

## SENATE.

TUESDAY, March 11, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, whether it is sunshine or cloud that hovers about us, Thou art the same in Thy dealings and constant in remembrance of our needs. We come seeking Thy blessing this morning and ask that every circumstance of life may be realized by us as of Thy good pleasure. Help us to submit to Thy dealings and to walk along the pathway of Thine ordination. We humbly ask in Jesus' name. Amen.

## NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., March 11, 1924.

## To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WESLEY L. JONES, a Senator from the State of Washington, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. JONES of Washington thereupon took the chair as Presiding Officer.

## THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## CALL OF THE ROLL.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fletcher	Ladd	Reed, Mo.
Ball	Frazier	Lodge	Reed, Pa.
Borah	George	McCormick	Sheppard
Brookhart	Gerry	McKellar	Shields
Bruce	Glass	McKinley	Shortridge
Cameron	Gooding	McLean	Simmons
Capper	Hale	McNary	Smith
Caraway	Harrell	Mayfield	Smoot
Colt	Harris	Moses	Spencer
Copeland	Harrison	Neely	Stephens
Couzens	Howell	Norris	Swanson
Curtis	Johnson, Minn.	Oddie	Trammell
Dale	Jones, N. Mex.	Pepper	Wadsworth
Edge	Jones, Wash.	Phipps	Warren
Ernst	Kendrick	Pittman	Watson
Ferris	Keyes	Rulston	Willis
Fess	King	Ransdell	

Mr. CURTIS. I wish to announce that the Senator from New Mexico [Mr. BURSUM], the Senator from Oregon [Mr. STANFIELD], the Senator from Montana [Mr. WALSH], and the Senator from Colorado [Mr. ADAMS] are engaged in a hearing before the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, there is a quorum present.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, in which it requested the concurrence of the Senate.

## TWENTY-FIVE PER CENT REDUCTION IN TAXES (S. DOC. NO. 63).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed:

## To the Congress of the United States:

It had been my earnest hope that a 25 per cent reduction in taxes to be paid for the current year might be provided by law before the 15th of March current. Many people have been expecting that such would be the case and deferred their tax returns accordingly. It is a matter of such imminent importance that I have no hesitation in recommending that the public welfare would be much advanced by temporarily laying aside all other legislation and enacting a resolution for this purpose, which ought to be by unanimous consent. The taxpayers, the business interests, agriculture, industry, finance; in fact, all the elements that go to make up the economic welfare of the people of America would be greatly benefited by such action. It would remove an element of uncertainty from the current financial year at once, which would be a strong stimulant to business, with its resultant benefit to the wage earner and the agriculture of our country. It is impossible to see that any harm could accrue from this action, and there is every prospect of resulting benefits which would be very great. It would be a positive step in the right direction, which is much needed at this time to justify the confidence of the people that the Government is intent solely on the promotion of the public welfare, without regard to any collateral objects.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 11, 1924.

RESIGNATION OF SENATOR LENROOT FROM COMMITTEE ON PUBLIC LANDS AND SURVEYS.

The PRESIDING OFFICER. The Chair lays before the Senate a communication, which will be read.

The reading clerk read as follows:

SOUTHERN PINES, N. C., March 10, 1924.

To the PRESIDING OFFICER OF THE SENATE:

I hereby resign as chairman and member of the Committee on Public Lands and Surveys.

IRVING L. LENROOT.

Mr. WALSH of Montana. Mr. President, I am in receipt of a communication from the junior Senator from Wisconsin [Mr. LENROOT] explaining the tender of his resignation, which has just been made. I ask that the communication which I send to the Secretary's desk may be read to the Senate.

The PRESIDING OFFICER. The Senator from Montana asks that the communication submitted by him may be read. In the absence of objection, it will be read:

The reading clerk read as follows:

Senator LENROOT, in sending from Southern Pines, N. C., his resignation as chairman and member of the Committee on Public Lands and Surveys, gave out the following statement:

"Since coming to Southern Pines I have not recuperated as I had hoped, and it will not be possible for me to continue my work on the Committee on Public Lands and Surveys. I realized some time ago that I was nearing the point of exhaustion and stated upon the floor of the Senate that if the oil investigation continued indefinitely I would feel compelled to resign from the committee. I have given nearly four months of service in this investigation, trying as best I could to keep up with such other work as could not be neglected, with the result that I can not in my present state of health continue any longer.

"I hope to be able to return to Washington next week, but shall not attempt anything more than routine work of my office until my health is restored."

## PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions of the General Court of Massachusetts, favoring the passage of what is known as the Bursum bill, and also relative to a uniform child labor law. I ask that they be appropriately referred and printed in the RECORD under the rule.

The resolutions were referred as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1924.

Resolutions favoring the passage by Congress of legislation relative to the retirement of disabled emergency officers of the United States Army.

Whereas there is pending before the Congress of the United States Senate bill No. 33, known as the Bursum bill, being a bill making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War; and

Whereas such proposed legislation is equitable and seeks to do justice to a class of worthy disabled officers, entitled because of their service, their wounds, and disabilities incurred therefrom to the same consideration and privileges as men of their rank who performed the same service but were of the Regular Army; and

Whereas the officers of such class are the only disabled officers to which the privileges of retirement have not been extended, the same class of officers of the Navy and Marine Corps already being retired under law: Therefore be it

*Resolved*, That the General Court of Massachusetts urges upon Congress the importance and desirability of speedily passing such legislation in order to extend the necessary aid to the surviving 800 wounded and disabled emergency officers of such class, who rendered such gallant and conspicuous service; and be it further

*Resolved*, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States and to each of the Senators and Representatives in Congress from Massachusetts.

In the house of representatives, adopted February 14, 1924.

In the Senate, adopted in concurrence February 19, 1924.

A true copy. Attest:

F. W. COOK,  
*Secretary of the Commonwealth.*

To the Committee on Military Affairs.

THE COMMONWEALTH OF MASSACHUSETTS, 1924.

Resolutions in favor of an amendment to the Constitution of the United States authorizing Congress to enact a uniform child labor law.

*Resolved*, That because of the injustice and hardship to children in industry, and the harm to industry itself resulting from lack of uniformity in State legislation regulating child labor, the General Court of Massachusetts respectfully petitions Congress to propose an amendment to the Constitution of the United States authorizing Congress to enact uniform legislation as to child labor throughout the United States; and be it further

*Resolved*, That copies of these resolutions be sent by the secretary of the Commonwealth to the Presiding Officers of both branches of Congress and to each of the Senators and Representatives in Congress from Massachusetts.

In senate, adopted February 12, 1924.

In house of representatives, adopted, in concurrence, February 18, 1924.

A true copy. Attest:

F. W. COOK,  
*Secretary of the Commonwealth.*

To the Committee on the Judiciary.

Mr. SMITH. I present a petition of the national executive committee, Private Soldiers and Sailors' Legion, relative to railway labor legislation, which I ask be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

NATIONAL HEADQUARTERS  
PRIVATE SOLDIERS AND SAILORS' LEGION  
OF THE UNITED STATES OF AMERICA,  
Washington, D. C., March 11, 1924.

To the honorable the Senate and House of Representatives of the United States of America:

The Private Soldiers and Sailors' Legion of the United States of America respectfully petitions that Senate bill No. 2646 and House bill No. 7358, by Senator R. B. HOWELL, of Nebraska, and Representative A. W. BARKLEY, of Kentucky, known as the "railway labor act," legislation planned to bring enduring peace to the entire transportation industry of the United States, be speedily enacted into law at this session.

This petition is presented following the unanimous action of our national executive committee last week, March 8, indorsing this legislation and requesting the Congress of the United States to enact the bills into law.

A large number of our members throughout the United States are railroad men, affiliated with the railroad brotherhoods and with other union labor organizations.

This legislation is solidly backed by more than 2,000,000 railroad workers and has the indorsement of union labor everywhere and our entire organization.

It is a carefully prepared measure and embodies the best features of other laws which have tended in the past to preserve peace between the railroads, the railroad workers, and the public.

We have previously asked for the repeal of the Esch-Cummins Act and are heartily in sympathy with the provisions of the pending act which would abolish the Railroad Labor Board.

The proposed legislation, in our opinion, would largely tend to prevent strikes and put the transportation business of the country on a sounder economic basis.

Our national executive committee for more than five years has carefully followed all proposed railroad legislation in Congress, and it believes that enactment of these bills into law would result in a square deal not only to the railroads and the workers but to the entire American public in all transportation matters.

Respectfully submitted,

NATIONAL EXECUTIVE COMMITTEE,  
PRIVATE SOLDIERS AND SAILORS' LEGION,  
MARVIN GATES SPERRY, *National President.*  
BENJ. BLANK, *National Secretary.*

[SEAL.]

Mr. SPENCER presented the petition of Frans E. Lindquist, of Kansas City, Mo., praying for the passage of legislation providing that bail shall be admitted as a matter of right upon all arrests in criminal cases and upon all appeals or writs of error in the Supreme Court of the United States and any United States court of appeals where the offense is not punishable by death, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented a resolution of the Reserve Officers' Association, of Lawrence, Kans., favoring an appropriation sufficient to furnish summer camp training to reserve officers at the rate of one-third of the full number each year and for the maintenance of divisional and regimental headquarters, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Clay Center, Kans., remonstrating against the passage of the so-called McNary-Haugen bill providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Seven Federated Shop Crafts, of Fort Scott, Kans., relative to the repeal of the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry employees of the Kansas City Southern Railway Co., of Pittsburg, Kans., remonstrating against the passage of legislation amending the transportation act of 1920 at the present session of Congress, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution of the Ashland (Kans.) Study Club, favoring the enactment of legislation restricting the production of narcotics to medical and scientific needs, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Sterling, Kans., praying for the passage of the so-called Johnson immigration bill, which was referred to the Committee on Immigration.

He also presented a resolution of the Association of Mechanical and Power Plant Employees of the Rock Island Lines, of Horton, Kans., protesting against any amendment at this time to the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Reserve Officers' Association, of Sedgwick County, Kans., favoring adequate appropriations for the Officers' Reserve Corps in accordance with the recommendation of the War Department, which was referred to the Committee on Appropriations.

#### INVESTIGATION OF INTERNAL REVENUE BUREAU.

Mr. SMOOT. Mr. President, I ask unanimous consent that Senate Resolution 168, submitted by the Senator from Michigan [Mr. COUZENS] February 21, 1924, authorizing the appointment of a special committee to investigate the Bureau of Internal Revenue, be recommitted to the Committee on Finance.

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

Mr. SMOOT. I was authorized by the Committee on Finance to report back with amendments Senate Resolution 168, which was just recommitted.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

#### REPORTS OF COMMITTEES.

Mr. RALSTON, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 1790) for the relief of Herman O. Kruschke (Rept. No. 238); and

A bill (S. 1982) granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northwesterly portion of the Fort Snelling Military Reservation in the State of Minnesota (Rept. No. 239).

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 624) to amend the practice and



procedure in Federal courts, and for other purposes, reported it with amendments.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 1929) to refund to Clinton G. Edgar income tax erroneously and illegally collected, reported it without amendment and submitted a report (No. 240) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 350) to authorize the transfer of surplus books from the Navy Department to the Interior Department, reported it with an amendment and submitted a report (No. 241) thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. RANSDELL:

A bill (S. 2801) to amend paragraph (5) of section 20 of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 2802) for the relief of Richard E. A. Thiele; to the Committee on Naval Affairs.

By Mr. GLASS:

A bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and certain milk products, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURTIS:

A bill (S. 2804) granting an increase of pension to Sarah A. James (with accompanying papers);

A bill (S. 2805) granting an increase of pension to Maggie Crouch (with accompanying papers);

A bill (S. 2806) granting an increase of pension to Martha L. Tedrick (with accompanying papers); and

A bill (S. 2807) granting an increase of pension to William H. Archer (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2808) for the relief of Jesse A. Frost (with accompanying papers); to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 2809) to amend section 4076 of the Revised Statutes; to the Committee on Foreign Relations.

A bill (S. 2810) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign nations, to encourage the industries of the United States, and for other purposes," approved September 21, 1922, commonly known as the tariff act of 1922; to the Committee on Finance.

A bill (S. 2811) granting a pension to Anna M. Knelbert (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 2812) to extend the benefits of the employees' compensation act of September 7, 1916, to John F. Oglesby; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 2813) reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the Nation, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SPENCER:

A joint resolution (S. J. Res. 95) to authorize the American National Red Cross to continue the use of temporary buildings now erected on Square 172, Washington, D. C.; to the Committee on Public Buildings and Grounds.

#### HOUSE BILL REFERRED.

The bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

#### AGRICULTURAL DIVERSIFICATION.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (S. 2250) to promote a perma-

nent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war, and aggravated by many years of small yields and high production costs of wheat, which was ordered to lie on the table and to be printed.

#### INVESTIGATION OF DEPARTMENT OF JUSTICE BY SPECIAL COMMITTEE.

Mr. BROOKHART. I offer a resolution on behalf of the select committee investigating the Department of Justice.

The resolution (S. Res. 189) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That Senate Resolution No. 157, agreed to February 29, 1924, be, and the same hereby is, amended to authorize the select committee created by said resolution, or any subcommittee thereof, to sit and perform its duties at such times and places as may be deemed advisable or necessary by said committee, and to empower the chairman of said select committee, or any member thereof, to summon witnesses by subpoena or otherwise and to administer oaths to them.

#### ACCOUNTS OF THE FARM LOAN COMMISSIONER.

Mr. HOWELL. I submit a resolution, which I ask may lie over.

The resolution (S. Res. 190) was read and ordered to lie over under the rule, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate a statement in detail of the funds that have been covered into the account of the Farm Loan Commissioner, together with a statement of the source of said funds in each case and the date of each disbursement from said account.

#### REPORT OF THE NATIONAL FORESTRY COMMISSION (S. DOC. NO. 59).

Mr. MOSES. I ask unanimous consent for the reconsideration of the vote by which Senate Resolution 186, to print the report of the National Forestry Commission as a Senate document, was agreed to.

The PRESIDING OFFICER. In the absence of objection, the vote by which the Senate agreed to the resolution is reconsidered.

Mr. MOSES. I request unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOSES. I move to amend the resolution by adding at the end thereof the words "with illustrations."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

*Resolved*, That the report of the National Forestry Commission for the year ending June 30, 1923, be printed as a Senate document, with illustrations.

#### CHANGE OF DATE OF INAUGURATION.

The PRESIDING OFFICER. There being no resolution coming over from a previous day, routine morning business is closed. In pursuance of the unanimous-consent agreement heretofore entered into the Chair lays before the Senate Senate Joint Resolution 22.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 22) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, which had been reported from the Committee on the Judiciary with amendments.

Mr. NORRIS. I ask unanimous consent that the formal reading of the joint resolution be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The reading clerk proceeded to read the joint resolution.

The first amendment of the Committee on the Judiciary was, on page 2, line 3, after the word "President," to insert "in office at the time this amendment takes effect"; and in line 5, after the word "Representatives," to insert "then in office," so as to make the section read:

SECTION 1. The terms of the President and Vice President in office at the time this amendment takes effect shall end at noon on the third Monday in January and the terms of Senators and Representatives then in office at noon on the first Monday in January, of the year in which such terms would have ended if this article had not been ratified, and the terms of their successors shall then begin.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to strike out line 12 to line 17, both inclusive, as follows:

SEC. 3. If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the time fixed for the beginning of his term, then the Vice President shall act as President as in the case of the death or other constitutional disability of the President.

And in lieu thereof to insert:

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide that in the event the Vice President has not been chosen before the time fixed for the beginning of his term, what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

The amendment was agreed to.

Mr. FLETCHER. Before we pass from the amendments, it seems to me that section 1 would read better if it read "the terms of the President and Vice President in office at the time this amendment takes effect and the terms of Senators and Representatives then in office shall end at noon on the first Monday in January of the year in which such terms would have ended," rather than as it now reads:

The terms of the President and Vice President in office at the time this amendment takes effect shall end at noon on the third Monday in January—

The joint resolution does not state what January—

and the terms of Senators and Representatives then in office at noon on the first Monday in January of the year—

And so forth.

Mr. NORRIS. That language indicates what January is meant.

Mr. FLETCHER. It does, but it is a little ambiguous as to the President. Would the resolution not read better if it provided?—

The terms of the President and Vice President in office at the time this amendment takes effect and the terms of Senators and Representatives in office shall end at noon on the third Monday.

Mr. NORRIS. No. The Senator from Florida will observe that it is proposed that the term of the President and Vice President shall end on a different day entirely from the day on which the terms of Members of Congress shall end.

Mr. FLETCHER. One is on the third Monday—

Mr. NORRIS. One is on the third Monday and the other is on the first Monday.

Mr. FLETCHER. I had not noticed that.

Mr. NORRIS. If the Senate may act on the pending amendment, I desire to suggest an amendment to the next committee amendment.

The PRESIDING OFFICER. The committee amendment last stated has been agreed to.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment reported by the Committee on the Judiciary was, on page 3, after line 3, to insert the following clause:

SEC. 4. This amendment shall take effect on the 15th day of December after its ratification.

Mr. NORRIS. Mr. President, in the committee amendment which has just been stated, I am authorized, on behalf of the committee, to propose an amendment on page 3, line 5, after the words "day of," to strike out "December" and to insert "October."

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment to the committee amendment, which will be stated.

The READING CLERK. On page 3, line 5, after the words "day of," it is proposed to strike out the word "December" and insert the word "October," so that the clause will read:

SEC. 4. This amendment shall take effect on the 15th day of October after its ratification.

Mr. WADSWORTH. Mr. President, I do not rise in a spirit of hostility to the joint resolution; but will the Senator from Nebraska explain why the change proposed by the amendment to the amendment is suggested?

Mr. NORRIS. The change is necessary for this reason: The Constitution at present provides that Congress shall assemble on the first Monday in December, unless otherwise provided by law. If this proposed legislation did not take effect until the 15th day of December, the new Congress would convene on the first Monday in January, but the old Congress, under the existing Constitution, the joint resolution not having gone into effect, would convene on the first Monday in December. It is to avoid the convening of the old Congress that the amendment to the amendment is proposed.

Mr. WADSWORTH. The old and the new Congresses would collide on midnight of the 14th of December.

Mr. NORRIS. Yes.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to. The joint resolution is still before the Senate, as in Committee of the Whole, and is open to amendment.

Mr. REED of Missouri. Mr. President, I should like to inquire if it is to be undertaken to pass this kind of a measure through the Senate in the morning hour?

The PRESIDING OFFICER. There is a unanimous-consent agreement that the joint resolution shall be taken up at the conclusion of the routine morning business to-day. There is nothing in the unanimous-consent agreement, however, as to the final disposition of the joint resolution.

Mr. NORRIS. No; Mr. President, there will be no attempt to pass the joint resolution in the morning hour, if Senators desire to debate the measure longer. Routine morning business is over, but the morning hour, of course, is not ended. There is no limitation in the unanimous-consent agreement about debate or about taking a final vote.

Mr. REED of Missouri. Has the business of the morning hour been disposed of?

The PRESIDING OFFICER. The routine morning business has been concluded, and the Senate is now proceeding under the unanimous-consent agreement.

Mr. REED of Missouri. Mr. President, unfortunately for myself I have been absent from the Senate for several days. The joint resolution now under consideration by the Senate was before the Judiciary Committee when I left Washington, and I had no idea that it had been reported out from that committee. I should have liked to have had some time to prepare a thorough analysis of this joint resolution and to have gone into some of the historic questions relating to it.

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

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED of Missouri. I yield.

Mr. NORRIS. I have not been able to hear what the Senator said on account of the confusion around me, but does the Senator want more time to debate the joint resolution?

Mr. REED of Missouri. I do. I think the tinkering with the Constitution of the United States in a rapid fire manner is always a mistake. If I had been present in the Senate, there would have been no unanimous-consent agreement to set this matter down for discussion at this time. I have no complaint to make of the course which was followed, because it may readily be said that I could have been here, and I would have been had it been possible. I should like to have this matter go over to-day without any action. I think it is a very great mistake. I think it strikes at one of the big fundamentals that the framers of the Constitution intended to put into this document.

I know the cry is that the minute the election is over the new men elected ought instantly to assume power and immediately begin the business, as it is put, of carrying out the will of the people. It is a very seductive cry and a very dangerous cry. The checks and safeguards which were put into our Constitution were put there by very wise men and for very substantial reasons, and I am not in favor of taking them out. I should like to have the joint resolution go over until to-morrow. I should like to discuss it, and I should like a few hours to prepare some memoranda.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED of Missouri. I yield.



Mr. NORRIS. Let me suggest to the Senator that if we can make a unanimous-consent agreement that it shall go over until the conclusion and final disposition of the present unfinished business and that it shall then be taken up and shall not be laid aside except by unanimous consent until it is finally disposed of, I shall have no objection to making that kind of agreement. If such an agreement may be made, would that suit the Senator?

Mr. REED of Missouri. That would suit me. All that I want is full debate.

Mr. NORRIS. I think the Senator would, under the present unanimous-consent agreement, have opportunity for full debate, because the debate is not limited in any way; but I wish to accommodate the Senator, and I will submit, Mr. President, if the Senator will yield for that purpose, a request for unanimous consent.

Mr. REED of Missouri. I yield to the Senator from Nebraska.

Mr. NORRIS. I ask unanimous consent that the joint resolution may be taken up immediately after the disposition of the present unfinished business and that it shall not be laid aside, except temporarily by unanimous consent, until it is finally disposed of.

Mr. REED of Missouri. That might mean to-day, I presume.

Mr. NORRIS. It could come up to-day, but I will say to the Senator if he wants to debate it to-morrow and it should come up to-day, I will make no objection to laying it aside temporarily. I should like to take it up, so that it may take its place as the unfinished business; but I am not going to prevent the Senator from having full debate on the joint resolution by seeking to dispose of it to-day. I do not know how long the unfinished business will take.

Mr. REED of Missouri. Of course, I do not put this on any personal grounds, but I say we are tinkering with the Constitution, and we ought to be mighty careful what we do.

Mr. NORRIS. Mr. President, I agree that we ought to be careful as to what we do, and that is the reason I am making a proposition which it seems to me ought not to bring forth any objection.

Mr. REED of Missouri. Will it be agreeable to the Senator to put it down by unanimous consent for next Monday or Tuesday—say, Tuesday—then proceed with it until it is disposed of?

Mr. NORRIS. Mr. President, I should not have so much objection to that if I did not feel that by that time there will be other measures on the calendar which other Senators may desire to take up, and it might seriously interfere with some other arrangement. I will agree that if the unfinished business is disposed of and this is taken up, it shall be temporarily laid aside until 2 o'clock to-morrow, and then it shall be proceeded with, and not be laid aside, except temporarily by unanimous consent, until final disposition. It seems to me that is a fair proposition.

Mr. REED of Missouri. I shall not object to that.

The PRESIDING OFFICER. Will the Senator from Nebraska state his request?

Mr. NORRIS. I ask unanimous consent that Senate Joint Resolution 22, now before the Senate, be taken up immediately after the disposition of the present unfinished business; that if the present unfinished business is disposed of to-day, Senate Joint Resolution 22 shall be temporarily laid aside until 2 o'clock to-morrow, at which time it shall be taken up, and not laid aside, except temporarily by unanimous consent, until its final disposition.

Mr. KING. Mr. President, let me suggest to the Senator one qualification—that if the unfinished business which is now before the Senate shall not be concluded until to-morrow the joint resolution which the Senator has in charge shall be taken up the following day at 2 o'clock, and be proceeded with as indicated in the event that we shall take this matter up to-morrow.

Mr. NORRIS. Of course, under my unanimous-consent request if the present unfinished business should not be disposed of until to-morrow the joint resolution would not come up to-day.

Mr. KING. I am not sure about that.

Mr. NORRIS. Oh, yes.

Mr. KING. It would not come up to-day, but we would then take it up to-morrow at 2 o'clock and proceed with it.

Mr. NORRIS. Yes; if the unfinished business were not disposed of, then it would not come up, of course. Under my proposition it would not come up under any circumstances until the final disposition of the present unfinished business.

Mr. KING. The point I had in mind was that if the unfinished business should go over until to-morrow I should not want the joint resolution of the Senator voted upon to-morrow. I should like an intervening day.

Mr. NORRIS. I take it, from what the Senator from Missouri [Mr. REED] says, that it would not be voted on; there would be enough debate on it to take it over.

Mr. REED of Missouri. Let me make this suggestion as to the form of the unanimous-consent agreement: That at 2 o'clock of the day succeeding the disposition of the present unfinished business the joint resolution shall be taken up and proceeded with to final disposition, unless it shall be laid aside temporarily by unanimous consent.

Mr. NORRIS. The difficulty with that is that the unfinished business may not be disposed of at that time.

Mr. REED of Missouri. No; the Senator does not quite follow me. My suggestion is that at 2 o'clock of the day succeeding the disposition of the present unfinished business the joint resolution shall be taken up and proceeded with to final disposition, unless temporarily laid aside by unanimous consent. That is the form in which I would put it. That would mean that if we got through to-day it would then come up to-morrow at 2 o'clock. If we do not get through until to-morrow, it would then come up the next day at 2 o'clock; but there is that interregnum allowed, so that we do not do anything until the next day.

Mr. NORRIS. Let me see if I can state it in accordance with the Senator's suggestion: That at 2 o'clock following the day on which the present unfinished business is disposed of this joint resolution, S. J. Res. 22, shall be taken up, and not laid aside, except temporarily by unanimous consent, until its final disposition.

Mr. REED of Missouri. That is agreeable.

Mr. NORRIS. All right.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that at 2 o'clock on the day following the disposition of the unfinished business this joint resolution shall be taken up, and not be laid aside, except temporarily and by unanimous consent, until final disposition. Is there objection? The Chair hears none, and the agreement is entered into.

#### AMENDMENTS TO THE CONSTITUTION.

Mr. WADSWORTH. Mr. President, I think this an opportune and proper moment to call the attention of the Senate to Senate Joint Resolution No. 4, which is No. 214 on the calendar, and which also proposes an amendment to the Constitution of the United States—an amendment which has already been mentioned casually in debate here, in fact at some length, and very informally, by the Senator from Arizona [Mr. ASHURST]. I desire to say that at the conclusion of the consideration of Senate Joint Resolution No. 22, in connection with which a unanimous-consent agreement has just been reached, I shall ask the Senate to proceed to the consideration of Senate Joint Resolution No. 4.

#### THE CALENDAR.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that we begin at the number where we left off yesterday.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to begin with Order of Business No. 161, that being where the Senate left off the consideration of the calendar the last time it was before the Senate. Is there objection? The Chair hears none, and the Secretary will proceed with the call of the calendar in accordance with the agreement.

#### ST. CROIX RIVER BRIDGE.

The bill (H. R. 5337) granting the consent of Congress to construct a bridge over the St. Croix River between Vanceboro, Me., and St. Croix, New Brunswick, was announced as first in order on the calendar.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Maine to construct, maintain, and operate jointly with the Dominion of Canada a bridge to be located over the St. Croix River at a point suitable to the interests of navigation, between Vanceboro, State of Maine, and St. Croix, Province of New Brunswick, in accordance with the provisions of the act entitled "An act

to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of said bridge shall not be commenced until the consent of the Parliament or other proper authority of the Dominion of Canada for the erection of the structure shall have been obtained.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ST. JOHN RIVER BRIDGE.

The bill (H. R. 5348) granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted for the construction, maintenance, and operation by the State of Maine and the Dominion of Canada, jointly, of a bridge to be erected across the St. John River, at a point suitable to the interests of navigation, between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection of the structure shall have been obtained.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OHIO RIVER BRIDGE.

The bill (H. R. 5624) authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Interstate Bridge Co., a corporation organized and existing under the laws of the State of Ohio, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, to and into the city of Benwood, Union District, County of Marshall, in the State of West Virginia, from the central part of the city of Bellaire, County of Belmont, in the State of Ohio, 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INTERNATIONAL STATISTICAL BUREAU AT THE HAGUE.

The joint resolution (S. J. Res. 76), authorizing the maintenance by the United States of membership in the International Statistical Bureau at The Hague, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the Secretary of State is hereby authorized and directed to contribute such a sum as may be annually appropriated by Congress to the International Statistical Bureau at The Hague, to enable the United States to maintain a membership therein.

Mr. KING. Mr. President, I should like to have the Senator from Massachusetts [Mr. Lodge], who is the author of the joint resolution, make some explanation in regard to it. Furthermore, if it is pertinent to the situation, I should like to have the Senator explain why we should not obtain the information desired through the instrumentalities set up by the league, which have broader information than this organization?

Mr. LODGE. Mr. President, in the first place, on the point the Senator has just raised, the league has joined this statistical bureau. It has been established for some time at The Hague, and it is thought to be a very valuable source of information. The passage of this joint resolution was recommended to the committee by the State Department, of course, and it was unanimously reported by the committee. I think the annual cost will be \$2,000. It was thought to be a very valuable bureau for us to join; and, as I say, the league has already joined it, I understand.

Mr. KING. I have no objection to the joint resolution. Upon the contrary, I favor any measure that will bring us legitimately into contact with other nations for the purpose of stabilizing industrial and economic and political conditions, and promoting world amity and peace. I regret that we do not

avail ourselves more of the instrumentalities of the League of Nations, which instrumentalities are doing a vast amount of good in obtaining information of an economic and political character, and are doing a great deal toward promoting peace throughout the world.

May I say at this point that I have pending before the Senator's committee a resolution which asks for the calling of a world conference to consider economic and industrial and financial problems with a view to stabilizing exchange, rehabilitating Europe, expanding our foreign markets, and directly as a result of those activities promoting peace throughout the world? I certainly should be glad if the Senator's committee would report the resolution for the consideration of the Senate.

I think no more forward step could be taken at the present time than for President Coolidge to call a world congress, perhaps two congresses, one to consider the question of disarmament, the other to consider financial and economic problems. Mr. Dawes is in Europe now—not officially, but unofficially—and I feel hopeful that his services there may be of some avail. If our Government should take adequate steps, I am sure that it could do much toward promoting the return of prosperity to Europe, which means prosperity to the United States.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PAN AMERICAN SANITARY CONFERENCE AT HABANA, CUBA.

The joint resolution (S. J. Res. 77) authorizing the appointment of delegates to represent the United States at the seventh Pan American Sanitary Conference to be held at Habana, Cuba, in November, 1924, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 for the purpose of defraying the cost of representation of the United States by four delegates in the seventh Pan American Sanitary Conference to be held at Habana, Cuba, in November, 1924.

The joint resolution was reported to the Senate without amendment.

Mr. FLETCHER. Mr. President, the calendar says that this joint resolution is reported with an amendment.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that the print of the joint resolution does not show any amendment.

Mr. LODGE. There is no amendment that I know of. I think it is a mistake of the calendar.

Mr. FLETCHER. The calendar says that it was reported by the Senator from Massachusetts from the Committee on Foreign Relations, with an amendment.

Mr. LODGE. That is evidently a mistake.

The PRESIDING OFFICER. The joint resolution is in the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### PROPOSED TAX PLANS (S. DOC. NO. 62).

Mr. SIMMONS. Mr. President, out of order I ask unanimous consent to have printed as a public document a certain table about which I have spoken to the Senator from Utah [Mr. Smoot], the chairman of the Finance Committee, and also the Senator from Kansas [Mr. Curtis], a member of the Finance Committee, giving the amount of income taxes under the present law, the Mellon bill, the Garner plan, and the Longworth plan, giving also the amount of reduction of total taxes under these three different plans, and giving also the percentage of reduction of total taxes under these three plans. The table begins with an income of \$3,000 and embraces all incomes up to \$5,000,000.

I think this will be a very helpful document. It was prepared by a thoroughly competent expert who has been with the Ways and Means Committee for many years. I ask unanimous consent also that it be printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina that the table referred to be printed as a public document, and also printed in the CONGRESSIONAL RECORD? The Chair hears none, and it is so ordered.



The table is as follows:

Comparison of the Mellon, Garner, and Longworth tax plans with the present law (married persons without dependents), on basis of unearned income.

Income.	Amount of tax under—				Amount of reduction of total tax under—			Percentage of reduction of total tax under—		
	Present.	Mellon.	Garner.	Longworth.	Mellon.	Garner.	Longworth.	Mellon.	Garner.	Longworth.
\$1,000.										
\$2,000.										
\$3,000.	\$20.00	\$15.00		\$10.00	\$5.00	\$20.00	\$10.00	25.00	100.00	50.00
\$4,000.	60.00	45.00	\$20.00	30.00	15.00	40.00	30.00	25.00	66.67	50.00
\$5,000.	100.00	75.00	40.00	60.00	25.00	60.00	60.00	25.00	60.00	50.00
\$6,000.	160.00	120.00	80.00	80.00	40.00	80.00	80.00	25.00	50.00	50.00
\$7,000.	250.00	180.00	120.00	130.00	70.00	130.00	120.00	28.00	52.00	45.00
\$8,000.	340.00	240.00	160.00	180.00	100.00	180.00	160.00	29.41	52.94	47.06
\$9,000.	430.00	300.00	220.00	230.00	130.00	210.00	200.00	30.23	48.84	46.15
\$10,000.	520.00	360.00	280.00	280.00	160.00	240.00	240.00	30.76	46.15	46.15
\$11,000.	620.00	430.00	340.00	355.00	190.00	280.00	265.00	30.64	45.16	42.74
\$12,000.	720.00	500.00	400.00	430.00	220.00	320.00	290.00	30.55	44.44	40.28
\$13,000.	830.00	580.00	470.00	512.50	250.00	360.00	317.50	30.12	43.37	38.25
\$14,000.	940.00	660.00	540.00	595.00	280.00	400.00	345.00	29.78	42.55	36.70
\$15,000.	1,060.00	750.00	620.00	685.00	310.00	440.00	375.00	29.24	41.51	35.38
\$16,000.	1,180.00	840.00	700.00	775.00	340.00	480.00	405.00	28.81	40.68	34.32
\$17,000.	1,310.00	940.00	790.00	872.50	370.00	520.00	437.50	28.24	39.69	33.40
\$18,000.	1,440.00	1,040.00	880.00	970.00	400.00	560.00	470.00	27.77	38.89	32.64
\$19,000.	1,580.00	1,150.00	980.00	1,075.00	430.00	600.00	505.00	27.21	37.97	31.96
\$20,000.	1,720.00	1,260.00	1,080.00	1,180.00	460.00	640.00	540.00	26.74	37.21	31.40
\$21,000.	1,880.00	1,380.00	1,190.00	1,300.00	500.00	690.00	580.00	26.59	36.70	30.85
\$22,000.	2,040.00	1,500.00	1,300.00	1,420.00	540.00	740.00	620.00	26.47	36.27	30.39
\$23,000.	2,210.00	1,630.00	1,420.00	1,547.50	580.00	790.00	662.50	26.24	35.75	29.98
\$24,000.	2,380.00	1,760.00	1,540.00	1,675.00	620.00	840.00	705.00	26.05	35.29	29.62
\$25,000.	2,560.00	1,900.00	1,670.00	1,810.00	660.00	890.00	750.00	25.78	34.77	29.30
\$26,000.	2,740.00	2,040.00	1,800.00	1,945.00	700.00	940.00	795.00	25.54	34.31	29.01
\$27,000.	2,930.00	2,190.00	1,940.00	2,087.50	740.00	990.00	842.50	25.25	33.79	28.75
\$28,000.	3,120.00	2,340.00	2,080.00	2,230.00	780.00	1,040.00	890.00	25.00	33.33	28.53
\$29,000.	3,320.00	2,500.00	2,230.00	2,380.00	820.00	1,090.00	940.00	24.69	32.83	28.31
\$30,000.	3,520.00	2,660.00	2,380.00	2,530.00	860.00	1,140.00	990.00	24.43	32.39	28.13
\$31,000.	3,730.00	2,820.00	2,540.00	2,687.50	900.00	1,190.00	1,042.50	24.12	31.90	27.98
\$32,000.	3,940.00	3,000.00	2,700.00	2,845.00	940.00	1,240.00	1,095.00	23.85	31.47	27.79
\$33,000.	4,170.00	3,180.00	2,870.00	3,017.50	990.00	1,300.00	1,152.50	23.74	31.18	27.64
\$34,000.	4,400.00	3,360.00	3,040.00	3,190.00	1,040.00	1,360.00	1,210.00	23.63	30.91	27.50
\$35,000.	4,630.00	3,550.00	3,220.00	3,362.50	1,090.00	1,410.00	1,267.50	23.52	30.65	27.38
\$36,000.	4,860.00	3,740.00	3,400.00	3,535.00	1,120.00	1,460.00	1,325.00	23.04	30.04	27.26
\$37,000.	5,100.00	3,940.00	3,590.00	3,715.00	1,160.00	1,510.00	1,385.00	22.74	29.61	27.16
\$38,000.	5,340.00	4,140.00	3,780.00	3,895.00	1,200.00	1,560.00	1,445.00	22.47	29.21	27.05
\$39,000.	5,590.00	4,340.00	3,980.00	4,082.50	1,250.00	1,610.00	1,507.50	22.30	28.80	26.97
\$40,000.	5,840.00	4,540.00	4,180.00	4,270.00	1,300.00	1,660.00	1,570.00	22.26	28.42	26.88
\$41,000.	6,100.00	4,750.00	4,390.00	4,465.00	1,350.00	1,710.00	1,635.00	22.13	28.03	26.80
\$42,000.	6,360.00	4,960.00	4,600.00	4,660.00	1,400.00	1,760.00	1,700.00	22.01	27.67	26.73
\$43,000.	6,630.00	5,170.00	4,820.00	4,862.50	1,460.00	1,810.00	1,767.50	22.02	27.30	26.66
\$44,000.	6,900.00	5,380.00	5,040.00	5,065.00	1,520.00	1,860.00	1,825.00	22.03	26.96	26.59
\$45,000.	7,180.00	5,590.00	5,270.00	5,275.00	1,590.00	1,910.00	1,905.00	22.14	26.60	26.53
\$46,000.	7,460.00	5,800.00	5,500.00	5,485.00	1,660.00	1,960.00	1,975.00	22.25	26.27	26.47
\$47,000.	7,750.00	6,020.00	5,740.00	5,702.50	1,730.00	2,010.00	2,047.50	22.32	25.94	26.41
\$48,000.	8,040.00	6,240.00	5,980.00	5,920.00	1,800.00	2,060.00	2,120.00	22.38	25.62	26.37
\$49,000.	8,340.00	6,460.00	6,230.00	6,145.00	1,880.00	2,110.00	2,195.00	22.54	25.39	26.32
\$50,000.	8,640.00	6,680.00	6,480.00	6,370.00	1,960.00	2,160.00	2,270.00	22.68	25.00	26.27
\$51,000.	8,950.00	6,900.00	6,740.00	6,602.50	2,050.00	2,210.00	2,347.50	22.90	24.69	26.23
\$52,000.	9,260.00	7,120.00	7,000.00	6,835.00	2,140.00	2,260.00	2,425.00	23.11	24.41	26.19
\$53,000.	9,580.00	7,350.00	7,270.00	7,075.00	2,230.00	2,310.00	2,505.00	23.27	24.11	26.15
\$54,000.	9,900.00	7,580.00	7,490.00	7,315.00	2,320.00	2,360.00	2,585.00	23.43	23.84	26.11
\$55,000.	10,230.00	7,810.00	7,720.00	7,562.50	2,420.00	2,410.00	2,667.50	23.65	23.56	26.08
\$56,000.	10,560.00	8,040.00	7,910.00	7,810.00	2,520.00	2,460.00	2,750.00	23.86	23.30	26.04
\$57,000.	10,900.00	8,270.00	8,390.00	8,065.00	2,630.00	2,510.00	2,835.00	24.12	23.03	26.01
\$58,000.	11,240.00	8,500.00	8,680.00	8,320.00	2,740.00	2,560.00	2,920.00	24.37	22.78	25.98
\$59,000.	11,590.00	8,740.00	8,980.00	8,582.50	2,850.00	2,610.00	3,007.50	24.59	22.53	25.95
\$60,000.	11,940.00	8,980.00	9,280.00	8,845.00	2,960.00	2,660.00	3,095.00	24.79	22.28	25.92
\$61,000.	12,300.00	9,220.00	9,590.00	9,115.00	3,080.00	2,710.00	3,185.00	25.04	22.03	25.89
\$62,000.	12,660.00	9,460.00	9,910.00	9,385.00	3,200.00	2,760.00	3,275.00	25.28	21.72	25.87
\$63,000.	13,030.00	9,700.00	10,240.00	9,662.50	3,330.00	2,810.00	3,367.50	25.55	21.41	25.84
\$64,000.	13,400.00	9,940.00	10,580.00	9,940.00	3,460.00	2,860.00	3,460.00	25.82	21.04	25.82
\$65,000.	13,780.00	10,190.00	10,970.00	10,225.00	3,590.00	2,910.00	3,555.00	26.05	20.68	25.80
\$66,000.	14,160.00	10,440.00	11,290.00	10,510.00	3,720.00	2,960.00	3,650.00	26.27	20.27	25.78
\$67,000.	14,550.00	10,690.00	11,660.00	10,802.50	3,860.00	3,010.00	3,747.50	26.53	19.86	25.76
\$68,000.	14,940.00	10,940.00	12,030.00	11,095.00	4,000.00	3,060.00	3,845.00	26.77	19.48	25.75
\$69,000.	15,340.00	11,190.00	12,410.00	11,395.00	4,150.00	3,110.00	3,945.00	27.05	19.10	25.72
\$70,000.	15,740.00	11,440.00	12,790.00	11,695.00	4,300.00	3,160.00	4,045.00	27.31	18.74	25.70
\$71,000.	16,150.00	11,700.00	13,180.00	12,002.50	4,450.00	3,210.00	4,147.50	27.55	18.39	25.68
\$72,000.	16,560.00	11,960.00	13,570.00	12,310.00	4,600.00	3,260.00	4,250.00	27.78	18.06	25.66
\$73,000.	16,980.00	12,220.00	13,970.00	12,625.00	4,760.00	3,310.00	4,355.00	28.03	17.73	25.65
\$74,000.	17,400.00	12,480.00	14,370.00	12,940.00	4,920.00	3,360.00	4,460.00	28.28	17.41	25.63
\$75,000.	17,830.00	12,740.00	14,780.00	13,262.50	5,090.00	3,410.00	4,567.50	28.55	17.11	25.62
\$76,000.	18,260.00	13,000.00	15,190.00	13,585.00	5,260.00	3,460.00	4,675.00	28.81	16.81	25.60
\$77,000.	18,70									

Comparison of the Mellon, Garner, and Longworth tax plans with the present law (married persons without dependents), on basis of unearned income—Continued.

