertainments in my home city from Chicago and St. Louis. They are seriously interfered with by irresponsible boys who have built stations. Does this bill seek to do away with that kind of a nuisance?

Mr. WHITE of Maine. This bill gives to the Secretary of Commerce power to put into force rules and regulations which we hope will do much to obviate that difficulty.

Mr. LONDON. Is the discretion of the Secretary of Commerce reviewable by a court, or is his discretion absolute?

Mr. WHITE of Maine. We have left it in the absolute discretion of the Secretary.

Mr. LONDON. Does the gentleman believe that to be a safe way to do?

Mr. WHITE of Maine. At the present time, yes. I think we have a condition now where there must be drastic action taken, action taken quickly, or the value of this means of communication is lost to the people of the country.

Mr. LONDON. Why should not an aggrieved party be in a position to apply to the court for relief?

Mr. WHITE of Maine. Because it means interminable delay and it probably means—and I say this with great respect to the courts—a less intelligent action than we will get through the Secretary of Commerce.

Mr. MACGREGOR. Do I understand that the gentleman believes in creating a czarlike bureau down here in the Department of Commerce? Is that the proposition?

Mr. WHITE of Maine. I would say generally that I think I am as much out of harmony with the tendency to centralize here in Washington as anyone can be, but I think of all the activities of the Nation to-day, this is the one in which all persons interested, whether as transmitters or receivers, are beseeching the Government to exercise a larger degree of control than it ever has heretofore.

Mr. MCKENZIE. The question asked by the gentleman from New York [Mr. LONDON] is a very pertinent question, but in this bill you have provided that the Secretary of Commerce shall guard against the building up of a monopoly.

Mr. WHITE of Maine. Yes.

Mr. MCKENZIE. Which is perfectly proper, but in all justice to the public, the discretion should be lodged somewhere to prevent everyone exercising the right to send out messages.

Mr. WHITE of Maine. I do not want to take any more time than is necessary. Section 1 (b) of the bill restates the powers which it is claimed the Secretary of Commerce now has under existing law but which in some instances have been denied by users of radio. It gives him general power to classify radio stations and assign bands of wave lengths to different classes of stations and to the particular stations. It gives him power to make general rules or regulations aimed to prevent interference between the different users of the ether. It gives him power to control the kinds of instruments to be installed in stations with reference to the external effects of those instruments.

And I may say generally this is the clause which gives power to the Secretary to do the essential things which the committee feels will bring a semblance of order out of chaos as it now exists. Now, subsection (c) is a restatement of what is already in existing law. It gives to the President of the United States in time of war or peril or public disaster power to cause the closing of any radio station in the United States, and to take over the apparatus and the station for the purpose of government during such emergency. Subsection (d) is an important paragraph in the bill. I suppose there has been more controversy over this particular section than over any other. I have stated already that 279 Government stations were utilizing about 122 out of 191 of the available wave lengths as of the 1st of July. It has been a great problem, a troublesome problem, to know how to bring the different departments of the Government using radio into a harmonious relationship with each other and how to fit them into the general scheme of communication.

Some of the Government departments wish to be a law unto themselves, to recognize no other authority than their own desires and their own judgment as to their needs and importance. Then we found a great body of private users of radio who thought the Government was encroaching altogether too far and too much into this field to the exclusion of legitimate and desirable uses by private agencies. We finally worked out this compromise. This paragraph removes Government stations from the general authority of the Secretary of Commerce. It provides in terms and in effect that no license is required of a Government station. Under the law heretofore and under the practice Government stations have been helping themselves, without regard to any other interest, to whatever wave lengths they saw fit and have been using them when and as they saw fit. This section now provides that the President shall allocate to the various Government departments the wave lengths which each shall have the right to use. If this is enacted into law we do not leave it to the War Department, we do not leave it to the Navy Department, or to the Agricultural Department, or any other particular agency of the Government to take what it can, disregarding the rights and interests of others, but we have placed upon the President, believing he will be a fair arbiter between the conflicting interests, the duty of allocating wave lengths to the different agencies of the Government.

Mr. EDMONDS. Will the gentleman yield?

Mr. WHITE of Maine. I do.

Mr. EDMONDS. I desire to ask this question: Wave lengths only apply to the sending of radio messages. It has nothing to do with the receiving of messages?

Mr. WHITE of Maine. I think I have already stated this bill applies only to the transmitting stations, and it does not affect directly receiving stations at all.

Mr. EDMONDS. I wanted the House to understand distinctly that it had nothing to do with the receiving end of the line, but only with the sending end of the line.

Mr. KNUTSON. Will the gentleman state for the benefit of the House what various departments of the Government now operate independent radio systems?

Mr. WHITE of Maine. Well, the Department of Commerce maintains stations; the Navy Department, the War Department, the Interior Department, the Post Office Department, the Treasury Department, the Coast Guard Service, the Lighthouse Service, the Agricultural Department, and practically every department of the Government is making some use of radio. Now, I have said this section places the burden, and it is a "burden," on the President to allocate wave lengths for the different members of his family.

The Secretary of Commerce has no control over Government stations being utilized for governmental purposes. We have here added a provision that except on vessels while at sea or beyond the limits of continental United States Government stations, in transmitting any other matter than governmental matter, must bring themselves within the ordered system, and must observe such rules and regulations as the Secretary of Commerce may prescribe designed to prevent interference. Now, I may say after many conferences that proposition was agreed to by the Navy Department, and it is accepted by the various members of the committee which had jurisdiction, and it has been accepted as a compromise measure, as the best thing that can be worked out at this time. And that is the purport and effect of this subsection D.

Mr. EVANS. Will the gentleman yield?

Mr. WHITE of Maine. I do.

Mr. EVANS. I notice in the gentleman's statement just made he said the Government stations transmitting Government business. I notice in the bill it uses the term "Government stations or stations belonging to the Government and operated by it." Is not there a distinction; and if not, how does the gentleman explain his statement with the language of the bill?

Mr. WHITE of Maine. Well, I do not know that I quite understand the gentleman's question. As a matter of fact, I think all Government stations, all stations owned by the Government, are operated by the Government. It might have been an unnecessary repetition of language there, but I think all stations owned by the Government are operated by the Government except possibly the stations on board vessels owned by the United States Shipping Board or by the United States Emergency Fleet Corporation.

Mr. HUSTED. Am I correct in assuming that this bill proposes to confer no authority whatever upon the Government to regulate the receiving stations?

Mr. WHITE of Maine. That is true. Of course, I may say, enlarging upon my answer, that it is a very serious question, one that we must ultimately meet, as to whether the Government ought not to exercise some degree of jurisdiction and some degree of control over these receiving stations.

Theoretically these stations, these instruments, take messages only, but, as a matter of fact, through lack of skill in operation or because the instruments are inefficient or out of date quite a number of these receiving sets do radiate energy into the air, which interferes with transmitting stations. Now, how far that goes I can not say. There is some disagreement about it. They radiate unintelligible energy, but it is energy which can in some instances and does in some instances interfere with transmission, and that raises the question of whether sooner or later we shall not have to assume jurisdiction over these receiving stations. There is a very practical reason, however, for not doing it at this time. It would mean a tremendous enlargement of the personnel in the Department of Commerce if we undertook to license some two and one-half million receiving stations and undertook to exercise any sort of governmental supervision over them, and, accordingly, we have gone around that question at this time.

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

Mr. WHITE of Maine. Yes.

Mr. CHINDBLOM. The gentleman, of course, will remember that the hearings disclosed that the manufacturers believe that they are making progress in preventing interference by receiving sets, and it is hoped that the time will come when it will be entirely unnecessary for anybody to interfere by the use of a receiving set, and when the instruments shall have been perfected it may be possible to bring in some legislation which will only apply to those having receiving sets which actually interfere.

Mr. WHITE of Maine. I am glad to have the gentleman make the statement. The gentleman is accurate in his statement. I repeat that the development of the art will either have to cure this thing or else legislation must ultimately be undertaken to solve it.

Now, going on, I will say nothing about section 2 (a) unless somebody desires to ask a question. Section 2 (b) is really new,



but the germ of the section is found in the 1912 law. The 1912 law provides that a license for a station shall only be granted to a citizen of the United States. That is provided in the 1912 law. We have changed that somewhat, and have undertaken to define in some detail who an alien is to whom a license may not be granted, and that section has been drawn with some care, and we hope it will cover the situation.

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

Mr. WHITE of Maine. Yes.

Mr. BARBOUR. Have you placed any provision in the bill that will prevent a station from breaking into another station in the same State?

Mr. WHITE of Maine. The basis of the jurisdiction is the transmission beyond the limits of a single State or the interference with transmission from beyond the limits of a single State. If you went down to the great State of Texas, for example, I can imagine they might put up a station operated with a short wave length that might not interfere with the messages on the border of the State, or with messages going to and from across the State. But if it did transmit its energy beyond the confines of the State or did interfere with any other station doing that thing, this bill would reach that situation.

Mr. BARBOUR. And the fact is that this bill requires a license in every case on account of the possibility of interference with other stations?

Mr. WHITE of Maine. I think it forbids the operation of a station which does this thing. It may be a practical question some time as to whether a station is transmitting beyond the limits of the State or is interfering.

Mr. BARBOUR. Who would decide that? The Secretary of Commerce?

Mr. WHITE of Maine. I presume so, in the first instance.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. COLE of Iowa. As to those who have stations now, would they have any previous right to hold these licenses?

Mr. WHITE of Maine. The bill does not void or revoke existing licenses.

Mr. COLE of Iowa. They will all be continued, will they?

Mr. WHITE of Maine. I might as well discuss that problem here. Under existing law a license is required, but there is nothing in the law which limits or fixes the term of the license. Under the existing law the Secretary of Commerce, as I view it, might grant to you or to a corporation or to any plant an exclusive license to operate on a particular wave length for a hundred years of time, and there is nothing in the existing law which prevents him from doing that thing. As a matter of practice, under existing law, the licenses are granted for a year's time only, so that at the expiration of the current year of a license, I assume, if this bill becomes a law, every man must renew his application and must bring himself within the terms of the bill.

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

Mr. WHITE of Maine. Yes.

Mr. WILLIAMSON. I was wondering what the situation would be in a case where, say like that of last Sunday, they took this sending station over to the First Congregational Church and used it for the purpose of broadcasting a certain concert. Would this bill prevent the loaning of a station to somebody else for sending out messages on a particular occasion? They have to get a distinct and separate license, of course, for sending out a concert.

Mr. WHITE of Maine. The framers of the bill believe this language which follows to be of vital consequence. It is absolutely essential, if the regulation is to be effective, that the regulatory body may know who is utilizing and operating a station, and the language which follows in the bill provides that such station license and the wave length authorized to be used by the licensee and the rights therein granted shall not be transferred or assigned or in any manner voluntarily or involuntarily disposed of without the consent in writing of the Secretary, and I believe it is eminently proper that if a license is granted to me to transmit I shall not turn it over to the gentleman from New York or any other gentleman to transmit.

Mr. WILLIAMSON. In that connection, I understand the law would prohibit anybody else from using a sending station who did not have a license, and would prohibit the sending station being transferred to anybody else, unless the person who held the license would send his agent over with the instrument for taking care of the case.

Mr. WHITE of Maine. I never considered that question in detail, but I would say generally that under the language in the bill the power given to the Secretary is such that he could prohibit that sort of thing.

The bill, in what I will call its granting clause, gives authority to the Secretary to make regulations concerning the area to be served by any particular station. That is important, because if you get an unlimited number of stations into a narrow area you are going to have a congestion that all the other rules and regulations which may be devised will not cure. I think it is vital that if a license is granted the Secretary shall have power to specify where that station shall operate.

Mr. HARDY of Texas. Does not section (b), on page 2, directly give him that authority?

Mr. WHITE of Maine. I think so.

Mr. RAMSEYER. Does existing law prohibit the giving of license to aliens?

Mr. WHITE of Maine. Existing law says a license shall be granted only to a citizen of the United States or to a corporation organized under the law of any State. That may be an alien corporation.

Mr. RAMSEYER. What is the fundamental reason for prohibiting an alien who is properly in this country and doing business here, and living here under the laws of the United States, from having a license? Even the son of an alien who is also an alien could not have an amateur transmitting set.

Mr. WHITE of Maine. I will answer that in two ways. In the first instance that is existing law as we understand it, and we have undertaken to avoid changing the existing law as far as possible.

Mr. RAMSEYER. Is it because we are suspicious of aliens?

Mr. WHITE of Maine. As a matter of fact, there is another reason for it. I doubt if you can go into any foreign country as an alien to that country and obtain a license there.

Mr. RAMSEYER. That leads me to another question. Has the gentleman looked up the question whether this is in violation of any treaty stipulation as to the rights of the nationals of other countries in this country and the reciprocal rights of our nationals in another country?

Mr. WHITE of Maine. That question was not gone into in the committee, but I have had occasion to look at it somewhat. I do not think it is entirely free from doubt, but that has been the law for 10 years, and so far as I know, no one has ever seen fit to question the law or the right.

Mr. RAMSEYER. I am not questioning it.

Mr. WHITE of Maine. No one has ever suggested that it is violative of any treaty. I think it is only what we are doing, as a matter of fact, with respect to other matters. Our navigation laws exclude aliens from certain privileges that are reserved for Americans, and we are doing here only what we have done in other fields of activity.

Mr. HARDY of Texas. We exclude aliens from being officers on American ships.

Mr. WHITE of Maine. Yes.

Mr. HUSTED. Will the gentleman yield?

Mr. WHITE of Maine. I yield to the gentleman from New York.

Mr. HUSTED. If I understood the gentleman correctly he stated that this bill proposes to vest in the Secretary of Commerce an absolute discretion to regulate this whole matter, a discretion which is not reviewable by the courts. Is that correct?

Mr. WHITE of Maine. I think that is correct.

Mr. HUSTED. I assume that the right to transmit these messages is a substantial right?

Mr. WHITE of Maine. A good many people have thought so who have discovered afterwards that it was not. But I will answer the gentleman; yes.

Mr. HUSTED. It would be assumed to be?

Mr. WHITE of Maine. I think so.

Mr. HUSTED. Well, I do not suppose the Secretary of Commerce would discriminate, but assuming that he should promulgate some unreasonable rules and regulations or discriminate in the matter of issuing licenses, does the gentleman think the courts should be denied the right to review his action, or that the jurisdiction of the courts could be divested by any action that he might take?

Mr. WHITE of Maine. If the courts can not be ousted, no harm has been done. As a matter of fact, I think everybody who is interested, manufacturers of radio instruments, transmitters by radio, and listeners in on radio much prefer to have this absolute power vested in the Secretary than to have it relegated to the courts.

I have been taking more time than I ought too—

Mr. KNUTSON. I think the gentleman ought to be permitted to go through the bill. He has talked 40 minutes and has not come to the second section.

Mr. WHITE of Maine. I intended to take only about 10 minutes.

Mr. ARENTZ. Will the gentleman yield?

Mr. WHITE of Maine. I will yield to the gentleman from Nevada and then I want to discuss other sections of the bill.

Mr. ARENTZ. Will this bill, if it is passed, supersede the Army regulations in the Panama Canal Zone or in Panama City?

Mr. WHITE of Maine. I assume the gentleman refers to the Government station at Panama?

Mr. ARENTZ. Yes.

Mr. WHITE of Maine. The President is given power to give to that station whatever wave length he sees fit.

Mr. ARENTZ. Then a broadcasting station could not be set up in any club in Panama or any place where there is music and entertainment, and broadcast the same over the Canal Zone and the Canal Zone amateurs listen in?

Mr. WHITE of Maine. Oh, yes.

Mr. ARENTZ. That can not be done now under regulations promulgated by the Governor of the Canal Zone?

Mr. WHITE of Maine. I will not undertake to answer that question in detail. So far as this particular bill goes, I will say that the Secretary could grant a license to a broadcasting station here.

I have taken altogether too much time. I am only going to refer now to one or two particular sections of the bill. There has been much fear—and there has been some basis for it—that certain interests were undertaking to create a monopoly with respect to radio instruments and with respect to radio transmission.

Mr. EDMONDS. In answer to the gentleman from Nevada, I should like to say that the Panama Canal Zone is not covered by the present act, and therefore is not covered by this bill. It is subject to regulations prescribed by the authorities on the Zone.

Mr. ARENTZ. Then it means that it is entirely within the province of the military officials and the Governor of the Canal Zone to prohibit what is a common practice among high-school students in this country and among men and women who know something about radio.

Mr. EDMONDS. That is a military zone and should be kept under the military authorities properly.

Mr. WHITE of Maine. I have said that there has been much fear expressed that there were interests undertaking to acquire a monopoly not only of radio instruments but of radio transmission. If this were not a short session of Congress, which is coming to an end within a few weeks, I think your committee would have been anxious to have recommended some detailed legislation dealing with that subject. We all agreed that at this time to go into a comprehensive field of that nature would defeat what we believed to be the absolutely essential provisions of the bill. So we have postponed that subject to a later time. We have written into the bill two or three provisions which, we think, will do much to exert a restraining influence over whoever might seek to acquire monopolistic rights. We have written in the bill a specific provision that the Secretary may refuse a license to any group of persons whom he believes are seeking to monopolize radio, either through control of patents or instruments or by other means. We have written into the bill that in the granting of licenses for commercial stations intended to transmit oceanic communication the Secretary of Commerce may write into the license such restrictions, conditions, or terms as may be imposed with respect to licenses under the cable landing license bill.

There is a further provision that any license with respect to these stations must be approved by the President. We have put in also other provisions which at this time I will not undertake to deal with. We are firm in our belief that the legislation is imperatively needed, and while it is not the last word on the subject it will do much for this art. [Applause.]

Mr. BARBOUR. If the gentleman will yield, it is just as I feared, the gentleman has not got to that part of the bill where I wanted to interrogate him.

Mr. WHITE of Maine. I feel like apologizing to the members of the committee for taking as much time as I have.

Mr. CHINDBLOM. Mr. Chairman, I will say that so far as other members of the subcommittee are concerned, unless there is some objection I am perfectly willing that the gentleman from Maine shall continue.

Mr. WHITE of Maine. I want to hear the gentleman from Illinois, because he has been a student of the bill and is as familiar as anybody in the House on the subject.

Mr. CHINDBLOM. The gentleman on the other side will have an hour, and they may be desirous of asking the gentleman some questions.

Mr. HARDY of Texas. Mr. Chairman, if I understand it rightly, I would like to know, as long as no arrangement was made about the time, if any Member is recognized he will be entitled to an hour.

The CHAIRMAN (Mr. BURNETT). No; there is an hour on each side.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

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

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, I will ask if it is not the fact that in the consideration of business on Calendar Wednesday there are only two hours for general debate, one hour on each side; that is, one hour for those in favor of the legislation and one hour for those opposed?

The CHAIRMAN. That is correct.

Mr. JONES of Texas. Mr. Chairman, I claim recognition in opposition to the bill if no one on the committee is opposed to it.

Mr. HARDY of Texas. I am not opposed to the bill, but I thought as the ranking member of the minority of the committee I would have a right to an hour's time.

The CHAIRMAN. The gentleman from Texas is a member of the committee but not opposed to the bill. Is there a member of the committee that is opposed to the bill?

Mr. JONES of Texas. I am not a member of the committee, but I am opposed to the bill.

The CHAIRMAN. Under the statement of the gentleman from Texas [Mr. HARDY] that he is opposed to the bill and no member of the committee being opposed to the bill, the gentleman from Texas [Mr. JONES] is entitled to recognition.

Mr. KNUTSON. Can not the gentleman from Texas claim the hour and then yield the hour to his colleague [Mr. HARDY]?

Mr. JONES of Texas. I am willing to yield a part of the time, but I want to yield such time as those in opposition may claim.

Mr. HARDY of Texas. I suggest that the gentleman from Texas take such time as he deems proper and then yield the balance.

The CHAIRMAN. Inasmuch as no member of the committee is opposed to the bill, the Chair will recognize the gentleman from Texas [Mr. JONES] for one hour.

Mr. JONES of Texas. Mr. Chairman and gentlemen of the House, I dislike to take a position contrary to that of the members of the committee who have had the privilege of studying the measure more thoroughly than I have had, especially such faithful and efficient members as constitute this committee. But it seems to me that the disposition to rush into the hands of the Federal authorities for regulation is getting too great in this House, and I take my position by virtue of the recommendation made in the committee's own report. I believe that if the Members of the House will read the report carefully they will reach the conclusion that we ought not to pass a measure of this kind at this time. The time may come in the development of this art when it may be important to pass legislation, but I do not believe this measure should pass, at least not at the present time. This is an important question and I am in favor of any necessary legislation, but it should be necessary and should be presented later when a more thorough consideration is possible.