Income.	Amount of tax under—				Amount of reduction of total tax under—			Percentage of reduction of total tax under—		
	Present.	Mellon.	Garner.	Longworth.	Mellon.	Garner.	Longworth.	Mellon.	Garner.	Longworth.
\$200,000.....	\$86,640.00	\$50,840.00	\$76,470.00	\$84,870.00	\$35,800.00	\$10,170.00	\$21,770.00	41.32	11.74	25.13
\$250,000.....	115,640.00	66,340.00	101,470.00	86,620.00	49,300.00	14,170.00	29,020.00	42.63	12.25	25.09
\$500,000.....	260,640.00	143,840.00	226,470.00	195,370.00	116,800.00	34,170.00	65,270.00	44.81	13.11	25.04
\$1,000,000.....	550,640.00	298,840.00	476,470.00	412,870.00	251,800.00	74,170.00	137,770.00	45.72	13.47	25.02
\$2,000,000.....	1,130,640.00	608,840.00	976,470.00	847,870.00	521,800.00	154,170.00	282,770.00	46.15	13.64	25.01
\$3,000,000.....	1,710,640.00	918,840.00	1,476,470.00	1,282,870.00	791,800.00	234,170.00	427,770.00	46.28	13.69	25.01
\$4,000,000.....	2,290,640.00	1,228,840.00	1,976,470.00	1,717,870.00	1,061,800.00	314,170.00	572,770.00	46.35	13.72	25.00
\$5,000,000.....	2,870,640.00	1,538,840.00	2,476,470.00	2,152,870.00	1,331,800.00	394,170.00	717,770.00	46.39	13.73	25.00

#### TRAFFIC IN PISTOLS BETWEEN THE STATES.

Mr. SHIELDS. Mr. President, I wish to have printed in the RECORD a report made to the City Club of Memphis, a civic organization of that city, upon the subject of pistols that are carried as concealed weapons. Some time ago I introduced a bill, which is now before the Committee on the Judiciary, to suppress the traffic in pocket pistols and weapons of that kind manufactured and used for purposes of assassination, for they can be used for no other purpose.

The various States have laws upon this subject, but they are absolutely unable to enforce them because of the interstate commerce in those weapons through the mails and through the interstate commerce carriers. The object of my bill is to prohibit the carrying of such weapons through the mails and by interstate commerce carriers. There has been a general demand for such legislation recently on account of the very great number of crimes committed with this particular class of weapons. The statistics show that about 70 per cent of crimes committed in violence, felonious assaults, and homicides are committed with pistols.

This report to the City Club of Memphis is very illuminating upon this subject, and it also tends to explain a publication that has frequently been made to the effect that Memphis has more homicides than any other city of its size in the United States. I think in justice to that city great publicity ought to be made of the real facts. I ask that this report be printed in the RECORD, without reading.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

The governing board handed in a resolution. It is as follows:

"Whereas, it has come to the attention of the city club that there was reintroduced into Congress on January 14, 1924, a bill 'to prohibit the entry into the United States, and to levy an excise tax on certain weapons,' being Senate bill No. 1960; and

"Whereas, despite the fact that the sale of pistols and the carrying of them concealed is contrary to law in practically every State in the Union, there is an enormous traffic in pistols between the States, which, so long as it is allowed to continue, will largely nullify whatever efforts any community may put forth to correct the evils resulting from their lawless use; and

"Whereas, the effect of such bill, if passed, will be to largely discourage the manufacture and original sales of pistols, and thereby curb the transportation of them in interstate commerce and through the mails, thus minimizing the sales of such weapons in local communities: Therefore be it

"Resolved by the City Club of Memphis, That we heartily indorse said Senate bill No. 1960. Be it further

"Resolved, That a copy of this resolution be forwarded to the Senators from Tennessee, and to the Congressmen from this district, and that a copy be given to the press."

#### CRIME, CRIMINALS, AND LAW ENFORCEMENT.

Mr. Randolph, on the 19th, speaking on this subject, beginning at the point where he left off on the 12th, in substance, said:

Prosecutions for major crimes in Shelby County are largely a failure. Punishment meted out to the malefactors is shockingly inadequate. These assertions are made as statements of fact. The criminal records of this county for the past several years justify the assertions.

It seems idle to seek to center the responsibility whether it be in the city police department, in the county law-enforcing officials, in the courts, including juries, in the pardon board, or in the governor's mansion. There is blame enough for all.

Let us analyze the homicide record of Memphis for 1923:

Total homicide cases (one killed two).....	77
Deduct:	
Murderers who committed suicide.....	3
Killed by each other.....	2
Leaves.....	72

Deduct:	
At large (all negroes).....	15
Unsolved.....	4
	19
Deduct:	
Exonerated by coroner's jury.....	11
Exonerated by grand jury.....	8
Exonerated by Federal grand jury.....	1
	20
Leaves.....	33
Cases awaiting trial (14 persons).....	12
	21
Nolle pros.....	1
Tried.....	20
Acquitted.....	3
Convictions (two convicted in one case).....	17

Seventy-five cases offered opportunities for arrest; 64 persons were arrested in 56 cases. Of this 64, 20 were exonerated in the preliminary stages. We will exclude three accidental shootings. This leaves 17 exonerated. Think of it! Inquisitorial juries said there were 17 justifiable murders in Memphis last year! Twenty cases were actually tried; 18 persons in 17 cases were convicted; 14 persons in 12 cases are awaiting trial.

On that record will anyone challenge the statement that as to homicides committed in Memphis last year prosecutions were largely a failure? And remember that as to the 12 cases awaiting trial, punishment delayed is virtually punishment defeated.

Analyze the 17 convictions in relation to sentences passed:

Life term (three persons in two cases).....	2
Twenty-one years.....	4
Ten years.....	1
Five to ten years.....	4
One to five years.....	6
	17

Not a case in which a murderer received capital punishment! And bear in mind, judging from past experience, how many of the 17 before their terms shall have expired will have received executive clemency? Does not this record warrant the statement that punishment woefully miscarried?

In justice to the police department of Memphis, it must be said that out of a possible 75 cases for arrests only 4 cases were unsolved, 15 murderers are at large, and there were arrests in 56 cases—about 75 per cent, which is a pretty fair record.

Mr. Wm. C. Cherry, in his very excellent article, "Crime, criminals, and law enforcement," in the November number of the Tennessee Law Review, makes the statement that 95 per cent of homicides would not occur if the slayer had to go a mile for the weapon. Do the statistics bear out this statement? Referring again to the Memphis 1923 homicide record, the weapons responsible for those 78 deaths were:

Shot with pistol.....	51
Stabbed with knife.....	18
Shot with shotgun.....	5
Stabbed with ice pick.....	2
Shot with rifle.....	1
Clubbbed to death.....	1
Total.....	78

The colored women seem to have discovered a new deadly weapon, to wit, the ice pick.

In a very recent letter, Senator JOHN K. SHIELDS states that he has reintroduced in Congress his bill to prohibit the transportation of pistols in interstate commerce and through the mails. He requests the assistance of the City Club in favoring this legislation. Such a bill would go a long way toward controlling the enormous traffic in that weapon now prevailing. Senator SHIELDS says that the opposition to the bill has always come from the manufacturers of pistols in Connecticut and Massachusetts, and has so far been able to block the legislation.

The pistol responsible for 51 out of the 78 deaths—over 65 per cent! And "Arkansas toothpicks" and dirks were responsible for another 18—25 per cent, total, 90 per cent. Is the inference not justifiable that the great majority of those homicides were committed because at the instant



the intent to commit the murder seized the person, he had concealed about his body the deadly weapon? And is it not a reasonable assumption that if the person had not had at hand the weapon, but had had to go a distance to arm himself, he would have had time to reason out his contemplated act and he would not have committed the murder?

I am not unmindful that of these 78 homicides 3 were committed by officers in their line of duty. Rarely does an officer shoot to kill unless in self-defense, or when he is in grave apprehension of danger. The point is: If the officer could feel reasonably sure that the lawless element would not have the advantage over him by bearing concealed firearms (and no criminal becomes a potential murderer until he arms himself with a concealed deadly weapon), it would not be necessary for an officer to be armed. If this were so, in the vast majority of cases the officer could protect himself against any other weapon. But the officer's pistol is his surest protection from harm from those who carry concealed firearms. May we see the day when our policemen, like the English "bobby," in order to enforce the supremacy of the law, need carry only his night stick or "billy."

Were there 17 justifiable homicides in Memphis last year? (I have eliminated the three accidental killings). Coroner's juries and grand juries have said there were, so we will accept their verdicts. But it does seem to be an outrageously large number of people who had, for justifiable causes, to be killed by their fellow men. The law says life can justifiably be taken only to protect life. Hence, we will assume each justifiable homicide was committed to prevent the victim killing another. If the victim had not had the weapon with which he was making the demonstration it would not have been necessary to have used such a drastic preventive on him—another "justifiable homicide" would have been avoided.

The statement is often made that the statisticians do Memphis an injustice in the murder rate assigned to it. And we hear the excuse that Memphis, because of its location, attracts the riffraff from the Tri-States which furnish a large percentage of its murderers. It is well to have these statistics corrected and to get our published murder rate as low as possible. But, with every correction made that we can honestly claim, our murder rate will be deplorably high. Memphis can not change its location. So let us stop fooling ourselves and become active to see if we can not check the fashion of murder so prevalent in our midst. Reduce the number of murders and statistics will take care of themselves. We thus will be saved the humiliation of making excuses for our apparent lawlessness.

We have depended upon our present system for the apprehension and punishment of major criminals and it seems to have failed us—at least, there is no apparent change for the better in the number of murders committed yearly, yet our law-enforcing officials have been at work steadily and our courts have been sitting constantly. The first statement is not literally true, for Memphis in 1923 showed an improvement over Memphis in 1922—one less homicide better—78 as against 79. At any rate, Memphis is running true to form.

Some say we can not hope to better conditions until our criminal courts mete out speedier and severer punishment and the pardon board and the governor refrain from setting at naught the effect of convictions through the pardoning power. We can only hope that the officials assigned the duty of prosecuting those charged with crime will see that these trials are speeded up; that juries will begin to understand that the law expects capital punishment to be inflicted when the facts demand it; and that the executive department, except in the most cogent cases, will let convictions take their course. We have been waiting patiently for these things to occur and we are still waiting—but not so patiently.

Others say relief lies in new laws simplifying our criminal procedure and in making jury service in criminal cases not so onerous. There is much force in this. But shall we remain quiescent awaiting the next session of the legislature in 1925 with the probability that any law for suggestive reform in criminal procedure will receive scant recognition at the hands of the legislature?

Still others say it can not be expected that the law against homicide will be rigidly enforced as long as public opinion is opposed to the rigid enforcement of the laws against gambling, "pistol toting," "boot-legging" and the various other laws which our people violate with impunity. Surely public sentiment is overwhelmingly opposed to homicide. If our citizens become accustomed to the rigid enforcement of the law against murders and to the not infrequent infliction of capital punishment when the crime demands it, public opinion will soon rally to the support of the officials seeking to enforce the laws against lesser crimes, not to mention the salutary effect the infliction of a few speedy capital punishments will have upon future potential murderers.

The conditions demand that murder be not so common as it is now in this community.

If law enforcement is largely a failure, let us turn our attention to crime prevention. Let us as a novelty seek to prevent the commission of crime rather than to devote our entire energy to the punishment of crime after its commission. Let us seek to prevent the act of the potential criminal, thereby preventing the necessity for his apprehension and prosecution for the commission of the contemplated crime, and save his becoming a charge on the public. By minimizing the commission of

crime, we lessen the opportunity to criticize and condemn the failure of prosecution and the inadequacy of punishment.

Our brothers in medicine do not permit a contagious disease to become epidemic in the community and then strive to cure the unfortunate who become afflicted. They seek to isolate the contagion in its inception and to prevent any others from becoming affected. A crime wave is not unlike a virulent epidemic. If I may borrow an expression, let us have diagnosis and cure, rather than autopsy and verdict, in the suppression of lawlessness in this community. The germ, so to speak, of the murder epidemic is the pocket pistol. Isolate this weapon and the murder rate will immediately fall. The people should grapple with the situation and attack it in its most vulnerable spot—homicides.

How can homicides in Memphis be best reduced? Will statistics answer this? Ponder again the record of Memphis for 1923:

	White.	Colored.
Males murdered.....	12	49
Females murdered.....	4	13
Total.....	16	62

Sixty-two negroes murdered as against 16 whites!

Some may assuage their feelings of remorse by the thought that 85 per cent of those murdered were of the colored race. Rather, should we not feel a greater degree of shame and responsibility in that we, being the ruling race, should permit this to occur?

Statistics make no distinction in color. A homicide in the world's murder record is a homicide, be the victim black or white. The outside world does not know the proportion of whites and blacks, either of the murderers or the murdered. It judges us simply on our record.

What say statistics as to the race and sex of these 78 murdered?

	White.		Colored.	
	Male.	Female.	Male.	Female.
Killed by colored males.....	2		25	11
Killed by colored females.....			14	2
Killed by white males.....	8	4	7	
Killed by white females.....	1			
Killed by unknown parties.....	1		3	
Total.....	12	4	49	13

Fifty-three negroes killed by negroes. Only seven negroes killed whites. Only two whites killed by negroes—one a white burglar and the other assassinated by negro bandits.

How clearly the record localizes the canker on the community. Eighty-three per cent of 75 homicides (excluding accidental killings) were negroes killed by negroes. If the record showed a greater percentage of whites killed by whites, or if it disclosed a pregnant danger of racial conflict, the situation would be far more appalling and difficult of solution. Can not we, the dominant race, upon whom depends the enforcement of the law, so enforce the law that we will prevent the colored people from preying upon each other? Does the fault not rest squarely on our shoulders? But we can make no progress until we begin respecting and obeying the law much more than we do now, and set the example for these colored persons to obey and respect the law also.

Here we have laid bare the principal cause for the high murder rate in Memphis—the carrying by colored people of a concealed deadly weapon, most often a pistol. Can not we cope with this situation? It is unlawful for them to carry such weapons. But it is just as unlawful for a white person to carry a like weapon. Are we to admit that in this particular the colored people have gotten beyond the control of the law? That can not be. Yet, it will be folly to seek to enforce the "pistol toting" law against the blacks and not against the whites.

It is said that public sentiment is opposed to the rigid enforcement of the law against "pistol toting." If this be so, it must be because our white people feel it is necessary that they go secretly armed for self-protection. It is unspeakable that there is public sentiment among the whites that negroes should not be disturbed in their carrying of concealed weapons.

I deny that the time has come when our white citizens are compelled to go secretly armed for self-protection. But if this time has come, it is better far that we carry our arms in plain view so that the thugs will have visible evidence that we are prepared for the emergency.

Neither do we need pistols for the protection of our homes. If we need a firearm to repel a burglar, a sawed-off shotgun with its load of buckshot is far more deadly and surer than the pistol. One has to be somewhat expert to use a pistol under stress of danger or excitement with accuracy.

The only excuse for the pocket pistol is to give one an advantage over another; to permit one to deceive his fellow man by an outward display of peaceful intentions, but a secret preparedness to do him bodily injury

by surprise. It should be abhorrent to a (supposedly) law-abiding citizen to carry a concealed weapon, and so long as this practice is indulged in by that class, little progress can be made toward preventing a like practice by the lawless.

What becomes of all the pistols that come into the possession of the law enforcing authorities through arrests? Are they destroyed, or do they again get into circulation? Is not the latter the case? If records of pistols could be kept, no doubt the police department would recognize from time to time pistols that have records for murder and attempted murder as appalling as the records of hardened criminals.

Why not destroy every pistol that was being unlawfully carried, which comes into the possession of the law-enforcing authorities? If destroyed, certainly that particular weapon could not later be the instrument in a major crime. If such a pistol is in the possession of the law-enforcing officer, it is the height of folly to again reissue that pistol into circulation, it makes no difference to whom given, for at that instant it again becomes the instrument of a potential murder.

To illustrate: An estimable citizen went to a law-enforcing officer for permission to have a pistol in his home. He was not only given the permission upon signing a permit, but he was even given the pistol with the remark that it had been the pistol of a notorious character. This weapon that had possibly been the instrument of a murder, instead of being destroyed, was here again started out in the world as an instrument for potential crime—not in the hands of the estimable citizen to whom it was given, but who knows who else, at some time, may come into its possession?

Some may say the law-enforcing officials have not the legal right to destroy these weapons. Let them assume the right. At most, what is involved? Merely the value of the weapon destroyed. And it would be better far that the city and the county pay the value of every pistol found on those arrested than to permit them again to get into circulation as instruments of destruction.

#### REDUCTION OF TAXATION THROUGH TARIFF LAWS.

Mr. JONES of New Mexico. Mr. President, much has been said recently in the Congress and in the press of the country about the reduction of the burdens of Government. I believe that the time is near at hand when the attention of the country should be directed to the question of the reduction of taxation through the tariff laws of this country.

I do not care to discuss that question now, but Mr. CORDELL HULL recently prepared a short article upon that subject which was published in the Forum. It is a very brief statement, bearing upon that most-important question, and I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

#### NINETEEN HUNDRED AND TWENTY-FOUR CAMPAIGN ISSUES.

##### THE TARIFF: THE DEMOCRATIC ARGUMENT—PROTECTION FALLACIES.

(By CORDELL HULL, chairman Democratic National Committee.)

Every sound economic law proves the futility of such measures as the Fordney-McCumber tariff, according to Democratic opinion, which is quick to pounce on discrepancies between the professions and the practices of Republicans in dealing with this issue. In place of the present policies a program of reconstruction is advocated, embracing moderate revenue tariffs, removal of economic barriers, international finance, trade cooperation, and maintenance of healthy trading.

Why is the tariff a subject of never-ending controversy? The true answer is not taxation but selfishness and greed. Tariff beneficiaries never cease to demand their pound of flesh, and the helpless victims as often register bitter complaint. At present the Fordney-McCumber tariff looms large in our domestic and international economic situation, because it flies in the face of every sound economic law of to-day. It is not a question of a new country protecting young industries. Greed and pelf alone offer the real basis for the existing extortionate and unconscionable high tariff with its train of excesses, evils, and injustices.

The most striking truth which recent tariff history reveals is the great contrast between the professions and practices of Republicans in dealing with the tariff. They have invented many different formulas and catch phrases to define the Republican tariff theory, such as protection of "our manufacturers," "our home industries," "our home markets," "American labor," a tariff that will equal "the difference in the cost of production at home and abroad plus a reasonable profit," and, finally, that will equal "the difference in the cost of production at home and abroad." Dominant Republicans, at the same time, have pursued a uniform but vastly different practice in applying their tariffs. Disregarding all their professed tariff theories and formulas, when in control of the Government they permit all interested manufacturers or producers, who, as a rule, have first made large campaign contributions, to send their lobbyists to Washington and with graft aforethought write their own high arbitrary, prohibitive rates in utter de-

fluence of every sound rule of even protective tariff taxation. Republican tariffs are thus framed, and the lobbyists departing sing with glee—

"I care not for the stars that shine,  
I only know that I've got mine."

While the Fordney-McCumber bill was pending in Congress during 1922 the efforts to procure facts as to relative production costs proved utterly futile. Besides, the foreign exchanges were constantly and violently changing so that the drafting of a tariff measure based on any sound rules or definite cost comparisons or any consideration other than high, haphazard rates, was wholly impossible. Confronted with this dilemma, the Republicans inserted the so-called flexible tariff provisions, which were loudly proclaimed as the saving provisions that would enable the President to make such changes as would develop a scientific tariff law. These flexible clauses were branded as unconstitutional and as a fraud at the time, and have since proved entirely unworkable. It has, of course, been impossible to procure foreign costs. The present situation is that America is cursed with the most unscientific, inflexible structure of high tariff guesswork in economic history. "The very maximum rates" was the slogan. The outstanding lesson the people have learned is that Republican practice, and not profession, presents the true Republican tariff attitude. The difference between their tariff theory and practice is wide and deep, and within itself offers a complete tariff issue.

In determining a wise and sound tariff policy for the United States, following the war a consideration of the new and changed financial, business, and economic conditions became all important. America was no longer a debtor Nation. Our productive capacity had increased 80 or 40 per cent over the pre-war level. Our exports had jumped from \$2,428,596,000 in 1913 to \$8,000,000,000 in 1920. America was the recognized financial, commercial, social, and moral leader of the world. We possessed nearly one-half of the world's gold. We had built a great merchant marine. Our productive machinery and our intelligent skilled labor were the very best. Our foodstuffs and raw materials such as cotton, copper, coal, lumber, oil, iron ore, and other minerals were unexcelled and almost unlimited in variety and quantity. The balance of the world was flat on its back, economically. No nation ever had such an opportunity to move forward along stable lines, financially, industrially, and economically. America only had to realize her strength and her wonderful position of advantage. Republicans flouted all these basic facts and conditions.

The situation and the best interests of the United States did not call for an impregnable tariff wall and all other economic barriers possible to erect, as was decreed by the Republican administration, but instead they strongly demanded a competitive tariff for revenue, based on the policy of the Underwood law, with moderate rates which would not destroy or seriously injure any domestic industry economically justifiable, but which would prevent domestic monopoly and excessive prices. In the light of developments here and everywhere since 1918, it is manifest that such democratic tariff-for-revenue policy alone was and is calculated to bring to America sound, stable, permanent prosperity.

The time was ripe for the removal of other trade barriers. America after the war should have called an international trade-agreement congress, if necessary to supplement other international organizations, with the object of eliminating, by mutual agreement of the commercial nations, every possible economic and trade barrier, including discriminations such as bounties, drawbacks, rebates, subsidies, subventions, colonial preference save to a nominal extent, preferential entry to port, monopoly of raw materials in weak and backward countries by strong nations, and all other unfair preferences and trade practices possible to be abandoned in the interest of fair and friendly trade relations and equal economic opportunities among all commercial nations. Republicans, instead of initiating this wise policy at a crucial stage, faced the other way, pursued the course of hermit isolation, and set the world example of erecting every sort of economic barriers—an example most other nations naturally followed—with most disastrous results.

It is interesting here to enumerate some of the economic paradoxes and contradictions which the new Republican tariff law presents. This utterly selfish and shortsighted measure was based upon the absurd theory that America could forever sell and not buy.

McKinley exposed and condemned the fallacy as far back as 1901. It was based upon the ridiculous notion that America could develop and maintain a merchant marine which would carry freight only one way. It was based upon the blind policy that Europe and the world should pay their debts of nearly \$18,000,000,000 due America, although payment can only be made in gold, goods, or services, while we have most of the gold and decline to take goods or services. It was based upon the absurdity that a great creditor nation, producing vast surpluses of foodstuffs, raw materials, and manufactures which must be exported, can thrive best under a high tariff which greatly obstructs the normal flow of commerce between nations, depresses the foreign exchanges, and destroys sound reciprocal trade relations. It was based upon the pretended fear that the prostrate countries of Europe, without money, credit, foodstuffs, or raw materials, might immediately arise



and inflict commercial destruction upon America, the greatest financial, commercial, and industrial giant of all time.

Among the destructive effects of the Fordney-McCumber tariff, the biggest are the twin evils of the high cost of living and an artificially high level of the costs of production in the United States. The Republican platform of 1920 solemnly promised to reduce the high cost of living and to prosecute the profiteers. Their subsequent high tariff policy has directly resulted in artificial price increases of almost every article the American people wear or use, and has multiplied profiteers. Farm products are the chief exceptions. These high tariffs, too, have artificially enhanced the prices of almost all construction materials, the immediate effects of which are most seriously to handicap the general building business and the repairs, improvements, extensions, and equipment of railroads. The tariff is thus a prime factor in building costs and in high freight rates. It likewise increases by tens of millions the cost of farm operations by raising the prices of iron, steel, and other commodities which the farmer must use.

This artificially high level of production costs in America operates in innumerable ways to obstruct, disorganize, and dislocate our foreign-trade situation. It not only prevents exchange of goods but prevents America from selling her immense surpluses in all lines in foreign markets in competition with other countries. The result is that America can only "dump" her surplus at reduced prices or restrict her output to the limit of our home needs. She is already doing both. Our exports have slumped from \$8,000,000,000 in 1920 to \$3,840,000,000 in 1923. The inevitable outcome will be that American labor will greatly suffer from the coming curtailment of production while much capital will be unemployed. Our present volume of imports reflects a purely temporary and abnormal situation which our high tariff has considerably aggravated. This tariff largely contributed as a trade barrier to driving down the foreign exchanges, and with foreign purchases paid for in very low exchange and an artificially high American market to attract, it is clear that they assist importers to jump over our very high tariff barriers the more easily. The finance, credit, exchange, and trade facilities of most of the world have largely broken down, with our tariff a strong contributing factor, and our foreign-trade situation will continue to grow worse so long as we maintain high tariffs to prevent a reasonable exchange of goods.

The fact can not be ignored that for four years of war America ceased improvements, extensions, and construction, adopted the skimping policy, and sent her surpluses of every kind to Europe. During the past two years she has been importing not competitive manufactures but principally raw materials in order to bring our domestic production up with our domestic consumption. Some industries already have caught up, and, for lack of foreign trade, are curtailing or shutting down. This condition will become more general from month to month. Our imports of competitive manufactures, considering the different price levels, were far less under the Underwood than under the Fordney tariff.

Underwood law: Imports of manufactures, nine months ending September, 1922, \$484,862,000.

Fordney law: Imports of manufactures, nine months ending September, 1923, \$568,219,000.

This fact destroys the chief Republican bogey.

Time overtakes even an economic falsehood. For two generations the American people have been taught that Republican tariffs were an infallible assurance of prosperity. The truth is that every panic, beginning with that of 1873, has occurred either under Republican administrations or Republican legislation.

The American farmers recently learned by the clearest demonstration that under Republican high tariffs prices of most of their products went lower, their foreign markets went to pieces, while the prices of all they must buy went skyward. Farmers now realize that they were not saved from ruin by the Morrill high tariff during the panic of 1873, nor by the McKinley high tariff during the panic of 1890-1893, nor by the Dingley high tariff during the panic of 1907, nor by the farmers' high tariff during the panic of 1921-22.

The American people have recently experienced much tariff disillusionment. They now know that every industry producing a substantial surplus must depend upon stable foreign markets and that the latter are the chief factors in fixing domestic prices in America. This desired end requires moderate tariffs, efficient production costs, and economic cooperation in order to maintain sound reciprocal trade and market conditions. In the face of Republican pretense that high tariffs increase wages, labor has discovered that brick masons, carpenters, artisans, and most other labor in the unprotected industries receive higher wages than most of that in the protected industries. In the most highly protected industries—the textiles—labor for 40 years has received the lowest wages.

All financial, commercial, and trade developments but serve to expose the utter unsoundness of Republican post-war economic policies, both domestic and international, while they strongly confirm the wisdom and timeliness of the great Democratic reconstruction program

which embraced moderate revenue tariffs, the general removal of economic barriers, international finance, credit, and trade cooperation, the maintenance of a healthy growing foreign trade, and stable domestic prosperity.

#### CHANGE OF DATE OF ANNUAL SESSIONS OF CONGRESS.

Mr. KING. Mr. President, under the latitude of debate I want to submit an observation or two in regard to the proposed constitutional amendment reported by the Senator from Nebraska [Mr. NORRIS], which was under consideration this morning.

A few days ago I introduced a bill providing—

That the first annual session of each Congress shall be upon the 6th day of April next following the election of such Congress; the second annual session of Congress shall be upon the 2d day of January next following; and the third annual session of the Seventieth Congress and of each alternate Congress thereafter shall be upon the 2d day of January next following the appointment of the electors of the President and the Vice President.

I offered this measure for the purpose of avoiding, if we possibly could, a constitutional amendment, as I am very much averse, in the language of the Senator from Missouri [Mr. REED], to constantly tinkering with the Constitution of the United States. In support of this measure, and as a reason for it, I ask to be permitted to offer a few observations.

The Constitution provides that—

Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

The bill to appoint the days for the annual sessions of Congress fixes the date for the first annual session upon the 6th day of April next following the election of such Congress, and the date for the second annual session upon the 2d day of January next succeeding. Provision is also made for a third session on January 2, following the election of the President of the United States, this short session before the end of a presidential term being necessary in order to canvass and declare the vote of the Electoral College for the President and Vice President. This short third session will only be held by alternate Congresses.

The four months intervening between the election in November and the inauguration of the President in March is not too great a time to enable the outgoing President to clear up the work of his administration and to afford the new President time to select his Cabinet and prepare for the assumption of the duties of the presidential office. The short session of the old Congress preceding the change in administrations will also be of advantage for disposing of pending business.

But the interval of 13 months between the election and the first annual session of Congress is too great, and the bill shortens this interval to five months. This interval could be further shortened by providing for the election of Congress in January which might also cool the judgment of the people. The new Congress assumes office on the 4th of March, and one month later on the 6th of April meets in regular session. This affords the new President one month for the preparation of his message and is as early a date as would be proper for the assembling of Congress.

April 6, 1789, was the day upon which the first Congress assembled in the city of New York, canvassed the vote of the Electoral College, declared that George Washington had been chosen President, and organized the Government of the United States under the Constitution. This date, April 6, instead of March 4, should have been accepted as the date for the beginning of the terms of office prescribed in the Constitution, as the Government under the Constitution, both in the de facto and de jure sense, had its beginning upon that day.

It is not necessary to amend the Constitution. The day for the election may be moved up as near the 4th of March as may be desired, and the day for the convening of Congress may be moved back as near the 4th of March as may be desired. The fixing of the days for the election and convening of Congress is within the express powers conferred upon Congress by the Constitution.

Mr. President, I hope that Senators will do me the honor to read what I have said upon this subject before they vote upon the proposed amendment to the Constitution which has been reported from the Committee on the Judiciary by the distinguished senior Senator from Nebraska [Mr. NORRIS]. In my judgment, there is no necessity for amending the Constitution of the United States. We can reach reasonably satisfactory results by executing the plan I have suggested in the bill which I just read to the Senate.

## INTER-AMERICAN COMMITTEE ON ELECTRICAL COMMUNICATIONS.

The PRESIDING OFFICER. The next business on the calendar will be proceeded with.

The joint resolution (S. J. Res. 79) to provide for the representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City beginning March 27, 1924, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$33,000 to defray the cost of representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City, Mexico, beginning March 27, 1924.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EXPERIMENTS IN RURAL POSTAL SERVICE.

Mr. HARRIS. Mr. President, there is on the calendar a bill introduced by me, and requests for unanimous consent to consider it were objected to by the Senator from Utah [Mr. KING]. I see that Senator now present, and I move that the Senate proceed to the consideration of that bill. I will say that I do not believe there would be two votes against the bill. A motion to take it up is the only way I can get it considered, because the Senator from Utah was frank enough to say he would object to its consideration under the five-minute rule.

The PRESIDING OFFICER. The Chair understands that under the rule the Senator can not make the motion before 1 o'clock.

Mr. CURTIS. Under the unanimous-consent agreement can the motion be made then? We began the consideration of the calendar with a bill beyond the order of business the Senator is seeking to have called up.

The PRESIDING OFFICER. The Chair did not understand the Senator from Kansas, his attention having been directed to another matter.

Mr. CURTIS. As I understand it, under the unanimous-consent agreement we began the consideration of bills on the calendar with Order of Business No. 161, and the one to which the Senator refers is previous to that on the calendar. Therefore, under the unanimous-consent agreement, I do not think the Senator's motion would be in order to-day.

The PRESIDING OFFICER. As the Chair understands it, the Senate is considering the calendar under the rule and not by unanimous consent, but unanimous consent was given that the consideration of bills on the calendar should begin at a certain number.

Mr. CURTIS. My understanding of Rule VIII is this—and I think the Chair will agree with me if he will read it—that where a bill is called up and objection is made, then, after 1 o'clock, any Senator may move that the Senate shall proceed to its consideration. But in this case we began with a bill appearing on the calendar after the Senator's bill. I think, if we began at the beginning, at the next call of the calendar the Senator could, when his bill was reached, move to proceed to its consideration.

The PRESIDING OFFICER. The Chair thinks he was in error in his statement. The language of the rule is, "Until the morning business shall have been concluded and so announced from the Chair." The morning business has been concluded, and the Chair thinks the motion of the Senator from Georgia would be in order. The Chair is also of the opinion that the mere fact that by unanimous consent we commenced at a certain number on the calendar would not preclude any Senator from making a motion to take up a bill. So the Chair will entertain the motion of the Senator from Georgia.

Mr. HARRIS. Mr. President, I will state to the Senate that this is a measure allowing the Postmaster General to experiment on rural routes on rural free delivery. The Postmaster General has recommended it, the Senate Post Office Committee has unanimously reported it, and I do not believe there would be very much objection to it. I therefore move that the Senate proceed to the consideration of Calendar No. 150.

The PRESIDING OFFICER. The Chair understands that under the rule this motion must be determined without debate. The Senator from Georgia moves that the Senate proceed to the consideration of Senate Joint Resolution 60.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. The Senator from Kansas asked unanimous consent that until 2 o'clock we proceed with the consideration of the calendar, beginning at a certain number.

The PRESIDING OFFICER. The Chair will say that the Senator is mistaken in that. The Senate proceeded under the rule to the consideration of the calendar, and then the Senator from Kansas asked unanimous consent that we begin with a certain number. That was the only thing involved in the unanimous-consent agreement—that we begin with a certain number on the calendar.

Mr. KING. The parliamentary inquiry which I submit and which may have been submitted by the distinguished Senator from Kansas is, Does not the unanimous consent preclude the return to measures that are farther back on the calendar? Would we not be compelled, if we desired to take up a measure out of order, to find a measure ahead of the point where we began, rather than go back over ground which has already been covered?

The PRESIDING OFFICER. If we had proceeded with the calendar in accordance with a unanimous-consent agreement, the Chair thinks that would be true; but the Chair does not think that the unanimous-consent request submitted by the Senator from Kansas precludes any Senator from making a motion to take up a particular bill under the rule.

Mr. KING. Another parliamentary inquiry, Mr. President. If this motion should prevail—and it is a motion to proceed to the consideration of a bill which, in my opinion, is of very great importance and may project the Government into the expenditure of millions and tens of millions of dollars—would it be debatable, or would we be limited by the five-minute rule?

The PRESIDING OFFICER. The bill would be debatable, as the Chair understands it, if it were taken up by motion, without the five-minute limitation.

Mr. KING. Of course if Senators vote to take up this bill, they will displace the calendar, because the discussion of it may consume the rest of the morning.

Mr. EDGE. Will the Senator yield for a question?

Mr. KING. Certainly.

The PRESIDING OFFICER. The motion to take up the joint resolution is not debatable.

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. We entered into a unanimous-consent agreement to proceed with the calendar. I have no objection in the world to the motion of the Senator from Georgia. I am with him in his proposition, but have we not a unanimous-consent agreement that after the morning hour is concluded we shall proceed with the so-called Norbeck bill?

The PRESIDING OFFICER. That is the unfinished business. It will come up at 2 o'clock as the unfinished business.

Mr. HARRISON. I had understood that the morning hour was over and was so announced by the Chair.

The PRESIDING OFFICER. The morning hour is not over. Routine morning business has been concluded. The question is on the motion of the Senator from Georgia to proceed to the consideration of Senate Joint Resolution No. 60. [Putting the question.] In the opinion of the Chair the yeas have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McCORMICK (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. MOSES (when his name was called). I have a pair with the Senator from Louisiana [Mr. BROUSSARD]. I transfer that pair to the Senator from California [Mr. SHORTRIDGE] and vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. I am informed that he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. BAYARD]. I transfer that pair to the senior Senator from Maryland [Mr. WELLES] and vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the junior Senator from North Carolina [Mr.



OVERMAN], who is detained from the Chamber, and I therefore withhold my vote.

The roll call was concluded.

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the junior Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is absent on account of illness. He is paired with the Senator from Wyoming [Mr. WARREN].

Mr. SMITH. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Arkansas [Mr. CARAWAY] and vote "yea."

Mr. WADSWORTH. Mr. President, is a parliamentary inquiry in order at this time?

The PRESIDING OFFICER. It is not.

The result was announced—yeas 34, nays 31, as follows:

#### YEAS—34.

Adams	George	McNary	Simmons
Borah	Gerry	Mayfield	Smith
Bruce	Harris	Neely	Stephens
Capper	Harrison	Ralston	Swanson
Copeland	Johnson, Minn.	Ransdell	Trammell
Dill	Jones, N. Mex.	Reed, Mo.	Walsh, Mass.
Edwards	Jones, Wash.	Sheppard	Walsh, Mont.
Ferris	Kendrick	Shields	
Fletcher	McKellar	Shipstead	

#### NAYS—31.

Ball	Fess	Lodge	Pittman
Brookhart	Frazier	McCormick	Reed, Pa.
Colt	Gooding	McKinley	Reed, Pa.
Couzens	Hale	Moses	Stanfield
Curtis	Harrell	Norris	Wadsworth
Dale	Keyes	Oddie	Watson
Edge	King	Pepper	Willis
Ernst	Ladd	Phipps	

#### NOT VOTING—31.

Asburst	Dial	La Follette	Spencer
Bayard	Elkins	Lenroot	Stanley
Brandegee	Fernald	McLean	Sterling
Broussard	Glass	Norbeck	Underwood
Bursum	Greene	Overman	Warren
Cameron	Hefflin	Owen	Weller
Caraway	Howell	Robinson	Wheeler
Cummins	Johnson, Calif.	Shortridge	

So Mr. HARRIS's motion was agreed to.

The PRESIDING OFFICER. The Senate will proceed to the consideration of Senate Joint Resolution 60.

Mr. FLETCHER. Does not the Senator from Georgia mean to correct the statement of the Chair? The bill he described is Order of Business 111 on the calendar, Senate bill 2111.

The PRESIDING OFFICER. The Senator from Georgia referred to it as Calendar No. 150 and the Chair repeated it several times.

Mr. FLETCHER. He described the resolution, which is not the right number.

The PRESIDING OFFICER. The Senate has voted to proceed to the consideration of Senate Joint Resolution 60, which was also introduced by the Senator from Georgia [Mr. HARRIS].

Mr. WALSH of Montana. Mr. President, when I came into the Chamber I found the vote was being taken. I inquired what the matter was and was advised that it was an amendment to the pending bill providing for experimentation in the transportation of farm products by rural free delivery. I voted under that apprehension. If the motion is to displace the pending bill and take up another one, as I now understand is the case, I voted under a misapprehension.

The PRESIDING OFFICER. The Chair will state that it was a motion in the morning hour to proceed to the consideration of a bill on the calendar.

Mr. HARRIS. Mr. President, it was my error in calling the wrong calendar number, and I regret it. The bill I described is a bill that has come up on the call of the calendar several times, and the Senator from Utah [Mr. KING] has objected each time. I want to say to Senators on the other side of the aisle who voted against taking up the bill that it has come up several times on the call of the calendar and has been objected to. I have been in the Senate five years and never objected to a unanimous-consent request, and hope never to do it, but I am going to get the bill considered. It is on the calendar and has been unanimously recommended by the committee. If I fail to get it considered, I shall object to other measures being taken up by unanimous consent. Any Senator has the right to oppose the bill and object to it, but I am not going to let one Senator—and there is only one objection to this—keep me from having a bill considered here. I put the Senate on notice.

The PRESIDING OFFICER. The Senator's motion was to proceed to the consideration of Senate Joint Resolution 60.

Mr. CURTIS. Mr. President, I simply want to state to the Senator from Georgia that Senators on this side of the aisle

did not vote against taking up the measure because they are opposed to the measure. They voted against proceeding to its consideration at this time because they object to displacing the calendar now. They feel that we should proceed with the call of the calendar according to the unanimous-consent agreement.

Mr. KING. Mr. President, the Senator from Georgia has exhibited a spirit of acerbity that is not compatible with the situation. He seems to take it as a personal affront because somebody objects to his unanimous-consent request that the Senate proceed to the consideration of the joint resolution. I stated to the Senator that I objected under the five-minute rule to a measure as important as that coming up to be considered. I stated to the Senator from Georgia then and I state now that if he would move to take it up at any time except under the five-minute rule I would join with him. It is absurd to make the statement he did, and it is totally unfair and unkind.

Mr. HARRIS. The Senator from Utah has forgotten. I went to him after he objected to the consideration of the bill when it came up on the calendar at different times and asked him if he would object to my making a motion to bring it up at another time. He told me that he was opposed to the bill, that it was a bad bill, and that he would object to it. I have shown him every courtesy. He has a perfect right to oppose the bill, but the bill is going to be considered by the Senate. I am entitled to that.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. McKELLAR. What resolution have we taken up? Is it Senate Joint Resolution 60?

The PRESIDING OFFICER. The Senate has voted to take up Senate Joint Resolution No. 60, Order of Business 150.

The Senate now has before it Joint Resolution No. 60, being Order of Business 150.

Mr. CURTIS and Mr. KING addressed the Chair.

Mr. HARRIS. Mr. President—

Mr. FLETCHER. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 111, being Senate bill 2111, in lieu of the measure which was taken up, for evidently Senators thought they were voting to take up the bill for which I have asked consideration.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Let the Chair first state the request of the Senator from Florida. The Senator from Florida asks unanimous consent that Calendar No. 111, being Senate bill 2111, be substituted for the joint resolution which was just voted to be taken up by the Senate. Is there objection to that request?

Mr. KING. Mr. President, I object. I challenge the accuracy of the Senator from Georgia—

Mr. HARRIS. Mr. President—

Mr. KING. I have the floor. It is not true that I objected to the consideration of Senate bill 2111. I do object to its consideration under the five-minute rule. If the Senator from Georgia can get the bill considered at any other time I shall join with him in order that there may be a full discussion of the measure.

Mr. HARRIS. Mr. President, the Senator from Utah either misstated my request or misunderstood what I said to him in a courteous way. I move that the Senate proceed to the consideration of Senate bill 2111, being Calendar No. 111, instead of the other measure.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of Order of Business 111, being Senate bill 2111.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2111) authorizing the Postmaster General to conduct an experiment in the Rural Mail Service, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with an amendment.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. I have been advised, contrary to what I understood the Chair to rule—not the present occupant of the chair, who was not then presiding—that the consideration of the pending measure will not be under the five-minute rule.

The PRESIDING OFFICER. The bill will not be considered under the five-minute rule. There is no limit on the debate on the measure now.

Mr. HARRIS. I called the bill up at this time because it would not be considered under the five-minute rule. The Senator from Utah stated he would object to the consideration of the bill under the five-minute rule. I was therefore forced to do what I did not like to do.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill, as follows:

*Be it enacted, etc.,* That during the 12 months next succeeding the approval of this act the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General, and when so determined and properly certified to the Comptroller General shall be payable monthly by warrant directly from the appropriation for Rural Delivery Service: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

A report on the progress of this experiment shall be made to Congress at the next regular session.

The PRESIDING OFFICER. The bill is before the Senate, as in Committee of the Whole, and is open to amendment.

Mr. KING. Let the report be read.

Mr. HARRIS. Mr. President—

Mr. KING. I waive the request if the Senator from Georgia desires to be heard.

Mr. HARRIS. Mr. President, the pending bill, if enacted, will not require an appropriation. As I just now stated, the Postmaster General and the Post Office Department have considered the bill carefully and approve of the measure. The Post Office Committee of the Senate has also approved it unanimously at an almost full meeting of the committee. The bill proposes to enable the rural carriers to carry certain articles, starting from the place where they begin carrying the mail and back to that point, but not beyond that. Such carriage is confined to the route of the rural carrier, and he is not permitted to carry articles beyond the boundaries of his route.

The bill proposes to allow the Postmaster General to experiment along that line and to let the rural carriers bring in at a smaller postage rate butter, eggs, or other articles which are raised on the farm.

Every day some farmer throws away, say, a pound of butter or vegetables or other articles which he could send to town by the carrier. He can not afford to hitch up his horse or to take his automobile and go 10 or 12 miles merely to carry small quantities of butter, fruit, or vegetables to market. For that reason I thought the Postmaster General, if he should experiment by having these carriers transport such articles, giving them a commission so as to interest them in the proposition, would accomplish a useful end.

The greatest problem on the farm to-day, Mr. President, is getting a market for produce. I believe the measure, if enacted, will go a long way to meet that end.

I am not going to consume the time of the Senate in a discussion of the bill, but I hope the Senate will approve of it.

Mr. KING. Mr. President, as I interpret the Senator from Georgia [Mr. HARRIS], his position is that whenever a Senator seeks for the consideration of any measure assent should immediately be given. He seems to feel affronted if opposition is suggested to any measure which he may offer. I have stated to the Senator that I had no objection to the consideration of his bill, although I was opposed to it, if it were brought to the attention of the Senate at a time when its provisions could be fully examined and its consequences thoroughly explored. Under the five-minute rule, or during the morning hour, it is impossible to consider fully and carefully measures brought before the Senate, and I suggested to the Senator that if he would call up his measure upon an occasion where there would be full opportunity to canvass its merits and demerits I should not object. We are now, if not under the five-minute rule, operating within the morning hour, and this measure, which I regard as an important one, can not be fully considered

before 2 o'clock, when the unfinished business will be taken up for consideration.

Mr. President, I am in sympathy with any measure which will tend to relieve agriculture from burdens which oppress it and from obstacles which it encounters. No one can deny the importance of agriculture. It is the basic industry, and the prosperity of the farmers is essential to the prosperity of the Nation. However, Congress must keep in view always the limitations which are imposed upon it, and must also in considering proposed measures not be influenced by mere sentiment, or controlled by hysteria, or directed by conditions—unfortunate and deplorable though they may be—for which no proper palliative may be offered.

I sometimes think that much of the legislation of Congress is the result of pressure or propaganda or emotionalism, without due consideration to the ultimate results and to the precedents which such legislation may establish. We are too prone to regard mere palliatives as cures for disorders. The physician seeks from the symptoms in the patient to discover the cause of the malady. The quack is satisfied with some temporary treatment. A palliative is given to the patient, but the disorder still persists. Agriculture is suffering and suffering seriously. There is a deep-seated disease in our economic life. It is important that we discover the cause of the disease and then proceed with courage to cure the ailment, no matter how drastic the remedy prescribed.

Oftentimes legislation may be projected which affords temporary relief and extends benefits to a class or within a circumscribed area, but its ultimate effects may be most injurious and its consequences to the country most serious. The proposition before us on its face is very attractive. It is particularly inviting when we consider that some of the evils afflicting agriculture result from the lack of markets and from a failure of the agriculturists to properly cooperate to dispose of their products. An examination of the measure before us reveals, as I understand it, the purpose back of it. And that purpose is to project the Government into the business of transporting the products of the farm; and, of course, if it becomes a common carrier of agricultural products, it must become a common carrier for manufactured and all other commodities. It is an attractive proposition to have the Government provide means for transporting the products of the field and the farm to the consuming markets, and yet if that proposition is adopted by the Government it means that the Government will ultimately take over the transportation system and become a common carrier for all the people.

It is true that the bill before us merely authorizes an experiment to be conducted for the purpose of demonstrating what can be done by the Post Office Department in carrying farm products from the producers to the consumers. It is idle to say that those who projected the scheme have only in mind a simple experiment. Undoubtedly the purpose is to have a nation-wide system established which will require the Government, through the Post Office Department, to haul the products of the farms from a place of origin to a place of consumption. Undoubtedly, it is expected that the department will select routes where the experiment will demonstrate that commodities may be transported from the farm to the city, and it is expected that the department will report favorably upon the proposition.

Experience has demonstrated that departments have encouraged measures which extended their jurisdiction, augmented their powers and increased their personnel. Little organizations established by Congress have grown like the green bay tree until they overshadowed the land. Executive agencies are always ambitious and anxious for additional power. Some officials in the Post Office Department undoubtedly would be glad to see the Post Office Department converted into a common carrier. They would be glad to see tens of thousands more of employees and an enormous business organization established to carry the freight of the country.

There are those in the department, and there are many outside of the department who would be glad to see the Government control all transportation, including railroads, telegraph and telephone companies, and whatever facilities may be devised for the conveyance of passengers or freight or the transfer of information. So we might as well at the outset say that the measure before us has in view the ultimate establishment, under the control of the Post Office Department, of a vast network of transportation which will convey from field and farm and range and plantation and mill, all forms of agricultural products. And, as I have stated, when such system shall have been established demands will be made for its extension until all branches of industries may avail themselves of such instrumentalities and utilize it as a national common carrier.



During the incumbency of Mr. Burleson as Postmaster General a plan was proposed something like the one under consideration. It contemplated the establishment of a motor transport system to convey farm products from producer to consumer. As I recall, the proposition was debated and finally defeated upon the floor of the Senate. It was felt by many Senators that if the scheme were adopted it would expand into a stupendous organization.

Such a movement as I have understood this bill contemplates, if started, could not be arrested. The Senator from Georgia has stated that the object of the bill is to experiment with small products, such as eggs and butter, and he has said that many of the small products of the farm are of little value and the farmers can not afford the time and the trouble of hauling the same to market. He conveys the idea that the plan will be limited to the hauling of these less important and comparatively few products. However, the bill contains no limitations, and the Senator knows that if the plan is adopted no limitations will be imposed. If the Government may become a common carrier for butter and milk and eggs, why not for other farm products? Indeed, the farmers would demand that its activities be expanded. It will be impossible to draw the line between the small and unimportant products and the large and important products. There is no limit as to the number of pounds that shall be carried or, as stated, the articles which shall be carried. And I state, without any fear of successful contradiction, that if the scheme shall be accepted and the Government shall inaugurate a plan to carry products from the farm to the city, and from the producer to markets, all agricultural products will come within the category of transportable commodities, whether the commodities are animate or inanimate.

Provision will therefore have to be made under such a system for instrumentalities to convey all of the products that are to be shipped from the farms. Livestock, beef cattle, hogs, sheep, hay, wheat, corn, rye, barley, and, indeed, all things which are produced upon the farm and upon ranches will come within the scope of the plan and provisions will be made for their transportation.

Senators may say that Congress will limit the activities of the Post Office Department. Mr. President, that will not be done and Senators know that it can not be done. It was understood when the parcel-post system was established that it was to be confined to small parcels; but we find now that the Government is carrying all kinds of freight labeled "Parcel post." Lumber, coal, ore, livestock, freight of all kinds are now transported by the Post Office Department under the classification of parcel post. The Government is losing millions of dollars annually in carrying these bulky commodities. If sent by train or by private carriers of freight, the costs would be very much greater, and accordingly the Post Office Department is being utilized to convey these bulky and heavy commodities.

It will be the same if this plan goes through with respect to the products of the ranch and the field and the farm; and, as I have stated, and I repeat it, if the Government transports commodities from the farm, it will be required to engage in a general transportation business and it will become a nationwide common carrier.

May I call attention briefly to the fact that most of the interurban railroad systems, which have contributed so much to the development of the rural and agricultural districts of our country, are in the hands of receivers? These important agencies, which have tied together the towns and cities and the rural districts, have served a very useful purpose in our economic life. They have brought the farms and the people in the rural districts into touch with the cities. They have sought to accommodate the people and to increase their business. The milk and the butter and the fresh vegetables are daily conveyed by these railroads from the farms to the cities and the towns.

It looked a few years ago as if there would be a continual development of the interurban railroad system. Thousands of miles were constructed and a most efficient system of railroad transportation was established. But, as stated, many of these systems, for lack of patronage or for other reasons, have gone into the hands of receivers. The advent of the truck and the automobile militated very much against these interurban electric roads. The result is that there has been a practical suspension of electric road construction in all parts of the United States. If the Government shall now embark upon the business of transportation, it means, of course, that there will be a complete suspension of electric railway construction, and undoubtedly such action upon the part of the Government will

curtail the construction of steam railroads. For a number of years it was the policy of the steam railroad companies to extend branches out into growing and thriving agricultural districts. If the Government shall become a common carrier and transport the commodities of the people from the farms and ranches and rural districts to the cities, then there will be a restriction of steam railway building, and particularly of branch lines into the agricultural districts.

The far-reaching consequences of the embarkation by the Government upon a scheme such as is contemplated by this bill can not be fully comprehended. But earnest consideration of the subject will compel the conclusion that the measure before us should receive most careful consideration. Most evil precedents were the results of conditions which seemed to call for a departure from accepted policies. There is a saying among lawyers that hard cases make hard law; and so in legislation, hard situations, profound economic disturbances, are used as excuses for socialistic and paternalistic legislation, and for the inauguration of policies which are at variance with the principles which underlie this Republic.

Mr. President, it is important that there be new capital invested in railroads, both steam and electric. It is important that our transportation system be improved by private capital, not by the Government. It is important for those within the cities, as well as for the agriculturists, that markets for the products of the manufacturers, as well as the farmers, should be expanded, and that freight rates should be reduced to the lowest possible level. The projection of the Government into the transportation field will, of course, react immediately upon the transportation system of the United States; and I call attention to the fact that corporations are being formed for the transportation by truck and automobiles of freight and passengers between cities and towns. Wherever we go we encounter the freight trucks and the passenger automobiles. They go into the country and into the villages and the rural communities and serve the people. As the needs of the people increase, additional corporations will be formed. But if the Government enters into this field, then, of course, private capital will be driven out. Of course, the Government can not operate as cheaply and as efficiently as can individuals; but the Government has a long purse, and the Treasury is inexhaustible. It may be empty to-day, but the taxing power will fill it to-morrow. And though people can successfully compete against the Government, if the standards applied are efficiency and economy, private persons can not compete, if governmental agencies may thrust their hands into the Treasury to make up deficits and to bear the expense of governmental operation.

Mr. BROOKHART. Mr. President—

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

Mr. KING. I yield.

Mr. BROOKHART. The Senator seems to have objection to developing the rural route service for the farmers partly on the ground that it would cause a deficit. Is it not a fact that the Steel Trust, while the farmers are going bankrupt, is making enormous profits right now, and would it not be just to restore the excess-profits tax on the Steel Trust and like combinations in order to pay that deficit and give this service?

Mr. KING. Mr. President, my objection to the plan back of this bill is not because there will be a deficit in operating a governmental transportation system. Perhaps that is one reason for my objection, but my primary objection is that in the long run the farmers will not be benefited by having the Government enter into the transportation business. They might obtain temporary benefit by having the Government buy trucks and vehicles for the purpose of carrying to market their products, but I insist that the initiation of such a policy would culminate in the erection of a nation-wide transportation system, operated by the Government, which would be so inefficient, so expensive, so wasteful, as to become a burden upon the taxpayers and an injury to the farmers, as well as to all classes.

My position is that the farmers stand a better chance to have cheap transportation from farm to city and city to farm by private enterprise than by governmental owned, operated, and controlled instrumentalities of transportation. Whatever increase in taxation occurs, it hurts the farmer. And I am certain that deficits would result from the operation of a transportation system by the Government, as deficits have resulted from the operation by the Government of the ships controlled by the Shipping Board.

A democracy such as ours is not as efficient in its administration as a well-organized monarchy or a militarism. There are other gains, of course, in a democracy which more than compensate for losses resulting from the efficiency of militarism.



Mr. President, the latter part of the Senator's suggestion about the Steel Trust is not quite germane to the question under consideration.

Mr. BROOKHART. Are not all these questions related? Should we not consider every one of them in the light of every other one?

Mr. KING. In a sense, Mr. President, most of these are related directly or indirectly. When we come to discuss the revenue bill, then we can consider the question of excess profits as well as the earnings of the Steel Trust, and if it, as well as other corporations, should be taxed more than they are now taxed legislation should be enacted which will accomplish the result.

The question of the Government entering upon the business of the common carrier is one thing, and I respectfully submit that it is not directly related to the fact, if it be a fact, that some corporations are not taxed sufficiently, nor is it related to the fact that there is no excess-profits tax now collected from the corporations of the United States. I am in favor, Mr. President, of a just system of taxation. I believe that wealth should bear its full share of the burdens of taxation.

I have offered a bill which relieves the farmers and those of small incomes of taxes levied under existing law. Permit me to say, however, Mr. President, that the earnings of rich men and corporations, as a rule, go back into business. They constitute capital which is invested, and an investment of this new capital develops new enterprises which in turn affects the products of the farm and the field and the mine and furnishes employment to a greater number of people.

I am sure no Senator desires to deny profits, either to individuals or to corporations. Speaking for myself, I would like to see all business enterprises, whether conducted by individuals or corporations, make profits, because such profits would be invested and such investment would add to the prosperity of all the people.

It is desirable that we have more savings, more earnings, more enterprises developed and employment furnished to a larger number of people.

Mr. BROOKHART. Will the Senator yield?

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

Mr. KING. I yield.

Mr. BROOKHART. It seems to me that the Senator is not considering the basic proposition, and that is this: All the work of all the people of all the United States, added to all the earnings of all the capital in all the United States, added to all the unearned increment of all the capital in all the United States increases the national wealth only about 6 per cent a year. I want to ask the Senator, if that be true, if these stabilized industries that earn more than that are not getting more than their share in every instance, and is not that an unjust charge upon labor and farmers and other people who pay it, and is there any other way to reach it except by giving these farmers and other people their rights under the law and then taxing those excess profits back?

Mr. KING. We must not confuse the issue before us. Of course, the earnings of all classes are contributions to the national wealth, but as the Senator knows, only from the savings are investments to be had. Of course, the ideal social and economic system would be that which permits all to make profits, from which profits capital is found for further investment. But under our system of government we may not take the profits away from one person and give them to another. We may and should adopt a rational and just system of taxation, and those of large earnings should pay large taxes, and those of small earnings should pay small taxes. But the system of taxation should not be capricious or discriminatory, nor can we justify paternalism or communism or the embarkation of the Government upon socialistic schemes merely because some are rich and may not be sufficiently taxed. If they are not paying the taxes which they should the legislatures of the States and of the Federal Government are at fault. We may not under our Constitution correct one wrong by resorting to another nor remedy evils which can be remedied by embarking the Government upon policies contrary to the theory of our Constitution and to the principles of individualism which underlie our political and economic system.

I admit there are corporations and individuals who are evading taxation. I admit there has been discriminatory legislation which has contributed to the amassing of large fortunes by individuals and by corporations. I admit that the protective tariff has been employed to enrich certain classes; that it has been an instrument of oppression to agriculture and to the consuming masses of the country, but while admitting all these things I can not find reasons which I consider sufficient to

justify me in supporting the Government in taking over the railroads, in becoming a common carrier, and in entering into those fields of private industry which are occupied by the people of this great and growing Republic.

If I believed that the Government could conduct all the affairs of the people better than they can themselves, and that its ownership of all the property would bring greater happiness and peace to the people, I might then become a communist. But I believe that communism is a blight upon the people; that it retards growth and development; that it paralyzes industry and reduces the people to a condition of mental torpor and industrial stagnation.

Mr. President, I would help all agriculturists. I would do so by lightening taxation, by reducing the expenses of the Government. I would encourage self-initiative, a strong spirit of local self-government—those primitive and virile qualities exemplified in the early days of this Republic. I would repress illegal trusts and combinations in restraint of trade. I would see that there was a free field of opportunity for all; that there were no special privileges, and that the flag of this Republic meant equality and an equal opportunity for every person who lives under it.

I would expand the markets of the farmer; I would aid in finding foreign consumers for his products; I would remove the exploiting and criminal tariffs which increase the prices of commodities which the farmer is compelled to buy, in order that the purchasing power of his products would be enhanced and his prosperity increased. I would provide a just and fair system of rural credits; I would aid in every legitimate and proper way every cooperative movement to enable the farmers to conserve and dispose of their products. Indeed, Mr. President, recognizing the importance of agriculture, I would do all within my power to establish our international as well as our national policies to advance the interests of agriculture, keeping in mind always our form of government and the limitations which are placed upon the General Government of the United States.

But, Mr. President, returning to the subject matter under discussion, I believe that the farmers will not be benefited by the governmental system of transportation. The waste and inefficiency of bureaucrats preclude the successful operation of the railroads and transportation system and the great industries which have contributed so much to the development of this Republic.

Mr. BROOKHART. Mr. President—

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

Mr. KING. If the Senator desires to ask a question, yes.

Mr. BROOKHART. Being a strong believer in the Government of the United States, I am willing to defend it even against the charge of inefficiency and waste.

Mr. KING. I would rather the Senator would ask me a question, and make speeches in his own time.

Mr. BROOKHART. Here is the question: Does the Senator know that in spite of all of the newspaper criticism of the operation of the railroads by the Government, in spite of all the bad McAdoo management that we hear about, the first 10 months after the roads were turned back their operating expenses in private hands increased by \$1,485,000,000, or nearly a billion and a half?

Mr. KING. I have seen a multitude of statements affirming what the Senator says, and I have seen many statements denying the correctness of those figures.

Mr. BROOKHART. If I furnish the figures from the reports of the Interstate Commerce Commission, and give the book and the page, will that be satisfactory?

Mr. KING. I have investigated that question at some length, and when the railroad question comes before the Senate for consideration I shall give it my best attention; but I want to say to the Senator in all good faith that I do not believe in governmental ownership and operation—

Mr. BROOKHART. Of anything?

Mr. KING. Of railroads and ships and other instrumentalities which under our theory of government should be operated by private individuals.

Mr. BROOKHART. The Senator would turn back the post office to private corporations, would he?

Mr. KING. It is so strongly entrenched that I would not do so; but I will say very frankly that in my opinion the Post Office Department could be operated more efficiently and economically than it is now for one-half the present expense if it were controlled by private individuals.

Mr. BRUCE and Mr. BROOKHART addressed the Chair.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Utah yield, and to whom?



Mr. KING. If the Senator from Iowa will pardon me, I will yield now to the Senator from Maryland.

Mr. BRUCE. Mr. President, I should like to remind the Senator, in connection with what he has just said, that a few years ago Postmaster General Burleson testified, in the course of an investigation by Congress, that if the rural mail service were let out to private contract it could be conducted at a reduction in cost of some \$18,000,000 a year.

Mr. BROOKHART. Mr. President—

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

Mr. KING. I yield for a question.

Mr. BROOKHART. On that proposition, I want to challenge that statement—I do not care who made it—and I want to assert that the Post Office Department, with all its defects, is more efficiently managed than any private business of its magnitude in the world. When we consider the profits and the charges that we have to pay in private business, the cost to the people is far greater than it is in the Post Office Department. Every profit of private business is paid for by the work of somebody; and with those profits going above the earnings of all the work and all the capital and all the unearned increment added together, we know that somebody is making more than his share. The Post Office Department is not, and never has been.

Mr. WADSWORTH. Mr. President, will the Senator yield at that point?

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

Mr. KING. I yield to the Senator from New York.

Mr. WADSWORTH. I imagine that the criticism, implied or actual, against the Post Office Department is not justified in whole, because the Post Office Department must operate under statutes enacted by the Congress, and there is injected the element of politics. For example, if the Post Office Department were left to its own free will in the fixing of postal rates so that they would meet the cost of transporting the mail matter I do not believe that the second-class mail matter would be transported at a loss, but the Congress insists that the second-class mail matter shall be transported at a loss, and does so for purely political reasons. Congress is afraid of the persons who publish second-class mail matter. The rural mail delivery is operated at a loss, purposely so, because the Congress has enacted statutes which govern the rates to be charged, thinking in its wisdom—and I do not deny this—that it is worth while for the Government to lose money in that service in order to give a more prompt mail service to the people who live in remote rural districts. So the blame, if there is to be any blame at all, should not be directed solely against the Post Office Department or its management, because it is not a free business agent, and the trouble with Government operation of any commercial business is that it never can be a free business agent.

It will always be restricted or directed by statutes emanating from the legislative branch of the Government, and back of many of which is a political purpose.

Mr. KING. Mr. President, undoubtedly the facts stated by the Senator from New York are largely responsible for the increased cost over what otherwise would be the cost of operating the Post Office Department and perhaps other activities and agencies of the Government.

Mr. BROOKHART. Mr. President—

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

Mr. KING. I do.

Mr. BROOKHART. In answer to the suggestion of the Senator from New York, I suggest that this interference with government is an interference from private business. It is private business coming into government in a way that it has no right to come, and then these injustices result. The fact is, here is the United States Chamber of Commerce being organized as a sort of supergovernment of the United States to supervise and direct everything that we do down here, and it is this business in government that is the cause of these discrepancies. I think we will have to get some of that system of business out of government and let the Government attend to its business.

Mr. WADSWORTH. May I be impertinent enough to ask whether the Senator from Iowa would vote for an amendment to the postal laws providing that the second-class mail matter should pay postage sufficient to meet the cost of transportation?

Mr. BROOKHART. I think probably I would. I certainly would if it levied a tax on the Saturday Evening Post and the other reactionary journals that are getting the benefit of the present rate and making their millions out of it.

Mr. KING. Mr. President, I do not want to be considered as indicting in a wholesale way the Post Office Department or the administrative and executive branches of the Government; but I think it may be said with much certainty and assurance that the Government, in its efforts to manage many of these great enterprises, such as the ships and the railroads and other activities to which reference might be made, because in part of the influences referred to by the Senator from New York and the hampering legislation by Congress, has been unable to bring about those economies and to accomplish the work with that efficiency that would characterize the efficient business organization of the American people.

The American people, generally speaking, are efficient in the management of their own affairs; and under the competitive system there has been developed an alertness and business capacity that has given to this Nation a preeminent place industrially among the nations of the world.

The spirit of individualism and of proper integration which exists among the American people, together with our democratic institutions and political ideals, is responsible for the great triumphs which have come to this Republic, and for the position of primacy which it occupies in the industrial, economic, and political world.

If America had been a paternalistic government, if it had been a socialism, if the Federal Government had taken over the activities which belong to private individuals, we would not have had \$300,000,000,000 of private property. We would not have been the financial power in the world which all concede the United States to be.

It is true, as indicated by the Senator from Iowa, that some corporations have grown too large. I do not agree with the position of Mr. Roosevelt that corporations may not be too large. I think they may be too large; and, as was pointed out by Mr. Justice Brandeis, corporations may become so big as to become unwieldy and inefficient and unable to compete with smaller organizations which are directing their energies along the same lines.

In the same way, the Government may become so big, so unwieldy that it will cease to properly function. That is the condition, many believe, of our Government to-day. It is becoming paternalistic, bureaucratic, and inefficient. It can not properly manage the affairs which legitimately belong to it. We spend our time in creating commissions and bureaus and agencies to take over and contest a multitude of matters which belong to the States. This is a Government of and by commissions who frame laws and regulations by which the people are governed. And Senators on both sides of the Chamber are adding to the responsibilities and duties of the Federal Government by imprudent and often unwise and unconstitutional legislation, and we are contributing to the inefficiency and incompetency of the Federal Government by devolving upon it duties and responsibilities with which it is not charged under the Constitution, and which it can not economically or properly perform.

But, to come back to the measure before us, Mr. President, I think every Senator is in sympathy with the farmers and would be glad to do everything possible for their relief. If this measure, waiving the question of the paternalism and the constitutionality of the scheme which it contemplates, would be of aid to the farmer, I should support it, but in my opinion it would not. It will prevent the organization of private companies to engage in rural transportation. In many sections of the country—I know in some parts of my own State—private persons have organized companies to operate motors and transport to the cities the products of the farm and to the rural districts the commodities desired by the farmers. That will be done more generally throughout the United States as time goes on.

Such a transportation system or something needed by the people can not be developed in a day; but it will be developed as the needs of the people require. But if the Government is projected into this business, it will arrest, indeed prevent, private activity. And with the Government carrying on a business of such magnitude it will mean hundreds of thousands of additional Federal employees and a bureaucratic system that will be oppressive and inefficient. It will mean that thousands and tens of thousands of busses and automobiles and trucks must be purchased by the Government; that thousands of garages must be built; that Federal machinery must be provided for caring for freight; warehouses will ultimately be needed and all of the machinery set up by transportation companies. In other words, if the Government embarks upon this scheme as it is contemplated, it will eventuate in the engaging in all forms of transportation in all parts of the land.

Mr. BRUCE. Mr. President—

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

Mr. KING. I yield.

Mr. BRUCE. I want to ask the Senator from Utah whether in his conclusions he does not to some little extent lose sight of the fact that this bill contemplates purely an experimental project? Do his arguments apply with full force to such a case as is presented by the bill? It provides for experimentation by the Post Office Department on rural routes to see how far it is possible to transport agricultural products directly from the producer to the consumer and to find out what the cost of that may be. Anyhow, is it not likely that very much valuable information would be elicited by this experiment so that we may be able to see how much good this would do if it should be carried into effect?

I quite agree with the principles which underlie the argument of the Senator. I am sure he is not more strongly impressed with the correctness of those principles than I am myself, but it seems to me he loses sight a little bit of the fact that what is to be inaugurated by this enactment is an experiment, and it seems to me that after that experiment had been made we could tell better than we can tell now how far the scheme was chimerical and how far it was not.

Mr. KING. Mr. President, if the Senator will permit me, I do not say the scheme is chimerical; that is, that it can not be carried out. It is an unwise and unpolitic scheme. It will prove a costly and dangerous scheme. It will project the Government into policies which will be harmful to all classes of people. But so long as the Treasury of the United States is behind it, it can succeed; but the annual deficit will be colossal. Germany is in the transportation business; though, of course, she is losing billions of marks every day. Other governments have undertaken the business of common carriers but without success. I ask the Senator if this experiment is not for the purpose ultimately of projecting the Government into the transportation business?

Mr. BRUCE. I suppose it is, provided it develops results sufficiently beneficial to the public to warrant the extension of the experiment.

Mr. KING. Does the Senator desire that the Government of the United States, through the Post Office Department or through any other department, shall be a common carrier of freight, farm products, and all other products?

Mr. BRUCE. Indeed I do not, on any general scale; but it seems to me there might be some reasonable expansion of the postal facilities, perhaps, for the relief of the farmers.

Mr. KING. May I ask the Senator where he would stop? If we inaugurate this system, and transport farm products from the country to Baltimore, where will we stop? Will it be with butter and eggs? The Senator knows that we do not stop in the parcel-post system with small articles; freight is hauled. I have seen iron rails hauled and I have seen livestock hauled, with great loss to the Government.

Mr. BRUCE. I think it should be limited to portable articles, of course; articles more or less readily portable.

Mr. KING. But we do not limit it.

Mr. BRUCE. I know that. There are anomalies under the present system, but I think those might be corrected. I mean to say that if we reached the point where the Government found itself fairly embarking in the business of transportation on a large scale, then we would find ourselves face to face with the question of whether the Government should not own and operate the railroads, and the Senator from Utah is not more inflexibly antagonistic to that idea than I am.

Mr. KING. The Senator from Maryland is a man of large experience and a valuable addition to the Senate. I ask the Senator now, Does he not believe that if the Post Office Department reports that this experiment has been a success it will inaugurate a system under which the Government of the United States will carry the products of the farm, because if the plan is put into operation in one State it will be extended to all States, and soon the Government would have a nation-wide organization carrying the freight of the people—farmers and manufacturers and all others?

Mr. BRUCE. I personally believe that the result of this experiment will be to establish the utter inadvisability of continuing on any very considerable scale the present rural mail-delivery system; but it seems to me, all the same, that the experiment might be tried, and we could judge ourselves, the Senator from Utah and I and every other citizen of the United States could judge for ourselves how far the experiment suggested the wisdom of any further extension of the operation.

Mr. KING. Mr. President, I think when the able Senator from Maryland concedes, as his replies have conceded, that if this experimentation shows, as it will show, that the products

of the farms can be carried to the cities, then it will be inevitable that the pressure will be so great by officials of the Government and others that the plan will be imposed upon the Government and put into operation.

There are many who believe that we can not keep out of it and that the Government will take over the railroads. I hope the time will not arrive when that will be done. But I feel quite sure that if we shall inaugurate the plan contemplated by this measure, and begin the expansion of that plan, the demand will be made that the Government shall take over the railroads and perhaps other public utilities; already there is a demand for the Government to build power plants at various parts of the United States and to engage in various kinds of business which private enterprise has developed.

I have just been in a country where there is state capitalism. They had communism at first, but it brought starvation and death and economic ruin. A change resulted in a form of state capitalism as to the "big" or "key" industries; but there is still confusion and poverty and evils and sorrows which we can not understand and appreciate. Then the railroads are being operated by the Government at an enormous loss. Twenty-five to thirty per cent of all taxes levied in Russia go to make up this deficit. A large part goes to pay the deficits arising from the operation of the ships upon the Volga, upon the Caspian and the Black Seas, and a large part of it goes to meet the deficits resulting from operating the sugar factories and the textile mills and the iron mills, those key and basic industries which lie at the foundation of prosperity, aside from agriculture, of any progressive and enterprising state.

Those great industries are running behind to the extent of hundreds of millions of rubles annually, though there is no competition. The inefficiency of the government, the red tape, the huge bureaucracy established under a paternalistic form of government forbid economy, forbid efficiency, and in the long run must culminate in the destruction of the industries.

Mr. President, let me repeat that in my opinion the farmers will not profit by this bill or the plan which it is the precursor of. They will be better served by private enterprise than by the Government; they will get their products to market much more cheaply by private carriers than by the United States.

Under this bill we are giving the Post Office Department a great deal of discretion. It may reduce the postage on food products. It has discretion to determine what the rates shall be, whether high or low. Rates may be higher in one section, on one route, than on some other routes.

#### AGRICULTURAL DIVERSIFICATION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 2250.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2250) to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war and aggravated by many years of small yields and high production costs of wheat.

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

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

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

Adams	Ferris	King	Ralston
Ball	Fess	Ladd	Ransdell
Borah	Fletcher	Lodge	Reed, Mo.
Brookhart	Frazier	McCormick	Reed, Pa.
Bruce	George	McKellar	Sheppard
Bursum	Hale	McKinley	Shields
Cameron	Harrell	McLean	Smith
Capper	Harris	McNary	Smoot
Copeland	Harrison	Moses	Spencer
Couzens	Howell	Neely	Stanfield
Curtis	Johnson, Minn.	Norris	Stephens
Dale	Jones, N. Mex.	Oddie	Tamm
Dill	Jones, Wash.	Pepper	Wadsworth
Edge	Kendrick	Phipps	Walsh, Mont.
Edwards	Keyes	Pittman	Willis

The PRESIDING OFFICER. Sixty Senators having answered to their names, there is a quorum present.

Mr. HARRISON. Mr. President, I desire to perfect an amendment that was pending yesterday when the Senate adjourned. I have changed the wording somewhat of the first amendment that was offered, but the amendment which I am about to offer carries the same idea. I ask unanimous consent that the amendment which I now send to the desk may be pending instead of the other amendment, and that the amendment offered by the Senator from Florida [Mr. TRAM-



MELL] shall apply to this amendment the same as it did to my former amendment.

The PRESIDING OFFICER. The Senator has a right to modify his own amendment. The Secretary will report the amendment as now proposed by the Senator from Mississippi.

The READING CLERK. On page 1, line 4, after "United States" strike out down to and including line 3 on page 2, and insert in lieu thereof a comma and the following:

particularly in the wheat areas dependent almost entirely upon a single crop, resulting from the stimulation of production of a single crop during the recent war and aggravated during subsequent years by low yields and high cost of production, but also in other areas dependent almost entirely upon a single crop, where conditions warrant it, as determined by the Secretary of Agriculture, should be changed through the encouragement of a system of agriculture not dependent for its success upon a single crop, but one which would include the raising of livestock, such as dairy and beef cattle, hogs, sheep, poultry, and the products thereof.

On page 3, line 2, after "cropper" strike out down to "no loan" on line 9, and insert in lieu thereof the following:

Loans and advances shall be made only to such farmers in the areas of the country embraced within the provisions of this act as are not reasonably able through their own resources or through existing credit facilities to initiate upon their farms a system of diversified farming, but who show their willingness to enter upon such an undertaking and who may be reasonably expected to develop such a system if given aid and opportunity.

The PRESIDING OFFICER. The Chair understands the amendment of the Senator from Florida [Mr. TRAMMELL] applies to this amendment and is pending.

Mr. McKELLAR. Mr. President, I regret very much that I am unable to cast my vote for the proposed legislation. There are two reasons for my regret. The first is that I realize that the condition of the farmers of the country and especially those out West is a very serious one. Their plight is one with which I believe we all sympathize, and I do especially. I have always voted for farmers' measures, except when a high tariff was proposed as a means of helping them, and I think when I voted against those high-tariff provisions I did not vote against the farmers, but for their benefit. The very wheat farmers who are the beneficiaries of the proposed legislation were not benefited by the heavy tariff of 30 cents a bushel on wheat. The President has since added another 12 cents, and even a tariff of 42 cents a bushel does not help the farmers, and we all know that it does not help them. Time and experience has shown that a high tariff on wheat does not really affect the price. It is a fallacy.

However, I regret very much that I can not support the measure because of the plight of the farmers.

In the next place, I feel very kindly disposed toward the proponent of the bill, the Senator from North Dakota [Mr. LADD]. He is an able and splendid Senator, and I know that anything to which he gives his heart and mind is, in his judgment, worthy. I regret to have to differ with him about a matter that he considers so important.

I want to read a part of the second section of the bill, as follows:

SEC. 2. That from the approval of this act and until June 30, 1926, the Secretary of Agriculture shall be empowered and authorized to make advances or loans to farmers, as defined and limited in this section, in a sum not exceeding \$1,000 for the purchase of livestock, including dairy and beef cattle, hogs, sheep, and poultry suitable for the development of a system of agriculture as contemplated by the purposes of this act. The Secretary may purchase such livestock and supply same to the borrower at cost; such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary may prescribe, including provision for the repayment thereof by amortization or otherwise—

And so forth.

We who have been here for several years, or ever since the war, at any rate, recall that during the war the Government stimulated the production of wheat, but that at the same time, from the beginning of its stimulation, it has likewise stimulated wheat prices. We who were here at the time recall with a great deal of clearness that a fixed price of \$2.26 a bushel was established by the Congress. All the wheat farmers wanted it, and the bill was passed for their benefit. I notice by reading the act approved March 4, 1919, that the Government appropriated \$1,000,000,000 to make that guarantee of the price fixed good. We authorized it to be paid out of the Treasury of the United States; yet it is claimed now by the friends of the pending bill that because the Government then fixed the

price of wheat and stimulated the production of wheat it is our duty, when the price of wheat is low, to furnish the farmer money with which to rotate his crops and engage in some other kind of farming business, namely, that of livestock, hogs, and poultry.

Mr. REED of Missouri. Mr. President—

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

Mr. McKELLAR. I yield to the Senator.

Mr. REED of Missouri. Did I understand the Senator from Tennessee to say that the Government paid out a billion dollars to the wheat farmers?

Mr. McKELLAR. I read from the act, not that the Government had paid it out but that Congress appropriated money for the purpose of carrying the act into effect.

Mr. REED of Missouri. Did we ever pay out any money?

Mr. McKELLAR. I do not know how much we paid out, but I will read from the act for the benefit of the Senator from Missouri.

Mr. REED of Missouri. I know what the act provided, but, as a matter of fact, was not wheat in Europe being bought by the European Governments at very much above that price?

Mr. McKELLAR. I can not say as to that.

Mr. FLETCHER. Will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield to the Senator from Florida.

Mr. FLETCHER. There were some \$3,000,000 expended under that act for seed purposes.

Mr. REED of Missouri. That sum was expended for seed; but what I am speaking about is keeping up the price of wheat.

Mr. McKELLAR. I have no doubt in the world that the guaranty by the United States Government had the effect of raising the price very considerably more than it would have been if that guaranty had not been made. However, that may be, I will say to the Senator and to the Senate that the wheat farmers of the country wanted the price fixed at that time. The then Senator from North Dakota, Mr. McCumber, the then Senator from Oklahoma, Mr. Gore, the former Senator from Illinois, Mr. Sherman, and various other Senators who were here and spoke on the bill—

Mr. NORRIS. Mr. President, may I interrupt the Senator from Tennessee?

Mr. McKELLAR. I will yield in just one moment. All those Senators argued at that time that that was the purpose of the then pending bill. That was in 1919. If the Senator from Nebraska [Mr. NORRIS] will excuse me a moment, I desire to read from a speech which was delivered by the then Senator from Illinois, Mr. Sherman, at that time. Mr. Sherman said:

I have no doubt of that. Congress must accept its share of the responsibility.

I remember when Senators voted here, it was argued that there ought to be a guaranty on wheat prices in order to stimulate production. The argument was adopted, "It is an artificial stimulus, it is true; but the conditions are artificial." The war conditions being abnormal, as they were, Congress deemed itself justified in making that guaranteed price. That is illustrative of the finite wisdom of mankind. Before we get through we shall have more of that, but this illustrates, so far as we have traveled, the utter unreliability of human judgment when men begin to interfere with markets. The Senate, the House, and the executive department undertook to perform a task that the business men—the producers and the distributors of a hundred million people—were carrying. We shouldered that burden. I think it was a short-sighted policy. I voted for some of it. It was a war policy, and I am willing now to vote for appropriations to buy the wheat or to change the price and to pocket the loss. We had better do that than to keep up the price of wheat and its resulting products in the Atlantic seaboard towns or to millions of private consumers.

Mr. SMITH. Mr. President—

Mr. McKELLAR. Just one moment. I promised first to yield to the Senator from Nebraska [Mr. NORRIS], and then I will yield to the Senator from South Carolina.

Mr. NORRIS. The question which I desire to ask the Senator from Tennessee is whether he does not realize from the debates which then took place here that it was the understanding of the Congress that the price then fixed should not be the maximum price, but that we were fixing the minimum price, which, by action of the Government, became the maximum price?

Mr. McKELLAR. It became the maximum price, but I have no doubt in my mind that the act affected the price of wheat.

Mr. NORRIS. The price of wheat was going to take its ordinary course according to the law of supply and demand so long as it remained above the price fixed.

Mr. McKELLAR. Yes.

Mr. SMITH. I wanted to call the Senator's attention to the fact that when that bill was reported here and was being debated the whole debate revolved around the fact that the price fixed was a minimum, below which the Government would make it good, and that above that price the sky was the limit, no matter from what source the price was derived.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. McKELLAR. I will now speak to the amendment for a few moments.

The PRESIDING OFFICER. The Chair understands that the Senator has been talking to the amendment.

Mr. McKELLAR. Then I will speak to the bill.

The PRESIDING OFFICER. Very well. The Senator is recognized for 10 minutes on the bill.

Mr. McKELLAR. Mr. President, there are one or two things I wish to say.

Mr. SMITH. Mr. President—

Mr. McKELLAR. I yield to the Senator, but I hope he will be as brief as possible.

Mr. SMITH. I wanted to explain to the Senator that what I have stated being the fact, I do not believe there was a member of the committee who understood that there was what was popularly known as a "joker" in the bill. There was a clause toward the end of the bill which provided that the food controller should have the right to name a price, beyond which he would consider it profiteering, and therefore any higher price was stopped. The bill had hardly passed Congress, however, before he made the guaranty price, the price above which profiteering would start, and made the minimum the maximum.

Mr. REED of Missouri. Does the Senator from South Carolina—

Mr. McKELLAR. Mr. President, I have just a very few moments.

Mr. REED of Missouri. I will take but a moment, if the Senator will yield.

Mr. McKELLAR. Very well.

Mr. REED of Missouri. Does the Senator from South Carolina not remember that the committee did not so understand it, and that I called attention to its effect about fifty times on the floor?

Mr. SMITH. The argument was made that, perhaps, the Senator from Missouri was mistaken, but the bill was hardly more than passed before it was put into effect in the manner I have suggested.

Mr. REED of Missouri. They found out that I was not mistaken.

Mr. SMITH. That is true.

Mr. McKELLAR. Mr. President, what I said was that the farmers were here asking for that legislation, just as they are here, through their representatives, asking for the passage of the pending measure. That is shown by the speech of Senator Gore, of Oklahoma, in February, 1919, and the speech of Senator McCumber about the same time, and by the speeches of those who had charge of the legislation.