I want to call the attention of the committee to some of the provisions in the bill and to some of the statements that are made in the report on the bill. I do not know—this is a new proposition, but I am very much interested in it and so are many people throughout the country. I do not believe simply because here is a great project that is rapidly developing, which has made tremendous strides under the law as it exists to-day, that we should rush into the hands of a single Federal official with absolute control of the situation, and create a Federal bureau which this new bill does create; go to a great deal more expense necessarily, at this stage when the art is developing rapidly and when, according to the committee's own report, they have not been able to present a comprehensive bill. They have not investigated it sufficiently to offer a comprehensive bill. On this bill the committee makes a report in which it says:

The radio art changes overnight. It is neither standardized nor stabilized. There is to-day no like activity attracting the attention of so many technical and scientific men as this. The research departments of the Government and of the greatest technical companies of the country and thousands of amateurs are engrossed in its study.



While that condition exists, a committee rushes into the House with a bill of 18 pages, undertaking to license every station that sends messages and every operator who sends messages, when the business is changing overnight, when it is rapidly developing under the present law. They want to put into the hands of one man the power to absolutely control the situation. They are putting into the hands of the Secretary of Commerce, who is already a busy man, under the terms of this bill a power that should not be granted to any man, at least until it shall have proved absolutely necessary after the most thorough and exhaustive study. Of course the Secretary of Commerce is going to get much of his information from the big companies, necessarily. He will have to get it from some one, and he will get it from the experts of the big companies. Here is something more that this report says:

The bill before you is not a comprehensive radio law, but is limited in its scope. There are many phases of the subject which invite study and in which in the not distant future may call for legislative action.

The point that I am making is not that additional legislation may not be found necessary. On the contrary, in the growth and development it may be found very necessary, but why rush in here when the business is growing by leaps and bounds and change a law under which it is growing and developing, when the committee have not had the proper time to consider the matter, when the business has not yet reached a state when they can offer a comprehensive law about it? There is a tendency on the part of Congress and upon the part of Members of Congress to talk about Federal licensing and Federal regulation and then decry it, but when the occasion arises they will say it is just this one step more, and gradually the Federal Government is taking charge of a great many of the activities of the country. I am not in favor of granting these broadening powers to these people without thorough study and the necessity for it being shown.

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

Mr. JONES of Texas. Yes.

Mr. HUSTED. I am interested in what the gentleman has said. He said the Secretary of Commerce would get some information from the experts of the great companies.

Mr. JONES of Texas. Certainly.

Mr. HUSTED. What possible harm could there be if he did?

Mr. JONES of Texas. I did not mention that in criticism, but simply in connection with the statement that I believe the bill as drawn would not prevent the growth of monopolies in connection with the business; and, on the other hand, its result might be to encourage them. The Secretary of Commerce is a busy man. He would necessarily have to depend for his information upon these experts. It is just as natural for a man to look after his own interests, and for a corporation to look after its own interests, as it is for sparks to fly upward; and if companies want to create a monopoly, they will work to that end.

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

Mr. JONES of Texas. Yes.

Mr. ROACH. Is it not fairer to assume that the Secretary of Commerce will rely for his information upon the advisory committee of 15 which this bill provides for in section 5?

Mr. JONES of Texas. That is another one of the things that I object to—an advisory committee of 15 members. That creates a new bureau, a new Federal regulatory board, and this advisory committee would simply after all be an advisory committee. It is to be appointed by certain members of the different departments of the Government, and if you should undertake to establish fully the activities of the advisory committee, you might ultimately have a great many more Federal employees, when we already have too many of them at the present time. If he undertook to fully carry out that provision, it would be tremendously expensive, and if he did not, he would necessarily have to rely upon the information that he could obtain from different corporations.

Mr. CHINDBLOM. Will the gentleman point out any provision in the bill which warrants the statement he made about creating a large force of employees?

Mr. JONES of Texas. I was just calling attention to the section which was just called to my attention, section 5 on page 13, which provides for an advisory committee, to be established by the Secretary of Commerce, to consist of 15 members.

Mr. CHINDBLOM. Is that a thousand employees?

Mr. JONES of Texas. I did not say anything about its being a thousand employees; and if the gentleman had listened to what I said, he would not make that statement. I said if they carried out the activities of those 15 men and they went into it thoroughly, they would have many employees before they got

through with a lot of these investigations; and that is absolutely true, as is shown by our experience in various departments.

Mr. ROACH. Several of these members who are to constitute the advisory board, appointed by the Secretary of State, the Secretary of the Treasury, and other members of the Cabinet, are now operating great radio systems, are they not?

Mr. JONES of Texas. I do not know whether they are or not. Of course they are using it extensively, I assume.

Mr. ROACH. And they are peculiarly in a position to know the facts?

Mr. JONES of Texas. I do not know that there is any idea of appointing on this committee men who were already operating such stations.

Mr. ROACH. The bill provides for the appointment of these men.

Mr. JONES of Texas. I know it does.

Mr. ROACH. They are now operating large radio stations.

Mr. JONES of Texas. That further bears out the argument that I make about the result that would be obtained.

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

Mr. JONES of Texas. Yes.

Mr. LAZARO. The gentleman said that radio was increasing by leaps and bounds.

Mr. JONES of Texas. Yes.

Mr. LAZARO. If we regulated it in its infancy, as we did in the law of 1913, then according to the gentleman's statement is it not reasonable to now extend those regulations in 1923?

Mr. JONES of Texas. That may be, but I say the situation depicted by the committee in its report and their statement shows that the bill is not comprehensive; that it can not be at this time, and that argues absolutely against our going into a situation of this kind near the close of the session, extending Federal regulations in a very extensive way. The confusion that has arisen has been due more to the sudden and tremendous growth of the business than to any lack of regulatory powers. The existing law goes very far in authorizing regulation.

Mr. LAZARO. The gentleman will admit that if the people are to get the benefit of this growing thing there ought to be more regulation than in 1913.

Mr. JONES of Texas. I do not subscribe to the doctrine that in order for people to get the benefit of an institution there must be more and more Federal regulation. Some people have the idea that in order for any man to enjoy the benefits of any institution or organization there must be some Federal regulation, but I do not believe in any such doctrine. The point I make is that the confusion and chaotic condition is due largely to the sudden growth in the last year or two. If we pass this bill to-day, probably by next session new legislation will be necessary. There are powers of regulation under existing law which gives authority to regulate in so far as they know how to regulate. It is like an old doctor who only gave quinine. When the patient did not improve he thought he had not given enough. So he gave more and more quinine until the patient either got well or died. You can not cure this confusion by simply passing a bill, especially one that is hurriedly drawn. Let the business develop. Let them use the powers under existing law until the next session and maybe the situation will so clear as to enable us to tell just what legislation is necessary.

Mr. LAZARO. Will the gentleman yield for another question?

Mr. JONES of Texas. I decline to yield further just now, as I want to call attention to one or two other things before I go into that. I just want to call the attention of the gentleman to the statement of the committee:

The bill before you is not a comprehensive radio law but is limited in its scope. There are many phases of the subject which invite study and which in the not distant future may call for legislative action.

In another place it says:

The radio art changes overnight. It is neither standardized nor stabilized.

And yet with the condition as it exists we are asked to increase the Federal license and control system and you place it in the hands of one man to say who shall and who shall not engage in this business and who shall absolutely control the situation from top to bottom. In section (b), page 2, the Secretary of Commerce is authorized to license the radio stations and prescribe the nature of the service to be rendered and to make, alter, and revoke regulations applicable to all licensed stations. Now, I want in that connection to call attention to the statement of the committee that—

Apprehension has been expressed—

I want to call attention of this committee to the report of this committee—

Apprehension has been expressed and there is evidence sufficient to raise the question in reasonable minds that certain companies and interests have been endeavoring to establish a monopoly—

I call the attention of the gentleman from Illinois to that statement particularly when he was speaking in so cynical a manner about regulation and monopoly. Here is the committee report.

Mr. CHINDBLOM. Where is the gentleman reading?

Mr. JONES of Texas. Page 4 of the committee report.

Apprehension has been expressed, and there is evidence sufficient to raise the question in reasonable minds that certain companies and interests have been endeavoring to establish a monopoly in wireless communications through control and the manufacture and sale of radio instruments through contractual arrangements giving exclusive privileges in the transmission and exchange of messages or through other means.

Mr. CHINDBLOM. Now will the gentleman yield?

Mr. JONES of Texas. In just a minute. I have not finished reading. I decline to yield now.

Your committee believes that this subject should be carefully investigated and appropriate action considered at an early date.

In other words, according to the committee's own statement, it leaves the question of monopoly practically free and open and leaves to these companies the whole proposition. Now, I believe it would have been fairer and more seeming for you to have brought in a provision that would have curbed a monopoly of this business rather than to bring in 18 pages of Federal regulations and license.

Mr. CHINDBLOM. Why does the gentleman call my attention to these words on page 4?

Mr. JONES of Texas. I called attention to the words on page 4 because the gentleman seemed to be very cynical a moment ago when I suggested that under the terms of this bill the big companies would have a chance to monopolize the situation. Now, I quote the unanimous report of the committee, which sustains me. Does the gentleman want any more evidence?

Mr. CHINDBLOM. Will the gentleman yield? The gentleman is wrong. The gentleman from Illinois made no reference to any statement by the gentleman in reference to monopolization.

Mr. JONES of Texas. I so understood him; but perhaps I do not understand the English language.

Mr. CHINDBLOM. I will say this to the gentleman, that if the gentleman's views prevail and no legislation had, he is working in the interests of monopolization.

Mr. JONES of Texas. Oh, the gentleman's statement is full of prejudice because the report says that they do not try in any practical way to govern the question of monopoly. Now, we have Federal regulation and yet leave the question of monopoly open, according to the unanimous report.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. JONES of Texas. I do.

Mr. DAVIS of Tennessee. I wish to say to my colleague that contrary to what he has stated this bill has a provision inserted in addition to existing law and in a general way it prevents monopolies.

Mr. JONES of Texas. On page 6 it says the Secretary of Commerce is authorized to refuse a station license to any person, company, or corporation which in the judgment of the Secretary is monopolizing or seeks to monopolize radio communication, and substantially that same provision is in the old law. You do not direct the Secretary of Commerce—

Mr. DAVIS of Tennessee. And also a provision that he may revoke.

Mr. JONES of Texas. I understand that also is in the original law, which is already on the statute books. If the gentleman will read here in the laws of the Sixty-second Congress, pages 302 and 303, he will find this same provision. Why did not they direct the Secretary of Commerce to do these things in the event a monopoly existed?

Mr. WHITE of Maine. As a matter of fact, under existing law and the construction which has been put upon it by the court, if a monopoly existed which applied for the license, the Secretary of Commerce has no authority whatsoever to refuse that license to an admitted monopoly. That is the situation in the existing law.

Mr. JONES of Texas. I have the law before me, and it authorizes the Secretary of Commerce to revoke these licenses for cause, and to make his own regulations and revoke his own licenses whenever he pleases, and the gentleman knows that is true. But I want to get on to another proposition that is in this bill.

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

Mr. JONES of Texas. Yes.

Mr. LONDON. Would the situation of which the gentleman complains be remedied if the bill were to provide that resort may be had to the courts in the event the Secretary of Com-

merce refuses a license to any transmitting station or operating station?

Mr. JONES of Texas. I think that would help the bill materially, but I think it would still leave it where they would have to have a concern of some importance in order to fight the big companies and pursue the litigation successfully in the courts. You will find that most of the witnesses were connected with the big companies that are now trying to control the whole situation.

Mr. LONDON. Under this bill the control of the whole radio situation is under one man?

Mr. JONES of Texas. Yes; one man is in the sole control.

Now, under section C, on page 10, there is a provision that an operator's license shall be issued by the Secretary of Commerce in response to a written application, and it sets out the different things that he must show in order to get a license, and then it puts in this provision in subsection E:

An operator's license shall be in such form as the Secretary of Commerce shall prescribe, and may be suspended by him for a period not exceeding two years upon proof sufficient to satisfy him that the licensee has violated any provision of any act or treaty binding on the United States which the Secretary of Commerce is authorized by this act to administer, or of any regulation made by the Secretary under any such act or treaty, or has failed to compel compliance therewith by any unlicensed person under his supervision, or has failed to carry out the lawful orders of the master of a vessel on which he is employed, or has willfully damaged or permitted apparatus to be damaged—

And so forth, and so on, citing a number of instances. Now, if there is one of these little companies or operators who inadvertently violates some of the regulations, the Secretary of Commerce can absolutely put him out of business; he can put him out of business for two years; and, of course, these big companies can have some spies on his trail and find some regulation to show to the Secretary of Commerce that the law is violated; and so by the end of two years they will have him scotched.

Mr. HUDSPETH. Is there any appeal from the decision of the Secretary?

Mr. JONES of Texas. Absolutely none. His decision is final. They can not even go into the courts under this bill. They make Mr. Hoover, who, while an honorable man, is nevertheless more or less ambitious, the sole arbiter, and from his decisions, as you all know, there is very little appeal when he has the final say.

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

Mr. JONES of Texas. Yes.

Mr. MANSFIELD. Will Mr. Hoover be Secretary of Commerce forever?

Mr. JONES of Texas. You do not know at any time whether he will be Secretary of Commerce or not, but he has already asked for contributions to his department for more authority and more power, and now he comes in with a bill. Whereas the business was formerly divided between him and the Secretary of Labor, by the present law he wants to be "the whole cheese."

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

Mr. JONES of Texas. Yes.

Mr. LINEBERGER. Does not the gentleman think the Secretary of Commerce has performed his duties ably?

Mr. JONES of Texas. Well, I have not gone into that matter fully. I admit that he is an able man, but I know he has made some mistakes in his wonderful experience and has done some wonderful things. But I am not willing, at the rate this business is going on, to require every man who is a citizen of this great free country to rush pell-mell into the hands of Federal supervision and require him to take out a license in every detail and leave it to any one man to say who shall and who shall not have the benefit of an institution of this character. This involves the air. I have heard it said frequently that about the only thing that was left free was the air, and now you are going to take that away. [Laughter.]

Mr. BARBOUR. Would not the remedy of mandamus lie here if the Secretary of Commerce abused the discretion vested in him?

Mr. JONES of Texas. It is not so nominated in the bond. He is given the absolute right to make any regulations, whether reasonable or unreasonable, which he sees fit to make, and if anyone violates any one of these regulations he will be put out of commission, or at least for two years.

Mr. BARBOUR. All the authority that he has is given to him by statute.

Mr. JONES of Texas. Yes; and the proposed statute provides no appeal to the courts in any way whatever. Of course, a man would have a poor chance to go into court, considering



all the advantage of the information which the other side would have in trying to make Secretary Hoover do something, or make any other Secretary of Commerce do anything.

Now, the report says:

After the approval of this act the construction of a station for which a license is required by this act shall not be begun, nor shall the construction of a station already begun be continued, until after a permit for its construction has been granted by the Secretary of Commerce upon written application therefor.

A man may be out here with a station almost finished, one of these small concerns, and may have spent most, perhaps, of his capital stock. They can have their station almost finished, and yet if the Secretary of Commerce, in his wisdom and in his almost unlimited power, shall say unto him or them, "Nay, nay," they must throw away the work and the investment they have made, because they are not permitted to conduct their business.

Mr. LONDON. Does the existing law give the Secretary of Commerce an adequate personnel to make such investigations, or will it be necessary to make additional appropriations?

Mr. JONES of Texas. I do not know; but the committee's report says that not only are the big institutions making all sorts of investigations but the Government is making various investigations, and the report says the great technical organizations throughout the country and the amateurs throughout the country are making investigations.

Mr. LONDON. I am speaking of the individual having the right to construct a transmitting station.

Mr. JONES of Texas. I think it is under the general powers of the Secretaries of Commerce and Labor. As I understand it, they have asked for no additional appropriation. I suppose they have such men now as they have found to be necessary in that regard.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GARRETT of Texas. What effect would the putting of this operation into the hands of the Secretary of Commerce absolutely have? What effect would that have on radioing market reports and things of that kind?

Mr. JONES of Texas. If the Secretary of Commerce saw fit to dress down the farmers as he did when he regulated the price of wheat, he could say, "You have already enough market news and you must quit sending market news by radio." Under this bill, if the Secretary of Commerce decided that the people down in some vegetable-raising country were already getting enough for their cabbages or their vegetables or fruit, he might say, "You can not have any more information." Of course, he would probably not do this, but the power would be there, and it should not be so placed unless shown to be absolutely necessary. He might say, "If you violate that regulation I will suspend you." Under the terms of this bill the Secretary of Agriculture would be wholly dependent upon the good graces of the Secretary of Commerce for any information he might want to send out.

Mr. KNUTSON. According to the explanation given by the gentleman from Maine [Mr. WHITE], who, I understand, is one of the authors of the bill, this measure specifically excludes Government broadcasting stations.

Mr. JONES of Texas. Government broadcasting stations, yes; but according to the statement of the chairman of the Subcommittee on Appropriations [Mr. ANDERSON], when we were considering the agricultural bill in the House, practically none of the broadcasting stations operated by the Secretary of Agriculture is owned by the Government. They are private agencies, according to the statement that was made here on the floor of the House. I asked the chairman of the subcommittee when he was on the floor, and he said that the Government was using only four broadcasting stations under the direction of the Secretary of Agriculture, and I believe he said some of them were leased.

Mr. KNUTSON. How many stations is the Department of Agriculture using?

Mr. JONES of Texas. I do not know how many are being used. I do not understand the details of all these matters. I know that the statement of the man who ought to know was that the most of the agricultural information was being sent out by private broadcasting stations.

Mr. BLANTON. He said there were only four transmitting stations.

Mr. KNUTSON. How many private stations are being used by the Government? Probably we could save money by cutting some of them out.

Mr. JONES of Texas. We might do that.

Mr. McKENZIE. The gentleman will concede, will he not, that control over these stations should be vested in some authority?

Mr. JONES of Texas. The point I want to make most strongly is that already we have a law that seems to be operating very well. The committee advocates a change which they confess leaves the subject in a great degree of confusion—a proposed measure, which they confess is not comprehensive, which they confess does not handle the most important propositions in connection with this matter. Why act by piecemeal? When this industry is developing so rapidly, why not wait until we can get some more definite information?

Mr. McKENZIE. The gentleman's colleague [Mr. GARRETT of Texas] asked a very pertinent question, and we all agree that the transmission of market reports is very essential and necessary to the agricultural interests of the country.

Mr. JONES of Texas. Yes.

Mr. McKENZIE. Does not the gentleman from Texas [Mr. JONES] believe that authority should be vested somewhere to control radio broadcasting? For instance, a radio station might be transmitting some song-and-dance performance going on at a vaudeville show, and thereby interfere with the transmission of this necessary information.

Mr. JONES of Texas. That is true, but the trouble is that they already have more power under existing law than is being used. I am not willing to risk his judgment as to which is the more important.

Mr. BLANTON. Suppose the Secretary of Commerce should deem the song and dance vaudeville transmission more important than the subject that the gentleman is interested in?

Mr. McKENZIE. He would not do that.

Mr. BLANTON. We have different kinds of individuals in the various Cabinet offices once in a while.

Mr. McKENZIE. I will suggest to the gentleman from Texas that this at least would prevent confusion.

Mr. JONES of Texas. The Secretary of Commerce and the Secretary of Labor have that very power at the present time, and if this change went through it would not clarify that situation one "bit" in the world.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. I want to call attention to paragraph D of section 1:

Radio stations belonging to and operated by the United States shall not be subject to the provisions of paragraphs A and B of this section.

Mr. JONES of Texas. Shall not be subject to paragraphs A and B of this section.

Mr. CHINDBLOM. The President assigns wave lengths to the departments of the Government.

Mr. JONES of Texas. Yes; the President assigns wave lengths to the departments of the Government, but he does not assign the wave lengths to the big companies, and they can go ahead with their business even though it interferes with market news or anything else; and the Government plants under the terms of the present law, I will say to the gentleman, are exempted from its operations, so that this is simply carrying forward the provisions of existing law. The point I am making is that it is unwise at the present time to interfere with the present law.

Mr. CHINDBLOM. I want to reply to the remark that this bill would interfere with the Agricultural Department. That is not the case unless the President wants to interfere.

Mr. JONES of Texas. It is not possible under the present law, but it would be possible for the Secretary of Commerce to interfere under the proposed bill, if he desired to do it. It would be possible for him to interfere under this proposed bill.

Mr. CHINDBLOM. It would not.

Mr. JONES of Texas. It most certainly would. Sections A and B are not the only sections in this bill. And even if the Government plants were operating and they were sending this market news, that would not keep outside companies from sending messages that conflicted and interfered with the transmission of market news. That is the point I am making. Now, let us just refer again to the report of the committee, where it says, speaking of the growth of this business, that since July 1 the number of stations has increased from 17,000 to 21,000. It is growing at a rapid pace, and the thing is changing overnight according to the statements of the committee, and they say themselves that statute laws can not be speedily changed, and that of necessity there is no way of meeting this unprecedented situation except by conferring

in general terms broad powers of supervision, of regulation, and of control upon the designated regulatory body. That is what they are trying to do, to give broad comprehensive powers that place the whole thing in the hands and brain of one man.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. JONES of Texas. I yield to my colleague.

Mr. CONNALLY of Texas. The committee say on page 4, speaking of the apprehension with reference to monopoly—

Your committee believes that this subject should be carefully investigated and appropriate action considered at an early date.

Mr. JONES of Texas. Yes.

Mr. CONNALLY of Texas. Then they say that the committee can not do that, and they turn it over to Mr. Hoover.

Mr. JONES of Texas. Yes. I thank the gentleman for his suggestion. If you will read this remarkable report, I believe you will agree that this bill should be recommittees; that you should let it ride until the next Congress, when we can take the facts we have in our possession and get up a bill that is a bill, if we need such a thing.

Mr. STRONG of Kansas. If we do pass such a bill, should we not have a provision exempting stations authorized by the Secretary of Agriculture, if we are going to exempt anything?

Mr. JONES of Texas. I think most certainly they should not be allowed to be interfered with in the manner suggested by the gentleman from Illinois [Mr. McKENZIE]. But now, as my colleague has suggested, the committee says it has not the information to frame a comprehensive bill, it has not the facts, it is unable to get the facts, and they are going to leave it to Mr. Hoover, and at the same time they say that this bill is not a comprehensive law but is limited in its scope and have embodied in the bill only certain provisions.

Now, listen. In connection with that they confess, on page 4, that they have not undertaken to deal in any way with the most important provisions of the bill—the question of monopoly. Mr. Chairman, I reserve the balance of my time, and I yield 15 minutes to my colleague from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, peace time as far as the Government has attempted to control transportation, it is that only which relates to interstate commerce; with regard to telegraph and telephone control it has the same rule. With the control of the telegraph and telephone it applies only from one State to another; interstate and not intrastate. The Government does not interfere in any manner whatever in Pennsylvania with the railroad business that is embraced wholly within the State lines. It does not interfere in any way with the telegraph and telephone in Pennsylvania that is embraced only within the State lines; it is only as to interstate telegraph and telephone and railroad transportation that it assumes any control, but when it comes to radio business the rule changes, according to this bill.

Mr. CHINDBLOM. The gentleman is wrong, and he will see it if he reads the bill.

Mr. BLANTON. I have not only read the bill but have carefully studied it as much as any Member of Congress. Let me read a sentence or two.

Mr. CHINDBLOM. All right.

Mr. BLANTON. On page 2, line 1, what does it say? It says "or for the transmission of radiograms or signals the effect of which extends beyond the jurisdiction of the State, Territory, or the District of Columbia in which the same originate, or where interference would be caused thereby with the transmission or reception of messages or signals from beyond the jurisdiction of said State," and so forth. How easy is it for the Secretary of Commerce, who wants to control the proposition in Pennsylvania or in Illinois or in Minnesota or in Texas or California or in any other State—how easy it is for him to say that a little radio transmission station at Dallas, that does business with El Paso, Tex., interferes with a station up in California or Utah or New York.

Mr. BARBOUR. Will the gentleman yield? I am interested in the gentleman's proposition. When you send out a radiogram there is a station 1,000 miles away which gets it and another perhaps 100 miles away does not get it. Where does the gentleman draw the line?

Mr. BLANTON. Oh, the gentleman's State is a State of long distances.

Mr. BARBOUR. In one direction.

Mr. BLANTON. Yes; and the State of Texas is 900 miles across it from east to west and 1,000 miles across it from north to south; it is an empire within itself. There are stations where there could be private businesses in intrastate scope that would not interfere with Kansas, Oklahoma, Louisiana, Colorado, New Mexico, or any other close-by State.

Oh, they say, we can depend on the Secretary of Commerce and his good judgment, because he is a Cabinet officer. I want to say to my friends on the other side of the aisle that the man who had more to do than anyone else with putting you in power right now in the Executive office and in the control of Congress and in the conduct of the affairs of this Nation, the man who has had more to do in bringing your party in power, the ex-Postmaster General, Mr. Hays, has lately taken a stand that has shocked the morals of the whole country. The men and women's clubs generally are standing up and denouncing the action recently taken by him. You can not always depend on the judgment of a man who occupies a high position and depend on what it may be in the next 5 or 10 years.

Mr. KNUTSON. Will the gentleman yield?

Mr. BLANTON. In a minute. I do not believe that the gentleman from Minnesota has studied the bill as I have. He is the Republican whip of the floor, and is exercising his functions in trying to whip out every man who stands against a measure brought in by the administration. I have studied this bill from a legislative standpoint, from the standpoint of what it means to the people at home all over the United States and what it means to my home people in Texas. I want the Government to exercise every proper right of control over anything that affects the whole country, but I do not want it to interfere with matters that are exclusively for Minnesota, for California, or for Texas, and with which it has no concern and which the people of these respective States are able to control and regulate themselves.

The gentleman from Illinois says that there is no big machinery here, and says it provides for an advisory committee of 15 men. Oh, but you are also giving each one clerical help.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. I will say for myself and, I think, for the rest of the committee, that we are entirely indifferent as to that provision and are willing to strike it out.

Mr. BLANTON. It ought to be stricken out. If you will strike out that provision and will then make it plain that the proper jurisdiction of the States is safeguarded in this bill, I will be with you.

Mr. CHINDBLOM. I am willing to have it stricken out, and the result will be that the men will have to spend their own time at their own expense.

Mr. BLANTON. We, as 435 Members of Congress, have access to all the scientific and technical knowledge of the world. We can assimilate it and use it to advantage of the people in this country just as well as any bureau can. What is there about the Secretary of State's office that has to do with technical science? It is scientific technical knowledge that we need on this matter.

Mr. CHINDBLOM. I want to say to the gentleman and for the Record that this provision of an advisory committee was put into the bill because everybody from the amateur to the manufacturer requested the committee to create such an advisory commission, upon which they might have membership.

Mr. BLANTON. Why did you not give the Secretary of Labor a little spiel at it? Why did you not let him get a slice of the pie and also put a man on the advisory committee.

Mr. CHINDBLOM. The Secretary of Labor does not use radio.

Mr. BLANTON. Why not? He is in charge of the whole Immigration Bureau? You have put every other Cabinet officer there. Why should you put the Shipping Board upon it?

Mr. CHINDBLOM. Why there is a representative from the Shipping Board.

Mr. BLANTON. Oh, I do not want the gentleman to bother me too much.

Mr. CHINDBLOM. I am answering the gentleman's question.

Mr. BLANTON. Let us see what this advisory committee is going to cost. Twenty-five dollars a day, when they are on business. My judgment is that they will be on business 365 days in the year, and that will amount to \$9,125 each annually.

Mr. McARTHUR. Sundays and holidays?

Mr. BLANTON. Yes. Take all of these so-called innocent little commissions that we so frequently create and provide for and they get paid for 365 days in the year, most of them, together with their expenses and their clerical help and everything else that goes with the establishment of a big, expensive bureau, and that is to be placed upon the already overburdened shoulders of the people of this country.

Mr. CHINDBLOM. In order that the gentleman may have time to discuss other matters, I will state that the committee will move to strike out that part of the bill.



Mr. BLANTON. Thank the Lord for that.  
Mr. BUTLER. Was there not some reason why you put it there?

Mr. CHINDBLOM. Yes.

Mr. BUTLER. Then let us leave it there. The amateur people want it.

Mr. BLANTON. I will tell you what you ought to do as to the advisory committee. The gentleman from Illinois [Mr. CHINDBLOM] usually gives close thought to every proposition that comes up, and I think he ought to let the Secretary of War, the Secretary of the Navy, the Secretary of State, from a diplomatic standpoint, the Postmaster General, and the Secretary of the Treasury, besides the Secretary of Commerce, designate each a man, the best scientist, with technical knowledge, from their several departments to act as this advisory committee. It will not then cost the Government much, it will not increase the expenses of the Government, and you will not build up a new bureau with this extensive machinery. Let them be the advisory committee. I will promise you that the Navy and the Army, that have already given great study to this question, will give their best to the situation, and so will the other departments. Let me remind my friend from Illinois that for two years after the armistice he knows how hard it was to get a license or permission for some little private enterprise to use radio transmission. He could not get it in Illinois, he could not get it in Texas, he could not get it in California. I had a little business concern down in Texas that wanted to use transmission by radio from Dallas to El Paso, wholly within the State, a legitimate business, and they could not do it for about three years after the armistice was signed. You want to go slow on taking the inherent power that naturally belongs to the States of this country away from them and lodging it in a centralized government here in Washington controlled by one man, no matter how bright or big or fundamentally important he may be to any political party.

Mr. BARBOUR. Mr. Chairman, as I stated before, I am interested in this proposition. Is it possible to confine radio broadcasting within the limits of a State? If it is, then I am in favor of the gentleman's proposition.

Mr. BLANTON. Yes and no. There are certain little businesses that have occasion to use small transmission stations, that are not interfering with the big radio business of the world. They ought to be held intact, they ought not to be interfered with within the States. They ought not to be required to come to Washington and run the gauntlet of the wire fences that the big corporations that want to control this business will put in their way. The evidence shows that one of the biggest Army men we have in the Nation is about to be retired in a few days to go as the head of one of the biggest corporations in existence, having to do with radio business. Why? To control the business, if possible, for that corporation. You want to watch all these little foot tracks that lead up to this great monopoly. This bill may satisfy you, as with proper limitations it would satisfy me, and with proper limitations such as I have suggested I would vote for it gladly, because there must be some supervision, but we should watch all of these little things.

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

Mr. GREENE of Massachusetts. Mr. Chairman, I yield one minute to my colleague on the committee [Mr. ROSENBLUM].

Mr. ROSENBLUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to do this in 8-point type.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WOODRUFF. Mr. Chairman, reserving the right to object, the gentleman asks that the extension might be in 8-point type. I understand that the extension of remarks are ordinarily put in 8-point type, the ordinary type of the RECORD. Does the gentleman anticipate inserting documents of some kind?

Mr. ROSENBLUM. No; but having my remarks extended in the back of the RECORD in the ordinary type.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROSENBLUM. Mr. Chairman, as the result of a campaign of misleading propaganda, it is my opinion that the proposed amendment to the Constitution will pass the House. Although many well-intentioned people, and, I dare say, Members of the House of Representatives, have been beguiled into favoring the bill on the widely advertised theory that it has for its object and sole purpose preventing the investment of large incomes in tax-exempt securities, by means of which such in-

comes escaped an equitable share of taxation, I am firmly convinced that this much-desired object will be defeated by adoption of the pending amendment.

If it were possible to prevent money accumulations from escaping their fair share of taxation by the ratification of the amendment under consideration, I pledge that no one would be more industrious, eager, or conscientious in his effort toward this accomplishment than myself.

The prevalent opinion that the adoption of this amendment will reach securities already issued is unjustified and untrue. Such securities will continue to be tax exempt. There is no legal way in which they can be reached. The contemplated amendment only provides for such securities as shall be issued after its ratification.

"A man is known by the company he keeps." Let me digress far enough to add that a legislative proposal can be most certainly identified and characterized by its advocates.

Why is it that the same gentlemen who one short year ago were exhausting their energy to secure reduction of income taxes on incomes in excess of \$67,000 a year, at the expense of incomes under \$67,000 a year, are now so devoted to their "professed" interest in the people generally that they use the same majority of people whom they proposed to tax more heavily as the cat's-paw of their argument that the proposed amendment should be adopted. Truly "a leopard can not change his spots"—at least, not so easily and quickly. Is it consistent to believe that those same gentlemen, who a year ago argued for a reduction of tax on enormous incomes should now be so eagerly championing an amendment whose sole intent and object is to collect a greater amount of taxes from those same inflated incomes? "Verily, do I hear the voice of Jacob, but I feel the hand of Esau."

Where did the money come from that has previously been invested in tax-exempt securities? These incomes are received as dividends from industrial stocks, from oil stocks, automobile stocks—speculation. They are most certainly not the result of conservative bond investment, yielding a far more moderate return of interest on the investment. It is therefore patent that all securities—including the tax-exempt security under discussion—was infinitely less profitable and attractive than the profits to be derived from further speculation. Why, then, is this money invested in these tax-exempt securities? I am satisfied that there is no desire on the part of possessors of large incomes to invest them in tax-exempt securities unless forced to do so by high rates of income tax. Those securities constitute an entirely safe investment, devoid of the speculative dangers attendant upon speculative stock investment. Allowing for the safety in the security investment, the factor that determines is the rate of return. When the rate of return from the bond investment, plus the advantage from tax-exemption, approximates the return from speculative stocks, minus the necessary deduction for payment of taxes, accumulated wealth immediately absorbs the issues of tax-exempt securities, not necessarily because they are tax exempt but because of the advantage of increased safety in the knowledge that the net return from such investment will be substantially the same as would accrue from speculative investment after allowing for deductions for payment of taxes as result of such investment.

These same gentlemen who are now asking the adoption of this amendment, when the income tax bill was under consideration by the House gave every assurance that if the excess-profits tax and other surtaxes were eliminated or reduced it would eliminate the practice of accumulated wealth seeking refuge in tax-exempt securities. Accepting their assurances, this Congress gave them the relief they sought. Why do they now come before you and say it is necessary to stop the issuance of tax-exempt securities in order to accomplish the result they predicted in the first instance? Why is the adoption of this amendment so heartily urged by the chairman of the Ways and Means Committee; by Mr. Kuhn, of Kuhn, Loeb & Co.; by Mr. Mellon, Mr. Ford, et al.? Because, gentlemen, the continued attractiveness of these tax-exempt securities, wherein a goodly portion of their money sought refuge and where it now remains, is no longer to their liking. Immediately a tax is added to further issues of such securities their holdings will automatically increase in value to the extent of the tax. The economic condition of the country's business has reached a point where speculative industrial investment can not compete with the security and assured return to be had from investment in such securities. As previously stated, these wealthy gentlemen accumulated their wealth almost entirely as a result of the speculative investment which they largely control and manipulate. But, if people will not invest in industrials, there is nothing for them either to control or manipulate, consequently

there is no profit, and again, consequently, they seek to make the issue of tax-exempt security less attractive, so that investment will again be made through their favored mediums.

You are asked by the captains of industry, financial experts, and international bankers to adopt this amendment in the benefit of the country at large, so that accumulated wealth will be assessed its proportionate share of taxation on these securities. Whence all this philanthropy and noble altruism professed from such a source? Are not all of the actors in this play cast in strange and unfamiliar rôles? It is indeed difficult to digest such a paradox. Never before have I witnessed the spectacle of accumulated wealth seeking to have itself taxed in order that it might more equitably share the common burden.

I am conscientiously wrong and will unceasingly regret my mistake in opposing the adoption of this amendment if the purpose really be to tax colossal wealth its just, fair, and equitable proportion by denying to it the refuge of the tax-exempt security.

But if it be the purpose of those who advocate this measure to discontinue such securities so that the money will be invested in industrial securities, why do they not say so?

If it be the purpose to so arrange State and municipal securities that, with less attractiveness and advantages, the interest rates can be dictated by the financiers of Wall Street in order to make them salable, why do they not say so?

If it be the object to so encompass these securities that they will no longer find a ready market, and the issues must be marketed by these same gentlemen who now seek to tax them and make them less attractive to the purchaser, why do they not say so?

If it is the purpose to prevent the Federal Government, the various States, and the municipalities from engaging in what has been regarded as the sanctum sanctorum of private business—the building of elevators, furnishing heat, light, and power, transportation, and other essentials of urban civilization—why do they not say so?

But if it be the purpose of those advocating this measure to compel these various States issuing bonds for road-building purposes to so embarrass the sale of those bonds by removing the tax-exempt feature, in order to retard the road-building program, and by so doing minimize the competition that they are developing to the railroads of our country, why do they not say so? My own State, having authorized \$50,000,000 of such bonds to be sold during the course of the next few years, I can not see my way clear to lend my vote to raise the rate of interest which we will have to pay, or to restrict the market that there is for those securities under present conditions.

Gentlemen, I do not charge that these are the objects of the advocates of this amendment. It would be indeed a dismal effort for me to interrupt or interfere with the noble spectacle of wealth seeking to tax itself, but I must admit I am quite overcome by such altruistic sentiment from such a source.

But, gentlemen, I do charge that such things as I have enumerated are susceptible of accomplishment, and are easily possible, with the proposed amendment in force.

I am quite certain, however, that if either or all of the above propositions had been presented to you as arguments for the adoption of this amendment, it would have received but scanty consideration. It is indeed cleverly masked. If I can analyze the sentiment of the membership of this House, there is an overwhelming desire to place taxation on the sources best able to bear the tax. In this view I am confident the amendment will be passed. I am equally confident, however, that the sheepskin will be firmly, if not gently, removed from the wolf in the Senate and the proposition will be viewed in its true aspects.

I can not approve of a policy which will deliver into the hands of the capitalists controlling the money markets the power to dictate the rates of interest at which my constituents can secure money for permanent physical improvements of their localities. If the people of Wheeling, or Fairmont, or Grafton, in the State of West Virginia, wish to build a road and thus add to the capital of their respective community, and the proposal is submitted to a vote of those concerned and receives an indorsement of the necessary two-thirds majority, indicating their desire for and willingness to pay for the new roadway, I believe they should be permitted to secure the necessary money as the result of a bond issue under the most favorable conditions. Such permanent physical improvement—the only enterprise for which they are entitled to issue municipal bonds, by sanction of two-thirds majority of the people concerned—are assets and capital not only to the community but to the Nation.

The bonds issued will be paid. They have the best obtainable security—the pledge of two-thirds of the residents and property owners of a given locality. The Nation is benefited to

the extent of the tax which purely industrial speculations must bear. Why should additional taxes be heaped not upon the bonds but upon the people? With a tax-exempt security they could find a ready market at 4 or 4½ per cent. By eliminating the tax-exempt provision they would have to return a sufficiently higher income to recompense for the amount of tax they bear in order to meet competition and to find a market. At best, the market would be difficult to find. At least, the interest rate which the people would be compelled to pay would immediately advance from 4½ to 6½ or 7 per cent. In the absence of a ready market it might be necessary to submit the entire issue to these gentlemen who are asking you to do away with tax-exempt securities.

This would add an additional and expensive service to be extracted from the amount of the issue calculated to build the contemplated improvement. This creates additional tax for the people of those communities. Who is benefited? In this instance there is a minimum cost at which the road can be built—the lowest cost. But you have proceeded to add additional costs with amazing rapidity, so that there will be a sizable difference between the lowest cost and the cost at which the road will actually be completed. This has occurred in the financial end of the transaction. The gentlemen who wish tax-exempt securities eliminated control that end.

The reciprocal provision of this amendment permitting the States to tax Federal bonds to be issued in the future is buncome, pure and simple. Nothing is more remote than the issuance of further bonds by the United States Government.

While I am unalterably opposed to prohibiting the issue of tax-exempt securities, I would energetically support an equitable law prohibiting any individual, firm, partnership, corporation, or combination from holding more than a stated amount of such securities. This would insure a wider distribution of such issues and prevent hoarding money in such investment solely with the object of evading taxation.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes, my remaining time, to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I think I shall take but a small portion of that time, first, to state that after several years of study—for this question has not come up anew—the Committee on the Merchant Marine and Fisheries have investigated the subject of this bill, and with mature deliberation have reached a conclusion that this measure is the best that we can do at the present time. Modestly we have stated that we are unable to forecast the future and to provide for all the rules and regulations that may be necessary for the future in this growing and developing invention and discovery, and we have suggested that as time progresses it will be necessary to provide other legislation. That modesty seems to have provoked a vast attack on the part of two gentlemen who have represented the opposition to the bill. I appreciate very greatly the sincerity of the gentleman from Maine, who makes the modest statement in the report, and I want to say frankly there is not a man in the United States, perhaps, who understands radio better than the gentleman from Maine [Mr. WHITE]. [Applause.]

It has been his duty for at least six months in unceasing investigation, and this bill is largely the result of his labor. But I must not forget to say that he has been assisted on the subcommittee by the distinguished gentleman from Tennessee [Mr. DAVIS], the Member from Virginia [Mr. BLAND], and the gentleman from Alabama [Mr. BANKHEAD]. And I do not think any more conscientious men, any men who are more loathe to bestow unnecessary power upon an official of the Government could be found, and yet they found it was necessary to lodge somewhere the power to control the chaotic conditions which now prevail in the radio service, and they have placed it largely in the Secretary of Commerce. Now, the next complaint which has been made by the two gentlemen is that this advisory committee is not small enough. The Secretary of Commerce was one, and that was an objection and—

Mr. ABERNETHY. Will the gentleman yield?

Mr. HARDY of Texas. I have only a few minutes.

Mr. ABERNETHY. As a matter of explanation. Do I understand the Secretary of Commerce will have the power by regulation of wave lengths to cut anybody off from using the air unless there is something wrong in what they are going to say or not?

Mr. HARDY of Texas. No; the Secretary of Commerce will prescribe the wave length that can be used by each licensed transmitting station, and it is absolutely necessary that somebody prescribe it, otherwise you would have interference and chaos in the air. Here in Washington not long ago two ministers were preaching with radio distribution service at their



pulpits. They had the same wave lengths, and nobody could hear what either one was saying. It is to prevent that.