I am not here to criticize that legislation. In view of the condition which then existed, perhaps Congress was wise in attempting to remedy it to the best of its ability at that time. I regret that this bill does not remedy the present grave situation. I wish this were such a bill that we all could vote for it in the interest of the farmer. I want to see the farmer prosper, because I know that the prosperity of the whole country is dependent upon the prosperity of the farmer, and we ought to see to it by all proper legislation that he shall be aided whenever it is right for the Congress to do so.

Mr. President, what will be the natural result of this measure? Suppose we lend the farmers in the wheat-growing regions a thousand dollars each to enable them to go into the cattle business and into the poultry business and into the hog business and they go into any of those lines of business; and suppose that conditions should arise next fall or the fall following under which wheat should command a greater price than it does now, then it would be exceedingly advantageous to those farmers if they had wheat on hand to sell; but by reason of this action of Congress they will not have the wheat. They will have hogs; they will have poultry; they will have cattle instead of wheat, and those commodities perhaps will be at a low price. What will be the result? If the reasoning behind this bill is correct, then it will be the duty of the Congress to step forward and say, "We caused you to make that mistake;

we stimulated the hog industry and the chicken industry and the cattle industry; we caused you, by lending you money, to change your crop from wheat to livestock, and therefore we must make that good." Where are we going to stop? Mr. President, I say this legislation is indefensible when the light of reason is brought to bear upon it. I do not see how any Senator can vote to establish such a policy in our legislation. It is undemocratic; it is unwise. I hope that the Agricultural Committee, whether this bill shall pass or not, will get together and report out a wiser and better measure in which all of the Members of the Senate can join in order to help the farmer, because we all want to do what is best for him as well as what is best for the country.

I ought not to predict—it is ordinarily unwise to make a prediction—but when it was contended during the course of the debate on the tariff bill that a high tariff on wheat would benefit the farmers, I said then that, in my judgment, a high tariff on wheat would never materially aid the farmers, and that prediction has been verified; so I will venture to say that the pending bill, which proposes to loan \$75,000,000 to certain farmers, will not have any better result. It will not help the wheat farmers as a whole; it will not help them individually; it will probably get a lot of them into trouble which they would not get into if the bill were not passed. The wise thing to do, Senators, is to defeat this measure, and I am going to vote against it. The passage of such a bill will be a waste of fifty or seventy-five millions of the people's money without any corresponding benefit to the wheat farmers. We can not have tax reduction if we indulge in such legislation—such ill-considered and ill-advised legislation—as this.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. TRAMMELL].

The amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON], on which the Chair understands the yeas and nays have been ordered.

Mr. TRAMMELL. Mr. President, I desire to make a few comments on the pending amendment. I have spoken once; I do not know whether my time was charged to the amendment or charged to the bill.

The PRESIDING OFFICER. The present occupant of the chair does not know, because he was not in the chair at that time.

Mr. TRAMMELL. It is immaterial, for I think I have at least 10 minutes on one or the other.

The PRESIDING OFFICER. The Chair is advised that the Senator spoke on his own amendment, and the Senator has 10 minutes on the amendment of the Senator from Mississippi if he desires to use it in that way.

Mr. TRAMMELL. I will take time on that amendment.

Mr. President, I proposed the amendment to strike out the word "particularly," referring to the wheat areas, because I wanted it made clear to the officers who are to administer this legislation, if it shall be enacted into law, that it was not in the mind of Congress that the benefits under this measure should be restricted to the wheat areas and that Congress had fully determined that question as expressed by the legislation. Without a record vote, it seems to be the desire of probably a majority of the Senate that we make it very plain that that is the principal object and purpose of the legislation, namely, to furnish aid within the wheat areas of the country only. I think if we are going to enact legislation along this line, we should certainly adopt the amendment proposed by the Senator from Mississippi and in the form in which he has proposed it.

I can see no justification whatever from the argument which has been advanced here for appropriating \$50,000,000 of the taxpayers' money, funds which are to be raised from every State within the Union, for the purpose of assisting some three or four States that suffered following the war on account of the depression in wheat prices, which was very unfortunate and which was lamented by myself and by the people quite generally throughout the country. Yet, in fact, the purpose of this measure is to require the taxpayers of 43 or 45 other American States to raise funds by income taxes, nuisance taxes, or whatever it may be, for the purpose of expending \$50,000,000 in three or four States. Why? On the ground that they suffered from the low price of wheat at a time when it is claimed there was overproduction, and then, as stated in the bill, later there was underproduction. If that were a condition unlike the condition which has been experienced in many States of the Union by our agricultural interests, then there might possibly be some excuse for the discrimination, but the condition which existed in that limited area, involving disaster and misfortune, is not unlike what was experienced in many sections throughout our



country. In fact, very largely our farmers suffered from one consequence or another following the war or during the war.

In my State, just as was true in the wheat-growing States, the Government appealed for increased crops. To the Northwest the Government said: "Increase and enlarge your wheat production." In my section of the country, where we produce other crops—potatoes, for instance, Florida having become quite a potato-producing State—the Government appealed for an increase of the production of potatoes. We produce early vegetables there to a large extent. The Government appealed to us to enlarge and extend our cabbage crop, and this applied all along the line. We produced sweet potatoes, for instance. The Government even carried on a campaign down there for the production of sweet potatoes. Then they appealed to us to extend our farming operations to include the production of castor beans used in connection with the production of oil for the airplane, and our people with patriotism and zeal engaged largely in an attempt to raise these beans. In consequence, Senators, following the war hundreds upon hundreds of acres of cabbages were plowed up in my State, with no market for them. Sweet potatoes were allowed to rot and decay for lack of a market. Thousands upon thousands of barrels of Irish potatoes would not bring in the market the cost of gathering and the freight charges to the market. The citrus fruit growers also suffered loss in 1920. The people of my State following the war suffered, I believe, at a reasonable estimate \$30,000,000 or \$40,000,000 in the depreciation of their crops and their inability to sell those crops at fair prices.

We have not asked for any legislation to relieve that situation. The people of the State of Florida have courageously and bravely faced the situation, and have tried to overcome those disasters following as a consequence of the war; but we take the position that if you are going to try to adjust such situations every State in the Union is entitled to be considered, and you should not pass legislation that will apply only to a small part of the Republic.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. TRAMMELL. If the Senator will pardon me, I have only 10 minutes, and I shall be glad if he will speak in his own time.

Mr. NORRIS. I have not any time.

Mr. TRAMMELL. If you are going to adjust the situation, why not make a survey of the agricultural conditions throughout the country and see who suffered and who did not suffer by virtue of alluring invitations to engage more extensively in agriculture and in the production of various crops, instead of attempting to adopt legislation the object and purpose of which is to assist a very limited number of farmers in a very limited number of States? In order to give them this assistance, you propose to tax the entire American people in every State in the Union to the extent of \$50,000,000. That is what it means. You propose to take \$50,000,000 from the pockets of the taxpayers of all the other States in this Union and give it to them to assist them in remedying the misfortunes of war. Not only agriculture, but manufacturing industries and almost all kinds of business in this country, taking them in groups and in classes, at some time or other, either during the war or following the war, suffered disaster.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. If the Senator will pardon me, I have only 10 minutes. We are under the limitation of debate now. I dislike not to yield to the Senator, but we have only 10 minutes each, and this is my last minute, if the Senator will pardon me.

We have that situation. In my State the mining and the shipping and the marketing of phosphates was a very profitable enterprise. In that industry millions upon millions of dollars are invested. Within one county of the State we have over \$150,000,000 invested in phosphate mines and plants. That industry was reasonably prosperous prior to the war, but in consequence of the war we were unable to get vessels in which to transport our phosphates. That paralyzed the phosphate business for a time, and within my home county, which is quite a phosphate section, there were 4,000 or 5,000 men in idleness for want of employment who had been previously engaged in the phosphate mines, and yet they could not get employment because the mines had to be closed down in consequence of the war and on account of the inability of the operators to procure ships to transport the phosphates. The lumber industry in my State was hampered for quite a while.

The naval-stores industry was paralyzed and thousands and millions of dollars lost. So I say if we are going to attempt to make readjustments with our people on account of the misfortunes of war, we have quite an undertaking on hand; and if we are going to make a complete and a just restitution we should take into consideration the misfortunes which befell the agricultural interests and other interests in the various States throughout the Union, and not restrict it to three or four States.

Mr. BROOKHART. Mr. President, I can not feel that the Senator from Florida [Mr. TRAMMELL] has given due consideration to the importance of agriculture. I remember that when the railroads were turned back to their private owners we took a great many times \$50,000,000 out of the Treasury of the United States, not to make up a deficit or a loss, but to make up profits to the railroads on their investment. Altogether, we have given them perhaps about \$1,800,000,000 that they were not entitled to when we come to consider their relation to everything else.

Agriculture is about one-third of all the United States. About one-third of all the property wealth is invested in agriculture, and the last census shows that 51,000,000 of our people are agriculturists. Agriculture at this time is in a prostrate condition as a result of governmental action. It is a result of the Federal reserve deflation policy, which was a governmental action. It is a result of the high profits of the Steel Trust, the Sugar Trust, the Tobacco Trust, and all the other big combinations which agriculture must pay for what it uses in its business; and those high prices are promoted by tariff legislation, direct governmental action. The credit system of the United States, charging agriculture perhaps an average of at least 7 per cent interest when it ought to be not higher than 4 per cent, is built up under a system of enactments of the Government of the United States. Yet this great business, with its sixty billions of capital since it was deflated—more than eighty billions before—this great business, with all these people engaged in it is on the verge of bankruptcy. Practically every farmer in the United States at this moment is in fear of losing his home. These few States in the wheat-growing corner are the worst off of all.

I do not think this bill is a cure for the whole situation, or anything of the kind. I would rather have a great bill that did meet the whole situation, but I see no good chance of that. I hope we will amend the McNary-Haugen bill and pass it, following this bill. It is not in conflict with this emergency measure. Therefore I think, in view of the extravagant use of governmental money for other instrumentalities in this matter, that \$50,000,000 is a little bit of a mite for these great States.

I desire to ask the Senator from Mississippi something about his amendment. I do not believe it was understood. As I understand the purpose of that amendment it is not to defeat this bill, but it is offered as a prelude to taking out that \$25,000,000 item. Is that correct?

Mr. HARRISON. May I say to the Senator that whether the item of \$25,000,000 which was added by the committee is adopted or not the amendment I have offered should be adopted, for the reason that there is a difference of opinion on the other side among Senators as to what is in the wheat area. Some say that the wheat area is North and South Dakota, Minnesota, Montana, and part of Wyoming. Nebraska might be construed as not being in the wheat area. Kansas or Iowa might be considered as not being in the wheat area. So I have included a proposition there putting it in the discretion of the Secretary of Agriculture, where the conditions warrant it, to make loans to farmers in other parts of the country outside of the wheat area.

Mr. BROOKHART. Does it include all crops, or is it based upon wheat crops in all parts of the country?

Mr. HARRISON. It includes country that is almost a one-crop country, and its purpose is to encourage diversification.

Mr. BROOKHART. Whether it is wheat or some other crop?

Mr. HARRISON. Whether it is wheat or cotton or what not. It is to encourage diversification where the farmers are in a very bad condition, leaving it in the discretion of the Secretary of Agriculture to make the advancements.

Mr. BROOKHART. Really, Mr. President, I can see no objection to that amendment, and can see no reason why it should defeat the whole bill if it is adopted.

Mr. WILLIS. Mr. President, I have already spoken on the amendment. I desire to speak for a minute or two on the bill, merely for the purpose of pointing out what seems to me to be two fundamental errors in the argument made by the Senator from Florida [Mr. TRAMMELL].



In the first place, it is not contemplated, as his remarks seem to contemplate, that whatever advances are here made are to be in the nature of gifts. The bill distinctly provides in section 2:

Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary may prescribe, including provision for the repayment thereof by amortization or otherwise, but no loan or advance shall be made for a period of more than five years from the date thereof.

In other words, it is not a gift at all; it is simply a loan, to be repaid. So it is unfair, or leads to an unfair conclusion, to say that we are proposing to take \$50,000,000 and give it to somebody.

The second point, and it seems to me the fundamental one to be considered in favor of this bill without the amendments, is the fact that the condition by which the wheat farmers of the country have been confronted is a condition produced very largely by the Government of the United States itself. The Senator from Florida referred to the fact that fruit growers and vegetable growers experienced difficulties. No doubt; but that was incidental and unavoidable. In this particular case, however, the evil by which the wheat growers were confronted was in part, at least, due to legislation that was enacted by Congress in undertaking to fix the price of wheat, legislation about the wisdom of which I should have very serious doubts, but at all events the situation so far as it affects the wheat growers was different from that which affected other farmers.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment to the amendment of the Senator from Mississippi [Mr. HARRISON]. I propose to strike out the words "where the conditions warrant it, as determined by the Secretary of Agriculture."

The PRESIDING OFFICER. The Senator from Florida offers an amendment to the amendment of the Senator from Mississippi, which will be stated by the Secretary.

The READING CLERK. It is proposed to strike from the modified amendment the words "where the conditions warrant it, as determined by the Secretary of Agriculture."

Mr. TRAMMELL. Mr. President, with the amendment I have proposed added, the amendment offered by the Senator from Mississippi would specify one group which would be entitled to benefits under this measure, and then would prescribe a general group to which benefits may be extended, and would not restrict it to the discretion of the Secretary of Agriculture to make further investigations and determining that question. In other words, Congress would specifically express itself in favor of two groups which would be entitled to the benefits under this measure, those within the wheat area and those not in the wheat area who are similarly situated; and I think that if we are to deal fairly with all sections of the country it should be so provided.

Of course, we know largely the history of this legislation. It is brought about by those who expect to get aid for the wheat areas and no one else. We have not heard of the Secretary of Agriculture suggesting any assistance to anybody else. As far as we know he does not maintain any particularly sympathetic attitude toward assisting farmers engaged in any other particular class of agriculture. I think Congress should make the bill include benefits to the farmers within the Cotton Belt, which would cover a great many of our Southern States, and in my own State we grew cotton rather extensively prior to the advent of the boll weevil. The industry is reviving considerably at the present time. By the way, we never got any assistance on account of the boll weevil devastating the farms throughout the northern part of my State for a period of years. Our farmers never received any assistance in diversifying their crops, and they needed it, and needed it just as sorely as do the wheat producers in the areas referred to in this bill. We have enjoyed our seasons of prosperity and plenty, but, on the other hand, we have at times suffered great loss.

In regard to the question of the payments to the railroads, which has been raised in the Senate, that is a question which should stand on its own merits. So far as I am concerned, when the legislation providing for the payments to the railroads was pending, I voted against the loans, and I voted against the payments which were made to the railroads. I also voted against giving them a guaranty. So no one can accuse me of any inconsistency in my attitude on that point. The whole trouble with the pending legislation is that it only provides for aid for a limited number of farms in only three or four States. It is the game of taxing the many for the benefit of the few. For every farmer you would aid you propose to tax 50 other farmers, thousands of whom were just as unfortunate as the few the bill would aid.

We are proposing to raise \$50,000,000. We are proposing to lend it; and I believe even the friends of this idea do not contend that more than 60 or 75 per cent will ever be returned. I think in a large measure we will have a repetition of the history of the advances made to the arid-land projects in the West. Congress advanced millions and millions of dollars on account of arid-land reclamation; and, of course, every time an appropriation was made we heard that it was to be returned, but no very great percentage of the loans have been returned. Session after session we are called upon to enact legislation to relieve those people from the payments of interest for given periods.

After all, whether this is to be in the nature of a loan or an advance, or whatever it is to be, it means that the American people will have to furnish \$50,000,000 for that purpose. That is what it means; and yet we are talking about tax reduction.

Practically every Senator who is going to vote for this has been heralded throughout the country as being in favor of tax reduction. Yet it resolves itself to this, that it is proposed that we tax the American people for the purpose of raising \$50,000,000 to assist a group of citizens engaged in agriculture within 3 or 4 States, and I think that the people of the other 44 or 45 States have a little to say about it. We should deal with the people with equal justice, and afford to the farmers located within the other States the same privileges and advances and loans to recuperate from their disastrous misfortunes which we extend to the farmers in those 3 or 4 States.

I have always been sympathetic with agricultural interests. I have done all in my power for them in many respects, and I do not believe that the farmers of the country have a better friend in the United States Senate than myself; but when I am befriending farmers and agriculture I do not restrict my sympathy, my interest in them, and my desire to aid them to those of only 3 or 4 States and bar from the munificent provisions of legislation the agricultural interests of, say, 44 or 45 other States. The measure we are considering embraces just such form of discrimination. I think we should deal equitably and fairly with the agricultural interests generally, and not pick out just a few.

Of course, if these limited number had had a different experience from others, it would be a different question; but that is not true, as far as the misfortunes of the war are concerned. Much is said about the question of wheat prices during the war and what Congress did. I remember quite well that the wheat producers came here seeking a price-fixing law, and when they first came they were willing to accept less than the \$2.20, at which figure the price was finally adjusted. I remember at first they said, "Give us a guaranty of \$1.75 for wheat." Then the price of wheat advanced a little and they said \$2, and finally it resulted in Congress enacting legislation fixing the minimum price of wheat, as I recall, at either \$2.20 or \$2.26.

Mr. SMITH. Two dollars and twenty cents.

Mr. TRAMMELL. That legislation was enacted at the request and under the inspiration of the agricultural interests of this country who were engaged in wheat production. Then, because wheat happened to go higher later on, they claimed as one of the misfortunes of war that they lost some money on some wheat following the war.

Down in my State we have thousands and thousands of people engaged in different agricultural pursuits who would have been delighted to have Congress fix minimum prices for the products of the farms of my State, instead of them suffering a loss throughout the entire period of the war, and for probably one or two years following the war. Yet, because those wheat farmers had that misfortune, they want the American people to raise \$50,000,000 more, which we would take from the taxpayers of the 45 or 46 other States of the Union, and put the money down there to assist them.

I do not think we should discriminate in this way. I would like to help the farmers of the wheat area, but in justice I can not sit idly by and see the people of my State and of the dozens of other States taxed for the purpose of raising money to assist the wheat farmers when the pending bill discriminates against and refuses the same measure of relief to the people of my State.

The PRESIDING OFFICER. The time of the Senator has expired. The question is upon the amendment proposed by the Senator from Florida [Mr. TRAMMELL] to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.



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

Adams	Fess	King	Reed, Mo.
Ball	Fletcher	Ladd	Reed, Pa.
Borah	Frazier	Lodge	Sheppard
Brookhart	George	McCormick	Shields
Bruce	Gerry	McKellar	Simmons
Bursum	Glass	McLean	Smith
Cameron	Gooding	McNary	Smoot
Capper	Hale	Moses	Stanfield
Copeland	Harris	Neely	Stephens
Couzens	Harrison	Norris	Swanson
Curtis	Howell	Oddie	Trammell
Dale	Johnson, Minn.	Pepper	Wadsworth
Dill	Jones, N. Mex.	Philpotts	Walsh, Mass.
Edge	Jones, Wash.	Pittman	Walsh, Mont.
Edwards	Kendrick	Ralston	Warren
Ferris	Keyes	Ransdell	Willis

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, there is a quorum present.

Mr. REED of Missouri. Mr. President, I would like to have the proposed amendment reported as offered by the Senator from Mississippi, together with the amendment which is offered to it by the Senator from Florida.

The PRESIDING OFFICER. The Secretary will read as requested.

The READING CLERK. The modified amendment offered by the Senator from Mississippi is as follows:

On page 1, line 4, after "United States," strike out down to and including line 3, on page 2, and insert in lieu thereof a comma and the following:

particularly in the wheat areas dependent almost entirely upon a single crop, resulting from the stimulation of production of a single crop during the recent war and aggravated during subsequent years by low yields and high costs of production, but also in other areas dependent almost entirely upon a single crop, where conditions warrant it, as determined by the Secretary of Agriculture, should be changed through the encouragement of a system of agriculture not dependent for its success upon a single crop, but one which would include the raising of livestock, such as dairy and beef cattle, hogs, sheep, poultry, and the products thereof.

The Senator from Florida proposes to amend the modified amendment by striking out the words "where conditions warrant it, as determined by the Secretary of Agriculture."

Mr. REED of Missouri. If the amendment of the Senator from Florida is agreed to, the amendment of the Senator from Mississippi would then read—

particularly in the wheat areas dependent almost entirely upon a single crop, resulting from the stimulation of production of a single crop during the recent war, and aggravated during subsequent years by low yields and high costs of production, but also in other areas dependent almost entirely upon a single crop, should be changed through the encouragement of a system of agriculture not dependent for its success upon a single crop, but one which would include the raising of livestock, such as dairy and beef cattle, hogs, sheep, poultry, and the products thereof.

The first remark I want to make is that in that form it would be the most remarkable specimen of the English language which has yet been engraven in the statute books of the United States. I think that sentence is without subject, predicate, or object as I hastily read it through. A clause is taken out of the middle of the amendment, leaving it in that condition.

Mr. TRAMMELL. Mr. President, the amendment of the Senator from Mississippi is not printed, and I had to read it hurriedly and prepare my amendment hastily. It may be that the whole provision will have to be rewritten. Of course, the Senator understands what I want to eliminate.

Mr. REED of Missouri. Yes; I do.

Mr. TRAMMELL. If I had a printed copy of the bill with the amendment before me, I could present the amendment to the amendment a little more artistically than I have done.

Mr. REED of Missouri. I am charging neither of the Senators with writing bad English, but when they collaborate together, the one in producing and the other in reducing, they have a residuum here that is a little mixed. I suggest to them that if they are going to offer the amendment in the form in which it is now proposed to be amended by the Senator from Florida it would be well to have a committee on style revise it.

Mr. President, I have watched with some curiosity and a little amusement the course of the debate. It reminds me of Hogarth's "The Bakers Progress." It has been going from bad to worse. We start in with a proposition that we are going to aid a small section of the United States where wheat has been largely grown. We are going to do nothing for the wheat farmers outside of that section.

Immediately that point is raised it is seen at once that the wheat grower just outside of that particular territory which

seems to be in the minds of the drafters of the bill is entitled to just the same treatment as the wheat grower inside of it. That is so logical that it is proposed to amend the bill to include all the wheat growers. Then it is immediately seen that to limit the measure to the wheat grower who has suffered and to cut out the man who has raised something else and has suffered is also inequitable and that the benefits of the bill should be extended to him. Of course it follows that then we ought to extend the benefits of the bill to anybody else who suffered misfortunes.

Incidentally why not extend the benefits of the bill equally to all the people of the United States by not levying taxes upon them all for the benefit of a certain particular portion of the community? The progress of the bill leads to that. You admit you have no right to help the wheat grower of a particular section and not of the other. You admit that there is no reason why the wheat grower should be singled out. But you now seek to extend the benefit to other products. You admit by these various steps that it is inequitable to distribute the money unless you distribute it equitably. You can not distribute it equitably unless you distribute it to everybody, and you have to take it from everybody to distribute it back to everybody.

The truth about the matter is that this is a piece of unconscionably vicious legislation. We talk here out of one corner of our mouths about economy in Government, about cutting down taxes, and then the first time there is a propaganda brought forward for the expenditure of a huge amount of money we proceed to vote the money out. Then we justify it by the singular logic I have heard advanced here that we have wasted money on other things, so why not waste some more? Having passed this bill, if we do pass it, it is an additional precedent for expending more money in a wasteful way, for we will then say, in addition to all the other waste we have indulged in, "Well, we gave \$50,000,000 to the wheat farmer in addition to everything else, and now, therefore, we ought to disregard our duty here and give something to somebody else," and so keep on shoveling out the money at one side of the Treasury and grasping it from the people at the other and letting one wrong justify the doing of another wrong. That is where the logic ends, and it ought not to be heard in this Chamber. The thing to do now is to stop the waste of the people's money and not expend a dollar except where it is necessary to expend it for the proper purposes of the Government. Cut down our taxes, reduce our burdens, and stop attempting to make the United States Government a wet nurse for every unfortunate man there is in the land.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED of Missouri. I do. I have very little time, but I yield as much as I can.

Mr. BROOKHART. Does the Senator from Missouri think that the money given to the railroads was wasted?

Mr. REED of Missouri. I do not propose to discuss the merits of this question by measuring up the rights or wrongs of the question against the rights or wrongs of something that has already happened. That is a strange kind of logic. That is a good deal like saying that a man robbed you of your purse yesterday, and, hence, somebody has a right to rob you of your purse to-day. It is a good deal like saying you committed a crime yesterday, and, therefore, it is all right to commit another crime to-day. I can not go into the railroad question and the voting of money in comparison with the one before us. The two questions are not allied. There are many distinctions. I am not responsible for the railroad legislation. I voted against that measure.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. HARRISON. Mr. President, in order that the minds of Senators may not be confused, I want to draw their attention to the fact that the bill carries two provisions for appropriations. One is for carrying out the purposes of the act in respect to wheat areas, for which there is appropriated \$50,000,000, and another is for carrying out the purposes of the act with respect to other areas, for which there is appropriated \$25,000,000. When we look at the proposition as originally presented it confines itself solely to wheat areas, and the language of the bill must be changed to conform to those provisions which attach to the appropriations. That is the sole object of the amendment I have offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment of the Senator from Mississippi.

The amendment to the amendment was rejected.



Mr. HARRISON. The yeas and nays have been ordered on my amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi upon which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Alabama [Mr. HEFLIN], and vote "yea."

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Vermont [Mr. GREENE], and vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. In his absence, I transfer my pair to the senior Senator from Maryland [Mr. WELLER], and vote "nay."

Mr. PHIPPS (when his name was called). I am paired with the junior Senator from South Carolina [Mr. DIAL], and therefore withhold my vote.

Mr. PITTMAN (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE] on this amendment. I understand that if he were present he would vote "nay," and, if at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I desire to inquire whether the junior Senator from Oklahoma [Mr. HARBOLD] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a pair with that Senator, and find I am unable to obtain a transfer. I will announce that if I were permitted to vote, I should vote "yea," but as I am not permitted to vote I shall withhold my vote.

I wish to announce, while on my feet, that my colleague, the junior Senator from North Carolina [Mr. OVERMAN], is detained from the Senate by reason of illness. If my colleague were present, he would vote "yea." He is paired, however, with the Senator from Wyoming [Mr. WARREN].

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Arkansas [Mr. CARAWAY], and vote "yea."

Mr. WARREN (when his name was called). Again announcing my pair with the junior Senator from North Carolina [Mr. OVERMAN], I withhold my vote.

The roll call was concluded.

Mr. WALSH of Massachusetts. On this question I am paired with the junior Senator from Wisconsin [Mr. LENROOT]. I transfer that pair to the junior Senator from Delaware [Mr. BAYARD], and will vote. I vote "nay."

Mr. McCORMICK. I have a standing pair with the Senator from Oklahoma [Mr. OWEN]. I am unable to transfer my pair, and therefore withhold my vote.

Mr. CURTIS. I desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired on the pending amendment with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 15, nays 49, as follows:

#### YEAS—15.

Brookhart	Fletcher	Mayfield	Smith
Bursum	Harris	Ralston	Stevens
Cameron	Harrison	Sheppard	Trammell
Dill	Jones, N. Mex.	Shipstead	

#### NAYS—49.

Adams	Fess	Kling	Reed, Pa.
Ball	Frazier	Ladd	Shields
Borah	George	Lodge	Shortridge
Bruce	Gerry	McKellar	Smoot
Capper	Glass	McLean	Spencer
Colt	Gooding	McNary	Stanfield
Copeland	Hale	Moses	Swanson
Couzens	Howell	Norris	Wadsworth
Curtis	Johnson, Minn.	Oddie	Walsh, Mass.
Dale	Jones, Wash.	Pepper	Walsh, Mont.
Edge	Kendrick	Reedell	Watson
Edwards	Keyes	Reed, Mo.	Willis
Ferris			

#### NOT VOTING—32.

Ashurst	Ernst	McCormick	Robinson
Bayard	Fernald	McKinley	Simmons
Brandeggee	Greene	Neely	Stanley
Broussard	Harrel	Norbeck	Sterling
Caraway	Hefflin	Overman	Underwood
Cummins	Johnson, Calif.	Owen	Warren
Dial	La Follette	Phipps	Weller
Elkins	Lenroot	Pittman	Wheeler

So Mr. HARRISON's amendment was rejected.

Mr. HARRISON. Mr. President, of course I appreciate the fact that there are many committees at work, and for that

reason Senators can not remain continuously on the floor of the Senate. Consequently they sometimes come in and, asking some other Senator what is the question before the Senate, vote hastily and without due consideration of the pending matter.

I desire, however, to call the attention of the Senate to the meaning of the vote which has just been taken. Here is a bill about which Senators from the wheat section differ as to whether its provisions will apply to only four States or five States or six States. Nearly all of them agree that it does not apply to Kansas, for instance; that it does not apply to Nebraska, for instance; that it would not apply, perhaps, to Idaho; and yet, when I seek to amend and clarify the proposition by stating in an amendment that where farmers of those States are pressed down by such conditions they should have the same opportunity as farmers who live, perhaps, in Minnesota or North Dakota or Montana to get a thousand dollars in order to diversify their farming I see Senators representing those States vote against the amendment that would permit those farmers to come here and secure relief under the provisions of the bill.

I see the Senators from Kansas take that position and vote against the amendment; I see the Senators from Idaho take that position; I see the Senators from Oregon take that position; I see the Senators from Nebraska taking that position, and also Senators from Ohio taking that position, and on down the line, as the Record will reveal. Perhaps those Senators will answer to their constituents next November why it was when they had an opportunity by voting for an amendment which if adopted would provide that the farmers of their States who are in distress, perhaps just as much so as the farmers who live in the wheat area, should have this relief, they did not vote for the amendment which would give them the permission to come to the Secretary of Agriculture, make their application for a thousand dollars, and get the money.

Mr. BORAH. Mr. President, the Senator from Idaho will say that he is prepared to apply the same rule against the farmers of Idaho that he has just applied against the farmers of Mississippi. I am against the bill and all amendments to it, because I do not believe the bill, if it becomes a law, will help the farmers; and it will be used to defeat other bills, such as the McNary bill, which, if enacted, will help the farmers.

Mr. McCORMICK. May I ask if I have heard the first lamentation over the dissolution of the farm bloc?

Mr. HARRISON. If the Senator from Illinois would stay here and not be aroused so much by the opposition back in Illinois, he would know what the farm bloc is doing; but I noticed the Senator from Illinois did not vote upon my amendment at all. I do not know what he will say to the farmers of Illinois when he returns to take up his campaign in that State.

The PRESIDING OFFICER. The Secretary will state the first committee amendment.

The READING CLERK. In section 2, on page 3, line 4, before the word "loans," and on the same page, line 11, after the word "opportunity," it is proposed to strike out the parentheses; in line 12, before the word "who," to strike out "farmers" and insert "any farmer"; in the same line, after the word "who," to strike out "have" and insert "has"; in line 14, after the word "upon," to strike out "their" and insert "his"; and on page 4, line 9, after the word "and," to strike out "transporting" and insert "transporting," so as make the section read:

SEC. 2. That from the approval of this act and until June 30, 1926, the Secretary of Agriculture shall be empowered and authorized to make advances or loans to farmers, as defined and limited in this section, in a sum not exceeding \$1,000 for the purchase of livestock, including dairy and beef cattle, hogs, sheep, and poultry suitable for the development of a system of agriculture as contemplated by the purposes of this act. The Secretary may purchase such livestock and supply same to the borrower at cost; such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary may prescribe, including provision for the repayment thereof by amortization or otherwise, but no loan or advance shall be made for a period of more than five years from the date thereof, and all loans shall bear interest at a rate not to exceed 6 per cent per annum and shall be secured by lien on the livestock obtained through the means thereof and upon all the natural increase of such livestock, which said lien shall have priority in payment over all other liens on such livestock and their natural increase.

For the purposes of this act a farmer is defined as a person engaged in and dependent upon agriculture for the support of himself and his family whether in the capacity of owner, tenant, or cropper. Loans and advances shall be made only to such farmers in the wheat areas of the country as are not reasonably able through their own resources or through existing credit facilities to initiate upon their farms a system



of diversified farming, but who show their willingness to enter upon such an undertaking and who may be reasonably expected to develop such a system if given aid and opportunity. No loan shall, however, be made to any farmer who has overdue principal and interest or general obligations likely to result in early foreclosure of mortgages or other liens upon his farm lands or necessary farm equipment unless extension shall be granted by his creditors in such form as will give him a reasonable opportunity to work out his future and to get an ultimate benefit from such loan. The application for a loan or advance shall include an agreement by each farmer to use the proceeds thereof for the purchase of livestock as contemplated by the provisions of this act.

The Secretary shall avail himself of such information as can be furnished by the agricultural colleges of the various States and other agricultural authorities and agencies, including also the Federal land bank system and the intermediate credit system, in determining what may be appropriate systems of agriculture for a given area and for information with reference to all related subjects. The Secretary shall arrange with county boards, county commissioners, or other local advisory committees or agencies for initial assistance and subsequent supervision as it may deem proper to promote the efficient accomplishment of the purposes of this act and may do all things necessary in locating, purchasing, and transporting the required suitable livestock. The Secretary may also, in his discretion, utilize agencies existing at State agricultural colleges, including cooperative agricultural extension forces, to assist him in carrying out the provisions of this act and may reimburse such colleges for the necessary expenses incurred at the request of the Secretary: *Provided*, That regular employees of agricultural colleges or cooperative extension workers shall not be authorized to pass upon applications for loans, nor shall they be utilized in other than a general advisory capacity in the purchase of livestock: *Provided further*, That there shall be no preference for or discrimination against members of any farm organization in carrying out the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 3, on page 4, after line 21, to strike out "That for carrying out the purposes of this act, it is hereby authorized to be appropriated the sum of \$50,000,000, of which not more than \$20,000,000 shall become available during the present fiscal year, not more than \$20,000,000 during the fiscal year ending June 30, 1925, and not more than \$10,000,000 during the fiscal year ending June 30, 1926, but any portion so authorized to be appropriated and remain available for the ensuing fiscal year. When made available said amounts may be paid to the Secretary from time to time as he may certify its requirements to the Secretary of the Treasury of payments from borrowers whether of principal or interest made during the period in which the Secretary exercises his loaning powers are to be credited by the Treasury to the Secretary and may be expended by the Secretary within the purposes of this act," and insert:

That for carrying out the purposes of this act in respect of wheat areas there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000, of which \$20,000,000 shall be available during the fiscal year ending June 30, 1924, \$20,000,000 during the fiscal year ending June 30, 1925, and \$10,000,000 during the fiscal year ending June 30, 1926, but any amount so appropriated for and not expended during any such fiscal year shall remain available for expenditure until June 30, 1926.

For carrying out the purposes of this act in respect of other areas, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000,000, of which \$10,000,000 shall be available during the fiscal year ending June 30, 1924, and \$15,000,000 during the fiscal year ending June 30, 1925, but any amount so appropriated for and not expended during any such fiscal year shall remain available for expenditure until June 30, 1926.

Mr. REED of Missouri. I inquire what the question is, Mr. President?

The PRESIDING OFFICER. The question is on the adoption of the committee amendment to strike out and insert.

Mr. REED of Missouri. Have the words proposed to be substituted been read?

The PRESIDING OFFICER. The Secretary has just completed reading the proposed substitute.

Mr. REED of Missouri. Mr. President, I call attention to the fact that this appropriation runs for two years in the future. Nobody can tell anything about what the conditions will be then; \$20,000,000 can be expended up to June of this year, \$20,000,000 next year, and \$10,000,000 the year after that.

If this is an emergency, if some people in that country are suffering, if we are giving this out to afford temporary relief, it seems to me utterly indefensible to make provision for the appropriation of money to be expended two years from this date. If these people are suffering, they are suffering now. If they need help, they need it this year; and we could very well

afford, even if we were going to give them help for this year, if that was concluded to be wise, to leave to the next Congress the appropriations for succeeding years.

It seems to me there is absolutely no defense whatever that can be made of a proposition to appropriate now money to be expended three years from now, when in the meantime Congress will be in session; so I move to strike out of the committee amendment all after the figures "1924," in line 16, all of the remainder of the paragraph down to and including line 21.

The PRESIDING OFFICER. The Senator from Missouri offers an amendment to the committee amendment, which will be stated.

The READING CLERK. On page 5, commencing on line 16, it is proposed to strike out:

Twenty million dollars during the fiscal year ending June 30, 1925, and \$10,000,000 during the fiscal year ending June 30, 1926, but any amount so appropriated for and not expended during any such fiscal year shall remain available for expenditure until June 30, 1926.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri to the committee amendment.

Mr. REED of Missouri. On that I ask for the yeas and nays. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on the previous vote as to my pair, I vote "nay."

Mr. LODGE (when his name was called). Making the same announcement of my pair as before, I vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement of my pair and its transfer as on the previous ballot, I vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I make the same announcement that I have heretofore made with reference to my colleague [Mr. OVERMAN].

Mr. PHIPPS (when his name was called). Repeating the announcement made on the previous vote, I withhold my vote.

Mr. SMITH (when his name was called). Announcing the same pair and transfer as before, I vote "nay."

Mr. WALSH of Massachusetts (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WARREN (when his name was called). Repeating the announcement of my pair, I withhold my vote.

The roll call was concluded.

Mr. McCORMICK. Making the same announcement as before, I withhold my vote.

Mr. PITTMAN. I have a pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. I therefore withhold my vote.

Mr. CURTIS. I desire to announce that the junior Senator from Kentucky [Mr. ERNST] has a general pair with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 22, nays 38, as follows:

#### YEAS—22.

Adams	Ferris	McKellar	Stephens
Borah	Fletcher	Reed, Mo.	Swanson
Bruce	George	Reed, Pa.	Trammell
Couzens	Glass	Shields	Walsh, Mass.
Edge	Howell	Simmons	
Edwards	King	Smoot	

#### NAYS—38.

Bursum	Gooding	McLean	Shipstead
Cameron	Hale	McNary	Smith
Capper	Harrell	Mayfield	Spencer
Copeland	Harrison	Moses	Stanfield
Curtis	Johnson, Minn.	Neely	Wadsworth
Dale	Jones, N. Mex.	Norris	Walsh, Mont.
Dill	Jones, Wash.	Oddie	Watson
Fess	Kendrick	Pepper	Willis
Frazier	Ladd	Ralston	
Gerry	Lodge	Sheppard	

#### NOT VOTING—36.

Ashurst	Dial	La Follette	Ransdell
Ball	Elkins	Lenroot	Robinson
Bayard	Ernst	McCormick	Shortridge
Brandegee	Fernald	McKinley	Stanley
Brookhart	Greene	Norbeck	Sterling
Broussard	Harris	Overman	Underwood
Caraway	Heflin	Owen	Warren
Cott	Johnson, Calif.	Phipps	Weller
Cummins	Keyes	Pittman	Wheeler

So the amendment of Mr. REED of Missouri to the amendment of the committee was rejected.

Mr. WARREN. Mr. President, earlier in the consideration of the bill I sent to the desk two necessary amendments. The first one is, on line 13, page 5, after the word "hereby," to insert "authorized to be," so that it will be authorized to be appropriated.

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment to the committee amendment, which will be stated by the Secretary.

The READING CLERK. On page 5, line 13, before the word "appropriated," it is proposed to insert the words "authorized to be."

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

Mr. HARRISON. Mr. President, what does this amendment propose to do—to make an authorization instead of making an appropriation?

Mr. WARREN. The bill as it was originally drawn authorized the appropriation of the money, as such bills always are drawn and always should be drawn. If the Senator will look on page 4, line 23, he will see the words "is hereby authorized to be appropriated."

Mr. HARRISON. Yes.

Mr. WARREN. We are now legislating, and, of course, the Committee on Appropriations appropriates under these bills. It should read, "is hereby authorized to be appropriated," with an appropriation to follow.

Mr. HARRISON. May I ask the Senator from North Dakota [Mr. LADD] whether he agrees to that amendment? That was a question which came up in the committee, and the committee recommended an appropriation instead of an authorization. I am just wondering if the Senator agrees to it.

Mr. LADD. Mr. President, I should not object to it in this particular place, but I am going to suggest that we vote against the committee amendment. The committee amendment was inserted because the Senator from Mississippi [Mr. HARRISON] was very anxious to have the \$25,000,000 included. I did not want to see the bill defeated in the committee and I consented to put it in; but I am convinced now that it is unwise, and I suggest that we vote in this case against the committee amendment and carry it back to the language of the original bill.

Mr. WARREN. Mr. President, as I understand the Senator, he wishes to strike out all of this language in italics and reinstate the former language?

Mr. LADD. I do.

Mr. WARREN. That would take out the language that I have asked to amend; and I dare say that to amend it as I have proposed would still leave it open to striking out, as the Senator has suggested.

Mr. HARRISON. Mr. President, I move that this bill be recommitted to the Committee on Agriculture and Forestry, and on that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Mississippi moves that the bill be recommitted to the Committee on Agriculture and Forestry, and on that motion he asks for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). I transfer my pair with the senior Senator from Maine [Mr. FERNALD] to the junior Senator from Montana [Mr. WHEELER] and vote "nay."

Mr. LODGE (when his name was called). Making the same announcement of the transfer of my pair as before, I vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement of my pair and its transfer, I vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. PITTMAN (when his name was called). Making the same announcement as before regarding my pair, I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. BAYARD], but I am advised that if he were here he would vote as I intend to vote. Therefore I feel free to vote. I vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as before as to my pair, I withhold my vote.

Mr. WALSH of Massachusetts (when his name was called). Making the same announcement as before concerning the transfer of my pair, I vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with the senior Senator from Kentucky [Mr. STANLEY].

Mr. MCCORMICK. Making the same announcement as before, I withhold my vote.