Mr. ABERNETHY. Does he arrange so that both can talk at the same time and not interfere with each other?

Mr. HARDY of Texas. That is the purpose, to regulate the radio wave length.

Mr. ABERNETHY. And there is nothing that does away with the ancient saying, "As free as the air."

Mr. HARDY of Texas. Nothing, except you have not got the right to blow your breath in another man's face if your breath is foul. [Laughter.] That is about the limitation we put here on this matter now. Now, in regard to the matter of complaint about the advisory committee provided in this bill in section 5. What does that advisory committee have any right to do? It has the right to investigate and report, first, upon the administration or need for changes in the laws, regulations, and treaties of the United States relating to radio communications; second, the study of the scientific problems involved in radio communication, with a view of furthering its development; and, third, the scientific progress in radio communication and the use of radio communication. This is the greatly criticized advisory committee which may be appointed in order to study the science of radio and in order to investigate the laws touching the subject and suggest to the Congress what would be wise and proper legislation in the future. Now, I want to say another thing. As to that advisory committee, on page 14 there was a provision authorizing a certain payment of certain expenditures. It had not been thoroughly investigated, or thoroughly investigated as to some particulars; and some Members consulted with the chairman of the committee and with the leading Members on the majority side of the committee before this debate began and agreed that lines 1 to 8, page 14, should be stricken from the bill, so that there will be no expense on the Government arising out of the appointment and existence of this advisory committee. This advisory committee consists of representatives of the Navy, War, of the Departments of Agriculture, Post Office, Commerce, the Shipping Board—departments of the Government that are really interested largely in radio—and each one of them appoints a member on the advisory committee who, with this section stricken out, will serve without compensation, and the Secretary of Commerce will then select from those who are intimately acquainted—the engineers, the manufacturers, and others—seven additional members who will advise with these official advisory members, and all of them to serve without pay.

Mr. TILSON. Will the gentleman yield?

Mr. HARDY of Texas. Yes, sir.

Mr. TILSON. I agree with the gentleman that it would be better to cut out the per diem and clerical expenses, but does not the gentleman believe that it would be better to allow the members of the advisory committee actual expenses while attending meetings of the committee? Unless you do it you will be limiting it to those enthusiasts in radio who can afford to pay all their expenses.

Mr. HARDY of Texas. To those and the officials of the Government.

Mr. TILSON. I do not think that the officials of the Government should be paid anything at all beyond the salary they are already receiving.

Mr. HARDY of Texas. I do not think you will find anybody but the radio enthusiasts who will voluntarily go and fill these appointments under any circumstances unless you pay them more than their expenses.

Mr. TILSON. I do not think that you should pay them for their services. I would include the enthusiasts, but not alone the wealthy enthusiasts. I would include anybody who is qualified and willing to give up some of his time to this work.

Mr. HARDY of Texas. You would pay the actual expenses?

Mr. TILSON. Yes; I would pay actual expenses.

Mr. HARDY of Texas. I might not object to that, but this is legislation that we admit is temporary. Radio is a science which we admit is growing and is now in its infancy, and we contend that Congress from time to time must perfect and add to this legislation.

Our very frankness in making that admission has been used as a weapon against the committee, who have conscientiously tried to bring in the best measure they can. That is the whole situation. We have tried conscientiously and honestly to discharge the duties we have under the law, but we admit that it is a new subject. It is a broad field. It is a growing enterprise. Legislation must from time to time be necessary.

Then I want to call attention to another fact. We have limited the length of time for which a license may be issued, so that there is no chance under this bill for the Government to

make a commitment that would create permanent vested rights, and any Congress that may come hereafter can correct any error that there may be in this bill and not be met with the suggestion that something has been granted that can not be taken back. We have guarded this carefully so that no man may have a sending monopoly. Every succeeding Congress can take away any unjust right or unfair advantage, and the whole people may be served by this most wonderful invention of the age. In the meantime, let us stop the chaos that is ruling the air to-day and interfering with the young giant that will rule the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. JONES of Texas. Mr. Chairman, my response to what my colleague has said is that the conditions depicted in the committee's report do not justify legislation at this time. The committee itself says this is not a final bill and says it is impossible to cure some of the conditions that exist. They say, "Your committee should take appropriate action at an early date," and so on.

My colleague [Mr. HARDY] refers to the advisory committee of all these Cabinet officers. I want to call attention to the fact that they are simply an advisory committee, and after all, under the terms of this bill, the Secretary of Commerce holds the absolute reins of power. He does not have to follow their advice. He is under no compulsion whatever. He may accept their advice if he pleases, or he may reject it. I am not willing to take his or any other one man's opinion as to who is to make a sound and who is not to make a sound for the whole people of the United States.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield for a moment?

Mr. JONES of Texas. Yes.

Mr. HARDY of Texas. This advisory committee is intended to make a report that will be for the use of Congress and of the officers as well. It is for information; that is all.

Mr. JONES of Texas. According to the committee's statement there are all kinds of Government officials, as well as employees of the big companies, who are making thorough investigations and studies, and I think the Cabinet officers would simply make a résumé of the opinions of others.

Mr. HARDY of Texas. I am frank to say that I do not know who would be the best constituent members of the committee to investigate, but I think when you clothe the officers of the Government and the departments of the Government with authority to act as advisers we can authorize the Secretary to appoint others, and then you will get a satisfactory investigation and report to Congress.

Mr. JONES of Texas. Perhaps there is no great danger at present, except in the appropriation for the per diem, and so forth. But there are to be some other members besides the Cabinet officers, and judging from the history of bureaus heretofore created and established, there will soon be an expensive aggregation of clerks, employees, and other officials connected with any institution of this kind.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. DAVIS of Tennessee. Is the gentleman opposed to anybody attempting to regulate this subject or issue licenses or determine who shall operate transmitting stations?

Mr. JONES of Texas. That is an academic question, because the present law authorizes the Secretary of Commerce and the Secretary of Labor to do that very thing. I was not here when the present law was presented and do not know what discussion was had on it at that time, and I have not had the time to go into it very thoroughly. But I say I am making no effort to repeal the present law, and am making no criticism of the present law. It is a good law, no doubt; I have no information to the contrary on the subject. But I say the proposed law does not improve the old law. What I am criticizing particularly is the proposal to create a new commission.

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

Mr. JONES of Texas. Yes.

Mr. CROWTHER. The gentleman referred in his other address to the danger of monopoly that exists in this legislation, but he neglected to say what sort of monopoly it would be, or what it would be about or of. How about that?

Mr. JONES of Texas. This bill requires a license for every operating and transmitting station. They must secure a license. Every operator must have a license. The Secretary of Commerce is authorized to make any sort of regulation he sees fit

governing this whole activity from top to bottom. It is all in his hands. I made the statement that he would necessarily have to depend in his action largely upon information furnished by those engaged in the business. I took the committee's own report and commented on the statement there, that there was a tendency on the part of some of the companies to try to secure a monopoly, or at least that the facts raised the question, and they did not undertake to deal with it in this bill.

Mr. CROWTHER. The monopoly you are afraid of is a monopoly in commercial sending?

Mr. JONES of Texas. Yes; a monopoly covering the whole field.

Mr. CROWTHER. Do you not think this legislation is in behalf of the "listeners in" rather than anybody else?

Mr. JONES of Texas. I think the present law takes just as much care of the receiving station as does the proposed law. The proponents of the bill say this does not affect the receiving stations.

Mr. CROWTHER. There is no question about that.

Mr. JONES of Texas. I think it interferes with them at least as much as the present law does.

Mr. CROWTHER. If the gentleman had participated any in the pleasures of listening in and fooling with the thing, as I have done with a little crystal set, and from 10 o'clock on had not been able to get anything on account of the pig-pigging and jabbing in of others—

Mr. JONES of Texas. In my judgment, they are fixing to make it worse.

Mr. CROWTHER. Oh, the gentleman does not know anything about what he is talking about when he says it will make it worse.

Mr. JONES of Texas. I do know what I am talking about, and I read it in the original bill, and the gentleman has not read the original bill, because it gives the Secretary of Commerce and the Secretary of Labor the power to regulate.

Mr. CROWTHER. His regulation is going to improve it. The gentleman started his speech with an apology by saying he did not know anything about the bill, and he has taken 40 minutes to prove it.

Mr. JONES of Texas. Not only does the original bill provide for that, but this measure would authorize the Secretary to put it in the hands of certain ones, outside of Government functions, to send any messages they desire to send, just so they comply with the regulations of one man. The gentleman makes assertions that are not borne out by the facts, that are not akin to the facts, and that do not relate to the facts in any way, and that show he does not understand the subject, even though he may have memorized some technical terms that refer to it.

I want to have time to read one other matter in order to correct the gentleman. He said he had read the report and that there was nothing in it which referred to monopoly. I just want to read what the committee says in its report:

Apprehension has been expressed, and there is evidence sufficient to raise the question in reasonable minds, that certain companies and interests have been endeavoring to establish a monopoly in wireless communication through control of the manufacture and sale of radio instruments, through contractual arrangements giving exclusive privileges in the transmission and exchange of messages or through other means.

Now, the gentleman says that would be taken care of in the proposed bill. But read what the committee says:

Your committee believes that this subject should be carefully investigated and appropriate action considered at an early date. But the committee was unanimously of the opinion that it was impossible during the life of this Congress to inform itself as to the facts involved, and that it would be unwise in the extreme to propose ill-considered legislation on so important a subject.

Yet they turn right around and propose a bill of 18 pages that is about as ill-advised as any bill that I have ever seen presented to Congress.

Mr. CHINDBLOM. Will the gentleman jump down about five or six lines and read a little more from the report?

Mr. JONES of Texas. I do not care to read the entire report. I have read the parts that are pertinent to the proposition.

Mr. CHINDBLOM. Will the gentleman yield to me while I read it?

Mr. JONES of Texas. No; I do not care to yield to the gentleman in any way.

Mr. CHINDBLOM. You do not want it in the RECORD?

Mr. JONES of Texas. The whole report is a matter of record, and the gentleman knows that it is a matter of record, and can be obtained by any gentleman who desires to send to the Clerk's desk to get it.

Mr. HARDY of Texas. In all fairness, does not the gentleman think the other parts of the report should be read in this connection?

Mr. JONES of Texas. If the gentleman appeals to me on that basis, I can not resist. The report says:

Your committee felt that it ought not to delay presenting to the House for action the important proposals contained in this bill, with respect to which the Members are in complete harmony. The bill is not, therefore, an antitrust statute.

Is that as far as the gentleman wants me to read?

Mr. CHINDBLOM. No; you are coming to it now.

Mr. JONES of Texas. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Texas has one minute remaining.

Mr. JONES of Texas. The report says:

There are included in it, however, several provisions which it is believed will have a restraining influence upon those who otherwise might disregard public right and interest.

That is simply an argument.

Mr. CHINDBLOM. Read on.

Mr. JONES of Texas. I want to read in that connection—

Mr. CHINDBLOM. Read on; read on; you are just coming to the point.

Mr. JONES of Texas. The gentleman said 5 or 6 lines. I have read 10 or 12 lines. I want to read now on page 3.

The bill before you is not a comprehensive radio law but is limited in its scope. There are many phases of the subject which invite study and which in the not distant future may call for legislative action.

The committee confesses that the business is growing under the present law; that they have a licensing system that is in the hands of two different departments; that the business is being carried on and growing by leaps and bounds. They come in here with some legislation, which they confess is inadequate, which they confess does not cover the entire field, which they confess does not take care of the antitrust feature of the law, and which they confess practically by the terms of their report is not legislation such as will take care of this growing institution.

The CHAIRMAN. The time of the gentleman has expired. All time in general debate has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act to regulate radio communication," approved August 13, 1912, be amended by striking out sections 1, 2, and 3 thereof and by inserting in lieu thereof the sections 1, 2, and 3 following:

"SECTION 1. A. No person, company, or corporation within the jurisdiction of the United States shall use or operate any apparatus for radio communication as a means of intercourse among the several States or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the transmission of radiograms or signals the effects of which extend beyond the jurisdiction of the State, Territory, or the District of Columbia, in which the same originate, or where interference would be caused thereby with the transmission or reception of messages or signals from beyond the jurisdiction of said State, Territory, or the District of Columbia, except under and in accordance with a license in that behalf granted by the Secretary of Commerce and except as hereinafter authorized.

"B. The Secretary of Commerce from time to time shall (a) classify licensed radio stations and the operators required therein; (b) prescribe the nature of the service to be rendered by each class of licensed station and assign bands of wave lengths thereto; (c) make, alter, and revoke regulations applicable to all licensed stations not inconsistent with this act or any other act of Congress or with the terms, binding on the United States, of any radio communication convention to which the United States is a party, concerning the service to be rendered by each class of stations so established; the location of any station; the wave lengths to be used by any station; the kind of instruments or apparatus in any station with respect to the external effect produced thereby; the power and the purity and sharpness of the waves of each station or the apparatus therein; the area to be served by any station and the times and methods of operating any station or the apparatus therein; (d) make such other regulations not inconsistent with law as he may deem necessary to prevent interference between all stations affected by this act. The Secretary shall have authority to exclude from the requirements of any regulations any radio station and the operators required therein, or to modify the same in his discretion, in any case in which he shall find that such action will facilitate commerce and will not be incompatible with the public interest.

"C. Every such license shall provide that the President of the United States, in time of war or public peril or disaster, may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

"D. Radio stations belonging to and operated by the United States shall not be subject to the provisions of paragraphs A and B of this section. All such Government stations shall use such wave lengths as shall be assigned to each by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any message other than a message relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Secretary of Commerce may prescribe: *Provided*, That upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other emergency, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States. All stations owned and operated by the United States and all other stations on land and sea shall have special call letters



designated by the Secretary of Commerce, and such stations and the designated call letters shall be included in the list of radio stations of the United States as published by the Department of Commerce. Radio stations on board vessels of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall not be deemed to belong to or to be operated by the United States or to be Government stations within the meaning and for the purposes of this act.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 12, 1923:

H. R. 10531. An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes.

On January 15, 1923:

H. R. 12170. An act to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916.

On January 22, 1923:

H. R. 966. An act for the relief of the Tacoma Tug & Barge Co.;

H. R. 7658. An act to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes";

H. R. 13374. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1924, and for other purposes; and

H. R. 13615. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes.

TO REGULATE RADIO COMMUNICATION.

The committee resumed its session.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words.

The gentleman from Texas [Mr. JONES] a few moments ago, reading from the report of the committee, stopped at the very point where I wanted him to begin. The committee, as was stated by another member of the subcommittee, I think very modestly, disclaimed any purpose in this bill to cover the whole subject of radio legislation. We also stated very frankly that we did not try to cover the whole realm of trust legislation as applied to radio communication. The report, however, on page 4, contains this language:

This bill is not, therefore, an antitrust statute. There are included in it, however, several provisions which it is believed will have a restraining influence upon those who otherwise might disregard public right and interest. It is specifically provided in section 2 of the bill that the Secretary of Commerce may refuse a license to any person or corporation which, in his judgment, is monopolizing radio communication. He is authorized with respect to licenses for stations transmitting to foreign countries to impose any terms, conditions, or restrictions which may be imposed with respect to cable landing licenses under the act of May 27, 1921. We have authorized the Secretary to revoke the license of any person or company which the Interstate Commerce Commission in the exercise of the authority conferred upon it finds has made any unjust and unreasonable charge or has made or prescribed any unjust and unreasonable regulation or practice with respect to the transmission of messages or service.

Mr. JONES of Texas. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. JONES of Texas. I wish to state that section 2 of the existing law also provides for cancellation when they violate any regulations of the Secretary of Commerce and the Secretary of Labor, and puts both licenses and control in their hands.

Mr. CHINDBLOM. I am not arguing with the gentleman on what the present law provides. I can not see any pertinency in that remark whatever.

Now, Mr. Chairman, as a member of the subcommittee—

Mr. ABERNETHY. Will the gentleman yield for a moment?

Mr. CHINDBLOM. As a member of the subcommittee I have not had any time on this bill, and I would like to use my time, but I yield to the gentleman.

Mr. ABERNETHY. I want the gentleman to explain one matter on page 11, which has bothered me somewhat. It is provided, in lines 10 and 11, that the Secretary of Commerce may

suspend for transmitting superfluous signals or signals containing profane or obscene words or language.

Mr. CHINDBLOM. Yes; transmitting signals containing obscene language—

Mr. ABERNETHY. I can understand about the profane or obscene language, but what does "superfluous signals" mean? Mr. CHINDBLOM. The attention of the committee was called to a situation in one of the large cities. The clergymen have a custom of broadcasting their sermons Sunday forenoons. A gentleman in that city is opposed to the transmission of these sermons by the church, and while he does not send out any profane or obscene language he clutters up the air with a lot of unintelligible, purely nonsensical sentences and speeches. He does that for the express purpose of interfering with the clergymen who are broadcasting their sermons.

Now, Mr. Chairman, I want to say generally, with reference to this bill, that I find myself, contrary to my custom, in favor of a bill for the regulation of some matters relating to private business. In my opinion radio communication is the one subject perhaps above all others where it is not only proper but necessary that the Government shall regulate operations. The fathers of the Republic never foresaw any such conditions as exist to-day with reference to radio communication. True, they did not foresee the building of railroads or many other improvements which we have in our time, and still we find that in the Constitution they specifically gave Congress the power to regulate commerce with foreign nations and among the several States, and to establish post offices and post roads.

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

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

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

There was no objection.

Mr. CHINDBLOM. Now, Mr. Chairman, since the fathers of the Republic provided for these things which existed in their day, and which cross State lines and which were necessarily of an interstate and national character, does anybody doubt that if the present situation of the world had existed with reference to radio communication there would have been a provision in the Constitution granting legislation on that subject? But we are not basing this legislation on any claim that does not come within the absolute provisions of the Constitution itself, for, as I tried to show in a little colloquy I had with the gentleman from Texas [Mr. BLANTON], we do limit it to radio communication which extends beyond the jurisdiction of the State, Territory, or the District of Columbia in which the same originates or where interference would be caused thereby with the transmission or reception of messages or signals from beyond the jurisdiction of said State, Territory, or the District of Columbia.

The main purpose of this legislation is to regulate interference in the air. The time has come when this art of radio communication has taken such a hold upon the fancies and imaginations of the people that everybody is anxious to indulge in the use of radio communication. Thousands upon thousands of people are sending messages through the air with no other purpose than to obtain the amusement that they get out of the practice and use of the art. Aside from this enjoyment they serve no useful purpose, but sometimes they do serve harmful purposes. For instance, the hearings before the committee showed that very frequently ships which are in distress at sea are unable to transmit messages or receive messages sent to them because of this interference in the air.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CHINDBLOM. For a brief question.

Mr. ABERNETHY. I want to support the gentleman's measure. But I understood the gentleman to say a moment ago that a lot of folks were sending matter through the air for amusement, and that they interfered with other things. Do I understand that the purpose in this bill is to stop those messages that are sent for amusement?

Mr. CHINDBLOM. No; I was coming to that. The purpose is not to stop the sending of messages for amusement, but the purpose is to regulate the sending, so that it can all be done in a way that every sender will not interfere with other senders or with those trying to receive messages. There will be a wave length set aside by the Secretary of Commerce for certain kinds of messages, and I think very probably certain hours will be set aside in which people sending certain kinds of messages will have the preference. For instance, I think market reports should have a time for radio communication during a part of the day. I think sermons broadcasted by churches and

clergymen ought to have some consideration at the hands of the department. I think all these things should be done, and beyond all arrangements should be made so that messages sent from ship to ship and ship to shore and shore to ship would be uninterrupted.

Mr. HARDY of Texas. And without some regulation the whole matter would be chaos.

Mr. CHINDBLOM. It is chaotic to-day. The SOS signals coming from the ocean sometimes do not reach their destination because somebody interferes through a broadcasting station or a private station which is not broadcasting but is simply sending out personal messages. It is not the purpose of this legislation to interfere with the rights of anybody, but the purpose is to make it possible for everybody to enjoy the wonderful privilege of sending messages through the air.

Mr. JONES of Texas. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. JONES of Texas. Does not the gentleman think under the present law the Secretary of Commerce could regulate the very thing he is talking about?

Mr. CHINDBLOM. No; because under the present law the Secretary of Commerce has no discretion in issuing the license. If you should go into court, you could probably mandamus him to issue a license to operate, and he could not refuse to grant a license.

Mr. MADDEN. In other words, the Secretary of Commerce, in granting a license to-day, can not provide against the things prohibited in this bill.

Mr. CHINDBLOM. The gentleman is correct. Mr. Chairman, this subject is very fascinating. I think all of us are interested in learning something about it. In last Sunday's issue of the New York Times I find an article upon the subject of radio which is very illuminating, and in the course of which a very surprising occurrence is related. For the first time a message was sent without interruption from a radio station in Japan and received on the Atlantic seaboard in less than a fraction of a second. In order to accomplish this feat it was necessary to ask the powerful station in France to refrain from using the air at that particular moment. It was also necessary that a number of other stations refrain from using the air. I shall not take the time to read this report; but I shall ask leave to insert it in my remarks in the RECORD, and also I shall ask unanimous consent to insert a column from the same article on the subject of how ether waves operate in the transmission of radio communications.