The result was announced—yeas 27, nays 33, as follows:

## YEAS—27.

Ball	Fletcher	McKellar	Spencer
Borah	George	Moses	Stephens
Bruce	Gerry	Pepper	Swanson
Couzens	Gooding	Reed, Mo.	Trammell
Edge	Harrison	Reed, Pa.	Wadsworth
Edwards	Howell	Shields	Walsh, Mass.
Ferris	King	Simmons	

## NAYS—33.

Adams	Fess	Lodge	Shipstead
Brookhart	Frazier	McLean	Smoot
Bursum	Hale	McNary	Stanfield
Cameron	Harrell	Neely	Walsh, Mont.
Capper	Johnson, Minn.	Norris	Willis
Copeland	Jones, N. Mex.	Oddie	
Curtis	Jones, Wash.	Ralston	
Dale	Kendrick	Ransdell	
Dill	Ladd	Sheppard	

## NOT VOTING—36.

Ashurst	Ernst	Lenroot	Robinson
Bayard	Fernald	McCormick	Shortridge
Brandegee	Glass	McKinley	Smith
Broussard	Greene	Mayfield	Stanley
Caraway	Harris	Norbeck	Sterling
Colt	Heflin	Overman	Underwood
Cummins	Johnson, Calif.	Owen	Warren
Dial	Keyes	Philips	Weller
Elkins	La Follette	Pittman	Wheeler

So the Senate refused to recommit the bill.

The PRESIDING OFFICER. The question now is upon the amendment offered by the Senator from Wyoming [Mr. WARREN] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. WARREN. I offer the same amendment, to be inserted on line 23, page 5.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 5, line 23, before the word "appropriated," insert the words "authorized to be."

The amendment to the amendment was agreed to.

Mr. BURSUM. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The question first is on the amendment of the committee to strike out section 3 and insert the italics to line 5, page 6, as amended.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LADD. Mr. President, I suggest that this committee amendment be not approved.

Mr. FLETCHER. We can not hear the Senator.

Mr. LADD. I suggest that those who are in favor of the bill vote against the committee amendment, and that would carry it back to its original form.

Mr. HARRISON. As I understand it, this latter proposition already has been adopted. Both the appropriations have been changed to authorizations. I understand the amendments offered by the Senator from Wyoming have been adopted, and that the Senator from New Mexico has offered an amendment upon which the yeas and nays have been ordered.

The PRESIDING OFFICER. No; the Senator from Mississippi is mistaken. The Senate has not passed upon the committee amendment as amended by the amendments offered by the Senator from Wyoming. That question is now being submitted to the Senate.

Mr. HARRISON. The Senator from North Dakota is not seeking to knock out this \$25,000,000 for the areas other than the wheat area, is he?

Mr. LADD. I am seeking to go back to the section of the bill as originally introduced.

Mr. WADSWORTH. Mr. President, I may be guilty of making an impertinent inquiry, but do I understand now, and is the Senate to understand, that the Committee on Agriculture and Forestry is requesting the Senate to reject a committee amendment?

Mr. LADD. That is what I suggested, that the committee amendment be rejected, and that will carry it back to the lines which are crossed out.

Mr. WADSWORTH. I assume, then, the Senator speaks for the committee?

Mr. LADD. I do not know that we have had a committee meeting, but I know that this is the consensus of many of the committee; not all.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. Carrying out that suggestion, then, the Senate would vote down everything on page 5, including



lines 12 to 25, and on page 6 down to and including line 5, would it?

The PRESIDING OFFICER. That is the way the Chair understands it. The committee has stricken out section 3 and proposes a substitution, which goes down to section 4, and now the question is on adopting the committee amendment.

Mr. HARRISON. I merely desire to say that of course many Senators realizing that they made a mistake before when they voted to give to these wheat areas opportunities that they were not willing to give to the farmers in their own section they have a right now to vote to give their farmers an opportunity to get something. Of course, in voting to strike this provision down you are voting against your own farmers. I merely suggest that.

Mr. REED of Missouri. Mr. President, I am a little curious to know just what kind of proceedings we are inaugurating. The Committee on Agriculture and Forestry meet and amend the bill, and report a bill as the action of the committee. In that way it gets before the Senate. Then we are told by one of the members of that committee that the reason they permitted one particular amendment in the committee was in order to get the bill reported, that there were some people in the committee who would not vote for the bill without the amendment, and consequently, not being able to report the bill without the votes of those members, they inserted an amendment which would satisfy those gentlemen, and got them to vote for the report of the committee by putting in the amendment.

Having gotten the bill before the Senate in that way, they now "double cross" their associates, if I may use the expression in this dignified body, and say that they are going now to ask that the thing they did in order to get a report shall be undone in the Senate. Is that to be the new style of ethics we are to have here? It seems to me that if this bill got here by any such means as that it ought to go back to the committee, and we ought to find out what the committee means.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. I am not so much interested in how the bill got here as I would like to know how one is to vote who is against the bill. I am rather dazed on this subject.

Mr. REED of Missouri. It seems to be a question of "pork." There is one group of gentlemen who want \$50,000,000 for their section and do not want anybody else to have anything. There is another group of gentlemen who could not vote for that sort of a measure unless they could solace their conscience—and their constituency—by having a provision that their constituency should get something also. Of course the question as to the fairness of the division does not appear to enter into it. About four States are to get \$50,000,000, and about 44 States are to get \$25,000,000. Nevertheless, the committee arranged to distribute that \$25,000,000 to the 44 States in order to get some help from some of the Representatives of those 44 States, who were willing to take the rind while the other gentlemen took the bacon.

Then we have the astonishing statement that that sort of a game was played to get the bill into the Senate. In the 12 years I have been in the Senate I never before heard such a statement made. What a pitiful thing it is to find men who, instead of passing upon these questions upon their merits, are passing upon them upon the basis of how much they are to get in their part of the country, and what a defenseless bill you have here that is put forward with the cry that there is an immediate emergency, that it is almost a case of charity to help people over a present distress, and you propose to expend some fifty or sixty million dollars, not this year, but next year and the following year. If we pursue this sort of policy we can bankrupt this Government, we can keep adding to the burden of taxation. If we are to take care of this condition which happens to exist in the Northwest, then why not take care of everybody in this country who has suffered by reason of the war? Why not take care of everybody who suffered by reason of a drought? Why not take care of everybody who has made an improvident investment? If any man in the Northwest or elsewhere ought to have been raising cattle when he was only raising wheat that was his mistake. The people in my State who have raised wheat and who have raised all other farm products are suffering. The farmers are not starving, but they have suffered great losses.

It is proposed to tax the people of my section of the country who did have diversified farming for the benefit of those who saw fit to put their eggs all in one basket. Then it is proposed to tax the people all over the United States who are engaged in enterprises which they have made successful or partially

successful, or in which they have failed, for the benefit of a few people in the United States. That is paternalism run mad. It will not even carry you on in the election. If the Government is to do things of this kind, there is no end and no limit. The Government ought to constitute itself a guardian ad litem for every misadventure there is in the United States. When we get down to the final argument on this question we always go back to the claim that we did something of a bad character in the past. If we did, it is time to stop it right now.

Mr. NORRIS. Mr. President, being a member of the committee who voted against the amendment in the committee, and representing here a constituency that will not get a dollar under the provisions of the bill, I think I can consistently come to the defense of those who believe that the amendment of the committee ought to be defeated. The bill was framed on a certain condition that, in my judgment and in the judgment of the committee, was fully established before the committee, to meet a certain condition which I fully explained once before and which I am not going to explain now. Then came the committee amendment on which we are now about to vote. It does not comply with the theory of the bill at all. It proposes an appropriation of \$25,000,000 in addition and in no sense carries out the theory of the bill.

I am not criticizing any Senator who believes that our theory is wrong. As I said, I was against it in the committee. We had hearings, and those who appeared before the committee convinced me and convinced the committee. The amendment was not put on until after long deliberation by the committee in executive session on other amendments that have already been agreed to. It was offered then when there was nothing else left at the succeeding day, after we had worked all day on the bill and came together again, and it was voted in without five minutes of consideration. A majority of the committee voting for it, it was put in and of course became a committee amendment. I do not know of anything, and there was nothing said, at least in the committee, to show that anyone voted for the amendment because he thought it would help to pass the bill when it got into the Senate. Whether any member of the committee had such an idea I have no knowledge and say nothing in regard to it. The facts are that it went in and became a committee amendment.

I announced at the beginning that if the amendment, together with other amendments and one still to be offered, should be agreed to, they were completely at variance with the theory that was had in drafting the bill and in bringing it before the Senate. Therefore, it seems to me that if we want to carry out the provisions of the bill we ought to defeat the amendment.

I ought to add that the defeating of the amendment, even if the bill is passed, will save \$25,000,000 to the Treasury of the United States. It will make the bill appropriate \$50,000,000 instead of \$75,000,000. The \$25,000,000, as the Senator from Mississippi [Mr. HARRISON] has said, would apply to the entire country. Everybody knows that that would not amount to anything, and that it would take a good many times \$25,000,000 if we are going to help everybody who has lost money in agriculture by reason of the war. I can not see any reason for it unless we discard entirely the theory of those who have drafted the bill, and arrange a bill to pay money to everybody who has lost money in agriculture. That was not the idea of those who favored the bill. It seems to me, therefore, that the committee amendment ought to be defeated.

Mr. LODGE. Mr. President, I think there is some misunderstanding about the vote which is about to be taken. The vote is to be taken on the committee amendment. Those who desire to retain the language in the bill will vote "yea," and those who desire to strike it out will vote "nay." Am I not correct?

The PRESIDING OFFICER. The committee amendment strikes out a part of the original text of the bill and substitutes other language. A vote "yea" will strike out and insert. A vote "nay" will retain the original language of the bill.

Mr. HARRISON. Mr. President, may I say—

Mr. NORRIS. I am perfectly willing to ask unanimous consent for the Senator to talk again on the amendment. He has already spoken once.

Mr. HARRISON. I have not spoken on the pending amendment.

Mr. NORRIS. The Senator has not?

Mr. HARRISON. No. I talked on the amendment which I offered and which was defeated, and I talked 10 minutes on the bill, but I have not talked on the pending amendment.

The PRESIDING OFFICER. The Senator from Mississippi talked on the amendment offered by the Senator from Wyoming to the amendment, and is entitled to speak on the pending amendment.

Mr. HARRISON. I do not want a false impression to get out with reference to the Senator from North Dakota [Mr. LADD]. In the Committee on Agriculture and Forestry the Senator from North Dakota was opposed to the \$25,000,000 amendment, the same as the Senator from Nebraska [Mr. NORRIS]. The majority of the committee, however, were in favor of it. May I say that the overwhelming majority of the committee were in favor of the legislation. I do not think that the amendment being incorporated in the bill influenced or helped to get the bill out of the committee. It would have been reported out of the committee whether the amendment increasing the amount \$25,000,000 had been adopted or not. I pointed out to the committee, when I presented the amendment in the committee, that there were certain people suffering in my section of the country, for instance, not because of an overproduction of crops but because of the ravages of the boll weevil that left the farmers, who in previous years had raised 42 bales of cotton on their farms, with only 2 bales of cotton last year, and that they were one-crop farmers, and they have the same right to relief as have the wheat farmers in the wheat section of the country where conditions warrant it, whether it was in the Northwest or in New England or anywhere else in the country. That was the sole object in presenting my amendment.

I merely rose to say that the Senator from North Dakota has acted in good faith throughout. He opposed the amendment in the committee and he has opposed it here. I never expected him to be in favor of the amendment. The amendment had no influence at all in getting the bill reported to the Senate.

Mr. NORRIS. Mr. President, will the Senator permit me to interrupt him?

Mr. HARRISON. Certainly.

Mr. NORRIS. I wish merely to state that the Senator from Mississippi has stated the facts accurately as I understand them.

Mr. HARRISON. May I say further that the amendment which I offered this morning was to clarify the language of the bill. The amendment I offered would have been a necessary amendment had the \$25,000,000 provision, which is now sought to be stricken from the bill, been incorporated originally in the bill. When my amendment was defeated, which it was overwhelmingly, I realized that it carried with it the defeat of the \$25,000,000 provision that is to be voted on now, because if the \$25,000,000 provision should be retained in the bill we must go back and incorporate in the bill my amendment that was voted on and defeated earlier in the day.

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

Mr. HARRISON. Certainly.

Mr. NORRIS. The Senator will remember that when he offered his amendment I suggested that we should vote on the committee amendment first.

Mr. HARRISON. Yes.

Mr. NORRIS. I did that because I thought if this language stayed in the bill, then the other amendments were necessary. I agree with the Senator that if the amendment stays in we ought to adopt the other amendment which the Senator has offered, and which was defeated.

Mr. HARRISON. Absolutely.

Mr. COPELAND. I would like to ask the Senator from Mississippi if he has overlooked the title of the bill, which is as follows:

A bill to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war, etc.

I take it that is to give relief in a territory where they are now without financial credit and can not get it.

Mr. HARRISON. That was the object of the bill, but there are certain sections of the country that are in a condition just as deplorable as the wheat areas, and those persons should have the same opportunities under the bill to get the money as these other people.

Mr. COPELAND. I agree perfectly with the Senator from Mississippi, but there should be another bill for that purpose. This bill was for the specific purpose of relieving the conditions in the wheat-growing section of the country.

Mr. GLASS. Does not the Senator from New York think that if we get many more bills of this nature here we would have to present a bill to increase rather than decrease taxes?

Mr. COPELAND. Oh, undoubtedly.

The PRESIDING OFFICER. The question is on the committee amendment, on which the yeas and nays have been ordered. Those in favor of the adoption of the committee amendment will vote "yea" and those opposed to the adoption of the

committee amendment will vote "nay." The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). Making the same announcement regarding my pair as upon the previous vote, I transfer that pair to the Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement of my pair as previously made, I vote "nay."

Mr. PHIPPS (when his name was called). Making the same announcement as before in reference to my pair, I withhold my vote.

Mr. PITTMAN (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I understand if present he would vote "nay." If permitted to vote, I should vote "yea." In his absence I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before in relation to my pair and its transfer, I vote "nay."

Mr. SMITH (when his name was called). Transferring my pair with the Senator from South Dakota [Mr. STERLING] to the Senator from Alabama [Mr. HEFLIN], I vote "yea."

Mr. WALSH of Massachusetts (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as before as to my pair, I withhold my vote.

The roll call was concluded.

The result was announced—yeas 12, nays 52, as follows:

#### YEAS—12.

Bursum	Harrison	Mayfield	Smith
Dill	Jones, N. Mex.	Ralston	Stephens
George	McNary	Sheppard	Trammell

#### NAYS—52.

Adams	Ferris	Keyes	Reed, Mo.
Ball	Fess	King	Reed, Pa.
Borah	Fletcher	Ladd	Shields
Brookhart	Frazier	Lodge	Shipstead
Bruce	Gerry	McKellar	Smoot
Cameron	Glass	McKinley	Spencer
Capper	Gooding	McLean	Stanfield
Copeland	Hale	Moses	Swanson
Couzens	Harrell	Neely	Wadsworth
Curtis	Howell	Norris	Walsh, Mass.
Dale	Johnson, Minn.	Oddie	Walsh, Mont.
Edge	Jones, Wash.	Pepper	Watson
Edwards	Kendrick	Ransdell	Willis

#### NOT VOTING—32.

Ashurst	Elkins	Lenroot	Shortridge
Bayard	Ernst	McCormick	Simmons
Brandeggee	Fernald	Norbeck	Stanley
Broussard	Greene	Overman	Sterling
Caraway	Harris	Owen	Underwood
Celt	Heflin	Phipps	Warren
Cummins	Johnson, Calif.	Pittman	Weller
Dial	La Follette	Robinson	Wheeler

So the committee amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next committee amendment was, on page 6, after line 5, to insert a new section as follows:

SEC. 4. The Secretary is authorized to provide by regulation or otherwise for the repayment or collection of all amounts, including interest, in respect of any sale, advance, or loan made under the provisions of this act. There is hereby established in the Treasury a fund to be known as the "livestock loan fund," and all such amounts repaid or collected shall be covered into such fund, and are reserved, set aside, and appropriated, to be available until June 30, 1926, for the use of the Secretary in accordance with the provisions of this act. After June 30, 1926, all amounts remaining in such fund, and all amounts, including interest, repaid or collected in respect of any such sale, advance, or loan, shall be covered into the Treasury as miscellaneous receipts.

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

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. The next committee amendment is, on page 6, to renumber section 4, making it section 5.

The amendment was agreed to.

The next committee amendment was, on page 7, to renumber section 5, making it section 6.

The amendment was agreed to.



Mr. WALSH of Montana. Mr. President, there is a very considerable portion of the pending bill which, to my mind, has little, if any, significance whatever. If I may have the attention of the Senator from North Dakota [Mr. LADD], I desire to say that I refer to the portion of section 2 commencing in line 22, on page 2, down to and including line 21, on the next page.

Mr. LADD. I will be glad to hear the suggestions of the Senator from Montana.

Mr. WALSH of Montana. The portion of the bill to which I refer reads as follows:

The Secretary shall avail himself of such information as can be furnished by the agricultural colleges of the various States and other agricultural authorities and agencies—

Of course the Secretary of Agriculture could get information from those sources and from any other sources; but the bill continues—

including also the Federal land bank system and the intermediate credit system, in determining what may be appropriate systems of agriculture for a given area and for information with reference to all related subjects.

That is merely in the nature of an admonition or suggestion; it is not legislation at all.

The Secretary shall arrange with county boards, county commissioners, or other local advisory committees or agencies for initial assistance and subsequent supervision as it may deem proper to promote the efficient accomplishment of the purposes of this act—

Of course, being given power to carry out the act, he is given power to make use of such agencies as may be available—

and may do all things necessary in locating, purchasing, and transporting the required suitable livestock. The Secretary may also, in his discretion—

That is, he may or may not, as he sees fit—

utilize agencies existing at State agricultural colleges, including cooperative agricultural extension forces—

That is, he may use them or not, as he sees proper—

to assist him in carrying out the provisions of this act and may reimburse such colleges for the necessary expenses incurred at the request of the Secretary: *Provided*, That regular employees of agricultural colleges or cooperative extension workers shall not be authorized to pass upon applications for loans, nor shall they be utilized in other than a general advisory capacity in the purchase of livestock: *Provided further*, That there shall be no preference for or discrimination against members of any farm organization in carrying out the provisions of this act.

Mr. President, I offer as a substitute for the language which I have read a few lines which it seems to me will accomplish the purpose and are in the nature of legislation. This bill authorizes the Secretary of Agriculture to make certain loans. It, therefore, authorizes him to establish any independent machinery that he may care to set up. We ought to exercise every possible economy in the distribution of this fund, in making every dollar of it available for the purposes for which the legislation is intended and is so much needed, as has been so succinctly and forcefully set forth repeatedly upon this floor. There is an existing governmental agency altogether appropriate to the purpose of making these loans under the direction of the Secretary; that is, the agricultural credit system. Why not simply say that the Secretary shall avail himself of the agricultural credit system for the purpose of making these loans? I express that idea in the following:

The Secretary in executing the functions vested in him by this act shall, so far as practicable, utilize the Federal intermediate credit bank system, and the Federal Farm Loan Board and the directors and officers of the Federal intermediate credit banks shall cooperate with the Secretary for such purpose.

The Senator from North Dakota will remember that all of the loans made in that section of the country, I think, have been made in this way through the farm loan banks. So why not utilize those existing agencies whose business it is to make loans to the farmers, either the Federal Farm Loan Board or other agencies. The bill says the Secretary may, in his discretion, make use of them just as he sees fit, and undoubtedly he will employ them; but it will be observed that the bill does not require him to make use of them, and neither does it specify the manner in which he is to make use of them. I would eliminate all of that language, because it really means nothing, and not empower the Secretary of Agriculture to set up another piece of expensive machinery for the purpose of making these loans.

Mr. LADD. The purpose was to have the work done by the Secretary of Agriculture directly with the farmers themselves, as was done in the seed loans, by the utilization of the county agents, the experiment station men, and the county commissioners, who might volunteer, where it was deemed necessary, without going through the banks at all, thus saving any unnecessary expense.

Mr. WALSH of Montana. The Secretary, of course, may do that, but that would involve the creation of a new organization, and where would the power rest? Of course the Secretary can not personally make the loans.

Mr. LADD. Neither did he make the loans personally in the several States of North and South Dakota, Montana, Minnesota, and Idaho in the case of the seed-wheat loans.

Mr. WALSH of Montana. That is correct.

Mr. LADD. He utilized the same agencies we provide for here, except that an additional agency, the county commissioners, is provided for, but he did not utilize the banks except such banks as he wanted to make deposits in.

Mr. WALSH of Montana. But the difficulty about that is that the boards of county commissioners and farm bureau agencies and that kind of thing are not skilled in the making of loans. We ought to safeguard this measure by putting it in the hands of some one whose business it is to weigh securities. The Federal farm banks, it seems to me, are the appropriate agencies through which to get the recommendations. Of course, there is no difficulty about using the agricultural extension agencies and the boards of county commissioners and the farm bureaus and all of those instrumentalities for the purpose of gathering information as to the responsibility of borrowers or persons who desire to borrow, or getting information concerning the particular kind of agricultural activity that is suited to a particular place. All that information can be secured; but we must lodge the power to make the loans somewhere. Now, this bill, of course, lodges it with the Secretary of Agriculture, and my amendment will not change that, but the question is what agencies in the field are going to recommend these loans?

Mr. LADD. The agencies which the Secretary of Agriculture employs for that purpose.

Mr. WALSH of Montana. Exactly.

Mr. LADD. If it is left to the farm loan banks, the Federal land banks, or the intermediate credit banks, there is only one in an entire district, and it will be from six months to a year behind before deciding whether or not a farmer is entitled to receive money.

Mr. WALSH of Montana. Let me remark to the Senator that so far as that is concerned it will not delay the procedure at all, because the Secretary of Agriculture has to get the information in just exactly the same way that the institutions named get the information, through their local representatives, whomsoever they shall designate for that purpose.

Now, what I am endeavoring to avoid, let me say to the Senator—and, of course, I want to give the bill my support—is the utilization of a considerable portion of this fund for the purpose of supporting an independent piece of machinery which the Secretary of Agriculture may set up in the various States when we already have governmental machinery for making these loans.

Mr. LADD. I do not believe that the cost was any greater or even as great in handling the loans for seed wheat as it would have been if they had gone through these banks and the banks had to send their agents out or had employed a large corps of agents to go out and do the same thing. Here we have the agents in the field. County agents are in nearly every county in the State of North Dakota, for example.

The PRESIDING OFFICER. The time of the Senator from Montana has expired. The Chair suggests that he send his amendment to the desk so that the Secretary may read it.

The READING CLERK. The Senator from Montana proposes to strike out, on page 3, lines 22, 23, 24, and 25, and all of page 4 down to section 3, on line 21, and to insert in lieu thereof the following:

The Secretary, in executing the functions vested in him by this act, shall, so far as practicable, utilize the Federal intermediate credit bank system; and the Federal Farm Loan Board and the directors and officers of the Federal intermediate credit banks shall cooperate with the Secretary for such purpose.

Mr. GEORGE. Mr. President, what difference does it make whether this fund is to be administered through a regular banking channel, accustomed to make loans and accustomed to weigh securities, or administered through the Secretary of Agriculture?

Some days ago, when the Senator from Nebraska [Mr. NORRIS] was talking, I asked the direct question if it was intended to make this a commercial transaction between the Government and the farmers, and he said very frankly that it was not. He did argue that the Government would not necessarily lose a great deal of this money, but he did not deny nor did he hesitate to affirm that the Government would lose a portion of the money, and that the transaction was not intended to be a commercial transaction between the Government and the borrowers. It might be just as appropriate not only to eliminate the language in the bill but to reject the amendment suggested by the Senator from Montana and substitute some political committee. If it is not to be a commercial transaction between the Government and the men who are to receive the money and to promise solemnly to repay it, then it must be some other kind of transaction that is proposed here in this utterly defenseless legislation.

All the time it has been insisted that there did apply to these four Northwestern States some peculiar reason that did not apply to any other section of the country, and all the time it has been pointed out that there was just as much a one-crop-slavery system in the South as there was in the Northwest, and all the time it has been pointed out that the conditions were just as bad in the South as they were in the Northwest. Indeed, the very candid and frank and most admirable Senator from Nebraska [Mr. NORRIS] admitted that the conditions were as bad, but he insisted that the conditions were due to different reasons.

We are told here that we ought to vote this aid when it is not even pretended that it is a business transaction nor yet a sound commercial transaction, for what reason? Because the wheat farmers of the Northwest, perchance through the action of the Congress or through the misapprehension of the wheat farmers in interpreting that action, greatly increased their acreage in wheat. What has come upon the farmers of the South? The boll weevil, perhaps an act of Providence; but there is very little difference between suffering from an act of Providence and suffering upon the part of a section resulting from misinterpreting the action of the Congress with respect to an increase of acreage because perchance it was assumed that the war would go on and that there would be a need for wheat production. But, Mr. President, let me say now that just the same appeal was made to the South and to the East and to the Central West that was made to these four States in the Northwest, and that appeal was to produce food crops and to produce food crops without stint; and the farmers all over America reorganized their farming and tried to produce food crops.

Mr. President, let us face the situation frankly, and let us say that there is no need to select the agricultural colleges to afford a means of administering your fund, because it is openly confessed that it is not a commercial, it is not a business, it is not a defensible piece of legislation; and let us reject, Mr. President, so far as I am concerned, any suggestion that it be administered through a business instrumentality already existing under this Government, because what is here proposed is not a business proposition at all. It is a pure gift out of the pockets of the taxpayers of 48 States into the pockets of a single class of the taxpayers of 4 States in the Northwest. That is all it is. It is not individualism, it is not socialism; it is not one-thousandth time as defensible as a socialistic scheme and as a socialistic state. It is a proposal to subsidize individuals, not named in the bill it is true, but a proposal nevertheless to subsidize individuals, and the very identity of the individuals is located by reason of the fact that they must be residents of those four States in the Northwest.

Mr. President, I come from an agricultural State. I have all of my personal investments in agriculture. I know what the condition of the farmer has been and is, but I know that the American farmer never will be assisted back to his feet by any proposal that simply piles up upon the whole body of the people an enormous burden of taxation, a continual and mounting burden of taxation; and the farmer never will be put back upon his feet by these paternalistic schemes of government. Disguise them as you may, find for them an excuse in previous mistakes of the Congress, if you please, and you have laid the foundation for a communism in this country that is destructive of our Government and of every principle that has made the American farmer the one independent and conservative and outstanding element in our history.

Mr. President, the whole legislation is nothing but a faulty and cheap bid for something that does not come through business channels. It is not good even as an election measure. I dare say that any man who will go into the States of Senators

who vote for this measure and submit it to the people fairly and squarely will find that it is not even good as a campaign measure.

I have heard it intimated and suggested in the public press that the President of the United States is himself favorable to this legislation. I do not believe it and I will not believe it until he has affixed his signature to a piece of legislation a proponent of which, the admirable and candid Senator from Nebraska [Mr. NORRIS], admits is to be an uncommercial and therefore an unbusinesslike transaction, justified upon the assumption that in previous years the Congress itself has laid the foundation for this sort of indefensible socialistic legislation by its own mistakes.

Mr. President, ordinarily I should have said nothing; but when it is proposed to use the established agencies of Government, that can do American agriculture some service, to administer a fund which is not supposed in any sense to be a fund to be administered as a sound commercial proposition, then I think I have the right to voice my sentiments here. Senators from the South, at least, will find when they go back to face the hard-pressed taxpayers of the South that they have added nothing to themselves politically. I dislike to use the term "political," but if it is not commercial, if it is not businesslike, if every Senator knows that it means a loss to this Government, then what else is it?

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. HOWELL. Mr. President, I am in favor of the purpose of this measure, but I also believe that when the Government steps in to aid any industry it should do so upon purely business principles; that it should adopt methods whereby it will be assured of the return of all, or at least the greater part, of every dollar invested.

It is proposed in this measure to afford assistance—funds, livestock, in fact—to those who may not be entitled to credit according to the usual rules of business. The Government can no more afford to loan to a man who has no credit than an individual can afford to loan to a man who has no credit; but when it comes to the sale of merchandise—yes, livestock—there is a method that can be adopted that is approved by business experience. That method is utilized all over this country to furnish merchandise to individuals who have no credit in the commercial sense, and that method is the contract installment plan.

The principle involved is this: A sale is made, but the title to the property does not pass until the property is paid for. That is the method that is adopted by every furniture installment house, by every installment house doing business in other lines, dealing with people with no commercial credit.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HOWELL. I do.

Mr. BRUCE. May I suggest to the Senator one question? If no title would pass, how would the farmer dispose of the increase of the cattle? Or how would he be able to put the possession of the livestock to any useful purpose of any description?

Mr. HOWELL. I will come to that shortly. As I have stated, there is a method that will enable a person to sell to one without commercial credit and yet be assured of a return of his property, or of collecting the amount charged for that property.

It is extraordinary what a small loss is entailed in doing this character of business. I happen to be familiar with this kind of business, as I managed for several years the publicly owned gas plant in Omaha, and one of our activities was the conduct of an appliance store, which, during the past three and a half years, has sold something less than \$1,000,000 worth of merchandise, and our average losses were less than a quarter of 1 per cent upon the sales, and not over 10 per cent was required to be paid down at the time of purchase. We simply investigated to determine that the person was an upright individual, and, irrespective of his means, we sold him the merchandise, and we collected the money. Experience in various lines of business has taught that this can be done, and be done successfully, and if Congress proposes to aid the farmers in question it ought to adopt business methods well recognized as sound for such an emergency.

As a consequence, I have prepared a substitute for this bill, which I will offer later, which provides how the Secretary of Agriculture can proceed, and I will read just one clause of it. It provides that he shall be authorized to purchase livestock, including dairy and beef cattle, hogs, and sheep, suitable for



the development of a system of agriculture as contemplated for the purposes of this act, and to sell the same to farmers upon the contract installment plan, all deferred payments to bear interest at not to exceed 6 per cent per annum.

No contract shall run for more than five years or be for more than \$1,000, and the title to the livestock, including the natural increase thereof, shall remain in the United States until paid for. Such contract shall be in the form prescribed by the Secretary of Agriculture. That answers the question of the Senator from Maryland.

Mr. BRUCE. Mr. President, I do not think it answers my question at all. Suppose—

Mr. HOWELL. I was about to explain.

Mr. BRUCE. Very well.

Mr. HOWELL. The contract may be made to provide that if it is wise to sell a portion of the stock to be slaughtered or of the increase for other purposes application may be made therefor and the transaction carried out upon the payment of a certain proportion of the whole of the return to the Government at that time, as deemed proper. In other words, this contract can be made to cover every contingency of that character. Moreover, the Government will be in a position in case of failure on the part of the purchaser to properly take care of his livestock or for other reason to take possession of it and to sell it as seen fit. In other words, the Government will be in a position to protect itself under any conditions.

Mr. BROOKHART. Mr. President, I would like to ask the Senator if these questions are not mere matters of administration rather than of principle involved in the bill, and would it not be better to amend the bill and let the bill be handled in that way than to defeat the bill?

Mr. HOWELL. I have a substitute measure here which covers this feature, and which also includes all the provisions of the bill which have been thus far approved and adopted by the Senate. The only change is that it provides for the contract installment sales plan instead of the loan plan as provided in the pending measure; that is, transferring the property, the title passing to the purchaser, and the Government having a lien for the money advanced.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Nebraska one question. Of course, under the provisions of this bill the Government could lend a farmer money for the purpose of buying chickens.

Mr. HOWELL. Just a moment. May I say that in my substitute I have cut out poultry.

Mr. BRUCE. The Senator has cut out poultry?

Mr. HOWELL. I have.

Mr. BRUCE. That is a confession of weakness in the bill in the beginning, of course.

Mr. HOWELL. So far as I am concerned, I do not think poultry should be included in the bill.

Mr. BRUCE. Of course, generally, when money is loaned on livestock, or on tangible property of any kind, the security to the man who makes the loan consists in the fact that he retains possession of the pledge. Under this bill, of course, the Government would not have possession of the pledge at all. The Senator says he has eliminated chickens. I commend the Senator for the very fine discretion he has exhibited in that respect, at least, because I could not conceive of anything that would be more hopelessly precarious than a lien reserved on a rooster or a hen, when we reflect, in the first place, that they are very much in the habit of going about at their own sweet will, and, as I pointed out to the Senator the other day, they are subject to the depredations of hawks and minks and weasels—

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. BRUCE. I suppose I will have to die with it.

Mr. HOWELL. I offer the amendment in the nature of a substitute for the bill, and I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

#### EXECUTIVE SESSION.

Mr. CURTIS. I understand that final action on the bill can not be had this evening, so I move that 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 10 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Wednesday, March 12, 1924, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 11, 1924.*

#### GEODETIC SURVEY.

TO BE AIDS, WITH RELATIVE RANK OF ENSIGN IN THE NAVY, BY PROMOTION FROM JUNIOR ENGINEER.

Lansing Grow Simmons, of the District of Columbia, vice T. B. Reed, promoted.

Earl Mowbray Buckingham, of Montana, vice R. W. Knox, promoted.

Phillip Chester Doran, of Connecticut, vice J. A. Kibler, promoted.

TO BE AIDS, WITH RELATIVE RANK OF ENSIGN IN THE NAVY, BY PROMOTION FROM DECK OFFICER.

Charles William Nies, of New York, vice R. W. Byrns, promoted.

Chester Lovering Nyman, of Massachusetts, vice Frank Lerner, promoted.

George Thomas Gilman, of Massachusetts, vice H. M. Hill, promoted.

#### POSTMASTERS.

##### ALABAMA.

Guy Walker to be postmaster at Somerville, Ala., in place of C. P. Johnston. Office became third class October 1, 1923.

Glenn E. Guthrie to be postmaster at Townly, Ala., in place of M. D. King. Incumbent's commission expired February 11, 1924.

George B. Pickens to be postmaster at Moundville, Ala., in place of G. B. Pickens. Incumbent's commission expired February 11, 1924.

Virgil B. Huff to be postmaster at Brundidge, Ala., in place of J. L. Dickinson. Incumbent's commission expired February 11, 1924.

##### ARIZONA.

Clarence J. Wilson to be postmaster at Casa Grande, Ariz., in place of L. D. Park. Incumbent's commission expired February 11, 1924.

##### ARKANSAS.

Joseph S. Ottinger to be postmaster at Pea Ridge, Ark., in place of I. T. Sharp. Office became third class October 1, 1923.

##### CALIFORNIA.

Doris R. Coon to be postmaster at Dunsmuir, Calif., in place of S. A. Porter. Incumbent's commission expired August 29, 1923.

##### COLORADO.

Roy McWilliams to be postmaster at Ault, Colo., in place of Roy McWilliams. Incumbent's commission expired February 18, 1924.

##### CONNECTICUT.

Walter R. King to be postmaster at Willimantic, Conn., in place of John O'Rourke. Incumbent's commission expired February 4, 1924.

Clarence B. Emery to be postmaster at Terryville, Conn., in place of D. P. Hurley. Incumbent's commission expired August 1, 1923.

##### IDAHO.

Walter A. Shear to be postmaster at Filer, Idaho, in place of W. P. Shinn. Incumbent's commission expired February 4, 1924.

John M. Butler to be postmaster at Burley, Idaho, in place of R. B. Haskell. Incumbent's commission expired August 20, 1923.

##### ILLINOIS.

Thomas J. Perks to be postmaster at Mound City, Ill., in place of T. J. Perks. Incumbent's commission expired March 9, 1924.

John W. Nelson to be postmaster at Donovan, Ill., in place of J. W. Nelson. Incumbent's commission expired March 9, 1924.

##### KANSAS.

Ethel White to be postmaster at Merriam, Kans., in place of D. H. White, resigned.

Charles T. Murray to be postmaster at Isabel, Kans., in place of J. R. Bell, resigned.

James P. Pratt to be postmaster at Syracuse, Kans., in place of Henry Block. Incumbent's commission expired July 28, 1923.

## LOUISIANA.

Phillip B. Allbritton to be postmaster at Clarks, La., in place of P. B. Allbritton. Incumbent's commission expired February 11, 1924.

## MAINE.

Emily E. Pynes to be postmaster at Sangerville, Me., in place of E. E. Pynes. Incumbent's commission expired February 11, 1924.

Charles C. McLaughlin to be postmaster at Harmony, Me., in place of C. C. McLaughlin. Incumbent's commission expired February 11, 1924.

## MARYLAND.

John W. Brittingham to be postmaster at Pittsville, Md., in place of D. M. Farlow. Incumbent's commission expired February 24, 1924.

## MICHIGAN.

Estella R. Newcomb to be postmaster at Le Roy, Mich., in place of E. R. Newcomb. Incumbent's commission expired March 3, 1924.

## MINNESOTA.

Clara M. Hjertos to be postmaster at Middle River, Minn., in place of C. M. Hjertos. Incumbent's commission expired February 18, 1924.

Margaret E. Thompson to be postmaster at Grey Eagle, Minn., in place of M. E. Thompson. Incumbent's commission expired February 18, 1924.

## MISSOURI.

Tyree C. Harris to be postmaster at Windsor, Mo., in place of R. M. Owsley. Incumbent's commission expired August 12, 1923.

## NEBRASKA.

Charles W. Fritts to be postmaster at Crawford, Nebr., in place of J. J. Adams, jr., resigned.

## NEW JERSEY.

Everett N. Crandell to be postmaster at North Hackensack, N. J., in place of E. N. Crandell. Office became third class January 1, 1924.

## NORTH CAROLINA.

James E. Wallace to be postmaster at Stanley, N. C., in place of Frank Boyd. Office became third class October 1, 1923.

Joseph B. Harrell to be postmaster at Marshville, N. C., in place of J. L. Bivens, resigned.

Burnice R. Cahoon to be postmaster at Columbia, N. C., in place of W. S. Carawan, resigned.

Arthur L. Beaman to be postmaster at Snow Hill, N. C., in place of R. L. Chestnutt. Incumbent's commission expired February 20, 1924.

Jesse W. Wood to be postmaster at Littleton, N. C., in place of J. W. Wood. Incumbent's commission expired February 20, 1924.

## OHIO.

Nathan H. Powell to be postmaster at Pleasant Hill, Ohio, in place of I. A. Deeter. Incumbent's commission expired August 5, 1923.

Plummer D. Folk to be postmaster at Leipsic, Ohio, in place of O. T. Place. Incumbent's commission expired February 24, 1924.

Clifford B. Hyatt to be postmaster at Killbuck, Ohio, in place of C. B. Hyatt. Incumbent's commission expired February 24, 1924.

Charles H. Morrison to be postmaster at Hebron, Ohio, in place of D. A. Taylor. Incumbent's commission expired February 24, 1924.

## OKLAHOMA.

Margaret E. Williamson to be postmaster at Wanette, Okla., in place of F. F. Mitchell. Incumbent's commission expired January 28, 1924.

## OREGON.

Richard J. Hill to be postmaster at Kerry, Oreg., in place of C. G. Shaw, resigned.

William R. Logus to be postmaster at Oregon City, Oreg., in place of J. J. Cooke. Incumbent's commission expired February 11, 1924.

Jason T. Anderson to be postmaster at Harrisburg, Oreg., in place of J. T. Anderson. Incumbent's commission expired February 11, 1924.

## PENNSYLVANIA.

John N. Snyder to be postmaster at Williamstown, Pa., in place of J. R. Hancock, resigned.

Samuel M. Carnell to be postmaster at Dott, Pa., in place of S. M. Carnell. Office became third class October 1, 1923.

Mary K. Schambach to be postmaster at Beaver Springs, Pa., in place of C. B. Aurand, resigned.

## SOUTH CAROLINA.

James D. Mackintosh to be postmaster at McClellanville, S. C., in place of C. L. Kirkley. Office became third class October 1, 1923.

## TENNESSEE.

Christine M. Meister to be postmaster at Loretto, Tenn., in place of C. M. Meister. Office became third class October 1, 1923.

John B. Morris to be postmaster at Brunswick, Tenn., in place of J. B. Morris. Office became third class July 1, 1923.

## TEXAS.

Olive Raoul to be postmaster at Gustine, Tex., in place of Isaiah Sadler, resigned.

Annie K. Turney to be postmaster at Alpine, Tex., in place of J. J. Allen, removed.

Tolbert Hannon to be postmaster at Richmond, Tex., in place of F. P. Bell. Incumbent's commission expired January 31, 1924.

Amos E. Duffy to be postmaster at Matagorda, Tex., in place of A. E. Duffy. Incumbent's commission expired February 24, 1924.

Robert F. Myers to be postmaster at Ferris, Tex., in place of L. E. Holloway. Incumbent's commission expired January 31, 1924.

## VIRGINIA.

James O. Dameron to be postmaster at Weems, Va., in place of J. O. Dameron. Office became third class October 1, 1923.

John M. B. Lewis to be postmaster at Lynchburg, Va., in place of I. H. Adams, jr. Incumbent's commission expired February 14, 1924.

Waverly S. Barrett to be postmaster at Dendron, Va., in place of W. S. Barrett. Incumbent's commission expired February 14, 1924.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 11, 1924.*

## RECEIVER OF PUBLIC MONEYS.

Alfred Hogensen to be receiver of public moneys at Boise, Idaho.

## PROMOTIONS IN THE ARMY.

Clarence Humbert Murphy to be captain, Cavalry.  
John Harvey Madison to be first lieutenant, Coast Artillery Corps.

George Edward Bruner to be first lieutenant, Infantry.  
James Ault Ramsey to be first lieutenant, Medical Administrative Corps.

## POSTMASTERS.

## CONNECTICUT.

Clifford E. Chapman, Niantic.

## FLORIDA.

Mary Joyner, Bagdad.  
William J. Carter, Homestead.  
Guy K. Masten, Vero.

## KENTUCKY.

Arta Henderson, Eubank.

## NEBRASKA.

Edwin P. Clements, jr., Ord.

## NEW YORK.

Fred W. Ravekes, Ardsley on Hudson.  
Charles A. Partridge, Berkshire.  
Robert L. McBrien, Huntington.  
Kate L. Holden, Peru.  
Charles Blackburn, Southampton.  
Harry B. McHugh, Wallkill.



## HOUSE OF REPRESENTATIVES.

TUESDAY, March 11, 1924.