The CHAIRMAN. Is there objection to the gentleman's request to so extend his remarks in the RECORD?

There was no objection.

The articles referred to are as follows:

[From New York Times, January 21, 1923.]

#### RADIO FROM JAPAN.

The New York Times radio station has copied a 22-word message direct from station JAA, near Tokyo, thought to be the first time a complete message from Japan has been recorded in New York. It is difficult to tune in the Japanese station from the eastern coast of the United States, because of interference created by the powerful French station, UFT, on the outskirts of Paris, operating on practically the same wave length, 14,600 meters. One morning last week, at 2.07 o'clock, the French transmitter was standing by, as were stations on the Atlantic coast of this country, giving the Japanese dots and dashes opportunity to register in New York with great clearness.

Ordinarily it requires several hours to get a message from Tokyo to New York, for it must be sent to Honolulu, then relayed to San Francisco, where it is put on the land telegraph lines and sent across the continent. It takes at least three weeks for a letter to travel from Japan to New York. Radio spans the 9,000 miles across the Pacific and the United States in a fraction of a second.

#### RADIO—HOW ETHER WAVE OPERATES.

All types of waves, including heat, light, water, sound, and radio, are produced in a medium which will vibrate or oscillate when disturbed. Waves are vibratory motion. When a stone is cast into a body of water the surface of the water is disturbed and waves are set in motion. When the vocal chords of a speaker vibrate, the air is disturbed and waves of sound are created. The ether, an invisible, odorless, tasteless substance, is the medium in which radio waves travel. These electro-magnetic waves can not be seen, neither can they be heard until transformed into sound at the receiving set.

Water waves explain the formation of the invisible radio waves. Picture a pond of smooth water as the ether of space. When a stone is thrown into the water it starts a series of ripples or waves, which spread in all directions. The waves continually increase, but at a speed sufficient to cover only a few inches a second. If there are any little pieces of wood floating within range of the waves they bob up and down as the waves strike them. These bits of floating material may be contrasted to the radio-receiving stations. Radio waves, as well as the waves of light, heat, and sound, travel in ever-increasing circles. Incidentally, that is why the seats in a theater are generally arranged in a semicircle. The heat from a fire radiates in all directions from the source. The further one moves from the fire the less intense the heat. The waves of heat, light, sound, water, and radio all become weaker with distance.

To produce radio waves it is necessary to have an electrical circuit carrying a vibrating, or, to use the electrical term, an alternating current, which sets the waves in motion. The condenser, two or more sheets of metal separated by an insulating material called the dielectric, serves as the basis of radio transmission. One of the metallic

plates acquires a positive charge of electricity and the other plate a negative charge. They are connected through a conducting wire and a discharge takes place, giving rise to radio-frequency currents or waves.

The antenna and ground form an enormous condenser. The antenna wire acts as one metallic plate, the ground as the other plate, with the air between serving as the insulating material or dielectric. In connection with the transmitting apparatus this condenser receives an electric charge which it then discharges, setting the ether in vibration, similar to the effect created by a stone dropped in a pond of water.

The microphone in a radio studio picks up music and sends it over the line to the apparatus room, where voice amplifier tubes give it increased strength; modulator tubes vary the current in accordance with the sound vibrations, and power tubes give it the impetus which sends radio frequency currents into the antenna system. The waves spread out from the antenna in all directions, increasing in diameter similar to water waves, but at the speed of light, 186,000 miles a second, equivalent to encircling the earth seven and one-half times in the tick of a watch.

#### WAVE LENGTH.

The waves maintain a certain distance between each other. The distance from the crest of one wave to the crest of the wave ahead or preceding is called a wave length. If the distance from crest to crest is 360 meters, then the station is said to operate or broadcast on a wave length of 360 meters. A meter is equal to 39.37 inches. High-powered trans-Atlantic stations transmit on a wave length several miles long, and one has a wave measuring 14 miles from crest to crest.

Wave lengths are measured by an instrument called a wave meter. Suppose you were in a boat anchored in a pond and that you counted the waves which passed and noted by a watch how many crests passed in a second. If five crests passed in a second it could be said that the frequency of the waves was five a second. After the speed of the waves is known the distance from crest to crest can be calculated. If the speed is 10 feet a second, and 5 pass in a second, the length of the waves is 10 divided by 5, or 2 feet. The speed of radio waves is 300,000,000 meters a second. If the frequency with which the waves strike the antenna is known, the distance from crest to crest can be calculated.

The larger the stone and stronger the force which hurls it into a pond the greater will be the wave length. In radio wave length has nothing to do with the power of the transmitter. The more amperes in the aerial circuit and the greater the pressure in volts between the aerial and ground, the more powerful will be the radio waves and the longer the distance covered.

When the Hertzian wave strikes an antenna in tune with its particular wave length a current similar to the transmitter current, but of decreased intensity, is induced in the wire. The tuning instruments of the receiving set place the station in tune with the incoming waves. That is, by varying the amount of wire on the coils and the capacity of the condensers the wave length of the receiver is made the same as that of the broadcasting station. The stations are then said to be in resonance, or in tune. The human ear can not hear all frequencies—sounds which vibrate above and below the range of the ear. Frequencies below 10,000 cycles are known as audio frequencies because they are normally audible to the ear. All frequencies above 10,000 cycles are termed radio frequencies. It is the detector which converts the incoming high frequency wave to a frequency low enough to actuate the phones and produce sound audible to the human ear.

Mr. CHINDBLOM. Mr. Chairman, the subcommittee of which the gentleman from Maine [Mr. WHITE] is chairman spent very much time on this legislation. Prior to the consideration of the matter by the Committee on the Merchant Marine and Fisheries and its subcommittee on radio, the whole subject had been considered, as is well known, in a conference which was called by the Secretary of Commerce, Mr. Hoover. You will find the record of that conference in the hearings, or a résumé of the proceedings of that conference, beginning at page 32, and it will be interesting for the members to read that summary of the work and conclusions of the conference. This conference had attending it representatives of all the Government departments, of all of the people who are interested in this subject matter, the manufacturers of apparatus, and the amateur receivers and transmitters. All the people who might have an interest of any sort in the matter of radio communication were represented at this conference, and they joined unanimously in requesting legislation of the character which has now been placed before us in this bill. As we go along reading the various sections members of the committee no doubt may find it necessary to ask questions and the gentleman from Maine [Mr. WHITE], if no one else, will be able to answer them fully. I shall not take any more time now to discuss in detail the legislation, but I want to emphasize that the main purpose of the legislation is to stop the interference in the air which is preventing messages from being sent and from being received by all who are interested in radio communication.

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

Mr. EVANS. Mr. Chairman, I ask unanimous consent that his time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. CHINDBLOM. Yes.

Mr. FESS. Can there be a transmitting station in operation after the bill passes unless it has a license?

Mr. CHINDBLOM. There can not.

Mr. FESS. And the license will stipulate certain conditions, and if they are not obeyed, what then?



Mr. CHINDBLOM. The license will be revoked.

Mr. FESS. That will make it effective?

Mr. CHINDBLOM. Yes. I want to emphasize again that this bill has nothing whatever to do with receiving stations.

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

Mr. CHINDBLOM. Yes.

Mr. EVANS. Under the terms of the proposed legislation, a license granted to an individual is a personal privilege?

Mr. CHINDBLOM. Yes.

Mr. EVANS. And with his death it expires?

Mr. CHINDBLOM. Yes.

Mr. EVANS. A license to a corporation will run the full 10 years unless revoked for cause.

Mr. CHINDBLOM. It can not be assigned.

Mr. EVANS. Is not that for the purpose of forcing licenses to corporations rather than to individuals?

Mr. CHINDBLOM. No.

Mr. EVANS. And will it not have that effect?

Mr. CHINDBLOM. I do not think so. It will be only exceptional that licensees will die. We can not provide for that kind of a situation in a bill of this sort. Licenses are always personal; they do not pass to the estate of the deceased. The personal representative does not step into the shoes of a deceased licensee in any kind of licensing legislation that I know of.

Mr. EVANS. May I challenge the gentleman's attention further to the fact that you must not only have a license to conduct a station but you must have a license for the operator, and, therefore, if a license to conduct a station costing perhaps a million dollars should expire by death, there is a great amount of money there that would be unprofitable unless another license could be gotten for the conduct of the station. Therefore, any person contemplating the construction of a station would naturally do it under a corporate right.

Mr. CHINDBLOM. I would say to the gentleman that any individual who originally obtained a license from the Secretary of Commerce would have no difficulty in having it renewed. But, as I understand the gentleman, he is now referring to a case where a licensee dies?

Mr. EVANS. Yes.

Mr. CHINDBLOM. If a station had been properly conducted by an individual who dies, I can not conceive that the Secretary of Commerce would refuse to grant a license to his heirs or legatees.

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

Mr. BUTLER. Mr. Chairman, I ask that his time be extended for five minutes. I want to ask him a question or two.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. CHINDBLOM. Yes.

Mr. BUTLER. We are all endeavoring to learn, and we appreciate the attention that the gentleman has given to the subject. The gentleman from Texas [Mr. BLANTON] put a query in our minds in respect to interference within the States with those who may see fit to use these machines. Will the Government control such communications as pass within the boundaries of a State?

Mr. CHINDBLOM. No; this bill does not cover that.

Mr. BUTLER. That is the gentleman's conclusion on that?

Mr. CHINDBLOM. That is the language of the bill.

Mr. BUTLER. I understand that certain machines are made capable of sending these messages a certain distance. There is what you call the long-distance machine and the short-distance machine. The distance that a message may be sent may be regulated by these authorities upon whom we confer this power. Is not that true? So that, therefore, within a State they may hold that a man can send 10 or 15 or 20 miles, and if he does not send across the boundary there will be no control.

Mr. CHINDBLOM. If he does not cross the boundary, the Secretary of Commerce will have no control.

Mr. MADDEN. The bill specifically provides that he shall not have.

Mr. BLANTON. The gentleman is not exactly accurate in his statement about the bill controlling only transmitting machines. In so far as the receiving machines may interfere with transmission, and the evidence shows they could do so very materially, this control would also regulate the receiving machines, and to that extent the gentleman is inaccurate in his statement.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. DAVIS of Tennessee. Right on that point there was evidence to the effect that sometimes a receiving set would give

out signals that would interfere, and while that was recognized this bill does not undertake to control or regulate those machines in the least. It might reach a point where that could be done, and it was the opinion of the experts that the machines would be so perfected that that could be done.

Mr. BUTLER. But the committee took it up for consideration, and shall regulate it hereafter.

Mr. DAVIS of Tennessee. There is nothing in this bill providing in the least for regulation of any receiving set whatever.

Mr. BARBOUR. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. BARBOUR. In line with the question asked by the gentleman from Pennsylvania [Mr. BUTLER], can the gentleman state whether it is possible to so regulate it that none of these messages being broadcasted will go a certain distance and there stop and not go farther?

Mr. CHINDBLOM. I will say to the gentleman that the hearings brought out the fact that improvements are now being made under which it is expected, and I think the result is now being accomplished, to confine a message from the front end of a train to the rear end of the train. If that can be done, I apprehend it will be possible to restrict and limit the operation of other transmitting machines.

I will say this, however, that it is a very difficult matter to control a message when you send it out through the ether by radiocommunication. You may not be able to tell just where it would stop, and, of course, those are accidents against which you can not always guard, and no legislation could be so perfect as to meet a situation of that kind.

Mr. BARBOUR. As a practical matter at this time it is almost impossible to distinguish between intrastate and interstate transmission?

Mr. CHINDBLOM. I will say to the gentleman frankly that in my opinion nearly all the transmitting stations in the United States will come under the regulations of this bill.

Mr. BARBOUR. That is my idea.

Mr. CHINDBLOM. Necessarily.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. WILLIAMSON. I want to pursue the question I asked this morning just a little bit further. Now, the bill says—

Mr. CHINDBLOM. Where is the gentleman reading?

Mr. WILLIAMSON. I am reading page 5, beginning with line 15—

Such station license, the wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any other person, company, or corporation without the consent in writing of the Secretary of Commerce.

Mr. CHINDBLOM. I said there could not be any assignment.

Mr. WILLIAMSON. Now, it has been a quite common practice for people having sending stations to take their apparatus to some other place where there is an important speech or concert going on and use it there for the purpose of broadcasting that particular speech or concert. Now, my question was whether that could be done under this bill, and the then speaker intimated that it might not be possible. I think it would be left under the regulations of the Secretary of Commerce.

Mr. CHINDBLOM. I think it is within the discretion of the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, everybody who has studied this subject and who is acquainted with the existing conditions knows that additional legislation on this subject is necessary in order to avoid the conflicts and interferences and chaos which have arisen in the transmission of radio by reason of a lack of proper regulation or control over the subject. Now the gentleman from Texas is insisting that the present law is sufficient. If he had studied this subject as much as some of us have undertaken to do, and had studied the existing statute and the proposed bill in the light of conditions that exist, I know he would not subscribe to that opinion. The present law was enacted 10 years ago, since which time there has been an absolutely marvelous growth in this art, not only in the art from a scientific standpoint but in the actual application of the art to the different phases of our official, commercial, and social life. It is as necessary to take some steps to allocate wave lengths and time and to otherwise regulate the problem properly, in order to avoid these conflicts, as is the necessity of preserving this art and its practical utilization, because it can not be done without proper regulation.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DAVIS of Tennessee. My time is so limited.

Mr. ABERNETHY. I am with the gentleman, but I want to get this clear in the RECORD. Do I understand the gentleman's position to be that there is nothing in this legislation that will in any wise interfere with the man who transmits who does it within certain rules and regulations set forth in this bill and pays his license?

Mr. DAVIS of Tennessee. No; if he does not violate the law or regulations.

Mr. ABERNETHY. It does not give the Secretary of Commerce the right to say that you shall or shall not if he stays within the rules and regulations in speaking through the air. Is that right?

Mr. DAVIS of Tennessee. Well, I do not know whether that could be answered unequivocally. There might be one man operating a transmitting station at a certain point who uses a certain assigned wave length, and his competitor might ask for the privilege of operating a station from the same point with the same wave length, and, of course, the Secretary of Commerce would properly refuse to grant it. In other words, the Secretary of Commerce is necessarily given some discretionary powers as to certain phases of the question which are not expressly enumerated in the bill.

Mr. BUTLER. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. BUTLER. I understood the gentleman to say in his opinion unless there is some regulation of this kind this art will go into disuse, which otherwise would be of benefit to all of us.

Mr. DAVIS of Tennessee. I think so. Some of you have had an experience in talking over a party telephone line, with two or three or four other people trying to talk over it at the same time. [Laughter.] That is largely the situation here, except that here it is greatly augmented by the conditions. When you take into consideration the fact that there are now over 21,000 transmission stations and 569 broadcasting stations, and every fellow practically transmitting when he pleases and how he pleases, you can get some conception of the situation that has already arisen, and which will become greater every day, because the number of these stations is rapidly increasing and the business of using these stations is growing by leaps and bounds all the time.

Now, with regard to the existing law and this proposed bill, I want to say this: I believe that any Member of this House who will acquaint himself with the conditions and will study the existing law and this pending bill is bound to concede that the proposed law more nearly protects and preserves the Government's interests and the general public interest than the existing law, instead of being the contrary, as was argued for an hour here. It is true with me and with other members of the committee and of the subcommittee who have studied this subject that we are as much opposed to the unnecessary centralization of Government power and unnecessary bureaus and unnecessary Government officials as anybody in this House, including any of those who have spoken against this bill.

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

Mr. BUTLER. Mr. Chairman, I ask that the gentleman may have 10 minutes more.

The CHAIRMAN. Is there objection to the request that the gentleman from Tennessee have 10 minutes additional?

There was no objection.

Mr. BLANTON. Mr. Chairman, I do not agree with my colleague from Texas [Mr. JONES] that no regulation is necessary. I am for the general purposes of the bill. There are just two objections that I have to it, and I have stated them. With State rights protected and the expense of machinery out, I am just as strongly for the bill as is the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Yes. I was referring principally to the gentleman's colleague [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I do not want the gentleman to misrepresent my position. I am not opposed to regulation. I am in favor of regulation as far as it can be done.

Mr. DAVIS of Tennessee. Even the gentleman from Texas and everybody else must concede that the power of regulation must rest in somebody. Now, the proposed bill does not change the regulatory power. It leaves it right where it has been all the time, in the Secretary of Commerce. But it simply amplifies and imposes additional restrictions and additional safeguards for the protection of the public interest and of the Government interest and the rights of everybody who is interested in this service.

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

Mr. DAVIS of Tennessee. I yield to the gentleman.

Mr. HUSTED. I think the gentleman said that the committee were not anxious to centralize this power any more than was necessary?

Mr. DAVIS of Tennessee. Absolutely.

Mr. HUSTED. And yet as a matter of fact the committee have, as I see it, vested in the Secretary of Commerce absolute, uncontrolled, and unrestricted authority to handle the entire situation. Now, I assume you did that because you did not see any other way in which desirable results could be accomplished, and I would be thankful if the gentleman would explain why it has not been possible in some way to limit this authority of the Secretary of Commerce and yet give him enough authority to control those things that should be controlled.

Mr. DAVIS of Tennessee. Well, that is just what the committee has undertaken to do. While it does confer certain powers upon the Secretary, certain discretionary powers, yet here is an 18-page bill which undertakes to define the powers he shall have and the manner in which he shall exercise those powers; but the committee does say that it is absolutely necessary to leave some matters of discretion to the Secretary of Commerce or somebody else, and that is especially true in view of the fact that this art is developing at such a rapid pace and conditions are changing so quickly that it is impossible, at least at this stage of the art, to absolutely make a strait-jacket set of regulations in regard to the subject.

Mr. HUSTED. Do you not give the Secretary of Commerce absolute authority to grant licenses, and absolute authority to revoke licenses to any person or from any person that he sees fit?

Mr. DAVIS of Tennessee. In connection with certain restrictions recited in the bill, that is so.

Mr. HUSTED. I mean he can take a license away from anybody. Either the gentleman or some other gentleman who has spoken on the bill has said that there was not any intention to interfere with these broadcasting stations. And yet you do give the Secretary of Commerce absolute authority to do it, do you not?

Mr. DAVIS of Tennessee. He is authorized to revoke licenses for certain specified reasons, and of course he might abuse his authority just as any other official might do it; but he would have to violate the spirit and letter of this law to do anybody an injustice in regard to it. As to whether or not he will do that, that is simply a question of confidence that Congress has got to impose in him or some other official.

Mr. HUSTED. Would he have to violate the letter of the law in order to do it? I realize he would have to violate the spirit of it, because it is not the intention; but he would not have to violate the letter of the law in order to do it, would he?

Mr. DAVIS of Tennessee. Well, possibly, he might not upon a matter purely within his discretion. In other words, this law does not undertake to say he shall issue a license to or withhold it from Tom, Dick, and Harry, and all that. It does not do that. It leaves some discretion, and within the extent of the discretion lodged, of course, he can do it, and he might exercise that discretionary power unwisely.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. HARDY of Texas. Would it not be a good ground for impeachment if he willfully violated the law?

Mr. DAVIS of Tennessee. Of course.

Now, Mr. Chairman, I desire to deal with one or two other phases of this question, if I may be permitted to do so without being interrupted. Hitherto, most of my time has been taken up in answering questions.

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

Mr. DAVIS of Tennessee. I will yield later if I have the time. I will be glad to.

Mr. ABERNETHY. All right.

Mr. DAVIS of Tennessee. The gentleman from Texas [Mr. JONES] had a great deal to say about the fact that the report concedes that there will probably be in the near future a necessity for additional legislation in order to prevent any monopoly, and while that is not in the report, I will add perhaps in regard to the regulation of rates, because I think there is no question but that the time will come when it will be just as important and just as proper to fully regulate this service with regard to rates and all the other functions they perform as it is to regulate the railroads and the telegraphs and the telephones. Now, that is true, and the committee readily concedes it in their report, and it readily concedes that it does not undertake in a comprehensive way to deal with that particular phase of this subject in this bill, although the report does recite three specific instances in which provisions are inserted to prevent monopoly and excessive rates. Because the committee said that the state of the art is such, and the limited investi-



gation of that particular phase of the subject is such, that the committee did not see proper to embody a comprehensive measure on that phase of it now, the gentleman from Texas claims that we admit that we do not know anything about the phases of the subject with which the bill does deal. I want to say that the committee has thoroughly considered and discussed every phase of the subject that the bill deals with, and we think we know something about it, perhaps almost as much as the gentleman from Texas [Mr. JONES] knows. And in so far as we deal with it we think we deal with it intelligently and properly.

But so far as that one particular phase is concerned, there is another reason, as stated in the report, why the committee knew it was not worth while to report provisions on that subject designed to regulate rates and prevent monopolies and things of that kind. That is that there would doubtless be strenuous opposition to that proposition, perhaps so much opposition from the interests affected that it probably would have prevented the passage of any bill during this session. The pending measure, while well matured and well considered, is an emergency measure. It meets a situation about which there is no controversy among those informed, and it undertakes to deal with that situation in a manner about which there is no controversy among those who have studied the question and know what they are talking about, and that is the reason why every member of the committee who has studied the subject is in favor of this bill and voted for the reporting of it. [Applause.]

I dare say that at a later time the committee will take up the study of the other questions mentioned and will undertake to deal with it as the Congress has dealt with the subject of railroad transportation, the telegraph, and the telephone, in a comprehensive manner.

With regard to what was suggested by my other colleague from Texas [Mr. BLANTON] awhile ago, I believe attention has already been called to the fact that this bill does not even undertake to deal with anything except interstate radio service—in other words, where the message goes from one State to another or from this country to foreign countries. That is true. It does not undertake to deal with the subject of radio which is confined to a State. We could not do that if we wanted to; but we are not wanting to and not undertaking to do it. So that this bill involves no invasion of State rights. We have just as much legal and constitutional and moral right to deal with this subject in so far as it is interstate or international as we had to deal with railroad transportation or the telegraph or the telephone; and I dare say that while this art is in its infancy and legislation upon the subject, you might say, is in its incipient stage, yet this bill probably deals with it as comprehensively and intelligently as the first legislation that was enacted upon the subject of railroad transportation. As evils may arise, as subterfuges may be resorted to, as abuses may be practiced, it will become necessary to enact legislation to meet those new contingencies. [Applause.]

Mr. BLANTON: Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN: Without objection, the pro forma amendment will be withdrawn. The gentleman from Texas [Mr. BLANTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 9, after the word "authorized," strike out the period, insert a colon, and add the following proviso, to wit: "Provided, That where intrastate operation is so controlled and regulated by States in cooperation with the Secretary of Commerce that same does not conflict or interfere with interstate operations, then such intrastate operations shall remain wholly within the jurisdiction and control of such State."

Mr. HICKS: I reserve a point of order on the amendment.

The CHAIRMAN: The point of order is reserved.

Mr. BLANTON: Mr. Chairman, all this amendment does is to clarify the bill and make it do just what the committee said the bill would do. It provides that where intrastate operation is so conducted by the State that it does not conflict or interfere with interstate operation, the State cooperating with the Secretary of Commerce to that end, then that the State shall retain jurisdiction over its intrastate operations. That is now and ought to be the law. No man who believes in the sovereignty of our States could object to that fundamental proposition.

Mr. WILLIAMSON: Will the gentleman yield?

Mr. BLANTON: In just one minute. Gentlemen will state that no one is afraid of what the Secretary of Commerce might do in the way of interfering with the proper business of the local States. Let me call your attention to what happened after the war respecting certain legitimate business in Texas that was controlled and manipulated by a Cabinet officer from the State of Texas. You remember that after the war was

over, after the armistice was signed, in peace time, Postmaster General Burleson, who hails from my native State, took over the telephone lines. He was from Texas. He had been an official in the State of Texas. He was presumed to be close to the people of Texas. Yet he so regulated and controlled the local telephone lines, the intrastate lines, of Texas that he almost broke every little independent telephone line in that State.

Mr. MADDEN: He increased the rates of the telephone companies. How could he break them by doing that?

Mr. BLANTON: He did it in such a way that the big companies lived and the little independent companies that served the rural population had to go out of business. That was his regulation and control from Washington.

Mr. BUTLER: Will the gentleman yield?

Mr. BLANTON: I yield to the distinguished gentleman from Pennsylvania.

Mr. BUTLER: Suppose Congress passes a law authorizing the Secretary of Commerce to regulate the transmission of these messages within the State. Such a law will be no good. We have no authority to pass such a law as that. Is not that true?

Mr. BLANTON: But we are gradually encroaching upon the rights of the States all the time and centralizing power in the hands of one man in this Federal Capital.

Mr. BUTLER: If we should pass such a law, attempting to interfere with intrastate affairs, it would not be a good law, would it?

Mr. BLANTON: It would be good until the Supreme Court passed on it and set it aside, and sometimes there are four members of that court divided one way and five another, and sometimes you can not tell what their decision is going to be. We want to be watchful of the rights of the States with regard both to transportation and telegraph and telephone and radio service, which are the means of proper communication between the people of the country. We have in my State an agricultural experiment station. It serves the farmers of Texas. It does not serve the farmers of Arkansas or the farmers of Pennsylvania. It serves Texas farmers. Suppose it has certain rules and regulations concerning radio that will benefit the farmers of my great State. Before it can continue to exercise the sovereignty and prerogative of a State to serve its farmers it has got to sneak up here to Washington and get a license from the Secretary of Commerce, although it should properly control and operate its own business. It might not interfere in any manner whatever with the business of the Nation. Yet it has got to come here and get a license first. And when he gets a license he has to have the Secretary of Commerce pass on his application. He, an official of Texas, has to stand here, the representative of a State, as a menial before the Secretary of Commerce and plead for something that he should have as a matter of right fundamentally. I am not in favor of it. [Applause.]

Mr. DICKINSON: Mr. Chairman, I rise in opposition to the amendment; and I ask unanimous consent that I may proceed, out of order, for 10 minutes.

The CHAIRMAN: The gentleman from Iowa asks unanimous consent to proceed, out of order, for 10 minutes. Is there objection?

Mr. CONNALLY of Texas: Reserving the right to object, upon what subject?

Mr. DICKINSON: It is on editorials that have appeared in the newspapers and with reference to some remarks by the Secretary of the Navy—

Mr. CONNALLY of Texas: Mr. Chairman, I withdraw my reservation of an objection.

The CHAIRMAN: Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKINSON: Mr. Chairman, an amendment offered to the Army bill on the floor of the House under date of January 17, 1923, bearing upon the right of retired and active officers of the Army to become employed by persons or corporations selling either service or material to the Government, has attracted the attention not only of the Secretary of War but also some of the leading daily newspapers of the country. I refer to the statement of Secretary of War Weeks, issued and published in last Sunday's Washington Star on January 21, 1923, and also to an editorial appearing in the New York Times under date of January 22, 1923, bearing upon this subject.

The underlying principle involved in this legislation is as old as the Book of Books, and was advocated by the Master of Men when He proclaimed "That no man can serve two masters." [Applause.] It is the old rule of agency; that any person attempting to represent two interests that conflict, at the



same time, does not faithfully serve either. I want to call the attention of the House to the fact that practically every State in the Union has long since passed laws controlling the Commonwealth and the municipalities of their respective States to the effect that no man holding public office can become a vendor of either service or material to such Commonwealth or municipality. This prohibition is imposed upon the State and municipality alike. Why strew the pathway of the Army officers or the Navy officers with temptation?

Under date of June 10, 1896, a permanent law was passed affecting officers of the Navy and Marine Corps, as follows:

*And provided further*, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after this date.

I note with regret that the Naval Affairs Committee of the House has favorably reported House bill 11002, with Report No. 835, providing—

that all laws or parts of laws prohibiting officers on the retired list of the Navy from accepting employment with concerns furnishing supplies to the Government \* \* \* are hereby repealed.

So far as I am able to learn, no hearings were held upon this phase of the bill, and I regret that such provision has been placed in the bill, and am pleased to note that in the hearings before the Senate Committee on Naval Affairs on House bill 7864, the committee has authorized the report of the bill, but has not authorized such repeal. In the hearings before the Senate Naval Committee on House bill 7864, found on page 10 thereof, I quote the following:

Assistant Secretary ROOSEVELT. Section 10. The Secretary did not speak about this, but I know he has it very closely to his heart. It is a question of amending the act as to the occupations that may be engaged in by officers, omitting from the act the words "retired officer" in order that a retired officer may engage in such activities as shipbuilding, and things of that nature. As it stands now the retired officer is prohibited from engaging in any occupation which may touch upon the Navy's activities. I know the Secretary feels very strongly that this cramps an officer's usefulness to the community and is unfair to such officers.

The theory that prompted it, I suppose, was that it might create an embarrassing situation and accusations of undue influence. But I can not myself see how that would occur, and it seems to me to be unfair to prohibit a retired naval officer to so engage in the only activities for which his training has fitted him.

The CHAIRMAN. I notice it has come up recently in a certain case of some prominence in the Army, just a few days ago, and attracted considerable attention in the newspapers.

But suppose a case of this kind, and I think this would present the basis upon which the legislation was originally passed, a retired officer, say an admiral of great influence among his associates in the Navy, is drawing retired pay from the Government, and he takes employment at a high salary with some manufacturing concern supplying an enormous quantity of material to the Government. He represents that concern in selling this material to the department which he just left and of which he is still a part.

I would like to get your opinion about it.

Secretary DENBY. That is, of course, the worst argument that can be made against it.

The CHAIRMAN. I think that was the situation that Congress probably had in mind.

Secretary DENBY. That is an extreme illustration of the possibility. But, on the other hand, it applies to men that are perfectly active, still on the retired list, men who I believe would be almost universally thoughtful of the service and the good interests of the service, but who are barred from almost all the activities in which they can engage. We ask men who have been 45 or 50 years, perhaps, in the naval service to remain on half pay of \$4,000, say, for the rest of their lives, not permitted to take employment outside.

Personally I would like to see former naval officers accept employment with such concerns, because I believe it would tend to protect the Navy. They do not lose their interest in the Navy when they leave it, and in matters of shipbuilding, and things of that kind, I think the Navy would be most highly benefited if we could get retired officers in shipbuilding companies.

I happened to meet a man the other day who resigned from the Navy, and he told me that the first suggestion he made to persons offering him employment was, "Now, remember, if you employ me I think first of the Navy."

He certainly would not hurt the people of the United States or the naval service when he took employment with a private concern with that thought in mind; that his duty still lay in the protection of the naval service. It is not fair to the men themselves. They ought to be allowed to get such employment. They should, of course, be treated exactly as other malefactors are treated if they attempt to "put over" anything they should not.

The CHAIRMAN. I did not say what I said in order to indicate any opinion on it at all, but I just suggest that there is not anything in the law that prohibits a retired naval officer from accepting employment, generally speaking, with private concerns. It is only those dealing with the naval service.

Secretary DENBY. The law is so broad that they can not deal with the Government.

I would like simply to register a very, very strong recommendation that that section be passed by the committee. I am told that the Army has no such restriction. I do not know that, and I do not think it has any particular bearing. But the Navy is very anxious to free its officers from their restrictions under which they are now suffering.

The retiring provisions of the Army and the Navy acts should be such as to encourage men to stay in both branches as long as they are useful to such organization, and the employment in

outside enterprises by such retired officers should be discouraged, and particularly when such officers desire to enter into an activity wherein they are going to become instrumental in selling supplies to the Government, for either Army or Navy purposes. I am glad that such repeal provision will not be presented to the Senate in House bill 7864, and I hope that if House bill 11002 is presented to the House, that a sufficient number of Members will vote against the same to strike out the provision heretofore referred to.

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

Mr. DICKINSON. Yes.

Mr. OLIVER. If the gentleman will examine the hearings before the Naval Committee during the last four years, he will see that the Naval Committee has twice turned down an effort to repeal the law to which the gentleman refers, showing that this matter has been actively before the committee within the last few years.

Mr. DICKINSON. I thank the gentleman for that statement.

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

Mr. DICKINSON. Yes.

Mr. FESS. My exception to the amendment was that it was particular, and it seemed to me to be somewhat of a reflection upon the gentleman to whom it applied. I would be very quick to vote for a general law forbidding this to all retired officers, either of the Navy or the Army, but I thought particularizing was rather unfortunate.

Mr. DICKINSON. As a matter of fact, I would say in reply to the gentleman that this will not affect only General Harbord, it will affect other retired officers of the Army who are similarly employed.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. CONNALLY of Texas. The gentleman from Ohio has just stated that he did not believe in making exceptions in the case of officers. I think the gentleman from Ohio is one of those who voted for the statute whereby General Harbord was made an exception and permitted to serve two terms in Washington of four years each, as against the general law which requires them to serve four years and then go out in the field.

Mr. DICKINSON. I shall refer to that a little later.

I call your attention to the fact that if this policy is carried out we would soon have retired naval officers controlling the organizations that provide the material for the building of our ships while receiving their retired pay from the Government; we would have a circle within a circle; corporations and concerns manned by officers of our Government promoting legislation for their own interests and selling their material to their respective departments, regardless of the interests of the public in general. I hope the friends of this provision will not plead the loyalty of these men as a defense to such a system, because Army and Navy officers alike are just human beings and are subject to all the frailties of human life and are subconsciously controlled by personal interests.

Now, referring more directly to the amendment offered to the Army bill, with reference to such retired pay, will say that my only regret is that the amendment as passed is not permanent law. It was not my intention to strike at the officers retiring during the present year, but my intention was to declare a policy that Congress expects to put in vogue in future, the same provision with reference to the retired pay in the Army as heretofore enacted with reference to the Navy. If I had thought the amendment could have passed including the word "hereafter," the same would certainly have been inserted.

General Harbord was born March 21, 1866; he enlisted January 10, 1889, and served as an enlisted man until August 1, 1891, was appointed a second lieutenant July 31, 1891, and gradually advanced to his commanding position of major general, and served with distinction overseas during the late World War, having served approximately 34 years and retired at the age of 56 years.

Permit me to state here that on August 28, 1922, this Congress, in H. R. 11689, passed a special bill permitting General Harbord, as Deputy Chief of Staff, to be appointed Chief of Staff, presuming that General Pershing was about to retire. This bill was passed at the suggestion of the Secretary of War. He knew at that time that General Harbord had been stationed in Washington for about three and one-half years and that the Mauch law requiring that every officer must serve with troops every other four years of his service would require General Harbord to again be given field service. In view of this fact the Secretary of War asked that this special bill be passed in behalf of General Harbord, and considered him sufficiently efficient to be appointed as Chief of Staff.



In the month of December, 1922, and about December 29, the Secretary of War, however, gave his approval for the retirement of General Harbord, even though his efficiency is not curtailed, his health is good, and no argument can be presented for his retirement except his desire to take up a more lucrative field of employment. Permit me to read from the hearings before the subcommittee of the House Appropriations Committee considering the Army appropriation bill, on page 802 thereof:

I do want to say that the department and the Army have suffered a very serious loss in the retirement of General Harbord. The conditions were such that I could not refuse to approve his application to go on the retired list.

It has long been the policy of the War Department not to retire Army officers after 30 years' service unless they have become inefficient or are in ill health and barring the readjustment that had to be made when the Army was reorganized under the reorganization act, this policy should be the policy of the War Department in the future. Under all these conditions, I am thoroughly convinced that the Secretary of War was not justified in permitting the retirement of General Harbord as suggested.

As a further reason for the adoption of the amendment heretofore referred to I want to state that, in my judgment, numerous Army officers are now holding lucrative positions with corporations and concerns manufacturing materials to be sold to the War Department, and that the practice in behalf of the Army can not be justified any more than it can for the Navy, and that this amendment not only should be retained in this appropriation bill, but should be later enacted into permanent law.

With reference to the connection of General Harbord with the Radio Corporation of America, in the statement of Secretary Weeks we find as follows:

As a matter of fact, the Government's business with the Radio Corporation is inconsequential. At the present time we have no contract with it, and, generally speaking, purchases of radio equipment, which are of small moment in total amount, are made from the manufacturers.

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

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DICKINSON. In this connection I want to call your attention to the fact that the radio equipment of both the Army and the Navy, built up during the war, by reason of recent improvements and inventions is now practically obsolete; that in the near future all of this equipment must be replaced with the new and up-to-date equipment at large expense; that, in my judgment, within the next few years this Government will be spending millions of dollars for radio equipment, and will be invited to purchase the same through the Radio Corporation of America if its present plans are carried out; and I contend, in view of these facts, that in the first place General Harbord should not have retired, because he is rendering the most efficient service of any time during his career; that the Secretary of War should not have approved his application to retire; and that this legislation should be passed as a warning to officers in the Army that it will not be the policy of our Government to foster them for years as junior officers and then when they acquire the highest efficiency that they shall seek retirement and go on retired pay in order to become connected with some corporation that can pay them lucrative salaries. It should be the determination of every officer to remain in the service as long as his age and his health will permit him to render service to the Government. Any other policy is derogatory to an efficient Army or an efficient Navy. General Harbord is 56 years of age, has at least eight years of time that he should give to this Government rather than to the service of the Radio Corporation of America, while at the same time receiving 75 per cent of his pay as an Army officer.

From the New York Times editorial referred to, I quote the following:

The achievements for which the country can never be sufficiently grateful to General Harbord was his organization of the supply department, which made it possible for the Army from the base to the firing line to operate like a well-oiled machine. It was because General Harbord had done this intricate and difficult work so well that his energies were coveted in civil life, not because of his associations with the Army and Navy people.

If General Harbord through his efficiency has secured perfect service in the work referred to, and if he is still in perfect health, tell me why it is not his duty to continue to serve this Government that has so long fostered him and developed him to the man that he is now reported to be? In my judgment, under these conditions, if General Harbord desires to leave the service of the Army, he should resign, not retire on 75 per cent pay, in order to enter upon this service.

The same New York Times editorial further refers to the fact:

In its dragnet it would draw in almost all retired officers engaged in business. Their legitimate interests are at stake if such a law should be enforced literally.

If the retired officers of the Army are now engaged in the enterprise of manufacturing material for the sole purpose of making sales thereof to the Government, then there is all the more reason why this law should not only be passed but that an investigation should be made as to how far retired Army officers are interested in such enterprises, and a report made to Congress with reference thereto. It is my purpose to ask the Secretary of War, either through the introduction of a resolution in this House or through some other channel, to furnish to this House a statement of the list of retired officers engaged in such enterprises and connected with concerns selling materials to the War and Navy Departments.

This prohibition has stood against the naval officers since June 10, 1896; if during that time retired Army officers have so engaged themselves, it might give some light on the subject as to how it happened that the purchasing departments of the Army during the late World War made more serious blunders, more frivolous contracts, more unreasonable purchases, and squandered millions and millions of dollars furnished by the American people in an effort to supply an army of men with the necessities of life. So far as I know, the investigating committee of the Sixty-sixth Congress did not go into this phase of the matter in their investigation of war contracts. It seems that if a future war should come, and all of these Army officers now on the retired list so engaged in the manufacture of material were recalled to active service, that the people of this Government would lose faith in this department if it became known that numerous officers were called upon to make contracts with concerns with whom they had been previously connected in order that an army might be supplied with the necessities of life to enter upon active work in the field of battle.

I have the greatest respect for every Cabinet member and for every editorial written in the great city of New York; I regret that this record has been made by the Secretary of War; I regret that General Harbord has seen fit to cast this cloud upon his record, and also that the Secretary of War has disagreed with this Congress on numerous questions. It seems to me that this particular question is one upon which there can not be a divided view.

With respect to the views of the editorial writer of the New York Times I am not greatly concerned; I have often thought what a wonderful force for good morals and good government the editorial writers of the great dailies of New York City could be; but, on the other hand, I find that their moral conclusions on some of the vital issues of the day are dictated either by their appetites or by their interest in the results on the stock exchange; I find that with many of them this great country of ours is bounded on the west by the Hudson River, and that all they seem to see is the result of this Government as it applies to their particular locality, the city of New York. But in view of the fact that this matter does involve a governmental policy, which in my judgment is material not only for now but for the future, I have felt constrained to take the time of this House in order that this matter might be presented and the record completed, and with the verdict of this House and the American people I shall rest content; and it is my hope that the conferees will insist that the amendment shall remain in the bill. [Applause.]

Mr. LONDON. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. There is a point of order pending. Does the gentleman from New York press his point of order?

Mr. HICKS. I do. I make the point of order upon the ground that the amendment is not germane. The bill before us deals with interstate radio communications, amending a previous law, which also deals with interstate radio communications. This amendment touches intrastate communications, and, therefore, in my opinion, is not germane and is not in order.

Mr. BLANTON. Mr. Chairman, I think it is merely a limitation confining the bill to interstate communications and not letting it go over or run into intrastate business. It is nothing in the world but a limitation.

The CHAIRMAN. The measure under consideration is all-pervading, so far as the regulation of radio communication is concerned. It is a general law, and in the first section covers radio communication among the several States or with foreign nations, radio communication upon any vessel of the United States engaged in interstate or foreign commerce, and also the



transmission of radiograms or signals which extend beyond the jurisdiction of the State, Territory, or the District of Columbia. Under the last clause it is apparent that its purpose is to cover regulation of radiograms that extend beyond the jurisdiction of the State, Territory, or District of Columbia, radiograms that lapse over into a State from another State. This being a general law relating to the regulation of radiograms, it is within the power of the committee to restrict it in whatever way it seems fit. It is within the power of Members to offer amendments to restrict it to communications on foreign vessels. The committee may restrict control over activities exclusively interstate. The extent of the jurisdiction to be exercised is for the committee to pass upon, and the Chair holds the amendment is germane and overrules the point of order.