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:

O God, Thou dost manifest Thyself toward us in teacher, friend, and father. We ask Thee, blessed Lord, to give us strength to rise above human nature so that languor shall not be in our hearts, weariness on our brows, and weakness in our lives. Forgive our sinful thoughts and faltering steps, and make our sense of right more acute and our power of resistance more courageous. The Teacher of Nazareth is the way of God to us; oh, may He be the way of us to God. Help us to dedicate our powers to Thee and to Thine. Let us feel the working of a noble discontent that cries for a better day, a better country, and a better world. Bless us with souls tempered with fire, fervent, heroic, and friends of man. Through Christ. Amen.

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

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and Senate concurrent resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1703. An act for the relief of J. G. Seupelt;

S. 2315. An act to amend an act entitled, "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto;

S. 2169. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. 2392. An act authorizing an appropriation to indemnify damages caused by the search for the body of Admiral John Paul Jones;

S. 2108. An act to grant the consent of Congress to the Southern Railway Co. to maintain a bridge across the Tennessee River at Knoxville, in the county of Knox, State of Tennessee;

S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.

## Senate Concurrent Resolution 5.

*Resolved by the Senate (the House of Representatives concurring),* That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by the Hon. Charles Evans Hughes in the House of Representatives during the exercises held in memory of the late President Warren G. Harding on February 27, 1924, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2818. An act to grant the consent of Congress to construct, maintain, and operate a dam and spillway across the Waccamaw River in North Carolina;

H. R. 3845. An act to authorize the construction of a bridge across the Little Calumet River at Riverdale, Ill.;

H. R. 4120. An act granting the consent of Congress to the Greater Wenatchee Irrigation District to construct, maintain, and operate a bridge across the Columbia River;

H. R. 4182. An act authorizing the city of Ludington, Mason County, Mich., to construct a bridge across an arm of Pere Marquette Lake;

H. R. 4187. An act to legalize a bridge across the St. Louis River in Carlton County, State of Minnesota;

H. R. 4984. An act to authorize the Clay County bridge district, in the State of Arkansas, to construct a bridge over Current River;

H. R. 4457. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes; and

H. R. 6901. An act to amend section 252 of the revenue act of 1921 in respect of credits and refunds.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2392. An act authorizing an appropriation to indemnify damages caused by the search for the body of Admiral John Paul Jones; to the Committee on Foreign Affairs.

S. 1703. An act for the relief of J. G. Seupelt; to the Committee on Indian Affairs.

S. 2169. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

S. 2315. An act to amend an act entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved June 28, 1906, and acts amendatory thereof and supplemental thereto; to the Committee on Indian Affairs.

S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

## Senate Concurrent Resolution 5.

*Resolved by the Senate (the House of Representatives concurring),* That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by the Hon. Charles Evans Hughes in the House of Representatives during the exercises held in memory of the late President Warren G. Harding on February 27, 1924, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

To the Committee on Printing.

## ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 6901. An act to amend section 252 of the revenue act of 1921 in respect of credits and refunds; and

S. J. Res. 91. Joint resolution to authorize the National Society United States Daughters of 1812 to place a marble tablet on the Francis Scott Key Bridge.

## COINAGE OF COMMEMORATION COINS.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 684 and place the same upon its passage.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill S. 684 and place it upon its passage. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 684) to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than five million, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That the coins herein authorized shall be issued only upon the request of the executive committee of the Stone Mountain Confederate Monumental Association, a corporation of Atlanta, Ga., and upon payment by such executive committee for and on behalf of the Stone

Mountain Confederate Monumental Association of the par value of such coins, and it shall be permissible for the said Stone Mountain Confederate Monumental Association to obtain said coins upon said payment, all at one time or at separate times and in separate amounts, as it may determine.

SEC. 8. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coining, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The bill was ordered to be read the third time, was read the third time, and passed.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill H. R. 5259, of exactly the same tenor as this bill, be laid on the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### CALL OF THE HOUSE.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

Abernethy	Fleetwood	Little	Rogers, N. H.
Aldrich	Fredericks	Logan	Rosenbloom
Anderson	Frothingham	Luce	Sanders, Ind.
Anthony	Fulmer	McClintic	Sanders, N. Y.
Black, N. Y.	Funk	McDuffie	Seger
Black, Tex.	Gallivan	Michaelson	Sites
Britten	Goldsborough	Miller, Ill.	Sullivan
Browne, Wis.	Greene, Mass.	Morin	Sweet
Cable	Hawes	Nelson, Me.	Taber
Connolly, Pa.	Johnson, S. Dak.	Newton, Mo.	Taylor, Colo.
Corning	Jost	Nolan	Tincher
Croll	Kahn	O'Brien	Vare
Curry	Kendall	Paige	Voigt
Davey	Kless	Peery	Walnwright
Deal	Knutson	Perlman	Ward, N. C.
Dempsey	Kvale	Phillips	Wertz
Denison	Larsen, Ga.	Porter	Williams, Ill.
Dickstein	Lee, Ga.	Quayle	Wolf
Eagan	Leibach	Rathbone	Wood
Edmonds	Lineberger	Reed, W. Va.	Wright
Fairchild	Lathicum	Reid, Ill.	Wyant

The SPEAKER. Three hundred and forty-six Members have answered to their names; a quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### A QUESTION OF PERSONAL PRIVILEGE.

Mr. ZIHLMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Maryland rises to a question of personal privilege. The gentleman will state his question of personal privilege.

Mr. ZIHLMAN. Mr. Speaker, my name has been printed in the newspapers of the country—

The SPEAKER. The gentleman need not proceed further; the gentleman is recognized on a question of personal privilege.

Mr. ZIHLMAN. Mr. Speaker, I rise at this time because I went to the chairman of the Committee on the Judiciary and asked that I be recognized first on this resolution which is coming up before the House and which recites, "*Resolved*, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General under House Resolution 211." Now, I ask the Members of this House to put themselves in my position for just a moment and in their own minds review this entire procedure. The first intimation I had of this coupling of my name with the charges before the Chicago grand jury was, I think, last Tuesday night, when Mr. Arthur Henning, of the Chicago Tribune, called me up over the telephone about midnight, awakened me from my sleep, and told me that the New York newspapers were publishing my name as one of those referred to in the report of the Chicago grand jury. I asked Mr. Henning what the charges were, and he told me he had been informed that I had accepted a bribe of \$30,000 for securing the parole of certain Federal prisoners. I said, "Mr. Henning, in the seven years I have been in the Congress I have only gone once personally to the Department of Justice in a

parole case, and that was a young man recently who was accused—in fact, pleaded guilty—of robbing the mails of \$32, a man with a wife and two children, of Hagerstown, Md."; and that is the only parole case in the seven years I have been in Congress that I ever went to the Department of Justice on in person, although my office force has handled many cases of a minor nature. Then later there come other charges, not from any official source, not from the Department of Justice, I am informed; but, notwithstanding, charges were made against my name and against my character.

Gentlemen, I have been in public life for 15 years. I have searched every official act in this last trying week and I am absolutely conscious of having done no wrong at any time, and I resent with all that is in me the methods which have been used to wipe me off the slate by one stroke of the pen without giving me an opportunity to be heard and without knowing what the charges are except insinuations, except accusations which, according to the statement of the majority leader on this floor, come from crooks and criminals. [Applause.] Now, it is proposed by the great Judiciary Committee to refer this matter back to the Department of Justice for further investigation. Well, matters have been referred to the Department of Justice before, and I have known of cases which are marked to be investigated up there for two years, and I can not afford, gentlemen of the House, to labor under these charges until [applause] the Department of Justice gets ready to investigate them upon the acknowledged statement of the gentlemen who wrote the report of the grand jury in Chicago that they were made merely upon the statements of acknowledged crooks and criminals. And so I believe I have a right to ask that other action be taken, that if this House feels that I am guilty of any wrongdoing it ought to investigate the alleged acts of wrongdoing and ought either to exonerate me or ought to kick me out of that door, because I have no right to sit in this body. But in the absence of definite information I have been unable to meet these charges. I have not talked to a single member of the Committee on the Judiciary, except the gentleman from Missouri [Mr. DYER], the acting chairman, on the floor yesterday after they made up the report, so far as I can remember. I have not talked to the Speaker or others, because I have been in a maze and unable to know just how to proceed. But this morning early Mr. Crim called me on the telephone and asked me to stop and see him at the Hamilton Hotel, and told me, quoting his words, "I am free to admit that in your case the charges are not supported by evidence, and I would not indict any man on the word of a crook."

Now, I did not go to see Mr. Crim. I told him that this matter was coming up in the House this morning, and I felt that my duty to myself compelled me to be here when this matter was before the House, but that I would come with some one to talk with him later, but I could not and would not come to see him this morning. [Applause.]

I did not seek this interview. It came from Mr. Crim, and I am sure that when the membership of the House realize that an attempt has been made to absolutely ruin two innocent men, guilty of no wrongdoing, by one of the strangest procedures that has ever taken place in this country, they will give me and give my colleague [Mr. LANGLEY] what we are entitled to, a complete and full investigation by the membership of this House, and I believe that when I obtain that investigation they will exonerate me absolutely of any wrongdoing. [Applause.]

This procedure is not going to stop the Department of Justice. This letter of the Attorney General, stating that he could not send up here the official records or the evidence, is mere quibbling about details. Surely the Department of Justice has or can make two sets of records if they have any evidence. Let them lay before a committee of the House one set of records in this case and let them proceed under their constitutional authority and by due process of law to take such action as they feel the evidence in this case justifies.

I am opposed to this resolution in its present form. I have no objection to that part of the Committee on the Judiciary's recommendation that the matter be referred back to the Attorney General. Let them proceed to the fullest extent, but this House owes it to me and it owes it to itself to conduct an investigation of these charges and these allegations against my character at the earliest possible moment. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to call up a report from the Committee on the Judiciary and the resolution thereto appended.

The SPEAKER. The gentleman from Pennsylvania calls up a resolution from the Committee on the Judiciary. The Clerk will report the resolution.



The Clerk read as follows:

*Resolved*, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General by the House under House Resolution 211.

Mr. DOMINICK. Mr. Speaker, will the gentleman yield while I offer an amendment?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DOMINICK. I just want to state at this time, Mr. Speaker, to the House and for the information of the House that while no formal minority report has been filed by me, I gave notice to the committee of a verbal objection to the report, and I wanted that to go into the RECORD as my formal minority report against the recommendation of the committee, and that I would have a substitute to offer at the proper time to the recommendation of the committee. I believe that is correct, Mr. Chairman, is it not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DOMINICK. Mr. Speaker, will the gentleman from Pennsylvania yield again?

The SPEAKER. Does the gentleman yield?

Mr. GRAHAM of Pennsylvania. For a question.

Mr. DOMINICK. I thought that possibly, just at this time, it might be well for my substitute to be presented for the information of the House. It is very brief. I mean, to have it read, not to offer it, at this time.

Mr. GRAHAM of Pennsylvania. I certainly will yield, for that purpose only.

Mr. DOMINICK. Just to have it read for the information of the House.

The SPEAKER. The Clerk will report it for the information of the House.

The Clerk read as follows:

*Resolved*, That the reply of the Attorney General, under date of March 7, 1924, to House Resolution No. 211 is not responsive to the inquiry of the House nor satisfactory to the House. The attention of the Attorney General is called to the House resolution, and he is hereby directed to transmit to the House of Representatives the names of the two Members of Congress and the nature of the charges made against them, as directed in that resolution.

[Applause.]

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. I could not hear what the gentleman said. That is simply submitted for information?

The SPEAKER. Yes; for information.

Mr. GRAHAM of Pennsylvania. That is all, sir.

Mr. DOMINICK. It will be offered.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I will say to the House that I sympathize most deeply with the gentleman who has just addressed you [Mr. ZIEHLMAN] under a question of privilege, explaining his position and his wishes regarding this matter. I am very sure there is no one who is more solicitous for his good name, not even himself, than I am in connection with this matter. You in your wisdom, gentlemen, saw fit to refer to your Committee on the Judiciary a communication from the Attorney General in response to House Resolution No. 211. Your committee undertook to discharge the duty imposed on them by you in a spirit of fairness, in a spirit of calmness, with a desire to do that which the law, the dignity, and the honor of the House require, and to report back to you their very best judgment as to what procedure should be adopted.

I wish to say to the House that this is not a matter for a hysterical disposition. This is a matter which sets a precedent. We want to act with the dignity and propriety that belong to a great legislative body. Let me ask your attention to the facts and circumstances, as I have gleaned them, not only from the address of the gentleman who preceded me but from the action of the House and the press. No one living mortal has accused any Member of this House of any impropriety of action or conduct by name. Now, then, how has this matter come about? A newspaper man called a Member of the House on the telephone and said, "Your name is connected thus and so with this public matter." What ought to have been the reply of the Member of Congress in question? "You print a syllable of that in a newspaper in this land and I will arrest you for libel and prosecute you to prison." [Laughter.] That is right, and you may laugh, but that was his duty, and that is the course I would have pursued if a man had called me over the phone and told me my name was to be published in connection with a charge of this kind.

There is no responsible accusation from any quarter.

Mr. STEVENSON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No; not just now. You take the letter of the Attorney General, sent to the House in reply to the resolution:

I am unwilling to make public the name of any man against whom any criminal charge has been made until the evidence in my possession convinces me that there is reasonable ground to believe that the person is guilty as charged and until proper legal steps shall have been taken to protect the public interests.

What right have we to compel an official of the executive department of the Government to proclaim the names of persons who have been mentioned in the report of a grand jury or referred to in the report of a grand jury when there is not sufficient evidence to warrant an accusation? The Attorney General said he would not expose to the community, with the official stamp of the Department of Justice, the name of any man unless, after investigation, there was sufficient evidence to warrant such a course.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; I will yield to the minority leader.

Mr. GARRETT of Tennessee. If the Attorney General had stopped there the situation, to my mind, would have been entirely different, but the Attorney General went much further than the sentence which the gentleman from Pennsylvania has just quoted.

Mr. GRAHAM of Pennsylvania. Of course, it is impossible for me to anticipate or interpret what is in the mind of the gentleman from Tennessee in making this interruption and making this statement.

Mr. GARRETT of Tennessee. I have no hesitation in stating what is in my mind.

Mr. GRAHAM of Pennsylvania. Well, the gentleman will have an opportunity to state it; there is no difficulty about that. I have not confined my remarks and do not propose to confine my remarks to that single quotation from the letter of the Attorney General. You can consider only one quotation at a time, and that one I have stated with reference to the duty of the Attorney General regarding the publishing of names when he has not sufficient evidence to warrant him in making any names public.

Now, then, it is further stated in the letter of the Attorney General:

To transmit to you the nature of the charges made against any persons under investigation in the Department of Justice is incompatible with the public interest and will tend to defeat the ends of justice.

If, however, the House of Representatives of the United States, acting within its constitutional power (under Article I), to punish its Members for disorderly behavior or to expel such Member, requests that all the evidence now in the possession of anyone connected with the Department of Justice shall be turned over to the House of Representatives—

Then all the information he possesses will be placed at its disposal.

In the opinion of your committee that answer presented a perfectly proper and natural answer from the head of that department of the Government. There was no infringement of the dignity of this House.

Let us take the case—and in saying this I have no relation whatever in my mind to the men who have voluntarily placed themselves before the House as suspected Members—and suppose that this House, in the flush of excitement, in the heat of sympathy and overflowing kindheartedness, were to take up and investigate and declare that there was nothing against the men who thus came before the House for inspection and examination, and then suppose that the investigation of the Department of Justice in this supposed case went on to a grand jury, went on into a court, went on to a trial and a conviction, what a position this House would be in, having assumed, out of generosity and a spirit of kindness, to proceed at once, and then face the possibility of finding a verdict that would be entirely different from the conclusion which they had reached.

Now, I am debating simply the question of what the duty of the man holding the office of Attorney General would be under the nature of the inquiry which was addressed to him by the House. He has a right to look at the matter in its broadest light and with all its possibilities. He must determine whether or not he has the evidence to warrant even an accusation. He did not make the accusation; neither did his department. I say, he did not make the accusation; it came through the action of the grand jury of a county in a sister State.

This man, pursuing the rule that governs in such matters, has replied to the letter of inquiry in the only legal way it

could be answered. No lawyer, when he stops to reflect and disassociates in his mind the question of personal sympathy and personal relationship, will dare say that any other course or conduct could have been adopted under the rules and regulations and the procedure that should govern in such matters as these.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; I will yield for a question.

Mr. NEWTON of Minnesota. I want to ask the gentleman about the report of the grand jury and as to just how that report happened to have been made public. The report of a grand jury is ordinarily for the prosecuting officials and the judge. Now, did the gentleman's committee inquire into that in any way?

Mr. GRAHAM of Pennsylvania. That was not referred to us and we did not inquire into it. I wish to say to the gentleman that the information, so far as it has come to me, is this: Not through the Department of Justice, and not through the action of a court, but through an outsider the information got to members of the press, and, with the avidity which they always display for a sensational item, they got on this movement for names and brought forward these suggestions, and they finally reached the ears of certain men who seemed to think they related to them.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LONGWORTH. It was stated by Mr. Crim, in the presence of several gentlemen, that he had written the report at the request of the grand jury; that the report was thereafter submitted to the judge, but whether any request was made of the judge to have the report sealed does not appear.

Mr. GRAHAM of Pennsylvania. No.

Mr. LONGWORTH. As a matter of fact, the report was made public and was accessible to all the newspapers.

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. GRAHAM of Illinois. I want to know, as a matter of practice, about something with which I am not cognizant. Is the report of a grand jury in a Federal district court made a matter of public record or is it held private?

Mr. GRAHAM of Pennsylvania. Unless it is ordered to be sealed it is made a matter of public record and can be consulted by anyone.

Mr. GRAHAM of Illinois. Was that true in this case?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KING. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KING. Do I understand that there were indictments found in these cases?

Mr. GRAHAM of Pennsylvania. There were no indictments found.

Mr. MONTAGUE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; yes.

Mr. MONTAGUE. I wish to suggest to my colleague, as pertinent to the inquiry respecting Mr. Crim, that that gentleman himself submitted to the chairman of the Judiciary Committee a letter in which he disavowed, as strongly as possible, that he ever disclosed any information or any intimation as to the grand jury report, but that he only spoke of it to those who were in an official position to have such information.

Mr. GRAHAM of Pennsylvania. The gentleman from Virginia is quite right. Mr. Crim called at the committee room and furnished a letter which I exhibited to the members of the committee, and I ask unanimous consent of the House to spread that letter on the Record as part of my remarks in an extension of my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER and Mr. ROACH rose.

The SPEAKER. Does the gentleman yield; and if so, to whom?

Mr. GRAHAM of Pennsylvania. I can not yield just now.

Mr. Crim distinctly avers in the most earnest and positive manner that he never communicated this matter to anyone, except in the line of his duty to those who were over him; that he never gave out one single item of information to the press in any direction or spoke to anyone else outside of those who had to hear from him in the line of his duty.

Mr. CLARK of Florida. Will the gentleman yield? I want to ask the gentleman a question for information, if the gentleman will permit me. The gentleman states, and the gentleman

is recognized as one of the ablest lawyers in this House, that it was the duty of the Member when awakened at night to threaten a suit for libel. Does not the gentleman know, as a matter of law, that a grand jury report or a court proceeding is absolutely privileged and not libelous?

Mr. GRAHAM of Pennsylvania. The gentleman is quite correct.

Mr. CLARK of Florida. And the newspapers can print that. Mr. GRAHAM of Pennsylvania. But the gentleman must remember that this grand jury report mentioned no names.

Mr. CLARK of Florida. Certainly not.

Mr. GRAHAM of Pennsylvania. Therefore when the man's name was to be put in public print, the responsibility rested upon the paper, and I would have guaranteed his conviction in any court of justice in this land if he had dared to name me in connection with a matter of that sort and publish it to the world, even though a grand jury had mysteriously asserted that somebody had been impugned in his conduct who was a Member of this House.

Mr. CLARK of Florida. Does not the gentleman think, if the gentleman will permit one more question, that when a libel has been published involving 435 Members of this House, the House ought to take action? [Applause.]

Mr. UPSHAW. Will the gentleman yield? Considering the matter of publicity, does not the gentleman remember that the gentleman from Maryland [Mr. ZIEHLMAN] said in his first statement that Mr. Crim telephoned his, ZIEHLMAN's, name to several different people as soon as he arrived in Washington.

Mr. GRAHAM of Pennsylvania. I wish to say to the gentleman that that is not true. I do not mean your statement is not true, sir; but that Mr. Crim telephoned to anybody, I am satisfied, is not true.

Mr. UPSHAW. The issue then is between Mr. Crim and Mr. ZIEHLMAN.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No; I can not yield now. I wish to say that I have met Mr. Crim once or twice in my life.

Mr. ZIEHLMAN. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. ZIEHLMAN. I wish to say that I did say in my brief statement a few days ago, Saturday I think it was, that I had been informed by men of absolute reliability that he had telephoned the names; but I stated that merely upon the information given me. I have no positive knowledge about that, and the Record will bear out the fact that I stated that it was upon the authority of some one who had given it to me.

Mr. GRAHAM of Pennsylvania. That is what I understood, and in saying that it was not true I had that in mind.

Mr. GARNER of Texas. Will the gentleman yield for a question along a different line from the questions that have been asked and in connection with another phase of the matter? Why is it the Attorney General did not follow the custom of 100 years or more and have the President of the United States tell the Congress that it was incompatible with the public interest rather than to take the responsibility himself?

Mr. GRAHAM of Pennsylvania. I can not tell you that. I do not know that it is the practice of 100 years. I can tell you of one incident that comes to my knowledge. I think the gentleman from Virginia looked at the same precedent, where the official of the department replied—and it is true that later the President himself sanctioned what had been done—and this was in the administration of that very great man, Grover Cleveland, when he was President of the United States, and he took the ground, in opposition to what Senator Edmunds had contended for, that his department, as an executive department of this Government, could not be forced to give the information sought at the dictation of a committee, although in that case it would seem to have been almost a proper thing to do, for the Senate was about to pass upon the question of an appointment in which they acted cooperating with the President of the United States.

Mr. GARNER of Texas. Will the gentleman yield further?

Mr. GRAHAM of Pennsylvania. Just for a question.

Mr. GARNER of Texas. I wonder why your committee did not see proper to get the present President of the United States to back up the Attorney General in saying it was incompatible with the public interest.

Mr. GRAHAM of Pennsylvania. That question is unworthy of an answer, and I am surprised that the gentleman from Texas would put it.

Mr. GARNER of Texas. Of course, that is the gentleman's viewpoint about it.

Mr. GRAHAM of Pennsylvania. The gentleman knows perfectly well that was not referred to our committee, and it would



have been a piece of impudence and impertinence for us to have intruded along that line. [Applause.]

Mr. STEAGALL. May I ask the gentleman a question now?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. STEAGALL. The newspapers carried a report to the effect that the special agent of the Department of Justice, Mr. Crim, stated in an interview, before the department had been called on by this House to furnish any information, that he was going to pursue this inquiry in the courts; that he did not know how long it would take, and that it might take considerable time; but that he would not in the meantime divulge the information to the House. Is not that true?

Mr. GRAHAM of Pennsylvania. No; it is not.

Mr. STEAGALL. Did the committee make any inquiry as to whether that statement, which was carried in the press, was correct or not?

Mr. GRAHAM of Pennsylvania. I have a statement that amply convinces me that is not true.

Mr. STEAGALL. One other question—

Mr. GRAHAM of Pennsylvania. Listen just a moment. We were not appointed to go on a fishing expedition as to what any newspaper might have published in connection with this thing. That was not the duty of a dignified committee of this House and the question that was submitted to us involved no such consideration. It is perfectly ridiculous to put it to us in that way.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. GRAHAM of Pennsylvania. I will, if it is simply an inquiry and not a statement.

Mr. STEAGALL. Is not this true that the papers at the same time carried the statement that Mr. Crim had reported to the President, and the statement from the President saying that he would have a full investigation made of this matter, but not by the Congress.

Mr. GRAHAM of Pennsylvania. I simply say that I am sure that that is not true. It is a newspaper article that the gentleman quotes from. I do not know what newspaper he quotes, nor what the source of the information of that paper was, but I assure the gentleman that that is not the fact.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KING. Does the gentleman know whether Mr. Crim assisted the grand jury in Cook County in writing that report of the grand jury which appears on the first page of the report filed by the gentleman's committee?

Mr. GRAHAM of Pennsylvania. My information in regard to that is this: That the grand jury through a witness that came before them got this information about these two Members of Congress and they threatened to make it public and send a communication to the President of the United States upon the subject, and to avoid that and protect the names they were told that their only duty would be to report it to the court that had appointed them, and that information and instruction was sound. That is the only thing they ought to have done.

Mr. KING. Was this special report which is printed on the first page of the report of the gentleman's committee made by Mr. Crim, or under his advice?

Mr. GRAHAM of Pennsylvania. I can not tell the gentleman who aided or assisted in making the report for the grand jury, but if the grand jury had something they wanted to disclose and insisted upon disclosing it, whoever was in charge of the case would have to assist them in putting it into proper legal form. I do not believe that Mr. Crim was in any manner responsible for the insertion of that paragraph in the report. That was the act of the grand jury.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. McSWAIN. The gentleman having assured us of the falsity of certain reports and the credibility of certain persons, how did the distinguished gentleman and his dignified committee ascertain these facts extraneous of the record without doing a little outside fishing?

Mr. GRAHAM of Pennsylvania. That question ought to get its answer by a response of silence. I did not say what the gentleman says. I said here to this House that the evidence satisfied my mind, knowing what I do about the publications, that it was not true as reported in the newspaper.

Mr. McSWAIN. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No.

Mr. McSWAIN. Then I ask the gentleman—

The SPEAKER. The gentleman declines to yield.

Mr. STEAGALL. Will the gentleman yield to me to call attention to one brief statement in the report?

Mr. GRAHAM of Pennsylvania. I decline to yield to the gentleman again.

Mr. TUCKER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield to the gentleman from Virginia.

Mr. TUCKER. I find in the report of the committee the following statement:

Under the reply of the Attorney General there is but one of two courses open to the House of Representatives:

(a) The House take full charge of the investigation and evidence of the alleged charges and relieve the Department of Justice from any further responsibility.

I do not understand that. As I understand it, the Department of Justice is charged with the duty of investigating breaches of the law. This House is charged with the duty of investigating of breaches of propriety, and I do not see what the committee means.

Mr. GRAHAM of Pennsylvania. I shall answer the gentleman from Virginia to the best of my ability, that the situation presented one of two alternatives, and I am not speaking of the law but of the fact. The Attorney General reported that it would be inadvisable to have two investigations proceeding at the same time, hunting for the same witnesses and going over the same ground, but that if the House wished under the proceeding which it had a right to institute to examine into the question of the conduct of its Members, if it wanted to proceed in that way, then he would wait until that was concluded, so that the alternative was presented by the situation itself of the House attempting to proceed to examine into the question of the conduct of its Members, suspending for the time being the investigation by the Department of Justice; and we concluded that we ought not to relieve the Department of Justice from the duty of going on with their investigation.

Mr. TUCKER. Suppose we appoint a committee to investigate this at the instance of the gentleman from Maryland [Mr. ZIEHLMAN], and suppose the Attorney General is summoned before that committee, will he give evidence?

Mr. GRAHAM of Pennsylvania. I reply to that by saying that in his letter he has tendered it to the committee. He does not ask for subpoena. He says that if we decide upon such course all of the facts—everything that is in his possession—will go to the service of the House. That is the attitude of the Department of Justice upon that subject.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. GRAHAM of Illinois. This thought is in my mind about this whole proposition: Ordinarily when matters of this kind are investigated by congressional committees, immunity is conferred upon the persons who are charged with crime, especially if they testify before such a congressional inquiry. Suppose this House takes up these matters and investigates for itself. In case there was any crime attaching to it, would it confer immunity upon those who were guilty of such crime? Has the gentleman investigated that?

Mr. GRAHAM of Pennsylvania. I have not.

Mr. GRAHAM of Illinois. That is a very pertinent matter here. The question is whether a congressional investigation will immunize anyone who had committed any crime.

Mr. GRAHAM of Pennsylvania. In most cases it does, but as to whether it would in this investigation of disorderly conduct of a Member or not I am unwilling to put my opinion on record.

Mr. GRAHAM of Illinois. I know that I have investigated it to some extent, and that where a person charged with crime testifies to the same matter before a congressional committee and does not waive immunity, it does confer immunity.

Mr. GRAHAM of Pennsylvania. I am inclined to think that the gentleman from Illinois is correct.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BUTLER. As I understand it, a crook was called before a certain grand jury, and in the course of the hearing he said that two Members of Congress are charged with wrongdoing. Did the crook mention the names of the two Members? Has my friend any information about that?

Mr. GRAHAM of Pennsylvania. I am unable to state, but I am sure that they must have been mentioned. They were not mentioned in the report of the grand jury.

Mr. BUTLER. Has my friend learned how that information was carried to the public?

Mr. GRAHAM of Pennsylvania. Oh, the report of the grand jury was published.



Mr. BUTLER. I understand the two Members are not named in the report.

Mr. GRAHAM of Pennsylvania. No names were mentioned, but you see how easy it would be of an inquiring reporter to go after the witness who was before the grand jury and ask about the names. How easy when you remember there are 23 men on the grand jury from whom there could be a leak. Is it an unusual thing to find a leakage in an investigation of this kind?

Mr. BUTLER. If the gentleman will yield again. Did not the gentleman learn the names of the persons who conveyed this information to the public?

Mr. GRAHAM of Pennsylvania. It is impossible to learn that.

Mr. BUTLER of Pennsylvania. Another question. Under these circumstances do we not owe it to ourselves to inquire who these Members of Congress are and what the charges are? [Applause.] Should not we punish these two men or at least make this inquiry? There is no better prosecuting officer in America than the gentleman I am now addressing, and he knows how long it takes to drag out a libel suit against a newspaper.

Mr. GRAHAM of Pennsylvania. I wish to say to the House most earnestly that in the opinion of our committee, with the exception of the minority report which was presented by one, that it was agreed that it was unwise for this House to proceed further along the line of this resolution and that the proper course to pursue would be for the present, as this resolution says, to permit the Department of Justice to go on with this examination in its regular and orderly course, and if within a reasonably short time there is not a report that will satisfy this House, then it is in our power to proceed further in this matter and endeavor to get it cleared up; but it is considered unwise for this House to start an investigation against two of its Members on the thought that they have been accused of disorderly and improper conduct when there is no official accuser, no responsible accuser, and cross-purposes with the Department of Justice in their investigation.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Pardon me just a second. The Attorney General has practically said to this House there is insufficient evidence in his hands and in his possession to present the names of any gentleman to the House. He wants, as his duty requires, to inquire further, and in all human probability you will find that within a few days you would get an exoneration of everybody in this House on a report from the Department of Justice that there is no responsible accuser nor sufficient evidence. How much better that is than for the House in the warmth of its affection for an individual Member or in the enthusiasm of individual friendship to proceed with an investigation which might be characterized through circumstances developed afterwards as a whitewash by the House of its own Members. Understand, gentlemen, I am not saying one word against these two men who have spoken on the floor in connection with this matter. I personally believe in their integrity, and will so believe until the evidence comes, if it should come, that can shake that belief. But I say for their sake, as well as for the sake of the dignity and the honor of the House, we ought to permit this matter to proceed in a regular and orderly course in which, if we adopt this resolution, it is about to be pursued.

Mr. WINGO. Will the gentleman now yield?

Mr. GRAHAM of Pennsylvania. I do.

Mr. WINGO. I notice in the answer to the Attorney General that the second ground for his refusal is—

To transmit to you the nature of the charges made against any persons under investigation in the Department of Justice is incompatible with the public interests and will tend to defeat the ends of justice.

In the judgment of the committee how would it be incompatible with the public interest and defeat the ends of justice for this House to be advised of the nature of the charges against Members who are under charge and the names of the Members?

Mr. GRAHAM of Pennsylvania. The Department of Justice has not made any charge against any Member.

Mr. WINGO. The gentleman did not get my inquiry.

Mr. GRAHAM of Pennsylvania. But it can make an investigation, and that investigation may disclose that no charges are to be made against anybody and ought not to be made.

Mr. WINGO. But the gentleman did not get the question.

Mr. GRAHAM of Pennsylvania. Here is an officer of the Government charged with the duty of administering the office to which an investigation of criminal charges is a part of his

work, and if he is called upon to disclose the charges and to make known what to rely upon, any man who has ever held the office of a prosecuting officer can readily see how that might interfere with the Department of Justice and defeat the efforts of the investigator.

Mr. WINGO. If the gentleman will yield. I fear the gentleman did not get my question exactly. I am inquiring in reference to the facts, and I am not thinking about the personal sympathy side but thinking about the public interest and the question of defeating the ends of justice. And my question is not at all antagonistic. Now the facts are that the statement has been made by the grand jury that evidence has come before it which shows that two Members of Congress have accepted money in such a way as to call for a criminal investigation. Now, assuming that the House can be trusted as much as the grand jury, how would it be incompatible with the public interest and how could it defeat the ends of justice for us to ascertain and expel a Member who may be guilty of misconduct?

Mr. GRAHAM of Pennsylvania. Because the House has nothing to do with the question except the question of propriety and conduct of a Member. There are only two things the House can do, one is to censure or expel. That does not reach the crime, and what the House might disclose or ascertain might be practically to defeat the ends of justice.

Mr. WINGO. Just how would the ends of justice be defeated?

Mr. GRAHAM of Pennsylvania. That was the unanimous decision of the committee, with the exception of one.

Mr. DOMINICK. Not unanimous.

Mr. GRAHAM of Pennsylvania. I said except one.

Mr. WINGO. Just how would it defeat it?

Mr. DOMINICK. Not a unanimous agreement.

Mr. GRAHAM of Pennsylvania. Yes; I say you excepted.

Mr. WINGO. That is the point I want to get your judgment on as a lawyer. How would it grant immunity if we refused to grant immunity to the witnesses who came before us, and how would it defeat an indictment by a grand jury by direction of the district attorney, laying the evidence before it, for this House to get the facts without granting immunity to any witness upon which we could discharge our duty and expel a Member if the facts justified it? How would that interfere? The assumption is that the House would not grant immunity to anybody, and unless we grant immunity and take testimony—

Mr. GRAHAM of Pennsylvania. If immunity follows a committee of investigation, it follows as a matter of law. The House will have nothing to do with it unless it changes the law, and that requires the consent of Congress.

Mr. WINGO. The gentleman is familiar with the law, he knows they may waive immunity.

Mr. GRAHAM of Pennsylvania. I can not yield further. Mr. Speaker, I reserve the balance of my time.

Mr. DOMINICK rose.

The SPEAKER. The Chair recognizes the gentleman from South Carolina. The gentleman from Pennsylvania reserves the balance of his time.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield—

The SPEAKER. The Chair did not understand. The gentleman is entitled to one hour. He used 40 minutes and reserved the balance. The gentleman from South Carolina sought recognition, and the Chair recognized him.

Mr. GRAHAM of Pennsylvania. I wanted to know what the rule is. I was going to yield him time.

I ask to have printed as a part of my remarks the following letter:

HON. GEORGE GRAHAM,  
"The House," Washington, D. C.

MY DEAR MR. GRAHAM: If you have the opportunity, please state in the most emphatic way with reference to the report of the grand jury at Chicago that I have not in any manner indicated nor mentioned the names of the Members of Congress referred to therein to any person other than officials, and to them only in strict accordance with my official duty.

Sincerely,

JOHN W. H. CRIM.

Mr. DOMINICK. I do not ask for any time.

The SPEAKER. The gentleman from Pennsylvania could have yielded, but he had only 20 minutes to yield. The Chair not understanding that, recognized the gentleman from South Carolina.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.



The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. In view of the conversation about the parliamentary status, I desire to ask the Speaker if there is to be but one hour's discussion of this resolution, to be controlled by the gentleman from Pennsylvania?

The SPEAKER. No. That is for the House to decide. The Chair has recognized the gentleman from South Carolina, and he is entitled to an hour.

Mr. DOMINICK. I do not suppose that is to be taken out of my time.

The SPEAKER. Of course not.

Mr. DOMINICK. Mr. Speaker and gentleman of the House, on the 6th day of March there was passed a resolution by the House, the resolving words being "That the Attorney General be directed to transmit to the House of Representatives the names of the two Members of Congress and the nature of the charges made against them." In response to that direction of the House the Attorney General wrote back a letter to the House, through the Speaker, in which, as some Members characterized it, there was practically a defiance of the House, and denying their authority, saying that he would do certain things and furnish certain testimony and certain evidence if a proper resolution was passed by the House calling on him to furnish it, and practically threatening that in the event he was called upon for this information he would stop or practically suspend any further investigation in regard to the matter.

That, to my mind, was one of the most curious positions I have ever seen taken by any man who claims to be a good lawyer, and especially a man who is at the head of the Department of Justice, taking the position, in effect, that if we proceeded with an investigation here in the House he would not do anything in the Department of Justice. These matters are entirely separate. Under the law this House has the right to control its membership and regulate the conduct of its Members. They can suspend or expel Members, and if they are suspended or expelled for a crime, that action on the part of the House in regulating the conduct of its Members does not affect any criminal prosecution that might be brought against them whatsoever.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield for a question?

Mr. DOMINICK. Yes.

Mr. McKEOWN. Does the gentleman think this resolution exonerates our colleagues, and says in effect that they have not violated the proprieties of the House, and if the Attorney General has got any prosecution let him bring it.

Mr. DOMINICK. We have all gone afield to a large extent in the discussion of this question. We started discussing it last Saturday afternoon at half past 2 o'clock in the Committee on the Judiciary and we were in session two or three hours, and on Monday morning we started at 9 o'clock and continued until 2 o'clock, and then from 2.30 we continued until 4.30. The discussion has gone afield both in our committee and in the proceedings here to-day. The question is not, gentlemen, as to whether or not we shall have an investigation of JOHN LANGLEY and FRED ZIHLMAN, but the question is a higher one to my mind, as to whether or not the honor and dignity and the prerogatives and the rights of this House shall be respected by a Cabinet officer that we have. [Applause.]

This is a threefold question. It has various angles to it. When I heard the gentleman from Kentucky [Mr. LANGLEY] and when I heard the gentleman from Maryland [Mr. ZIHLMAN], I could imagine their feelings under these charges and rumors that have been made. That is one feature of the matter. They have a right to know whether they are the charged ones or not. And then next to that here are 433 other Members of this House. There is not a Member of this House that has not had claims before the Veterans' Bureau, that has not had claims before the Pension Bureau, that has not had matters up before the Department of Justice; and yet to-day when we have only newspaper reports as to who these suspected men are, every man on the floor of this House can just as easily be charged, on account of the fact that he had written a letter to the Veterans' Bureau or to the Pension Bureau.

Now, while the newspapers have fixed these two names, these two Members have come before the House and they have disclaimed any knowledge of any wrongdoing. Where does that put the balance of you? At the same time we are informed that the Department of Justice and the President of the United States have been advised by a representative of the Government of the names of these Members. Why can we not get those names and settle it and fix it? Then after we

get those names and the charges against them, it is up to the House to decide whether or not it shall take any action or wait for the action of the courts. Those Members will at least have their names, and the balance of us will have our names, expunged from this suspicion. Is not that a fair proposition?

We have not asked the Department of Justice for any evidence. We have not asked it for any affidavits. We have simply asked it for the names of these two alleged Members of Congress, with the nature of the charges, whether they are guilty of embezzlement or bribery. We have not even asked it for a copy of the indictment, if an indictment has been rendered.

Now, gentlemen, I do not know that the matter really requires any discussion. As I stated a little while ago, it is really amusing to see that the Attorney General would attempt to relieve himself from his duty by saying that if he furnished anything to us he would have to stop. As I stated, the two proceedings are entirely separate and distinct.

In the Senate case of Joseph R. Burton, in the Fifty-ninth Congress, the question arose as to whether or not a Senator, having been convicted in the courts under section 1782, Revised Statutes, the conviction would ipso facto vacate the seat of the convicted Senator. The question came before the Supreme Court of the United States, and in the opinion of the court, rendered May 21, 1906, by Mr. Justice Harlan, it is stated:

In our judgment there is no necessary connection between the conviction of a Senator of a public offense prescribed by statute and the authority of the Senate in the particulars named. While the framers of the Constitution intended that each department should keep within its appointed sphere of public action, it was never contemplated that the authority of the Senate to admit to a seat in its body one who had been duly elected as a Senator, or its power to expel him after being admitted, should in any degree limit or restrict the authority of Congress to enact such statutes, not forbidden by the Constitution, as the public interests required for carrying into effect the powers granted to it.

Now, another matter, gentlemen, that is a little curious to me. I hate at any time to find myself not in accord with my associates on the Judiciary Committee. I have been on that committee for three years, and in my opinion it is one of the least partisan committees we have in the House, and I hate to find myself in the lonesome minority of one on this question. But you can read the report as prepared by a subcommittee, and thrashed out for five or six hours in executive session, and you do not see a single authority or a single precedent cited in that report. So far as the committee report is concerned, and I might add so far as the discussion goes, there was very little attention paid to any precedents, and some of them say we have no precedents in this matter.

Mr. McSWAIN. Will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. McSWAIN. Talking about the matter of precedents, suppose we accept the conclusion of the committee and back off; will it not establish beyond doubt the proposition that we are helpless to obtain information from any executive officer?

Mr. DOMINICK. There is no doubt at all about that. I now want to refer to page 186, section 1886, Hinds' Precedents. The House having asserted its right to direct the heads of the executive departments to furnish information, the Secretary of War returned an answer to a portion of the inquiry, declining to respond to the remainder. On December 2, 1861 (2d sess., 37th Cong., Jour., p. 10), the House agreed to the following resolution:

*Resolved*, That the Secretary of War be requested, if not incompatible with the public interest, to report to the House whether any, and if any, what measures have been taken to ascertain who is responsible for the disastrous movement of our troops at Balls Bluff.

The Secretary of War having replied that a compliance with the resolution would, in the opinion of the General in Chief, be injurious to the public service, on January 6, 1862, Mr. Roscoe Conkling, of New York, submitted the following:

*Resolved*, That the said answer is not responsive nor satisfactory to the House, and that the Secretary be directed to return a further answer.

In the debate on this resolution it was urged, on the one hand, that the management of the Armies belonged to the executive department of the Government, and that an investigation into failures belonged rather to the military tribunals than to the House. On the other hand, it was urged that as the Congress raised the Armies it had a right to direct the heads of the executive departments to furnish information, and that this right, exercised also by the Parliament of Great Britain,



had been recognized by the rule of the House adopted in 1820. The House agreed to the resolution—yeas 80, nays 54.

And yet, gentlemen, they say we have no precedents in the matter. I want to say, my friends, that if we have not any precedents, or if the Congress, or either House of the Congress, finds itself in a situation where it can not call for information from the heads of departments, then it is high time for us to be passing some legislation by which we can require information that is desired by our House. [Applause.]

Mr. STEVENSON. Will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. STEVENSON. I desire to direct the gentleman's attention to the fact that this concerns the honor of every Member of this House, which is a much more pertinent matter than even that matter to which the gentleman has referred.

Mr. DOMINICK. I stated that a few moments ago in the early part of my remarks.

Now, Mr. Speaker and gentlemen, as a substitute for what has been offered, and in the nature of a minority report, I have offered the resolution which has already been read from the desk, and I will read it again for the information of some of the membership who probably were not here at the time it was read:

*Resolved*, That the reply of the Attorney General under date of March 7, 1924, to House Resolution No. 211 is not responsive to the inquiry of the House or satisfactory to the House.

The attention of the Attorney General is called to the House resolution, and he is hereby directed to transmit to the House of Representatives the names of the two Members of Congress and the nature of the charges made against them, as directed in that resolution.

In my closing remarks, gentlemen, I want to remind you of one thing that I have been trying to stress in all my discussions of this question: The matter now before the House is not whether we will make an investigation of any charges that have been made, but the question is whether or not we will require the Attorney General of the United States to furnish the information that has been requested by a proper resolution of this House; and if you will keep that in mind, stick to the issue, and not let it be muddled by other propositions, I have no doubt as to the result of a vote on this question. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, as one of the members of your Judiciary Committee it is my duty to give to the House the benefit of the judgment and conclusion at which I have arrived.

I am not unmindful of the temper of the House; I am not unmindful of the disposition of the House to get this information from the Attorney General, but I am going to discharge my duty when I shall have done so; then the responsibility is yours.

There are one or two things which I believe it would be helpful to eliminate from our consideration at the beginning. In my judgment the adoption of this resolution would establish no precedent, as some gentlemen seem to fear. You will observe that the language of the resolution is that for the present the House do not insist further upon the Attorney General complying with the request. There is no abandonment, no surrender of claim of right. If it wants to do it, it can renew its request at any time in the future. It also leaves the House free to do anything which the House may desire to do with reference to the appointment of a committee to investigate the matter of these charges.

Now, as to the subject matter submitted to your Judiciary Committee. It was the reply of the Attorney General. Let us get this narrowed down as rapidly and as completely as we can. The Attorney General said to the House, in substance, "I will comply with your request for the names and the charges." There is no question about that. He imposed a condition, however, gentlemen, to that reply which, in my judgment—and I have thought over it for a good while—it would be unwise to accept. The Attorney General says that if this request is renewed he will comply and will also send data, and so forth, and suspend until the House shall have concluded its investigation. This is the legislative branch of a Government which has three coordinate branches. The Attorney General belongs to the executive branch of the Government. It is the duty of the Attorney General to prosecute offenses against the laws which we as the legislative branch enact. That is his business.

The Attorney General says that he is in the midst of an investigation to ascertain whether or not the laws enacted by the Congress have been violated. We have that information. Now, whether we believe the Attorney General is a good man

or a bad man, whether we believe he is sincere or not, he is the responsible agent under the President charged with the enforcement of the law. He got his commission from the President and the Senate, and the President and the Senators get their power to create the present incumbent, Attorney General, from the people of the United States. Standing upon his official responsibility, with a discretion which we know he has, the Attorney General says that it is his purpose when he complies with any further request for this information, if made by the House, to suspend the efforts of his office while the House is proceeding.

Now, I do not agree with him. I think the Attorney General ought to have sent the names and the charges and proceeded with the matter. But it is not my judgment, or the judgment of the House, which would or could control this exercise of executive discretion. It is his discretion, received from the same source from which we have received our legislative discretion, the Constitution. It is his judgment that controls within the scope of his discretion. Let us get the situation clearly. He says that he will send the names, that he will send the charges; he will send everything he has. There is no use of this House discussing its inability to get from the Attorney General what it wants. It can get it. And when the Attorney General sends it down here he will dump on this House the full responsibility, and that is the fact. I am not talking about any legal or speculative fact. I am talking about the actual fact; responsibility for any failure to indict, and responsibility for any failure to convict, and responsibility for the failure of full and complete vindication, which otherwise would come from such failure to indict or convict. We are dealing with an actual situation and not a theory.

Mr. STEVENSON. Will the gentleman yield?

Mr. SUMNERS of Texas. No; not now. I will directly. All right; I will yield now. Perhaps that would be better.

Mr. STEVENSON. I want to ask the gentleman if he thinks the Attorney General has the right to put that alternative to the House and say you either have got to keep out or I will keep out? Has not the House the right to determine the fitness of its Members to sit, and has not the Attorney General the right to determine whether Members shall be prosecuted for crime, and are they not two entirely separate and distinct propositions?

Mr. SUMNERS of Texas. I am not discussing the rights; I am discussing the power to do it. I do not believe he has the right, but he has the discretion and the power to do it, and he has told us that is what he proposes to do. I am talking about what you will get. We are not dealing with a theory; we are dealing with a situation. What are you going to do with these names and these charges and this evidence when the Attorney General sends them down here to the House and suspends action? I say I do not think the Attorney General ought to do it, but he has the power to do it; and what are you going to do with it when you get it? The House can not prosecute. It can not convict. It can not even impeach one of its Members. It can only expel.

If there be a man in this House guilty of the offense charged, he deserves a penalty and a punishment greater than expulsion. If there be a man in this House under the suspicion of a direct charge, that man deserves a greater vindication, a more complete vindication, than his fellows of this body can give to him. [Applause.] Those are the facts of this situation. There is a way for the House to proceed to purge itself without affording either reason or excuse for the Attorney General to pass his responsibility to the House. At least the House should make reasonable effort to proceed in that way before permitting the Attorney General to excuse himself even temporarily.

Mr. WARD of North Carolina. Will the gentleman yield?

Mr. SUMMERS of Texas. I regret I can not at this point. I want the guilty convicted. I want the House purged if there be any guilty among us, and I want with all intensity of desire the innocent vindicated. Vindication is not an act. Vindication means a restoration of proper relationship in the confidence of good people. That is what it means. I want us so to proceed that all innocent men under any sort of a cloud will have that sort of vindication. There is one of two things about this situation: Either the Attorney General is proceeding in good faith in the position which he has taken or he wants to get rid of this business. Suppose he is not proceeding in good faith and you insist and get this whole matter in the House.

The Attorney General will step aside, and you will have walked into the prettiest little trap that has ever been laid since my experience in this Congress. What are you going to do with this responsibility when you get it? You may say that the



responsibility is not yours; that the Attorney General ought to proceed. But you can not escape the responsibility of having done that which the Attorney General told you would result in his suspending procedure.

Suppose you do this and render a verdict of "not guilty" and retain these men here. We are dealing with a situation, and an unusual situation. What then? I want these men, if they are free, to walk among their fellows and no human ever be able to say that these men are wearing a coat of white-wash put on them by their colleagues. You are not dealing with any theory here, gentlemen. You are dealing with reputation, with the psychology of the country, as well as with great public interest. Here are two men whose names have been associated with these alleged offenses. I do not believe the Attorney General treated them or this House right. I do not believe Mr. Crim discharged his duty as he ought to have discharged it. I read a statement from the witness from whom it is alleged Mr. Crim got this information, printed in the Chicago Tribune of the 7th of this month. He said that Mr. Crim was looking through some papers, and in these papers he discovered some documents out of which these rumors, this hurt to individuals, and this hurt to public confidence in the responsible agents of the Government grew. If this statement is true, Mr. Crim, knowing that the Chicago grand jury had no jurisdiction, ought to have put those papers in his pocket and brought them back and submitted them to a grand jury that did have jurisdiction. [Applause.] It was a dastardly thing for any man in power and with responsibility to permit those names to go before that grand jury, which had no jurisdiction and could do nothing more than to submit a report from which suspicion could fly abroad through the land to the hurt of men, to the hurt not of the House of Representatives merely but to the Nation. I do not say there was any purpose to divert suspicion to make the country talk about somebody else for a while; but if there was any such purpose, this procedure at Chicago and what has happened here would be about what would be expected in the carrying out of that purpose. The Chicago grand jury reports that Members of Congress are charged by witnesses with illegal acts. Rumors are turned loose in Washington and elsewhere.

The Chicago grand jury can not proceed because it has no jurisdiction. Persons named can not meet charges there because there is no indictment. They can not meet them here because there is none. They can not meet them in the House because even the names are uncertain and the offense is not named. In the meantime the whole House is placed under a blanket suspicion, which the Attorney General will not help remove, except upon a shift of responsibility which the House can not afford to accept. Of course, you gentlemen resent this. Of course the grand jury had no right to make such a public report. Mr. Crim was there. He doubtless helped prepare that report. These names were given publicity in violation of every public and private duty. And gentlemen with fire in their eyes propose to walk into this trap. That is what you are fixing to do. Why are you going to do this? Use your heads. This House has the power to appoint a special committee if it wants to, to go to the bottom of this thing. The Attorney General's office is not the only source of information. You can go to the people from whom Mr. Crim got his information if you want to. Why do you insist on taking hold of the hot end of the poker which the Attorney General is handing to you. Do you not see it is hot? When the Attorney General comes to me and says, "Yes; you can have it; and you can have the whole thing," I say, "No; thank you, Mr. Attorney General; you keep it; we will go somewhere else and get what we want, if we want it; we may come to you later, but not now." They started the matter, and now let them finish it. What are you going to do? It is your responsibility. To-morrow or the day after or the next week, if you should appoint this committee and it finds that it can not get the information from any other source, then you can go to the Attorney General, if you desire to do so.

Mr. DOMINICK. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DOMINICK. Is there any suggestion in resolution No. 212, or any request of the Attorney General, as to any investigation upon the part of the House?

Mr. SUMNERS of Texas. No.

Mr. DOMINICK. The House has asked only for the names of the two Members who are mentioned and the nature and character of the crimes charged.

Mr. SUMNERS of Texas. But my colleague is too wise to believe that all the House would do would be to get the names of the two men from the Attorney General and then remain impotent, silent, inactive while the accentuated suspicion resulting from that act rested against them. It would be a crime for the House to do that. [Applause.]

Mr. DOMINICK. Does the gentleman think it is for the Attorney General to advise the House as to this procedure?

Mr. SUMNERS of Texas. No; I do not. I do not think so for a minute. The House submitted to us the concrete proposition of what we should do with regard to the reply of the Attorney General. Nothing else was within our jurisdiction. We have reported as to nothing else.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CLARK of Florida. I would like to know if the gentleman does not believe that when the two names and the nature of the charges are furnished, the House would certainly follow it up by a committee to investigate?

Mr. SUMNERS of Texas. I think so. I think the House would. That is the point I just made. I stated that as clearly as I could. And I ask my friend from Florida, whose sound judgment I have learned to rely upon, if you believe, as you must, that you have a considerable probability of getting the names and the nature of the charges from another source, which would not give the Attorney General any excuse to lie down on this matter, if I should put it that way, does not your judgment suggest that you explore that source first before asking the Attorney General again for the information, when he has told you as plainly as he could that he would give you everything that he has and stand aside while you wrestled with it?

Mr. CLARK of Florida. Mr. Speaker, will the gentleman permit one more question?

Mr. SUMNERS of Texas. Yes.

Mr. CLARK of Florida. The office of the Attorney General is a statutory office, created by the Congress?

Mr. SUMNERS of Texas. Yes.

Mr. CLARK of Florida. He is our creature. We direct him to do a certain thing. He threatens us in his reply by saying that if we force him to do this he is going to throw up his hands and not perform his duty.

Mr. SUMNERS of Texas. Yes.

Mr. CLARK of Florida. Does the gentleman think that is right?

Mr. SUMNERS of Texas. No; I do not. It may provoke, even anger us. But I think the smartest thing that ever came from human lips is the saying that he whom the gods would destroy they first make mad. [Applause.] We must not act on this proposition because we may be provoked at the Attorney General and do not believe that he did as he ought to have done. He has a very shrewd mind which is working quite calmly these days. I have not examined the question, but I do not raise any question as to the power of the House in this particular matter to summon the Attorney General and compel his testimony, but at the same time I know there is no power in this House to compel the Attorney General to proceed with these transactions after the House has taken jurisdiction. There is no power in this House to prevent the Attorney General, when this House has taken jurisdiction, from failing to go ahead with his matters. If the Attorney General's prosecution falls down, there is no power to prevent the Attorney General from saying that he would have convicted if the House had not interfered, and there is nothing to prevent a lot of good people from believing it. This House owes a duty not to itself alone but to the people of the Nation so to proceed as to hold the confidence of the country. We come and we go, but the House is a permanent entity. It will be here when we are all gone.

Mr. CLARK of Florida. I wish the gentleman would explain to this House how in the name of heaven an investigation here with these alleged charges can even tend to defeat the ends of justice. These men are not going to run away; they can not escape if they tried to do it.

Mr. SUMNERS of Texas. The gentleman entirely misunderstood my statement. I never said anything of the kind. I said that you could not prevent the Attorney General from saying it. Can you? Is not my statement sound?

Mr. CLARK of Florida. You can not prevent him from saying something; that is true; yes. The Attorney General did say in his reply that it might defeat the ends of justice.

Mr. SUMNERS of Texas. Suppose you were the prosecuting attorney engaged in the investigation and somebody else received from you—you surrendered to somebody else—documentary proof that you had. Then suppose the prosecution fails. Would not you as prosecuting attorney have a pretty good excuse to offer? You would at least have a better one than if you had not surrendered the custody of your documents. If somebody should ask you why you did it and you could answer that you were requested by a high authority and you sent all

that would help some, would it not? That is just common horse sense.

Mr. HOCH. Does the gentleman think that if the House should have an investigation such as he suggests, and such as rather appeals to me, without the calling upon the Attorney General, the Attorney General would then have an excuse that the investigation of the House interfered with his investigation?

Mr. SUMNERS of Texas. I do not think so. Certainly not so good an excuse. It is my idea, gentlemen, that the House should consider first whether it desires to investigate these charges. It has never formally decided. If so, then it should create a special committee to make inquiry from sources other than the Attorney General. The committee would have sense enough to do that without instruction. If that committee should report to the House after it had undertaken to make that exploration that it could not progress satisfactorily, then for the first time, in my humble opinion, should the House consider permitting the Attorney General to dump into the laps of this House the documents which he has and the responsibility which he has. If that is not good sense, then I must confess I have not got any.

I now yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Does not the gentleman recognize this fact, that this question that is before this House can not be disposed of by a mere brush of the hand, and the nicety of the situation is this: This provides for the Department of Justice pursuing an offense against the Federal law, but it does not provide for its pursuing an offense against the honor of the House of Representatives and against its membership.

Mr. SUMNERS of Texas. I agree thoroughly, but in the discharge of any duty the House owes it ought not to put forth any excuse for an officer connected with another branch of the Government. That is the point I am trying to make. If I have not made that point, then I have spoken in vain. That is the only point I am insisting upon, that the House in discharging the duty which it owes to its membership and to the country ought not, in the first instance, do that which will afford any excuse for any man connected with any branch of the Government not to discharge it to his fullest and complete responsibility.

I yield to the gentleman from North Carolina [Mr. WARD].

Mr. WARD of North Carolina. Reference having been made in this debate to a very serious doubt of whether the Department of Justice can make out a case, I put this question to the gentleman. Suppose no case developed by the Department of Justice, suppose there is no true bill returned and nothing done by this House, how does the House get from under the aspersion already cast upon it? What remedy have these two Members whose names were singled out or mentioned, or any other Member?

Mr. SUMNERS of Texas. In my judgment the failure of the grand jury to indict or the failure to convict, and I speak with deep sympathy for my brethren whose names are involved, would be the one and only complete vindication possible in the present situation.

Mr. WARD of North Carolina. Now this question. Realizing the fact that no action for libel nor indictment will lie against the newspapers for publishing a fair and ungarbled report of the proceedings of a grand jury, which represents the highest privilege under the law of this land, therefore withdraw the House resolution, which is the effect of the report of the committee, and I understand the effect of your conclusion to be that until the dawn of eternity no proceeding will be had nor can be had by which these Members can make and establish a permanent record of innocence which they assert.

Mr. SUMNERS of Texas. No; the House to-morrow, and always until the day of its adjournment, will have all the power to investigate and vindicate the Members whose names have been mentioned and remove the suspicion that may rest against this body as it has now. Gentlemen, do not permit the House with its power unimpaired now make it possible for an Attorney General and Mr. Crim, if they should be so disposed, to pass—

Mr. JONES. The buck.

Mr. SUMNERS of Texas. The buck, as my colleague from Texas puts the words in my mouth.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SUMNERS of Texas. I do.

Mr. GARRETT of Texas. If I understand my colleague's position, it is that the House shall remain in a state of inactivity until the Attorney General's office shall make an investigation and report. Now, if that is the gentleman's point, what would prevent any of the bureaus of the department from having all kinds of charges against various Members of the House, without divulging their names, and going on indefinitely?

Mr. SUMNERS of Texas. I am sorry I have not made myself clear.

Mr. GARRETT of Texas. I understand my colleague's position well. My colleague wants to wait and let the Attorney General—

Mr. SUMNERS of Texas. No; I do not, and I have never said it.

Mr. GARRETT of Texas. That is what is recommended.

Mr. SUMNERS of Texas. I did not say so. This is what we recommend: That we do not at this moment further insist upon getting the names and charges from the Attorney General, because he tells us that if he gives to us those names and charges he will cease activity until the House has finished. We do not want to have the House responsible for the Attorney General suspending, whether for good cause or mere excuse—

Mr. SCOTT. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. SCOTT. Both the gentleman from Maryland [Mr. ZIEHLMAN] and the gentleman from Kentucky [Mr. LANGLEY] in the presence of this House waived all their immunity; how does the gentleman figure that under that position the Department of Justice can evade any responsibility?

Mr. SUMNERS of Texas. Not actual responsibility, but we are dealing pretty largely with the psychology of a situation. These men do not appear to be concerned about the final results of any investigation or prosecution. They say they are innocent. But it is the psychology of the country and of their constituents, of honest men generally, which concerns them. That is the terrible tragedy of a thing like this. At least that is one phase of it.

Mr. DYER. In line with the question propounded by one gentleman, let me call attention to the resolution of the House itself, which says the House would take no further action for the present. That does not mean we are going to give the Department of Justice absolute time. Unless they responded promptly and immediately the House would take action.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. COOPER of Wisconsin. I understand from the gentleman's argument that he favors the House doing nothing at this time and turning this case over to the Attorney General.

Mr. SUMNERS of Texas. If at first you do not succeed, try, try again. No, sir.

Mr. COOPER of Wisconsin. You do not want the committee appointed to investigate that?

Mr. SUMNERS of Texas. I did not say that. There is nothing in the resolution that says that.

Mr. COOPER of Wisconsin. What does the gentleman propose that the House shall do?

Mr. SUMNERS of Texas. I propose that the House do not further pursue at this time the effort to get this information from the Attorney General. It was not submitted to the Committee on the Judiciary to recommend to the House what it should do with reference to the general subject matter.

Mr. COOPER of Wisconsin. The gentleman is not in favor of the adoption of the proposed substitute resolution which would secure, if adopted, the appointment of a committee immediately by the House to take charge of the investigation? The gentleman is opposed to the adoption of that substitute resolution?

Mr. SUMNERS of Texas. I have not investigated the substitute resolution.

Mr. COOPER of Wisconsin. It proposes the appointment of a subcommittee for that duty.

Mr. SUMNERS of Texas. I would not oppose that. You understand I am speaking personally.

Mr. COOPER of Wisconsin. I understand the gentleman is speaking generally in favor of delay on the part of the House?

Mr. SUMNERS of Texas. No.

Mr. COOPER of Wisconsin. Then I am unable to interpret the gentleman's words.

Mr. SUMNERS of Texas. I can not help it.

Mr. COOPER of Wisconsin. Be that as it may, let me ask the gentleman another question. On Thursday last the floor leader [Mr. LONGWORTH] described an interview which on that day he had with Mr. Crim, the gentleman who conducted the proceedings in behalf of the Government before the grand jury in Chicago, and Mr. Seymour, Acting Attorney General of the United States, and the gentleman from Ohio said this:

Mr. Crim stated that a very large part of the evidence used in investigating the War Veterans' Bureau case, came from crooks and criminals who were turning State's evidence, and that in asking them questions their answers frequently led far afield and that he was compelled to follow those clues as far as they went.



Now, those thieves and criminals in the presence of the grand jury gave such evidence that that grand jury, a thousand miles away from the Veterans' Bureau, indicted the chief, and in their report they say that, besides the matter relative to the Veterans' Bureau—

Certain other facts not directly pertaining to the Veterans' Bureau were developed by counsel for the Government, which we regard as of great importance, and among those certain moneys were paid to two Members of Congress.

Now, the gentleman from Texas knows that that grand jury, in saying that, meant that those payments were corrupt payments, because payments in the legitimate transaction of business would not have been mentioned. Therefore an impartial grand jury, unacquainted with the situation, in investigating one corrupt bureau of the Government, found transactions which they deemed of great importance reflecting upon the integrity of every Member of the House because we are unable from their statements to identify the two Members. By the statement of an impartial jury we have two unidentified corrupt men on the floor of this House, and that evidence was adduced from the same men whose evidence led to the indictment of the former Director of the Veterans' Bureau.

I will ask the gentleman from Texas the question after I read this. Mr. LONGWORTH said—and it is a part of the same speech of the gentleman from Ohio:

Gentlemen, that is the position this House is in to-day, with these gross slurs and insinuations cast upon Members of our body and no assurance whatever that anything is going to be done within months from now.

The gentleman from Texas understands that that means not until after the primaries have been held; not until after conventions are held; and the honest men on this floor want to be investigated now. The Republican leader said also—

Mr. SUMNERS of Texas. Mr. Speaker, I am afraid I can not yield further to the gentleman.

Mr. COOPER of Wisconsin. I ask that the gentleman have another 20 minutes. Does the gentleman believe that the House of Representatives should turn over to Mr. Daugherty, whose assistant says there may be no trial for months, this question as to whether there are guilty men on this floor?

Mr. FOSTER. If the gentleman will yield, I would suggest that the gentleman from Wisconsin [Mr. COOPER] misunderstands what the Dominick substitute is if he thinks it provides for the appointment of a committee at this time. The substitute merely asked for the information requested in Resolution No. 211 and stops there.

Mr. JONES. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. JONES. I just want to ask a question for information. I sympathize with a goodly portion of what the gentleman has said, but I was wondering whether we could not adopt this resolution and adopt an amendment providing for a special committee to make an independent investigation on the part of the House without interfering with the Attorney General.

Mr. SUMNERS of Texas. Certainly.

Mr. MONTAGUE and Mr. DOMINICK rose.

Mr. SUMNERS of Texas. I can not yield further, because I want to conclude with just this statement: There is not involved in this resolution that which as a precedent, if adopted, would limit the powers of the House. That is avoided by the words in the resolution "at this time." I am not going to argue that. There is not involved a determination whether or not the House shall appoint a special committee immediately thoroughly to investigate the matters which grow out of these charges. There is not involved in this resolution anything which would later on prevent the House from asking the Attorney General for this information.

This is what is involved, and this is all that is involved in this resolution: Whether or not this House at this time shall renew its request of the Attorney General, and have the Attorney General send the names, send the charges, send every record, and step aside until the House gets through. Now, then, the question is: Do you or do you not want that to be done? If you do not want that done, vote this resolution up. If you want that done, defeat the resolution.

Mr. DOMINICK. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DOMINICK. I do not think there has been any proposal here on the part of anybody to have the Attorney General send any records.

Mr. SUMNERS of Texas. Now, gentlemen, let us see about that.

Mr. DOMINICK. That was the suggestion in the letter of the Attorney General.

Mr. SUMNERS of Texas. Ah, yes; that is true.

Mr. DOMINICK. But I have not heard any proposal before our committee or on the floor of the House about records.

Mr. SUMNERS of Texas. There are two parties dealing with this—the Congress and the Attorney General.

Mr. DOMINICK. I understand.

Mr. SUMNERS of Texas. Now, when a man says to you, if you ask me to send a horse, "I will send a horse with a saddle and a bridle." That is what he has told you. You know it. Then if you send word up to that man to send down a horse, can you pretend to be surprised when you look at the horse and find he has the saddle and a bridle with him?

Is there a man on the floor of this House who does not this minute know, with all the certainty that a mind can have in regard to a thing which is to transpire in the future, that if we renew this request, whether the Attorney General ought to send them or not, that he will send the names and the charges and step aside until we get through? Is there any man who can pretend he is ignorant of that?

Mr. STEAGALL. Will the gentleman yield?

Mr. SUMNERS of Texas. No; I will not, and I do not mean to be discourteous. Can any man pretend to be ignorant of the consequences which will flow from a renewal of that request? Now I yield to the gentleman from Alabama [Mr. STEAGALL], to whom I was, unfortunately, a little discourteous.

Mr. STEAGALL. The question I wanted to ask was this: Does the gentleman think anything the Attorney General's office can do with this matter is more important to the country than the exercising by this House of its right and duty to deal with this matter in order, if a corrupt Member sits here, that we may take proper action?

Mr. SUMNERS of Texas. No; but does the gentleman at this time and at this stage of the proceedings want to be understood—I do not ask him the question because he might ask to interrupt me again—as believing that the Attorney General's office is the only source from which we can get information?

Mr. VESTAL. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. VESTAL. The fact that the House passes this resolution would not in any wise prevent the House from appointing a special committee to investigate the acts of these Members, would it?

Mr. SUMNERS of Texas. Not at all; and I have said that over and over again.

Mr. BARKLEY. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. BARKLEY. Of course, we are all assuming that nobody is guilty until they are proven to be so, but suppose it should transpire that we require the production of this evidence, the names, and the nature of the charges, and that whatever evidence the department has is not sufficient to justify conviction at this time, and acting upon that evidence the House proceeds to exonerate its Members, but that later the department finds, by running out these leads from place to place, that there is evidence which would prove guilt, what position will the House be in if it should have already exonerated its Members?

Mr. SUMNERS of Texas. I can not say. Now, gentlemen, I want to thank you for your consideration. I have discharged my duty; the responsibility is yours, and if you want this matter from the Attorney General you can get it; if you want to take this responsibility you can do it. There is no uncertainty as to how to proceed to get it and no uncertainty as to the consequences of such procedure.

Mr. DOMINICK. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield to me for a moment? I wonder if we could arrive at an understanding as to the length of this debate?

Mr. DOMINICK. I think I have 40 minutes remaining, and I have applications for enough time to consume all of that and more. I want to get through with this matter, of course, as soon as possible.

Mr. LONGWORTH. As the parliamentary situation stands now, any gentleman who obtains recognition obtains it for one hour, and I was wondering whether we could have an understanding that the debate should close at the end of the gentleman's hour and at the end of the hour of the gentleman from Pennsylvania.

Mr. DOMINICK. I have no objection to an arrangement along that line. I think I can conclude my requests within the time remaining. I believe I have 40 minutes remaining.

Mr. LONGWORTH. Then I ask unanimous consent, Mr. Speaker, that at the end of the hour controlled by the gentleman from Pennsylvania and the hour controlled by the gentleman from South Carolina that debate shall be closed on this resolution.

Mr. MONTAGUE. Reserving the right to object, Mr. Speaker, I, as a member of the Committee on the Judiciary and its subcommittee, have given a great deal of thought to this matter. I desire to have adequate time to express my views to the House. I very seldom vex this House with a speech.

Mr. LONGWORTH. How much time would the gentleman like?

Mr. MONTAGUE. I am not accustomed to speaking long, and if you do not impose any limitations upon me I think I will get through quicker than to have some compulsion behind me all the time.

Mr. LONGWORTH. Then, Mr. Speaker, I modify my request to include half an hour after the conclusion of the hour of the gentleman from Pennsylvania and the hour of the gentleman from South Carolina and ask unanimous consent that thereafter a vote be had on the resolution and all amendments.

Mr. DYER. That time to be controlled by the gentleman from Virginia [Mr. MONTAGUE]?

Mr. LONGWORTH. That half hour to be controlled by the gentleman from Virginia.

Mr. MONTAGUE. As far as I am individually concerned, Mr. Speaker, I do not care to control the time of debate. If it is only half an hour I must apportion that out to other gentlemen who desire to speak and that means that I can not present my views to this House. I must have my own time. Of course, I do not mean to impose conditions on the House, but I know my own limitations and I desire to speak without any compulsion as to time.

Mr. LONGWORTH. Then I modify my request to include at the conclusion of the remarks of the gentleman from Virginia [Mr. MONTAGUE].

The SPEAKER. The gentleman from Ohio asks unanimous consent that after the conclusion of the hour of the gentleman from South Carolina and the hour of the gentleman from Pennsylvania and the conclusion of the remarks of the gentleman from Virginia [Mr. MONTAGUE] debate close. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask how much time there is remaining upon this side?

The SPEAKER. The gentleman from South Carolina [Mr. DOMINICK] has 40 minutes remaining and the gentleman from Pennsylvania [Mr. GRAHAM] has 20 minutes remaining.

Mr. LONGWORTH. Mr. Speaker, just one suggestion. Of course, the request would include the right of the gentleman from Pennsylvania [Mr. GRAHAM] to close the debate. It is merely a limitation on the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] has 20 minutes and can use that as he pleases.

Mr. LONGWORTH. Of course the gentleman from Virginia could speak before that.

Mr. DOMINICK. Mr. Speaker, reserving the right to object, I want to have it understood as to whether or not all of my time should be used before the time of the gentleman from Virginia [Mr. MONTAGUE] is used.

Mr. LONGWORTH. I think, Mr. Speaker, the gentleman from Pennsylvania undoubtedly has the right to close the debate.

Mr. DOMINICK. I understand that; but I would like, probably, to reserve some of my time.

Mr. LONGWORTH. I think the gentleman could have an understanding with the gentleman from Virginia about that.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio to give me 10 or 15 minutes to speak on this very important subject.

Mr. LONGWORTH. Then I will add to my request 15 minutes for the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. Is there objection?

Mr. DOMINICK. Reserving the right to object further, Mr. Speaker, I stated a moment ago I thought that possibly I could get through with the remaining time I had and comply with my requests, but in looking over the list and at the suggestion of some others who have asked me for time, and in view of the fact that the opposition to the committee report has used only one hour, I think the gentleman had better give me at least a half hour more. That would give the op-

position, or the minority, in so far as this resolution from the Judiciary Committee is concerned, one hour and a half, and as it is now the gentleman from Pennsylvania has one hour, the gentleman from Texas has an hour, and the gentleman from Virginia has half an hour or more. That is two hours and a half, and I will have had only one hour.

Mr. DYER. The gentleman from Wisconsin [Mr. COOPER] was going to speak on the gentleman's side.

Mr. DOMINICK. That would give me 1 hour and 15 minutes. I hope the gentleman from Wisconsin will speak for my side.

Mr. DYER. Does not my colleague think that it is fair for one member of the committee to control that much time as against 19 members?

Mr. DOMINICK. It is not a question of a member of the committee controlling time; it is a question of division of debate on a question that is being debated before the House.

Mr. DYER. But members of the committee on this side have to forego speaking because of the gentleman.

The SPEAKER. Is there objection?

Mr. DOMINICK. I ask that the request be modified in order to extend me an additional half hour.

Mr. LONGWORTH. Of course, the gentleman is speaking on his own amendment and that does not necessarily mean the minority. The minority, in effect, are those opposed to the resolution of the Committee on the Judiciary, and the gentleman is speaking on a particular amendment. I think my request is a fair one, I will say to the gentleman.

Mr. DOMINICK. I filed it as a minority report.

Mr. DYER. Oh, no; the gentleman stated in the committee he would not file a minority report.

Mr. DOMINICK. The gentleman stated no such thing. The gentleman stated he would file a minority report, but it would not be formal and it would not be in writing; and the gentleman stated in his remarks this morning that his resolution was filed in the nature of a minority report.

Mr. DYER. The record of the committee will show that the gentleman did not file a minority report.

Mr. LONGWORTH. I hope the gentleman will not object.

Mr. DOMINICK. If you will add that time, I will try not to use any more time than possible, but otherwise I will have to object.

Mr. LONGWORTH. I can not accept that, Mr. Speaker.

Mr. DOMINICK. I object.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I regret exceedingly that I can not agree with the position of the gentleman from Texas [Mr. SUMNERS]. He does not doubt the power of the Attorney General to prosecute the persons involved, irrespective of any investigation by the House, but he assumes from the letter of the Attorney General that the Attorney General will fail to do his duty, and because he believes the Attorney General will fail to do his duty, thinks that we should fail to do what we conceive to be our duty to the House and to the Members of the House.

The gentleman from Texas [Mr. SUMNERS] assumes from the letter of the Attorney General that he will fail to prosecute this case if the House undertakes an investigation. How did this question arise? It arose in investigating charges against Forbes.

Those charges grew out of a congressional investigation. Over in the Senate, when the Senate committee was investigating the oil scandal, the Attorney General had his assistant, Mr. Holland, present at the hearings, and he announced that he was following the testimony and just as soon as that investigation was completed he would proceed on the part of the Department of Justice to determine whether or not there should be a criminal prosecution. Why should he not follow the same course in this matter? How can he say that in this case, if there be an investigation, he will fail to prosecute? The gentleman from Texas [Mr. SUMNERS] says that he does not question the fact that he would have power to prosecute regardless of our action, but he does question the fact that he will, that he is laying a trap for us, and that we will walk into it. I shall not walk into a trap, but I say let us call his bluff because it is a bluff. If a congressional committee determines that the evidence justifies prosecution he will not dare to fail to prosecute. If he does, if he neglects his duty, then we have our remedy in such a case. We can impeach the Attorney General, and he ought to be impeached in such case. On the other hand, if as the result of the investigation it appears that there is no evidence to justify prosecution, then immediately justice will be done to the House and to the two Members who have



been charged by the grand jury. If gentlemen will look on page 3733 of the RECORD they will find the statement of the grand jury report, which we are told was written by Mr. Crim, or which he assisted in writing. That report says:

Incidental to the investigation of matters of which this grand jury has jurisdiction certain facts not directly pertaining to the Veterans' Bureau were developed by counsel for the Government which we regard of great importance.

The report then goes on to refer to charges against two Members of Congress. That proves that the charges against these Members of Congress were developed by the representatives of the Department of Justice, and the Department of Justice can not now escape the responsibility for the blanket charge against the House of Representatives.

The gentleman from Texas says that we should not by any action of ours give excuse to the Attorney General to say that we prevented the prosecution. If we governed our action here upon the theory that we are going to prevent faithless officials from having excuses for their own negligence, then we could never function. Suppose we followed the gentleman from Texas and did nothing, but left the matter to the Department of Justice. He believes the Department of Justice has no evidence, in which case the Department of Justice will never act. Six months from now, when nothing has been done, if you are going to base your action merely upon what people may say about it, the people will say that JOHN LANGLEY and FRED ZIHLMAN went down and used their influence with the Department of Justice to prevent the department from bringing indictments against them, that political influence was exercised by the party in power and that indictments were stopped, and these two men, if they are the men, will remain under suspicion forever, because the Department of Justice will never take formal action, but will simply fail to prosecute because the evidence does not justify prosecution. I do not know that we can be assured that these two Members of the House are the ones referred to. Mr. ZIHLMAN said that he was informed by newspaper men that his name was mentioned, and that Mr. Crim talked to him this morning and told him that there was not sufficient evidence in his hands to justify a prosecution, or the making public of the names. But I do not know who mentioned the name of LANGLEY, and so far as the record goes this is an indictment against 435 Members of this House, against each and every one of us. There is not one of us who could tell his constituents, with assurance of having the statement accepted in every case, that ZIHLMAN and LANGLEY were the Members in question. The Department of Justice may hereafter say that some other Member was intended and was under investigation. As long as the special representative developed the testimony before the grand jury, he ought to have kept out of the report any reference to Members of Congress unless he had testimony. If he has the evidence he ought to name the men. And we should call at once for the information asked for in the resolution. The Attorney General says that if we assume responsibility for it he will send it to us. Why, he can not read. We have already assumed responsibility for it. The majority leader advocated it, the minority leader advocated it, and the House adopted it. We have called for it in order that we may pass upon the conduct of our Members. I hope that the substitute of my colleague will be adopted, insisting upon the Attorney General giving to the House the information that the House asked for in its resolution previously adopted. [Applause.]

Mr. DOMINICK. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker and gentlemen, two of my committees are now in session and I want to get to both of them, so that I am not going to detain you more than a minute or two. I have heard some most remarkable arguments in this House to-day, coming from lawyers—good lawyers. Being a sort of half-handed crossroad lawyer myself, I thought I would learn wisdom from these gentlemen. But neither the Attorney General nor any other lawyer can convince me that his compliance with the request of this House would even tend toward the defeat of justice. Two men, Members of Congress, are charged with some offense, we know not what; evidently, however, involving their integrity. How could they escape the processes of the courts in this country? How could they, by knowledge of it, defeat the ends of justice. When this Government was first organized it was provided in the Constitution that a Member of Congress in going to or returning from a session or in attending a session could be arrested only for a breach of the peace, for a felony, or for treason against the Government. The reason for that was that the minority, by having warrants issued for members of

the majority, might absolutely control the action of the Congress. Suppose we submit to this. Suppose a department of this Government or every department of this Government should promulgate that certain Members of the House had been guilty of offenses—it might be the majority; it might be the minority—and by putting these men under that kind of ban they could absolutely control the legislation in the House of Representatives. If you vote for the resolution of the majority of this committee, I will tell you what the country is going to say. It will say that Daugherty has the goods on us and that we are afraid to come forward and ask for the evidence. [Applause.] As one Member of this House, having been here for 19 years, I defy the Department of Justice and all of its minions to do me any harm, and the other membership of this House ought to take that same position and tell Mr. Daugherty to come up here and put his cards on the table right here.

If he knows these men, he should tell us who they are. We are not asking him to furnish evidence. He does not have to disclose his evidence. We will get that, but we are asking him to say who they are and with what they are charged, and then we will appoint or have the Speaker appoint a special committee to investigate the charges and purge this body, if it needs purging. I believe it is all a bluff. I do not believe this body needs purging. I have been here for 17 years with JOHN LANGLEY, and while he has got his faults, just as I have and as all the rest of us have, I do not believe dishonesty is one of them, and I am from Missouri on that proposition.

They have got to show me. If they do show me, although he is my friend, I will vote to protect the integrity of this House. I have known ZIHLMAN for the seven years he has been here. I do not believe that young man is dishonest, but if they show me that he is, I will vote to protect the integrity of the House of Representatives because I regard it of higher dignity than any man or any two men or any majority even of this House. The resolution of the gentleman from South Carolina [Mr. DOMINICK] ought to be adopted and compel the creature of the Congress to do his duty. It can not interfere with his prosecution. The oil matter is being prosecuted, is it not, and yet a committee in another body is investigating it, and why can not they go along side by side? Let us do our duty and let the Attorney General do his and not tell us what we ought to do. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Speaker, I earnestly request that I have the attention of the House, certainly until I can feel myself free from any self-consciousness in pursuit of the argument which I desire to submit. It may be best first to recur to the authority under which the Committee on the Judiciary acted.

Resolved, That the Attorney General be directed to transmit to the House of Representatives the names of the two Members of Congress and the nature of the charges made against them.

Mr. SNYDER. I suggest, Mr. Speaker, a point of no quorum. I think this thing is of enough importance for Members to be in attendance and listen to the argument.

Mr. MONTAGUE. I prefer the gentleman will not do that, as it will consume some time. I hope the gentleman will withdraw his request, though I appreciate the implied compliment.

Mr. SNYDER. I withdraw it.

Mr. MONTAGUE. The House in this resolution directs the Attorney General of the United States—who I may observe in passing is an arm of the President of the United States, the alter ego of the President, one of the three original Cabinet officers so-called, though legally we have no Cabinet officers—asks of him information upon two points and two points alone, namely, that he give the names of the two Members and the charges against them, not the evidence to sustain those charges, not the testimony relevant or irrelevant to the charges, but the bare names and the nature of the charges. The Attorney General in his reply does not comply with that request save conditionally. Now, the minority report is that this House resolution be reaffirmed and the request or direction be specifically renewed. Is not that the purport of the minority report? If not, I am subject to correction by the gentleman from South Carolina. We are asking again from the Department of Justice—

Mr. DOMINICK. I may state to the gentleman that in the resolution there is a statement that the reply of the Attorney General is not responsive to the inquiry of the House or satisfactory.

Mr. MONTAGUE. I may say that it is not satisfactory to me, but I am not willing to state that it is unresponsive. But the point is that the minority report asks the House to reaffirm this resolution; that is, to give us the names of the Members



and the charges against them. Where are we when the Attorney General gives the House this precise information? What an unfortunate position.

Mr. DOMINICK. Will the gentleman yield?

Mr. MONTAGUE. Let me conclude. This House, then, would be in a position of having information exculpating the entire House, but with no information whatever as to the guilt or innocence of the two named, thus selfishly clearing ourselves and charging two others. [Applause.] You can not escape that conclusion.

Mr. DOMINICK. I would like to ask the gentleman in regard to the situation we would find ourselves in case he complied with this last request?

Mr. MONTAGUE. The gentleman's request.

Mr. DOMINICK. Would there be any difference in our situation if he complied and gave the information?

Mr. MONTAGUE. No; we ask for nothing and we would get nothing if replied to. We ask for barren information, and if given we would be in the same position, and no better position, so far as the merits of the case are concerned, than if not given.

Mr. DOMINICK. We would ask for something.