Mr. CHINDBLOM. Mr. Chairman, I want to say a word in opposition to the amendment. I heard the amendment read, and of course all the members of the committee who were present heard the amendment read. The definition given in the bill as it stands was prepared with a great deal of care after a very full consideration and scrutiny by the committee. I do not know that I can say at a moment's consideration of the amendment offered by the gentleman from Texas just what the effect of his amendment would be. I do not think the committee should adopt an amendment upon the spur of the moment which vitally affects the scope of the bill. As the bill stands now, as the definition stands now in the paragraph of this first section of the bill, it covers just exactly the legislation which was covered by the old law and contains exactly the language of the act of August 13, 1912, that has been construed by the courts and that has had a practical application given to it by the departments, that has had a long contemporaneous construction by the departments, and its meaning and its scope are well known and well understood. I therefore hope that we do not now hastily adopt an amendment to the definition.

Mr. BLANTON. Mr. Chairman, let us have the amendment read; there are some more Members who have come in.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. BLAND of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. BLAND of Virginia. Mr. Chairman and gentlemen of the committee, I speak as a member of the subcommittee which assisted in framing this legislation. I suppose there is a no more ardent advocate of State rights on the floor than I am. I am heartily in sympathy with the protection of the rights of the States.

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

Mr. BLAND of Virginia. Yes.

Mr. HUDSPETH. Then what objection have you to this amendment, which takes care of State rights?

Mr. BLAND of Virginia. Because every benefit that is sought to be obtained by the amendment is amply given in the bill which is presented to the committee, and it is only for the purpose of calling the attention of the committee to the express language of the bill that I am going to take your time.

Now, take the first paragraph of the bill. It provides that—

No person, company, or corporation within the jurisdiction of the United States shall use or operate any apparatus for radio communication as a means of intercourse among the several States or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the transmission of radiograms or signals the effects of which extend—

Where? I read:

beyond the jurisdiction of the State, Territory, or the District of Columbia, in which the same originates, or where interference would be caused thereby with the transmission or reception of messages or signals from beyond the jurisdiction of said State, Territory, or the District of Columbia, except under and in accordance with a license in that behalf granted by the Secretary of Commerce and except as hereinafter authorized.

So that by the express terms of the act the license which is provided for in the first paragraph of the act is limited to interstate and foreign business.

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

Mr. BLAND of Virginia. Yes.

Mr. LONDON. I believe the language the gentleman has read, and which is contained in the first part of the section, would justify interference, we will say, with transmitting stations originally intended to operate within the State, but whose

messages or signals would tend to interfere with interstate messages.

Mr. BLAND of Virginia. If the interference is with interstate business, then it is an interference under this bill.

Mr. LONDON. Then you could interfere with a transmitting station originally intended to operate within the limits of a State.

Mr. BLAND of Virginia. But if the transmitting station originally intended to operate within the State is interfering with interstate business, then it should be brought within the scope of regulation by Congress. It is exactly the same principle, as I see it, gentlemen, where there is an exercise of the right of navigation. Where there would be an interference with the commerce over which the Federal Government has control there would be a right on the part of the Federal Congress to govern that situation and regulate it. The necessity exists to regulate this business because of interference. The bill is confined to interstate messages and interferences with such messages. That is the purpose of this paragraph, as I understand it. [Applause.]

In the language of Mr. Hoover, the pending bill—

fundamentally relates to regulation for the elimination, as far as may be, of interference, and the major field of interference to-day lies in the radiotelephone area, which concerns the low-meter wave length.

Mr. Hoover says in the hearings:

From the viewpoint of public interest the interference to-day largely lies in the broadcasting stations, broadcasting entertainments, news, and other matters of public interest. While there are altogether 569 of such stations, there are variously estimated from 1,500,000 to 2,000,000 receiving stations. So that the matter has become one of profound public interest.

The broadcasting of information and news, while it has largely entertainment and educational values, also furnishes the field of impulse in which the art must grow, and the amount of interference that arises from those 544 stations in absolute conflict is such that it threatens to undermine the useful purpose of the whole art.

There is a consensus of opinion that regulatory legislation in advance of that provided in the act of 1912 is necessary. This was the practically unanimous opinion of the witnesses appearing before the committee and it was the conclusion of the radio conference held in the city of Washington in 1922. The progress made in radio communication is evidenced by the increase in radio stations, for, as shown in the report, there were in July, 1922, but 17,421 transmitting stations, whereas on December 27, 1922, there were 21,065 transmitting stations.

Food for thought may be found also in the fact that of these 21,065 transmitting stations 16,898 were amateur stations, 2,762 were ship stations, 569 were broadcasting stations, 39 were coast stations, 12 were transoceanic stations, and some others not enumerated. It is shown in the report that the 17,421 stations in July, 1922, were using only 191 different wave lengths, and that of this total number of stations 279 were Government stations utilizing 122 of the total available wave lengths, leaving but 69 wave lengths for more than 17,000 private stations of all classes.

The principal purpose of this bill is to give greater powers of regulation and control, to the end that greater order in the use of the ether may be provided and the congestion may be relieved. At the same time, so rapidly does the art change, so quickly are improvements made, so unexpectedly do new contingencies arise, that it has been thought best to confer in general terms upon the regulatory body very broad powers of supervision and control. Statute law is fixed and inflexible and unsuited to a rapidly changing situation. It is therefore best to leave the situation so that new conditions and emergencies may be promptly met.

Sections 1 and 2 of the bill deal with station licenses; section 3 with operators' licenses; section 4 with approvals of stations to be built or now building; section 5 with creation of an advisory committee; section 6 with continued presence of licensed radio operator listening in on wave lengths designated for distress signals during the entire period the transmitter is in operation at a radio-telephone station the signals of which can interfere with ship communications; section 7 with the elimination of the specified normal and other wave lengths provided in the first and second regulations in the act of August, 1912, with the elimination of the regulations dealing with the "pure wave" and "sharp wave," and with the extension of the wave lengths accorded amateur stations by eliminating the definite wave length accorded amateurs and according them a wider range, to wit, not less than 150 meters nor more than 275 meters; section 8 with penalties for violations of the act or knowingly making false oath or affirmation for the purpose of securing a permit or a license; section 9 with a schedule of fees to be collected for transmitting stations and operators' licenses; section 10 with the extension of the operation of the act of August 13, 1912, from naval and military stations as therein specified to all Government sta-



tions; and section 11 with the repeal of all acts or parts of acts in conflict with the pending act.

It must be emphasized that the pending bill does not undertake to deal with the stations which receive only. Of these stations there are estimated to be 2,000,000.

The committee feels that this Congress should not adjourn without this legislation, which it feels to be of great public concern.

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

Mr. BLAND of Virginia. I ask leave to revise and extend my remarks.

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

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I ask the same privilege for myself, to revise and extend my remarks.

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

There was no objection.

Mr. LONDON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. All debate on the section and pending amendments is exhausted. The gentleman may ask unanimous consent.

Mr. LONDON. I ask unanimous consent to proceed for two minutes.

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

There was no objection.

Mr. LONDON. Mr. Chairman, it is my belief that this bill confers upon the Secretary of Commerce the power to regulate stations intended to operate within the boundaries of a State, and in a way that is inevitable.

The gentleman from Virginia [Mr. BLAND] mentioned the word "navigation." Under the same power that Congress exercises the right of regulation under the Constitution in the matter of navigation it will be able to regulate and completely destroy every transmitting line within a State if Congress should choose to do so. It will then be dealing with aerial navigation, with streams of air instead of water, with currents of power instead of water; and once Congress has assumed to legislate for the air and matters involving currents of air and currents of power within the air, it can control transmitting stations within the States. It is very likely if this should come to the Supreme Court, that the Supreme Court would construe this bill to permit the control of intrastate stations.

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

Mr. LONDON. Yes.

Mr. MADDEN. Does not the gentleman think Congress ought to control it?

Mr. LONDON. Well, I think something ought to be done.

Mr. TILSON. Mr. Chairman, what is the parliamentary status?

The CHAIRMAN. The gentleman from Texas [Mr. HUDSPETH] offers a motion, which is pending. Also a motion to strike out the last word was pending, and a motion was made in opposition to the pro forma amendment.

Mr. TILSON. I would like to be recognized, but I would like to have the amendment put first.

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

There was no objection.

Mr. TILSON. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last two words.

Mr. TILSON. Could we not dispose of the pending amendment, Mr. Chairman? I would like to have the pending amendment disposed of and out of the way, if there is one pending.

Mr. BLANTON. Does the gentleman know what it is?

The CHAIRMAN. Without objection, the pending pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 8, noes 40.

Mr. LONDON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 4, line 20, at the end of section 1 add the following: "The action of the Secretary of Commerce under this section or any other section of this act shall be subject to review by the courts at the instance of any interested party."

Mr. MADDEN. Would not that be true even if this language were not inserted?

Mr. LONDON. No; it would not be true, for this reason—

Mr. CHINDBLOM. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. I make the point of order that the reservation is too late, because there had been a communication between the gentleman from Illinois [Mr. MADDEN] and the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The point of order raised by the gentleman from Texas is sustained. The gentleman from New York will proceed.

Mr. LONDON. I will say to the gentleman from Illinois that it would be true ordinarily, because you can not oust the courts of jurisdiction; but the gentleman from Maine [Mr. WHITE], in explaining the object of the bill, made it very clear that one of its purposes was to grant absolute discretion to the Secretary of Commerce. In other words, his decision in the matter of granting a license to an operator, his decision in the matter of granting permission to construct a transmitting station or in refusing the right to construct it, will be absolute and final. He will be the final arbiter. You are dealing with an entirely new subject with infinite possibilities. Its growth is so rapid that it is almost impossible to follow it. Within 5 or 10 years the subject matter may change not only in quantity but in quality, and may assume an entirely different character from that which it now possesses. I do not like the idea of vesting in one individual the extraordinary power of controlling an entirely new function, an entirely new industry, an entirely new field of activity, and I would, therefore, make the conservative suggestion that our courts should have the power to review the action of the Secretary of Commerce at the instance of an aggrieved party.

Mr. ROACH. Will the gentleman yield?

Mr. LONDON. I yield to the gentleman.

Mr. ROACH. I agree with the view of the gentleman on this matter, and I believe that if his amendment is adopted it is intended to allow any party who feels himself to be aggrieved by the action of the Secretary of Commerce to appeal.

Mr. LONDON. Yes.

Mr. ROACH. In other words, the law merely gives the Secretary of Commerce certain discretionary powers to make certain regulations, and if he proceeds in accordance with the statute to make those regulations would a mere review reach the matter of a grievance, or would it be necessary for the aggrieved party to take an appeal?

Mr. LONDON. It would be necessary for the aggrieved party to take the matter to court and to complain of the refusal of the Secretary of Commerce to grant the license.

Mr. ROACH. I just wanted to get the gentleman's viewpoint on that.

Mr. LONDON. In addition to that, here you are permitting the Secretary of Commerce to establish regulations. You will recall how the regulations issued during the war were being changed every day. You will recall the numerous interpretations of regulations issued by the various bureaus. You would never know how to proceed yourself, or how to advise somebody else to proceed under those regulations.

Mr. ROACH. The Secretary in the issuance of these regulations and the exercise of the other authority and discretion that he has acts strictly in accordance with the provisions of this law. Now will the mere matter of a review of his action afford relief to an injured party? Would it not be better to provide for an appeal by an aggrieved party from the action of the Secretary of Commerce?

Mr. LONDON. I believe the expression "subject to review by the courts" accomplishes that very purpose.

Mr. BLANTON. That would permit a mandamus proceeding.

Mr. LONDON. Yes.

Mr. EDMONDS. Suppose some man was creating chaos in the air, so that nobody within his radius could use their apparatus, and the Secretary should stop him. Could he go into court under the gentleman's amendment and get an injunction and restrain the Secretary until he had the case heard in court?

Mr. LONDON. If he could get a judge to issue temporary injunctions with the same facility with which they are being issued against organized labor, I will say yes, he could; but

ordinarily a judge would ask substantial and convincing proof before he would grant an injunction.

Mr. CHINDBLOM. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. LONDON]. I think it would be most unfortunate and almost disastrous to the purpose of this legislation to adopt this amendment. I will read it to the committee for a little further information.

The action of the Secretary of Commerce under this section or any other section of this act shall be subject to review by the courts at the instance of any interested party.

What does that mean? It simply means that you are opening the courts for review of the acts of an administrative officer. This act gives the Secretary of Commerce discretion. Of course, that is not a personal discretion. It is an administrative discretion. He must follow the language and the intent and the spirit of the law. This law lays down the limitations and the restrictions and conditions under which he may exercise his discretion. It is not an absolute, tyrannical power. I am not going to express a legal opinion on the question, but I would be very much surprised if any action of any officer could not be subject to some legal procedure based upon a charge of abuse of power or abuse of discretion, but I do not want to make this law subject to review by every interested party who can not get what he wants, and thereupon might go into court and substitute the court for the administrative officer. That is what it means, that you are substituting the court for the Secretary of Commerce, and that if you can not get what you want from the Secretary of Commerce you will go to some court and substitute the court for him.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. CHINDBLOM. I yield to the gentleman from Maine.

Mr. WHITE of Maine. Is it not true that practically every interest was opposed to any such provision as this?

Mr. CHINDBLOM. Oh, yes.

Mr. WHITE of Maine. All those whom I will designate as the small fellows were afraid of this court review. They preferred, if I got their viewpoint correctly, to take their chances with the Secretary of Commerce rather than trust to interminable litigation.

Mr. LONDON. Will the gentleman yield?

Mr. CHINDBLOM. On the amendment?

Mr. LONDON. Yes, on the amendment. Under subdivision "O," page 7, the Secretary of Commerce is to determine, among other things, "the character and financial, technical, and other ability of the applicant to operate the station." He is to determine the character, which may mean the composite virtues and vices, the man's reputation—he is to determine the financial, technical, and other ability of the applicant. Does not that offer a wide possibility of discretion? And that wide range of discretion runs throughout the bill.

Mr. CHINDBLOM. But does the gentleman want the courts to determine as to his ability?

Mr. LONDON. I want the applicant to have a chance with somebody other than the Secretary of Commerce.

Mr. CHINDBLOM. I submit that in an administrative measure designed to regulate and control business by business methods, and for the purpose of securing rights in the management of a business, it certainly would be a very mistaken policy to substitute the courts for an administrative officer in the execution of the kind of a power conferred by this bill.

Mr. JONES of Texas. Mr. Chairman, I offer the following substitute.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas as a substitute to the amendment offered by Mr. LONDON: Page 4, line 20, after the word "act," insert the following proviso: "Provided, That from any action of the Secretary of Commerce in refusing or revoking a license, the person whose license is revoked or refused shall have the right to appeal to a court of competent jurisdiction, which court shall have the power to confirm, modify, or reverse the decision of the Secretary, but the decision of the Secretary of Commerce shall not be suspended pending the decision of such court."

Mr. JONES of Texas. I just wish to state in this connection that that amendment follows a provision which was put in the packers bill and practically all the great bills passed by the House. It provides for an appeal but does not interfere with the decision of the Secretary of Commerce until after the decision of the court. It gives the right but does not interfere with the work of the Secretary of Commerce. In other words, the decision would be in full force until the court had taken action upon the measure.

Mr. LONDON. I believe the substitute the gentleman has offered is taken from a now existing statute?

Mr. JONES of Texas. I have followed it from memory, but it practically follows the amendment which was put in the Federal Trade Commission and the packers bill and other bills

of that character. In other words, the man who has a license or is refused a license or his license is revoked, if not satisfied, it gives him the right to appeal to the court, but the decision of the Secretary of Commerce will remain in force and effect until it is suspended or reversed by a court of competent jurisdiction. It seems to me that when you are putting so much power in the hands of the Secretary of Commerce it is only right to give an individual who thinks his rights have been denied a right to resort to the court and have that determined. He should at least be protected to that extent. In the meantime all the regulations by the Secretary of Commerce would remain in full force and effect until such time as action by the court was taken. That seems only fair and just and right.

Mr. LONDON. Mr. Chairman, I am willing to accept the substitute offered by the gentleman from Texas.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. CHINDBLOM. I object. I think the last amendment is worse than the first.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I have been seeking in the Committee of the Whole to get an intelligent understanding of this bill in order to give it my support. I think some regulation is absolutely necessary in this matter.

But it does seem to me that we are drifting into a field that nobody knows much about, except as they have learned it in the last 12 months, when there has been more done in this line of transmission of communication by radio than at any other period of our history. I want seriously to call the attention of the committee to one matter that is pertinent and germane to this substitute offered by the gentleman from Texas [Mr. JONES]. That is on page 10, lines 15 to 19, inclusive. I would like to have the committee give attention to this language:

An operator's license shall be issued only to a person who, in the judgment of the Secretary of Commerce, is proficient in the use and operation of radio apparatus and in the transmission and reception of radiograms by telegraphy and telephony.

I want to call the attention of the committee to the great discoverers and inventors relative to electricity. I want to call your attention to Ben Franklin. Suppose Ben Franklin had been living during this day and time, would you seek to regulate him by governmental authority because he experimented by sending a kite into the air to draw down the electricity? How about Edison in his youth when he was experimenting with electricity? And there are thousands of young men all over this country who are trying to discover and who are testing out different apparatus and are seeking to invent and to improve inventions with reference to this great art and discovery of radio communication.

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

Mr. ABERNETHY. Yes.

Mr. CHINDBLOM. This provision is about the same that you find in the municipal codes of our cities for the licensing of plumbers and electricians. There is nothing wrong about that.

Mr. ABERNETHY. But I would say to the gentleman that under this provision before a young man can undertake to send out any message he has to go before the Secretary of Commerce and stand an examination and be found proficient.

Mr. CHINDBLOM. He has to be proficient in the use of the machine.

Mr. ABERNETHY. Suppose he invents a machine. They tell me that you can go to work and take a little thing that is not larger than my hand and receive a message with it. We do not know anything about this matter. The whole matter, in my opinion, is in its infancy.

Mr. CHINDBLOM. This has nothing to do with receiving messages. This is sending messages, transmitting messages, sending them out into the air to go where they will.

Mr. ABERNETHY. What does the word "reception" mean in line 18 on page 10? I asked the gentleman from Tennessee [Mr. DAVIS] that question awhile ago.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. DAVIS of Tennessee. I will tell the gentleman now what I told him then, that this provides that a man must be proficient in the use and operation of radio apparatus and in the transmission and reception of radiograms. In other words, he must be qualified to send and receive, because all commercial stations both send and receive, and it is not telephony alone but telegraphy. In other words, he must know the Morse code, or



whatever code is being used, before he would be able to either send or receive messages, and this simply refers to an operator who is engaged as an operator in a commercial business and has no application at all and the bill has no application whatever to a receiving set, a receiving station, or an operator in such a station.

Mr. ABERNETHY. I want to ask the gentleman from Tennessee if telephony can not be carried on without the Morse code?

Mr. DAVIS of Tennessee. It could not be carried on by anyone who did not know how to manage the apparatus.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CHINDBLOM. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Texas to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 9, noes 41.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LONDON) there were—ayes 8, noes 29.

So the amendment was rejected.

Mr. TILSON. Mr. Chairman, I wish to make a point of order for the purpose of referring for a moment to the form of this bill. I am very much in favor of the bill. I think that the committee has done a fine piece of work and deserves great credit. I congratulate the gentleman from Maine [Mr. WHITE] and his colleagues on the subcommittee upon the excellent work they have done, and I wish to make special mention of the members of the subcommittee on the minority side who have not only helped in the construction of the bill but have done valiant service in its defense here to-day.

As the Chair will note, this bill attempts to strike out certain sections of a law and insert certain sections of this bill in lieu of the sections stricken out. Then it proceeds to add a number of other sections which are not referred to in the opening paragraph of the first section. The Clerk in reading should not have stopped where he did, because the first section of the bill does not end until line 16 on page 11. That is the end of the first section of the bill. There should follow section 2 instead of section 4, because it should be section 2 of this bill. Therefore, Mr. Chairman, I ask that the Clerk may continue the reading of the section until he finishes it and then I shall ask the privilege of offering an amendment in order to straighten out the section numbering.

The CHAIRMAN. The Chair can not agree with the position taken by the gentleman from Connecticut [Mr. TILSON] that the first section of the bill extends to line 16, page 11. Either this bill is one section, extending from the enacting clause to the end, or else it is a bill consisting of 11 sections. The question of whether bills should be considered by paragraphs or sections is a matter of custom. No specific rule covers this question. It is the invariable practice that appropriation bills and revenue bills shall be considered by paragraphs, and all other bills by sections. The Chair directs the attention of the committee to the fact that in the very first paragraph of this bill it is suggested that sections 1, 2, and 3 of the present law, approved August 13, 1912, should be amended by inserting in lieu thereof sections 1, 2, and 3 following. Instead of the committee going ahead and merely substituting one section as 1, 2, and 3, it has substituted many other sections without changing the sections of the bill, by noting that section 4 and the numbered sections following should be designated section 2. If the quotation marks of the substituted part for existing law, sections 1, 2, and 3, had been found at the end of what purports to be in this bill the amendment of sections 1, 2, and 3, there might be some potency to the position taken by the gentleman from Connecticut; but the Chair will hold that in the consideration of bills, the important and guiding question, where no counter practice prevails, is to consider the measure according to distinct substantive proposals, so that there may be the best legislative consideration to the various provisions, and the Chair holds in this particular instance that it is better for the consideration by the committee to have the bill read by sections as numbered, and the Clerk will now read section 2.

Mr. TILSON. May I ask the Chair where does section 1 of this bill end? It begins in line 1, of course. Now, where does the section which begins on line 1 end?

The CHAIRMAN. As the Chair stated in the ruling on the gentleman's point of order section 1, strictly speaking, includes everything from the enacting clause to the end of the bill.

Mr. TILSON. That is section 1.

The CHAIRMAN. In effect, but it has not been so offered by the committee as section 1. The committee in the first paragraph seeks to substitute for sections 1, 2, and 3 of the existing law sections 1, 2, and 3, and then follows that with other sections. It is not for the Chair to pass upon the question whether the following sections are intended to be in substitution of sections 1, 2, and 3. The committee did not report sections 1, 2, and 3 only, but reported 11 sections, and the Chair holds, as it is a matter for the convenience of the committee to pass upon that plan which makes it best from a legislative standpoint in the consideration of these substantive matters, that this bill be considered by sections as they appear, and the Clerk will read.

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

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

Mr. BLANTON. Mr. Chairman, I make the point of order against the bill under our new rule because of the paragraph on the top of page 14, which appropriates money in violation of the rules of the House. The Chair will note it is an appropriation, that this committee seeks to appropriate and make available and make payable certain remuneration of \$25 a day for six individuals, together with traveling expenses and clerical expenses, and it is a clear violation of the rules of the House.

Mr. TILSON. Mr. Chairman, I think the gentleman's point of order is not timely.

Mr. BLANTON. You can make it at any time.

Mr. TILSON. We have not reached that portion of the bill.

Mr. BLANTON. But you can make the point at any time.

Mr. TILSON. It has not been read.

The CHAIRMAN. The rule is very clear. Rule XXI, paragraph 5, provides that against any bill or resolution carrying an appropriation which is beyond the power of the committee to appropriate the point of order may be made at any time. The gentleman so far is within his rights in that particular.

Mr. CHINDBLOM. Mr. Chairman, I submit it is not an appropriation, but it is an authorization.

The CHAIRMAN. The Chair holds it is not an appropriation, but an authorization, and overrules the point of order.

Mr. BLANTON. May I cite the Chair to a precedent that the Chair himself caused to be made? I cite the Chair to a bill which authorized a certain amount of unexpended appropriation to be used, and the present occupant of the chair from the floor raised the question that that was an appropriation, and the distinguished occupant of the chair at that time sustained it, and I offer him his own precedent in support of the fact that money which has been already appropriated, which a legislative committee authorized to be expended in a legislative bill, is an appropriation and not an authorization.

Mr. CLARKE of New York. May I offer a suggestion: That a guilty conscience needs no acoustics?

The CHAIRMAN. As the gentleman is within his rights at making this point of order at any time, it will be a courtesy to withhold or withdraw the point of order, so as to review—

Mr. BLANTON. I will withdraw it so the Chair can find the precedent which he was instrumental in setting.

The CHAIRMAN. The Chair may have been a better advocate in that instance than the Presiding Officer.

Mr. BLANTON. I withdraw the point of order; I will withhold it for the present.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Connecticut.

The Clerk read as follows:

Page 1, strike out lines 3 to 6, inclusive, and insert in lieu thereof the following: "That sections 1, 2, and 3 of the act entitled 'An act to regulate radio communications,' approved August 13, 1912, are hereby amended to read as follows."

Mr. TILSON. In view of the fact that I have conferred in this matter with the gentleman from Maine and others in trying to straighten out the numbering of the sections, I ask unanimous consent that I may proceed for three minutes to explain the effect of my amendment in spite of the fact that debate has been closed.

The CHAIRMAN. Notwithstanding the order of the committee that debate should be closed on this section, the gentleman asks unanimous consent that he may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Chairman, it is important that we have this bill in the usual form. The amendment to the language

following the enacting clause, and really a part of it, which I have sent to the desk, will, if adopted, put that part of the bill into the usual form. In my judgment, as well as in the judgment of the other gentlemen with whom I have conferred, this will straighten out the section marking of the bill and make it in accordance with the usual legislation of this House.

Mr. HOCH. When we get further on down to what is section 4, I presume an amendment will be in order then?

Mr. TILSON. When we get to section 4 I shall move to strike out "Sec. 4" and insert "Sec. 2," which will mean section 2 of this act.

Mr. DAVIS of Tennessee. Mr. Chairman, right in that connection this bill, if enacted into law, will supplement the existing statute, and I think it would be more intelligent for us to say first, second, and third sections, followed by 4, 5, and 6, and so forth, just as it is in this bill; otherwise you will have two parts of the section in the same act.

Mr. TILSON. No; it is not in the same act. There will be two separate and distinct acts. One of them you are amending. Your first section amends sections 1, 2, and 3 of that act, "to read as follows," and you set that out. That is what this act does in its first section. Following that you have a number of sections that you yourselves have added. They are not sections of the former act. They are sections 2, 3, 4, 5, and so on, of this very bill that we are now considering, and should be so numbered.

Mr. BLANTON. I think the gentleman is absolutely right about that.

Mr. EDMONDS. I think the gentleman from Connecticut is exactly right. This section 4 should be section 2, because we have left in the old act a section 4. If you follow the suggestion of the gentleman from Connecticut, these sections will fall in their proper place.

Mr. TILSON. There will be great confusion if we do not change the bill. I think that the amendment I have offered will completely adjust the matter. I therefore ask the adoption of my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. A. Paragraph A of section 1 of this act shall not apply to persons sending radio messages or signals on a foreign ship while the same is within the jurisdiction of the United States.

B. The station license required hereby shall not be granted to, or after the granting thereof such license shall not in any manner, either voluntarily or involuntarily, be transferred to (a) any alien or the representative of any alien; (b) nor to any foreign government or the representative thereof; (c) nor to any company, corporation, or association organized under the laws of any foreign government; (d) nor to any company, corporation, or association of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned, controlled, or voted by aliens or their representatives or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country.

Such station license, the wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any other person, company, or corporation without the consent in writing of the Secretary of Commerce.

C. The Secretary of Commerce, subject to the limitations of this act, in his discretion, may grant to any applicant therefor a station license provided for in sections 1 and 2 hereof.

No license granted by the Secretary shall be for a longer term than 10 years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license the Secretary, in his discretion, upon application thereof, may grant a renewal of such license for the same or for a lesser period of time.

The Secretary of Commerce is hereby authorized to refuse a station license to any person, company, or corporation, or any subsidiary thereof, which, in the judgment of the Secretary, is monopolizing or seeking to monopolize radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus or by any other means. The granting of a license shall not estop the United States from prosecuting such person, company, or corporation for a violation of the law against monopolies or restraint of trade.

The Secretary of Commerce in granting any license for a commercial station intended or used for communication between the United States or any territory or possession, continental or insular, subject to the jurisdiction of the United States, the Canal Zone, or the Philippine Islands, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine cable licenses by section 2 of an act entitled "An act relating to the landing and the operation of submarine cables in the United States," approved May 27, 1921. Every license for such commercial station shall be approved by the President before the same shall be issued and become effective.

D. The Secretary of Commerce may grant licenses only upon written application therefor addressed to him, which application shall set forth such facts as he by regulations may prescribe as to the citizenship, character, and financial, technical, and other ability of the applicant to operate the station; the ownership and location of the proposed station and of the stations with which it is proposed to communicate; the wave lengths and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as he may require. Such application shall be signed by the applicant under oath or affirmation.

E. Such station licenses as the Secretary of Commerce may grant shall be in such general form as he may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (a) The ownership or management of the station or apparatus therein shall not be transferred in violation of this act. There shall be no vested property right in the license issued for such station or in the bands of wave lengths authorized to be used therein, and neither the license nor any right granted thereunder shall be assigned or otherwise transferred in violation of this act; (b) such license shall contain such other conditions, not inconsistent with this act, as the Secretary of Commerce may prescribe.

F. Any station license granted by the Secretary of Commerce shall be revocable by him for failure to operate service substantially as proposed in the application and as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this act, or of any regulation of the Secretary of Commerce authorized by this act or by the provisions of any international radio convention ratified or adhered to by the United States, or any regulations thereunder, or whenever any licensee, who is a common carrier, shall fail, in the judgment of the Secretary of Commerce, to provide reasonable facilities for the transmission of messages, or whenever the Interstate Commerce Commission, in the exercise of the authority conferred upon it by law, shall find that any licensee has made any unjust and unreasonable charge, or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of messages or service, or whenever the Secretary of Commerce shall deem such revocation to be in the public interest: *Provided*, That no order of revocation shall take effect until 30 days' notice in writing thereof, stating the cause for the proposed revocation, to the parties known by the Secretary to be interested in such license. Any person in interest aggrieved by said order may make written application to the Secretary at any time within said 30 days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing herein directed. Notice in writing of said hearing shall be given by the Secretary to all the parties known to him to be interested in such license 20 days prior to the time of said hearing. Said hearing shall be conducted under such rules and in such manner as the Secretary may prescribe. Upon the conclusion thereof the Secretary may affirm, modify, or revoke said orders of revocation.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I understand that the chairman in charge of the bill is willing for the paragraph on top of page 14 to go out, and I only make the point of order as to that paragraph.

I want to call the attention of the Chair to a specific case that he will remember. When the gentleman from Kansas [Mr. CAMPBELL] brought in his resolution to apply the prohibition laws to certain island possessions of the United States the gentleman from Massachusetts [Mr. WALSH] made a point of order against the resolution because it, in effect, though not specifically, appropriated money, and the Speaker sustained the point of order, holding that the resolution would require part of the money which was already appropriated to be expended in these island possessions of the United States, and while the bill did not specifically appropriate money, it required money already appropriated to be expended, which was in effect an appropriation.

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

Mr. BLANTON. Yes.

Mr. TILSON. I can not read this as the gentleman does. If the gentleman will read with me on page 14, beginning "shall be paid from the appropriation made to the Department of Commerce for this purpose."

Mr. BLANTON. It does not say "to be made," but it says "made." There is already an appropriation to the Department of Commerce for this purpose for radio control under the former act.

Mr. TILSON. Oh, no; it is for the necessary expenses of the members of the committee, their meetings, and it means only that out of any money that Congress appropriates for this purpose the Department of Commerce may pay the necessary expenses of the members of this committee in going to and from while attending the meetings of the committee, and so forth, and that is all it can mean. It says "for this purpose." That is just as specific as it can be.

The CHAIRMAN. The Chair is ready to rule. The Chair has not been able to find the particular case referred to by the gentleman from Texas [Mr. BLANTON], nor has the gentleman from Texas called the attention of the Chair to that case. The decisions before the Chair where a point of order was made because of an appropriation that was carried were those wherein specific authority was granted to utilize certain appropriations and made the money available.

The paragraph in the bill to which the gentleman raises a point of order, although it has not been reached in regular order for consideration, is as follows:

The necessary expenses of the members of the committee in going to, returning from, and while attending meetings of the committee, including clerical expenses and supplies, together with a per diem of \$25 to each of the six members not otherwise employed in the Government service, for attendance at the meetings, shall be paid from the appropriation made to the Department of Commerce for this purpose.

The inspection of that language indicates that it is legislative in character. There is no other way for a legislative com-



mittee of the House to authorize the expenditure of expenses than by providing it in language in this way. If perchance there happens to be an appropriation available for that purpose, that does not mean that this bill is carrying an appropriation. It may affect the appropriation, but it does not carry one, and it is not the purpose of the rule restricting committees from making appropriations to prevent them considering and reporting legislative authorizations. It is clearly an authorization. Otherwise a legislative committee would not have any means of providing authorizations for expenditure if perchance there happened to be some appropriation that might be available for that purpose.

The Chair overrules the point of order and sustains the former offhand ruling, that it is not subject to a point of order.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13773) to amend an act to regulate radio communication, approved August 13, 1912, and for other purposes, had come to no resolution thereon.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 11626. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; and

H. J. Res. 261. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 247. Joint resolution authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the convention of the Imperial Council of the Mystic Shrine in the District of Columbia June 5, 6, and 7, 1923, and for other purposes.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Virginia, for two days, on account of sickness.

To Mr. DREWRY, indefinitely, on account of illness.

#### UNITED STATES SUGAR EQUALIZATION BOARD (INC.).

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying document, referred to the Committee on Agriculture:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 5, 1923, numbered 475, requesting the President—

"To transmit to the House of Representatives the facts in his possession concerning the following, if not incompatible with the public interest:

"First. What activities the United States Sugar Equalization Board, a corporation organized under the laws of the State of Delaware, is now engaged in.

"Second. What salaries, if any, are being paid by such board to its officials or employees and what salaries have been paid during the last two years.

"Third. What other expenses are being incurred and have been incurred since December 31, 1920, by said board.

"Fourth. What money or property is now owned or controlled by such board.

"Fifth. Where such funds, if any, are now deposited and what, if any, interest has been drawn on same since December 31, 1920."

I transmit herewith a memorandum which has been sent to me by Mr. George A. Zabriskie, president of the United States Sugar Equalization Board (Inc.), giving the data requested in the said resolution.

WARREN G. HARDING.

THE WHITE HOUSE, January 24, 1923.

#### ADJOURNMENT.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Thursday, January 25, 1923, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

920. Under clause 2 of Rule XXIV a letter from the chairman of the Federal Trade Commission, transmitting report on the Western Cedar Association, the Lifetime Post Association, and the Western Red Cedarmen's Information Bureau was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 4029. An act amendatory of and supplemental to an act entitled "An act to incorporate the Texas Pacific Railroad Co. and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874; with amendments (Rept. No. 1448). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 7871. A bill for the relief of the owner of the schooner *Itasca* and her master and crew; with amendments (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. ANDREW of Massachusetts: Committee on Naval Affairs. H. R. 13937. A bill for the relief of Paymaster Herbert Elliott Stevens, United States Navy; without amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12768) granting a pension to Michael Bittner, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHRISTOPHERSON: A bill (H. R. 13993) to amend section 140 of the Criminal Code of the United States, relating to obstruction of process and assaulting officers; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 13994) to amend section 848 of the Revised Statutes, relating to witnesses' fees; to the Committee on the Judiciary.

Also, a bill (H. R. 13995) to amend section 852 of the Revised Statutes, relating to jurors' fees; to the Committee on the Judiciary.

By Mr. NEWTON of Minnesota: A bill (H. R. 13996) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River, in section 17, in township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 13997) to increase the efficiency of the United States Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 13998) making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 13999) to authorize the Secretary of State to acquire in Paris a site with an erected building thereon, at a cost not to exceed \$300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

By Mr. STEENERSON: A bill (H. R. 14000) authorizing the Secretary of the Interior, with the consent of the Chippewa Indians of Minnesota, to transfer and convey to the State of Minnesota all lands, with the buildings thereon, now constituting the White Earth Agency and school reserves; to the Committee on Indian Affairs.

By Mr. FOCHT: A bill (H. R. 14001) to amend the act of Congress approved September 6, 1922, relating to the discon-

tinuance of the use as dwellings of buildings situated in alleys in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 14002) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SWEET: A bill (H. R. 14003) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 14004) to prevent corrupt political practices; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the State of South Dakota requesting and demanding modification and revision of the present Federal standards for grading grain; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Dakota urging the enactment of an act to require the completion of a steel bridge at Chamberlain, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the State of South Dakota relative to S. 4130, a Federal farm loan bill; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of South Dakota relative to modifying and reducing the present freight rates for grain and live stock; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of South Dakota relative to the following subjects: Federal farm loans, Federal standards for grading grain, freight rates and live stock, and completion of steel bridge at Chamberlain, S. Dak.; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAUST: A bill (H. R. 14005) granting a pension to Robert W. Hawkins; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 14006) to reimburse Lieut. Col. Charles F. Sargent, National Guard of Massachusetts; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 14007) granting a pension to Mary Margaret Lilley; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 14008) granting a pension to John Bywater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14009) for the relief of Herman R. Wolfman; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 14010) for the relief of Jerome May; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 14011) for the relief of Zachariah Vaughn; to the Committee on Military Affairs.

By Mr. SANDERS of Indiana: A bill (H. R. 14012) granting a pension to Oscar Okes; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 14013) for the relief of George H. Ewart; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7014. By Mr. ABERNETHY: Petition of William D. Harris, relating to the amendment to the War Department appropriation bill denying General Harbord retired pay; to the Committee on Military Affairs.

7015. By Mr. CONNOLLY of Pennsylvania: Letter from the general secretary of the Philadelphia Chamber of Commerce, conveying the approval of that organization of Senate Joint Resolution 85, to provide for the remission of further payments of the annual installments of the Chinese indemnity; to the Committee on Foreign Affairs.

7016. By Mr. FROTHINGHAM: Petition of the executive committee of the Massachusetts Public Interests League, protesting against the recognition of the present government of Russia by the United States; to the Committee on Foreign Affairs.

7017. By Mr. GARNER: Petition of 50 citizens of Texas, urging that aid be extended to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7018. By Mr. KISSEL: Petition of the New York Trap Rock Corporation, New York City, N. Y., regarding immigration from Europe; to the Committee on Immigration and Naturalization.

7019. By Mr. OSBORNE: Petition of Mr. J. Nuesch and 53 other residents of Los Angeles County, Calif., indorsing the Newton resolution to extend aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7020. By Mr. RANSLEY: Memorial of Philadelphia Chamber of Commerce, favoring the Chinese indemnity bill, joint resolution, calendar No. 264 (S. J. Res. 85); to the Committee on Foreign Affairs.

7021. By Mr. SMITH of Michigan: Petition of 46 residents of Albion, Mich., urging that aid be extended to the famine-stricken people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7022. By Mr. STEENERSON: Resolution of Clay County National Farm Loan Association, (1) opposing the taking from farm-loan association members the management of their own business or the discouraging of cooperation of local farm-loan associations, (2) opposing commercial banking functions being added to Federal land banks, (3) in favor of raising the limit of loans from \$10,000 to \$25,000; to the Committee on Banking and Currency.

7023. Also, petition of J. M. Stephens et al., Crookston, Minn., to abolish discriminatory tax on small arms, ammunition, and firearms; to the Committee on Ways and Means.

7024. Also, resolution of Wilkin County Child Welfare Board, of Breckenridge, Minn., favoring enactment of child labor amendment now pending in Congress; to the Committee on the Judiciary.

7025. Also, petition of stockholders of the Hallock National Farm Loan Association, opposing the passage of House bills 13125 and 13196 relating to loan associations; to the Committee on Banking and Currency.

7026. By Mr. YOUNG: Petition of 62 residents of Ashley, N. Dak., urging the passage of joint resolution now pending in Congress proposing to extend immediate aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

#### SENATE.

THURSDAY, January 25, 1923.

(Legislative day of Tuesday, January 23, 1923.)

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

#### DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Joint Board, in response to Senate Resolution 399, agreed to January 6, 1923, relative to the ownership and upkeep of passenger automobiles by the board, which was ordered to lie on the table.

He also laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a report relative to the number and cost of maintenance of motor vehicles in use by the government of the District of Columbia, which was ordered to lie on the table.

#### SENATOR FROM WYOMING.

Mr. WARREN presented the credentials of JOHN B. KENDRICK, chosen a Senator from the State of Wyoming for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

#### CERTIFICATE OF ELECTION.

THE STATE OF WYOMING,  
Executive Department.

Whereas according to the official returns of a general election held in the State of Wyoming on the 7th day of November, A. D. 1922, regularly transmitted to the office of the secretary of state and duly canvassed by the State board of canvassers, it appears that JOHN B. KENDRICK was lawfully elected United States Senator of the State of Wyoming.

Therefore, I, Robert D. Carey, Governor of the State of Wyoming, do hereby certify that JOHN B. KENDRICK is duly elected United States Senator of the State of Wyoming for the term of six years from the 4th day of March, A. D. 1923.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be hereunto affixed. Given at Cheyenne, the capital, this 20th day of December, A. D. 1922, and of the Independence of the United States the one hundred and forty-seventh.

[SEAL.]

By the governor:

W. E. CHAPLIN, Secretary of State.  
By H. M. SYMONS, Deputy.

#### SENATOR FROM INDIANA.

Mr. WATSON presented the credentials of SAMUEL M. RALSTON, chosen a Senator from the State of Indiana for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

THE STATE OF INDIANA,  
Executive Department.

To all whom these presents shall come, greeting:

Whereas it has been certified to me by the proper authority that SAMUEL M. RALSTON has been elected to the office of United States Senator for the State of Indiana;

Therefore know ye, that in the name and by the authority of the State aforesaid I do hereby commission the said SAMUEL M. RALSTON United States Senator for the State of Indiana for the term of six years from the 4th day of March, 1923, until his successor shall have been elected and qualified.