Mr. MONTAGUE. I have just expressed my opinion upon that, though I may be wrong. But if we have the answer, namely, the names of the Members and the charges against them, what is our position? I repeat regretfully that then the House will be plainly in the attitude of exculpating all of its Members save the two charged, and the burden of these two will be all the heavier, for no information as obtained or asked for will throw any light upon their guilt or innocence. I have the greatest sympathy and regard for these two Members, and I am unwilling to leave them alone and without protection, unless we take additional action by an additional resolution.

We are dealing here with the power of the House of Representatives, not with that of the Congress; and we are dealing with the powers of the House of Representatives in its relation to two other departments of the Government, the executive department and the judicial department, the executive department so far as it relates to the Attorney General's administration per se, and the judiciary department so far as it relates to criminal proceedings by indictments and trials. There is an old principle involved that may be considered perhaps somewhat of a last year's bird's nest, but it is the constitutional establishment of three departments, of government that are separate, distinct, and independent, and therefore we have no more authority to interfere with such prosecutions in the courts than these departments of the Government have to come here and direct the legislation and mode of procedure of the House, save in the few instances wherein such power in a modified sense is expressly conferred by the Constitution.

Mr. WINGO. If the gentleman will permit, is not the reverse of that true, that the Department of Justice, the executive, or the judicial has no part in the discharge of our constitutional rights to determine whether or not a Member shall sit on this floor?

Mr. MONTAGUE. Oh, yes; I would not gainsay that. I would not say the gentleman is not entirely right about that. But some of the Members of the House seem to be of a wholly wrong impression. I do not controvert the power of this House to deal with the conduct of its own Members and to censure or expel them. That is all we can do. You can not impeach them.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. RAKER. There are two branches of the Government involved—

Mr. MONTAGUE. Just ask the question, please.

Mr. RAKER. The judicial and the executive. The judicial has this information, namely, the members of the grand jury. Can this House compel the members of the grand jury to divulge the names of these men? Can we not?

Mr. MONTAGUE. In reply to that question I beg to state that we have the right to the names of the witnesses who appeared before the grand jury. We have no right, however, to take such testimony out of the hands of the prosecuting attorney, but we can examine those witnesses and make them tell everything they told the grand jury and the Attorney General, and our power is as great as his.

Mr. RAKER. I mean we can summon the jury.

Mr. MONTAGUE. I mean to say you can not make a grand juror tell or reveal what the witnesses testified to before the grand jury, but you can make a grand juror state who testified. We can bring members of the grand jury here and interrogate them as to the names of their witnesses.

I am now discussing the power of the department and not the rightfulness or the expediency of its exercise; with the

power alone and not whether it ought or ought not to be exercised. I contend it is wholly beyond the power of the House to supervise or interfere in any way with a criminal prosecution pending in any court or in the hands of the prosecuting officer of any of the executive departments of this Government.

That question is not a new one. It has been suggested by the chairman of the committee that when Mr. Cleveland was President his Attorney General was directed by the Senate to submit certain records relating to the removal of a United States attorney and his conduct of the office. The Attorney General declined to comply on the ground that it was incompatible with the public interest. Mr. Cleveland, if I recall correctly, latterly made an able argument denying the request of the Senate, and contending that this legislative branch of the Government was transcending its powers in desiring to compel the submission of such information. It was wholly within the power of the Executive to give it or not give it. It is true that Senator Edmunds, one of the ablest lawyers in America, held the contrary view, but a minority view of very able lawyers took the view I take, and that view prevailed and no reply was made by the then Attorney General.

Mr. WINGO. Before the gentleman leaves that point may I ask him this, whether the major right involved here is not the executive right or judicial right, but the right of the legislative? Is not that the major right?

Mr. MONTAGUE. Yes; but no major right given by the Constitution as applying to this. There is no major right of one department of Government to override another department of Government, judicial or executive.

Mr. WINGO. Is it not true that the assumption that in order for us to inquire into the fitness of these two men we would override the executive or judicial department is a wrong assumption? Why can not—

Mr. MONTAGUE. I hope the gentleman will not argue the question now, because I have not taken that position. The gentleman must have misunderstood me.

Mr. WINGO. If the gentleman will permit me, that was one of the errors in the reasons assigned by the Attorney General. I was seeking as an humble Member of the House to get information from the committee that had reported to the House.

Mr. MONTAGUE. Will the gentleman please repeat the question he desires to present? Perhaps I did not catch it fully.

Mr. WINGO. The Attorney General takes the position that there is an antagonism in the motives and in the ultimate action of the House and of the judiciary of the country. In other words, he says it would be confusing and defeat the ends of justice for us to undertake to investigate and go into this matter, when, as a matter of fact, is not just the opposite true, that the presumption is that the House of Representatives is just as much interested in seeing that the ends of justice are served as the Department of Justice, and that both of us can pursue the same object, animated by the same motive, and that the House can be trusted to discharge its duties with just as much intelligence and, if I may be permitted to say, with just as much fidelity?

Mr. MONTAGUE. I have not disputed or controverted that statement. The House can go on at this moment and institute a trial or investigation of these two Members by a special committee. This resolution does not impair that right of the House. There seems to be a misapprehension on the part of some Members of the House as to what this committee has reported. Now I read again:

*Resolved, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General by the House under House Resolution 211.*

That is, that the House will not take any further action at present to secure the information we have asked. That the House leave the Attorney General alone, and resultantly that the House may proceed in its own time and way to do as it pleases; that for the present we will not again ply the Attorney General for this barren information.

Mr. BUTLER. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. BUTLER. I am very sorry I did not hear all of the gentleman's remarks, but if this House should order, by a special committee, an examination made of the facts about which we are talking, will it in any way interfere with the Department of Justice in the prosecution of the case?

Mr. MONTAGUE. I think not, and even if it should, we have a right to do it, a perfect right to do it, and the adoption of this report in no way precludes or impairs the exercise of this right.

The committee was confronted with this: That the reply of the Attorney General—I assume for the purpose of argument—



was unsatisfactory, and that he did not give the information the House had asked except conditionally. What was that condition? That if it would aid the House in the discharge of its functions, under the Constitution relating to the misconduct of its own Members, he would be glad to put such information as he possessed in the hands of the House. Not the names, but the information that would necessarily include the names and the charges. He says, in effect, "I will give you everything that is in my possession." Then he goes on to make a statement which, if not made, would have carried the inexorable implication, namely, that during that time, having parted with the information, he would suspend for the time being further investigation of the case. And what other Attorney General would not have done the same thing if he once dispossessed himself of such information? What could he otherwise do in the absence of the testimony?

Mr. WINGO. If the gentleman will permit—and I am not asking this in a controversial spirit—

Mr. MONTAGUE. I want to yield to the gentleman from Georgia.

Mr. UPSHAW. I think the gentleman has almost answered the question I had in mind. The question I had in mind was this: Would the Attorney General be absolved from pursuing his plain duty to prosecute a Federal violation if we should insist upon the question we have a right to ask of him?

Mr. MONTAGUE. If he had simply given us the names of the two Members and the charges, I do not think it would interfere, but I do not think it would help the House in the discharge of its duties. I really think we asked for nothing and we got nothing.

Mr. WINGO. I could not follow the gentleman. The gentleman said, "Suppose he did come down here and give us the information the House said it wanted"; that was simply the names and the nature of the charges. The House did not ask the Attorney General to turn over the files. But assuming we do insist that he furnish the House the information it has asked for and he places before the House all the evidence he has. Then will the minds of the Attorney General and of his assistants be blank, so that they will not know the names of the witnesses to bring before the grand jury and will not be able to proceed? How will anybody be given immunity by that proceeding?

Mr. MONTAGUE. I am not discussing immunity.

Mr. WINGO. Well, I am. The gentleman raised the question and said: "What benefit would it be to have the information, and what would prevent the department from going on?"

Mr. MONTAGUE. If I were Attorney General and turned over every bit of information I had to the House of Representatives, I should consider that ordinary courtesy would require me to suspend further action until the House got through with its consideration of the testimony submitted by me to it.

Mr. WINGO. The Attorney General has failed to show comity, but he has volunteered this.

Mr. MONTAGUE. I hope the gentleman will not inject his own views into my remarks. I would like to hear him in his own time, because he is able and can make his own argument. I desire to get along with my discussion.

Mr. WINGO. I was trying to follow the gentleman, and the gentleman has not yet told me what—

Mr. MONTAGUE. I am sorry I am unable to impart the information the gentleman desires; that is my misfortune.

Mr. WINGO. The gentleman's sarcasm is wasted on me.

Mr. MONTAGUE. I do not intend to be sarcastic.

Mr. WINGO. The gentleman is not now addressing the House as a single Member, but he is the representative of the committee, and I am asking what, in his judgment, would be incompatible with the public interest if the Attorney General should give us what we ask for?

Mr. MONTAGUE. That is a question I can not answer because I do not know what will be done. It depends upon the temperament and good sense of the Department of Justice, and also upon the exigencies of the occasion. I can not forecast that; I am not a mind reader and I can not tell the gentleman.

I come now to the point that the Attorney General says he will give the information, but pending that he will suspend further investigation. And it was upon that the committee was unwilling to accept the conditions imposed in his reply. The committee said, "We are unwilling to accept from you any conditions which would relieve the Department of Justice from the responsibility of the prosecution of this case," but with the inexorable reservation that the House had and has the complete and ample right to deal with this matter in its own way and under its full constitutional powers. That is the condition and that is the way we met and surmounted it.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. GRAHAM of Illinois. What idea did the Assistant Attorney General give your committee about how soon he thought the Department of Justice could become active in this matter?

Mr. MONTAGUE. The committee had no information on that subject at all.

Mr. GRAHAM of Illinois. Has the gentleman any information?

Mr. MONTAGUE. None whatever. I have never knowingly seen the Attorney General of the United States.

Mr. GRAHAM of Illinois. Does the gentleman know whether there is now a grand jury in session in the District of Columbia?

Mr. MONTAGUE. I have heard there was none. I do not know whether that be true or not. All of these are questions as to the prosecution of the case I thought belonged to the judiciary department of the Government. I have never thought it was the function of the House of Representatives to supervise prosecutions, and therefore, for one Member, I was unconcerned about matters of that nature.

Now, gentlemen, I have taken, perhaps, more time than I should, but I would like to impress upon the gentlemen of the House my idea as to what is the conclusion of the committee, and that is that the committee did not intend to do anything else save what this resolution avers; that is, that the House will take no further action for the present to procure from the Attorney General the information heretofore requested. That is all. We are not estopped to institute an investigation or to establish the appropriate machinery for that investigation at this hour.

All we conclude is that we will not accept the Attorney General's reply with the limitations imposed by that reply. Therefore the committee has put itself in the position of leaving with the Department of Justice the things that belong to that department, reserving to ourselves all the powers and rights that belong to the legislative department of the Government.

Mr. McKEOWN. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. McKEOWN. Does not the resolution of the committee virtually say that this House has every confidence in these gentlemen and that they have not even violated the proprieties that would require an investigation?

Mr. MONTAGUE. I do not know that the resolution says or does not say that. It is susceptible of that interpretation, I would say, by the able gentleman from Oklahoma.

Now, gentlemen, I would add another word in the most unassuming spirit. I have been a Member of your House about 11 years. I have an exalted appreciation of this body. I have never seen a moment when I desired to impair, but rather to enhance, its dignity and its prestige among the people of America; but public agencies are no stronger than the public support they receive, especially the legislative department of the Government. The power of the official classes of America is a vague and futile power unless sustained by an enlightened, moral, intellectual public sentiment. [Applause.]

The dignity of this House is enhanced in following strictly its own constitutional pathway. We of this House are the legislative branch of the Government, and when we exercise judicial powers, such as the purging of our membership or the exculpation or the restoration of our membership, we have complete and ample power to do that, and this resolution has not interfered with our power at all.

We simply say to the Attorney General, "You go on with your work," and it follows as a necessary conclusion we can go on with ours in our own way as we see fit. I maintain that if we do that, we have preserved in full the beneficent separation of the departments of government, a policy that has so attracted the publicists and statesmen since our Government was founded, and that we thereby enhance the House's dignity, influence, and power among the American people [applause], which is far more important than the guilt or innocence of any Member of this body.

We all bear a certain modicum of odium by reason of what has been termed the blanket indictment of the House. This is unfortunate, but it is a circumstance that the House did not bring about. Unfortunately, the political department of our Government is the one great department that is always most subject to criticism. A great House of 435 Members very easily excites or provokes criticism. Its motives are very easily to be impugned, its conduct very easily to be misconstrued, but we must accept democratic or republican forms of government, with their advantages and disadvantages. We will have to work our institutions the best we can under the terms and nature of their organic life with patriotism and

loyalty to these great organic commands, instructed by precedents and nourished by traditions.

Mr. Speaker, I submit that this committee, after a great deal of thought, adopted this report. The subcommittee spent the whole of the day immediately after this resolution was referred. We sat nearly the whole of Sunday and almost all day yesterday in full committee. There was not the purpose of a single member of that committee to do any injustice to any Member or to impair the dignity or to embarrass the freedom of this House.

We had only one course to pursue; a judicial course, in conformity to law, in conformity to the Constitution, and in conformity to plain, natural justice; and we have followed what Burke would call "virtuous expediency." [Applause.]

Mr. HOCH. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. HOCH. I have been impressed with the gentleman's argument and have a very high regard for his judgment.

Mr. MONTAGUE. I thank the gentleman.

Mr. HOCH. I am wondering if the gentleman has reached a conclusion as to whether it would be wise, if this resolution were adopted, to follow it with an independent investigation on the part of the House, regardless of the Attorney General's investigation.

Mr. MONTAGUE. The gentleman will appreciate that I have been addressing myself to one line of thought, and that related to the report alone, and I have a delicacy at this particular juncture in advising the House what I think it should do when it takes up the matter independently. I simply wish to impress upon the House the fact that it has ample power to do what the gentleman suggests it may do.

Mr. HOCH. I do not mean to press the inquiry, but I would be glad to have the gentleman's judgment, if he cares to state it. Of course, if he does not care to state it or has not arrived at an opinion, I would not want to press the inquiry.

Mr. MONTAGUE. I would reply generally in this way, that the House should take appropriate action to see that no injustice is done any Member of this body and that full justice is done all the Members of this body. [Applause.]

Mr. DOMINICK. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, no matter has been debated on the floor of this House since I have been here that has interested me quite as much as the matter we have been debating to-day. I believe that the hour has struck when we are to determine whether or not a Member of Congress, that body which has boasted to be the greatest legislative body in the world, is to go about feeling that he is a respected citizen, or is to walk about with his head hung in shame expecting everybody who sees him and recognizes him as a Member of Congress to be wondering what his police record is. It is said that there was a day when to be a Roman was greater than to be a king. There was a day when a man would throw out his chest and raise his head and strut about in this community and in his home community and boast that he was a Member of Congress, but now he must, because of this unprecedented situation, rest under the cloud of suspicion thrown over every Member of this body by the indefensible action of the agent of the Department of Justice in permitting the indiscriminate use of names of Members of this body in connection with grave charges.

Gentlemen, here is the situation. One of two things has happened. Either there are sitting in this great body two men who have been corrupted, or else a most outrageous crime has been committed against two Members of this body. That is simple. There can be no gainsaying that. Let me direct your attention to this. While I respect everything that my distinguished colleague, our ex-governor of Virginia, a Member of this body [Mr. MONTAGUE], has said about these two departments being distinct and separate, yet I respectfully suggest that this charge in that grand jury report in Chicago is almost tantamount to a direct charge coming from the Department of Justice against two Members of Congress. That is what it amounts to. Why? Because a representative of the Department of Justice was there supervising the proceedings in Chicago. If matters relating to the dishonesty of two Members of this House came up in that investigation, knowing that that grand jury had nothing to do with it, it was the least he could do to so advise the grand jury and prevent that thing going into the report, and come back to Washington, report to this House that we had two crooks in this body, and institute proceedings in the courts here.

Yet he does not do that. He allows a report to come in here that two Members of Congress are involved. Then the papers blossomed out and mentioned two Members of the House, and

those two men get up on the floor and deny it altogether, and I submit to you that there is not a man here who heard their statements who will believe—I will not—that either Mr. ZIEHLMAN or the distinguished gentleman from Kentucky [Mr. LANGLEY] is involved. I ask you, then, who under high heaven are these men that are involved? Talk about an investigation. Whom are you going to investigate until you know the two men the grand jury was talking about? You certainly would not in the face of the statements of Mr. LANGLEY and Mr. ZIEHLMAN inaugurate investigations against them. They say that they are not guilty. There is nothing to investigate. But, gentlemen, there is a "nigger in the woodpile somewhere." I ask you to carefully read the statement of the Attorney General and to digest it.

Some people have more confidence in that gentleman's integrity than I have, and I have before expressed that on the floor of this House. I have very little confidence in any investigation or in any prosecution that Mr. Daugherty will ever make in this or any other case. I do not want to do the gentleman any injustice, and I say nothing that I am not willing to put into the Record on my responsibility as a Representative. I have no confidence in him. Mr. Daugherty is a discredited public official and is now merely being tolerated as a member of the Cabinet, and to-day he has himself all that he can do in taking care of the investigation of himself. He has not any time to investigate a Member of this body or anybody else. Here is what he says. He says, "I will not send you the two names and the charges against the two men, but I will tell you what I will do; I will send you all of the evidence in my various departments—all of the departments of justice—against all of your Members, 'any of your Members,' and when I dump that onto you I shall wash my hands of the whole mess." I submit that a fair construction of the reply of the Attorney General warrants the belief that he has charges against other Members of Congress than the two men referred to; and if it does not, then I can not read the English language and digest it. In my judgment the biggest issue before this body is to go into this matter without fear or favor. If there has been a violation of his office by a Member of this body, put him out of Congress, no matter who he is. If the report is untrue, then let the country know it and raise the cloud of suspicion that rests upon every Member of this body.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. DOMINICK. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker and gentlemen of the House, this is about the most remarkable situation of which I have ever known. I have had some experience as prosecuting attorney and in conducting cases before grand juries. I never knew a case until this one came to my attention in which a prosecuting attorney presented matters to a grand jury and had them made the subject of reports when such grand jury was without jurisdiction to deal with the questions raised. It is, to say the least of it, a most unusual transaction. It is not true that these matters were brought up by jurors not learned in the law and who did not understand that they were dealing with matters outside their authority, as has been suggested in this debate. This unusual action was brought about by the special agent of the Department of Justice. The report of the grand jury at Chicago, as carried in the press, specifically states that the charges involving Members of this House were developed by the special agent of the Department of Justice. Let me quote from that report:

Incidental to the investigation of matters of which this grand jury had jurisdiction certain other facts not directly pertaining to the Veterans' Bureau were developed by counsel for the Government which we regard of great importance. There is no jurisdiction of them in the northern district of Illinois, but we are assured by Mr. Crim that he will lay them before the Attorney General and the President for consideration. We do not feel that it would subserve the best interests of the Government for this jury to make public at this time the details of these transactions. This jury feels it will suffice to report to your honor that they involve (1) speculation by one or more officials of the Government wherein it has been asserted that official information was used for purposes of speculation; (2) that certain sums of money were paid to Members of Congress.

In this report is the statement that the special agent of the Department of Justice had assured the grand jury that he would report these facts to the Attorney General and to the President. Gentlemen now insist that no such report was made to President Coolidge. I hold in my hand what purports to be an interview given out at the White House by the Secretary to the President to the effect that immediate instructions had



been given to the Department of Justice to proceed diligently to prosecute the cases against the two Members of this House referred to in the Chicago grand jury report. The announcement from the White House is as follows, as published in the Washington Post:

The President immediately, on noting the newspaper reports this morning that evidence before the grand jury at Chicago mentioned two Members of Congress, gave immediate instructions to Mr. Seymour, Acting Attorney General, and reiterated the instructions again this evening to Mr. Seymour that prompt and immediate steps be taken to place the evidence before a grand jury, and that he proceed with every diligence with the prosecution of the cases.

I have a statement by Special Assistant Crim, in the same paper, and which has never been repudiated so far as I know, in which the statement is made that he proposed to continue the investigation and did not know how long it would take, and that he did not propose to divulge the information in his hand. The following is the statement of Mr. Crim:

I am working on all these matters; I can't finish them in a day. It may require many days for me to finish my investigation. As the situation develops, I will report from time to time to my superiors. I have not reported to them; I will not report to them unless they send for me until I have exhausted the entire situation; I do not propose at this time to make public what I have done and I do not propose to prophesy as to what I will do in the future.

In the face of all this, criticism is indulged against the press for carrying this news throughout the land. I think the press was entirely within their rights. I think the newspapers would have been derelict in their duty if they had not published all the facts to the country as they got them.

Is it not remarkable that the Attorney General should go out of his way to submit these charges and information to a grand jury in Chicago, which was entirely without jurisdiction, and then back off and refuse to give the information to the House of Representatives, which, under the Constitution, has got specific jurisdiction to deal with the entire matter, and which has the power and the duty to take the most important action that can be had by any tribunal? There is no conflict between the duty that should be exercised by this House and that which should be exercised by the courts. Each power is separate and distinct and has its own particular field of operation and usefulness. But we should not forget in considering this matter that any action that a grand jury may take this year or next year, or that a petit jury may take in the next year or three years, as the case may be, is a trifling thing compared to the importance of the proper exercise of the duties of this House under the Constitution to see to it that any corruption in our ranks is speedily exposed and punished.

I do not speak in a spirit of partisanship. We are dealing with things about which there is no room for anything of that sort. But I want to say that the thing in which the people of this country are interested above all things else is that official life in Washington shall be clean and above reproach. If Members of this House have been guilty of corruption, our first duty is to expose and punish them. If Members who are innocent are being falsely accused and their characters assailed, it is likewise our duty to take proper action for their protection. I have always been taught that it is the duty of any citizen to respond to a summons of any court at any time and give testimony that will be helpful to that tribunal in developing the proof and dealing justly with any matter under its jurisdiction. A good citizen should not wait for a summons if he has knowledge that is essential to the proper administration of justice. What would the country think if a Member of this House should attempt to refuse to furnish information gathered through congressional investigation when such information would be helpful to the courts in dealing with matters under their jurisdiction and in dispensing justice? The Attorney General is not alone bound in all good faith to prosecute these charges in the courts of the country, but he can not live up to his duty unless he brings to the aid of the House all knowledge and all information at his command that will be helpful to the House in dealing intelligently and justly with these charges, which involve so much to the honor and dignity of the House and to the welfare of the country. [Applause.]

The SPEAKER. The Chair of course prefers to recognize members of the committee. The gentleman from South Carolina has 20 minutes, and the gentleman from Pennsylvania has 20 minutes.

Mr. DOMINICK. I was going to suggest to the gentleman from Pennsylvania that I have been using my time and he might use some of his, so as to have a little variety.

Mr. GRAHAM of Pennsylvania. I understood there was some reserved for the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. There was no agreement made in the House at all. The parliamentary situation is this: The gentleman from Pennsylvania has 20 minutes remaining of his hour; the gentleman from South Carolina has 20 minutes remaining of his hour. The Chair feels he must recognize members of the committee as long as that time remains; and then if the House desires further debate, the Chair will recognize any gentleman claiming the floor.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. What became of the request of the gentleman from Ohio to which I objected?

The SPEAKER. That was objected to.

Mr. COOPER of Wisconsin. That was a unanimous-consent request?

Mr. GRAHAM of Pennsylvania. I yield five minutes to the gentleman from South Dakota [Mr. CHRISTOPHERSON].

Mr. CHRISTOPHERSON. Mr. Speaker and gentlemen of the House, I have listened with much interest to the many splendid arguments which have been made pro and con in reference to this resolution this afternoon. I have a high appreciation of the sentiments animating the minds of Members of this House in regard to this matter. I think we all feel a desire for a sincere criticism of the most severe kind of the person or persons who gave out that veiled and obscure information when it found its way to the grand-jury room in Chicago. That information, obtained as it was in another proceeding and based upon testimony or statements of a questionable character, should most assuredly have been kept in secret by the officials until its truth or falsity had been determined and until the department was ready to proceed, but that was not done. It was given out and by the publicity of that information a most serious reflection was directed against the integrity of every Member of this body, and it follows naturally that there should be a keen and earnest desire to investigate and bring out the true facts. That was the purpose of Resolution 211, and it was perfectly proper and within the province of the House to pass that resolution and the Attorney General made prompt answer to it. He has stated that he does not care to and he does not believe it is within the province of his official duty to give the names of those Members or to give the information now in possession of the Department of Justice, which means that he does not care to place the stamp of his office upon that information and thereby give further weight thereto. He further states, however, if we, exercising our rights, insist thereon, he will deliver to the House, or any committee designated, all information and papers in possession of his department, but in such event and during such investigation on the part of the House he will suspend his activities. That makes the issue clear as to whether we are going to further insist upon the surrender to us of this information or leave it with him to proceed with the investigation now in progress. Arguments have been advanced here this afternoon in reference to the rights of the House of Representatives. I do not consider that question enters into this case at all for the reason the Attorney General is willing to submit this information to us if we ask for it.

It has been suggested here on the floor, as I understood it, that this information has been given out to others by the department; that the President of the United States has the names of those Members. My information is to the effect—and I believe I am correctly informed—that the President does not have this information and does not know who the Members are, except as has been stated in the newspapers. Further, that the Attorney General himself has no official information as to who the Members are. We must bear in mind that Mr. Crim, who investigated the matter at Chicago, is special counsel, and therefore very likely did not report to the Attorney General. Now, as has been so ably pointed out here by others, what will be the result if we insist upon this information coming to us from the Attorney General. If we do this, we must proceed, and if we should fail to find evidence sufficient to sustain the charges intimated in the grand jury report, if we should fail in the prosecution, the people generally would feel that we had interfered with the department's orderly prosecution of these cases; that we had hindered and delayed, yes, defeated the due administration of justice by preventing that department from proceeding with the investigation now in hand.

In fact, our insistence upon the evidence and papers the Attorney General now has, in view of the statement in his reply, would give weight to the thought that the House did not

wish to have the Department of Justice pursue this investigation further; that we are afraid of such an investigation. Further, and especially so, if the investigation we make should fail to substantiate the charges, it would immediately be claimed that we had dispossessed the Attorney General, who was making a real investigation; had "whitewashed" the accused and incidentally ourselves. The charges that were alluded to in the grand-jury report are serious and affect every Member of this House. We are entitled to and should have an investigation by a body separate and distinct from the House—an investigation free from the influence of the good fellowship that is naturally supposed to prevail between the membership of this House. The proper place, it appears to me, for that investigation is in the Department of Justice; it has the machinery to do so, detectives and special agents skilled and trained in the business of collecting and marshaling evidence; it is the department charged by the Constitution and laws with the prosecution of crimes and bringing to the bar of justice persons accused of crime.

These charges, if true, then the guilty ones should not only be deprived of membership in this House but should be given sentence in a degree commensurate with the offense committed. Only in a court of competent jurisdiction can this be done. All that the House could do with the offenders, if found guilty by us, would be expulsion from the House.

We should not be misled by any arguments as to the rights or authority between the House and the Department of Justice in this matter. Remember, the Attorney General does not decline to give the facts but states it would be embarrassing for two tribunals to conduct an investigation of the same matter at the same time. We should not take it away from him. If a crime or crimes of the serious import mentioned have been committed, the membership of this House and the people of this Nation are entitled to have the same sifted to the bottom and the guilty, if any, duly punished. That and nothing less will satisfy public opinion; nothing less should satisfy us. If guilty, suitable punishment; if innocent, vindication in a court of law. Therefore let us adopt the resolution of the Committee on the Judiciary and leave the matter with the Attorney General, and in so doing it does not preclude this House from taking such independent action as it may see fit; it does not foreclose us from any further steps or independent investigation this House may later conclude to make. I hope the report and resolution of the committee will have the approval of the House. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, I desire again to prefer a unanimous-consent request. I ask unanimous consent that the time of the gentleman from Pennsylvania [Mr. GRAHAM] be extended 20 minutes, of which time he will yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER], and, at the conclusion of the time of the gentleman from South Carolina, that the time of general debate shall close.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Pennsylvania be extended for 20 minutes with the condition as stated, and at the expiration of that time and the expiration of the time of the gentleman from South Carolina debate shall close. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. COOPER] 15 minutes. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I listened attentively, as I always do, with much pleasure, to the distinguished gentleman from Virginia [Mr. MONTAGUE], who dealt largely in technicalities and discussed elaborately the constitutional divisions between the departments of our National Government. But, with entire respect for my distinguished friend, I do not think that the constitutional question as to the separation of the departments of the Government is of primary importance in the discussion of the pending question. Now, what is the question? Two Members of this body, the public press reports, are charged in the finding of a grand jury with having corruptly received money—that is with having taken bribes. The gentlemen thus accused have in open session of the House asked for an immediate hearing on those charges by a special committee; and yet the report of the Judiciary Committee which we are now considering says, "We will let Mr. Daugherty attend to your request when he gets ready."

Now, what a strange answer that is to give men who feel within themselves the stigma put upon every Member of the House by the finding of that grand jury in Chicago. Those two Members, Mr. LANGLEY and Mr. ZIEHLMAN, both my friends, have risen here and forcefully and eloquently protested their

Innocence, and, as I repeat, demanded an immediate hearing. But we propose by adopting this resolution on what I think a mere quibble to deny them the privilege of a prompt trial, which you, sir, and you, and you, as honest men, would ask for yourselves if the accusation had been leveled against you.

Is there a man on this floor with a conscience so callous who, if he were named in the papers as having received money corruptly, would ask that his vindication be delayed until Mr. Daugherty should find time to act? You would, if innocent, arise, as these two men have arisen, and demand an immediate hearing. I can not understand how an innocent man, under circumstances like these, could ask for delay.

Now, in that connection I want to invite your attention to one or two things that have been said here which I think are erroneous and likely to mislead, although, of course, not so intended. It has been said here that if we should proceed with an examination, the Attorney General will do nothing more. And yet that is in direct contravention of the pledge, the written pledge, of the Attorney General himself. In his letter he says:

If the House proceeds with this investigation, I shall direct all evidence, statements, and information obtainable to be immediately turned over to you or to such committee as may be designated by the House, and will await the complete investigation of the facts of the House before continuing the investigation now being made by the Department of Justice.

In other words, he will, he promises, let the House committee investigate and report, and then he will continue his own investigation. And yet the gentleman from Texas [Mr. SUMNERS] and others have intimated that the Attorney General will not do anything of the kind. I thought some of the gentlemen dealing with the political side ought to have said he will not. They have intimated, however, that Mr. Daugherty will break the promise he has made to the House. Gentlemen, this is no time for quibbling. The honor of this House and your individual honor has been openly attacked.

Now please listen to what the distinguished gentleman from Ohio [Mr. LONGWORTH], the leader on the floor, said on Thursday last:

This morning two gentlemen connected with the Department of Justice, Mr. Crim and Mr. Seymour, now Acting Attorney General, requested an interview with the Speaker, the gentleman from Tennessee [Mr. GARRETT], and myself, in which they explained how this whole thing had arisen.

Why should those two officials seek three Members of this House in order to explain how this whole thing had arisen? Their business is in the Department of Justice, not down here seeking to extenuate and excuse the action of that grand jury. But they sought to explain to men who are of great influence on the floor of this House and in politics generally. They could not influence the gentlemen to whom they explained, of course; I know that. But it shows that as appointees they were thinking about their positions, and are afraid that politics will interfere with them.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GARRETT of Tennessee. Let me say, in view of the fact that the gentleman mentioned me now, and in view of the fact that I was at the conference, that I myself did not know of any particular reason why I should be there. There ought to have been at the beginning a subcommittee created on this matter. [Applause.]

Mr. COOPER of Wisconsin. That is right.

But now, gentlemen, listen to this from the gentleman from Ohio [Mr. LONGWORTH]. This is from the same speech of last week:

Mr. Crim—

Mr. Crim, the man who conducted the investigation before the Chicago grand jury—

stated that a very large part of the evidence used in investigating the War Veterans' Bureau case came from crooks and criminals who were turning State's evidence.

Now, why should Mr. Crim tell these three prominent gentlemen of the House the things he told them about the Government witnesses upon whose testimony the former Director of the Veterans' Bureau was indicted?

Why should this same Mr. Crim, the Government's lawyer, brand his own witnesses as crooks and criminals who have turned State's evidence? Mr. Forbes is to be tried. Millions of dollars have been taken from the Veterans' Bureau funds. The people of the United States feel a sense of indescribable



outrage that helpless veterans have, as is apparently well established, been taken advantage of and the Treasury robbed by villains in the Veterans' Bureau. Some of them have been indicted. And yet Mr. Crim, in charge of the prosecution, comes here and announces that the witnesses are crooks and criminals. Whatever his motive in saying these things about his own witnesses, he ought to be reminded that crooks and criminals in carrying out their schemes usually deal with other crooks and criminals. What a preposterous thing it is for him to be explaining the finding of an indictment out there and apologizing for the report and suggestions made by that grand jury! And then Mr. LONGWORTH goes on to say:

The whole thing would not be so bad, gentlemen, if the Department of Justice had its case ready for immediate presentation, but Mr. Crim and Mr. Seymour were unable to assure us of any trial of these two Members of Congress for weeks to come, because the matter must be brought before a grand jury impaneled in the District of Columbia; their evidence is not ready and many of their witnesses, being crooks and criminals, are not immediately available because they do not know where they are or whether they can get them.

Later he says:

Gentlemen, that is the position this House is in to-day, with these gross slurs and insinuations cast upon Members of our body and no assurance whatever that anything is going to be done within months from now. We thought this morning—the Speaker, the gentleman from Tennessee [Mr. GARRETT], and I—that we ought to take action at once. Here is a grand jury that presents to a court a statement which is made public and that among other persons suspected are two Members of Congress, but they decline to reveal their names.

And still later, said the gentleman from Ohio:

That will be for the House, in its wisdom, to decide; but that can not come until later. I am talking about what we ought to do here and now in order to purge the House of these charges.

Yet the pending report says:

We will pay no attention to it, but leave it all to Mr. Daugherty.

Do you want a charge that you, a national lawmaker, are a bribe taker, to be left to Mr. Daugherty before your honor shall be vindicated? Mr. Daugherty says that, whatever this House does, he will proceed with this investigation. Therefore why should we delay for one minute?

Mr. MONTAGUE. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONTAGUE. The committee says it will only leave with Mr. Daugherty the names and the charges, and that is all that was asked of Mr. Daugherty.

Mr. COOPER of Wisconsin. I know; but the committee was authorized, by the motion made by the gentleman from Ohio [Mr. LONGWORTH], to make such recommendations as it might see fit to make. This is Mr. LONGWORTH's language:

Mr. Speaker, I move that the communication of the Attorney General be referred to the Committee on the Judiciary, with instructions to report at the earliest possible moment its conclusions and such recommendations as it may see fit to make.

So the committee could have made any recommendation it might wish to make. It could have recommended the appointment of a committee, but it did not. It simply recommended that the House do nothing.

The gentleman from Kentucky [Mr. LANGLEY] has asked for an immediate hearing and the gentleman from Maryland [Mr. ZIEHLMAN] has asked for an immediate hearing. Their names are besmirched. We are asked to refuse their request. And the evidence is that whatever is done is to be done by Mr. Crim, and that it will be months before anything can be done. Is that just to ZIEHLMAN? Is that just to LANGLEY? Is it just to you? [Applause.] Both have said here on this floor, "We are not guilty," and with hands raised to heaven have appealed to the God omnipotent to bear witness to the truth of their declarations of innocence. They want a hearing, and why should we deny it to them?

Gentlemen, I have had many astonishing propositions presented by committees on this floor, but in view of the circumstances in this case, in view of the publicity given the names of these two men—in whose innocence we must believe until they are proven guilty; we do believe they are innocent—it is wrong for us to say that we will pay no attention to their demands, but that we will let it go for weeks, probably for months, until such time as Mr. Daugherty may get ready to act. What recourse have they? Take it home to yourself. A just man considers the rights of his neighbor as sacred as

are his own, and if your good name as a Member of the House were thus jeopardized, what would you say to a man who, when you should demand an immediate hearing and opportunity for vindication, denied it to you and turned your plea over to Mr. Daugherty? What you would demand for yourself you ought not to deny to a fellow Member. Every Member of the House should be possessed of what Burke calls, "that chastity of honor which feels a stain like a wound." [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. HERSEY].

The SPEAKER. The gentleman from Maine is recognized for five minutes.

Mr. HERSEY. Mr. Speaker, as a member of the Judiciary Committee, which had this resolution under consideration and made the report to the House, I want to make a statement for myself alone.

I am a lawyer of 40 years at the bar, and I look at things from a lawyer's standpoint, and I must necessarily. This is strictly a matter of plain business without sympathy; we have before us the plain facts and our plain duty. If there is one prayer to-day that any Member of this House should make who feels himself under accusation, it is, "O God, save me from my friends." In this time when we get excited, when we lose our heads and everybody in public life is being accused of wrongdoing, we ought to act judicially and act upon our oaths here as Members of this House.

I can add very little to the judicial interpretation of this matter which has been given by my friend from Virginia, Judge MONTAGUE, whom I greatly love and admire. He has stated the facts to you much better than I could along the line he has pursued.

I wish to briefly say this: When this matter is ended in this House and in the courts of this land, I want a verdict from both the House and the courts not only reliably and honestly arrived at, but I want it to be absolute and conclusive, so that the people shall be satisfied that justice has been done all Members accused of any wrongdoing.

Now, there is somebody back home watching us here. The first question they are going to ask us is, "Are you going to whitewash yourselves?" The second question they are going to ask is, "Is the Department of Justice going to do its duty and treat Members of this House the same as everybody else?" There are two departments of this Government under the eyes of the people to-day—the Department of Justice and the House of Representatives, and we both ought to act in our own jurisdiction. The Attorney General was right when he said there can not be two tribunals attempting to act upon the same facts, and attempting to hear the same witnesses at the same time, such an attempt would result in confusion and embarrassment and will defeat the ends of justice.

We have by resolution passed yesterday given to the Attorney General full power and jurisdiction over this matter with special instructions to go ahead at once with the investigation which he says is now being conducted by his department. To-day we are asking the Attorney General to hand us over the evidence and names of witnesses, that a committee to be appointed by this House may take this matter away from the grand jury and the courts and make ourselves ridiculous in the eyes of the country. I want you to think this over carefully, and as men without any prejudices. When you have obtained that information, what are you going to do with it? Let us assume the Attorney General gives the information, and that information states that the two Members of this House accused are HERSEY of Maine and MONTAGUE of Virginia. Having that information, what are you going to do about it?

Well, I suppose the first thing to be done, if you are going to pursue the course that the House is now about to, would be to take up the matter and to refer it to a select committee of this House, which committee would investigate the truth of the information you have received. You go ahead with the investigation. If you find that HERSEY and MONTAGUE are not guilty, the whole country would say, "They whitewashed their Members." And I would not stand for it and you would not stand for it. You would not stand for such a vindication as that, and my friends ZIEHLMAN and LANGLEY ought not to stand for anything of the kind, and we are not their friends, in my opinion, who advise them to do that. They are presumed to be innocent and stand before the House and the country as innocent. You want to remember the fact that the matter is in the Department of Justice to-day being investigated and we ought to await the final action of the courts.



Mr. DOMINICK. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, the Constitution of the United States provides that this House shall have the power to punish its Members for disorderly conduct, and to expel or suspend them if it finds it is wise or desirable to do so. The exercise of that power under the Constitution was made independent of any court action. It was placed in the House of Representatives to be exercised by this body free from any outside influence or agency. There is no provision of limitation that only after conviction in the courts the House may expel or suspend Members, but the provision is that the House in its own right, whenever it may find just cause, may expel or suspend its Members. And why was it so provided? It was so provided, not for the purpose of visiting private punishment upon the Members of this House for the commission of crime but the reason why that provision was included in the Constitution was to give this body, independent of any court, and independent of every other branch of government, the power to preserve the purity of this Chamber and the power to keep its reputation spotless and so to deserve and preserve the confidence of the public in this body. The integrity of the House of Representatives, the confidence of the public in its membership and in its honesty and honor, and the high privilege of the House to expel and punish Members guilty of wrongdoing, transcend in importance the infliction of private punishment of an individual in the courts. For such reasons the Constitution gives such power to this House.

And so it provides a method whereby this House could preserve its own dignity and could hold the confidence and the respect of the people whom we represent. In the exercise of that power the other day the House of Representatives passed a resolution directing the Attorney General to transmit to this House the names, not the evidence, but the names and the nature of the offenses alleged to have been committed by two Members of this House—alleged not by some private individual but by the Department of Justice. In the exercise of our constitutional power we called on the Department of Justice to give us that information; and what do we have in reply? We have a communication in response to that demand to the effect that the Attorney General will transmit to the House the information called for only upon a condition prescribed by the Attorney General himself—he will comply with the demand of the House if the House will appoint a committee, and if we do appoint a committee he will transmit the names and the charges to that committee and will then undertake to wash his hands of responsibility to perform his own duty. Gentlemen say the divulgence to the House of the names and the character of the charges will interfere with the investigation by the Department of Justice of a criminal offense. I want to remind gentlemen of the House that the Attorney General's department divulged the names to the President of the United States. It was so published in the papers and some one gave out a statement from the White House. That did not disturb the prosecution in the courts. The White House gave out a statement directing the Attorney General to prosecute these Members. That did not disturb the Attorney General. Some one, presumably the Attorney General's office or some of his employees, gave the information to gentlemen sitting yonder in that press gallery. That did not disturb the course of the Department of Justice in the prosecution of these Members; but the Attorney General makes a reply to this House that in a manner is insulting to its dignity, because he essays to prescribe the terms and the conditions upon which he will divulge this information. Now, there is no conflict in the two jurisdictions. One is a criminal prosecution of individuals in a court; the other involves the conduct of Members and their right to sit in this House.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

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

Mr. DOMINICK. I yield the gentleman two minutes additional.

Mr. GARRETT of Tennessee. Is it not the meaning of the Attorney General's statement, in the latter part of his letter, that if the Congress proceeds to perform its duty, he will refuse to perform his duty? [Applause.]

Mr. CONNALLY of Texas. Exactly. I will say that the gentleman from Tennessee has placed his finger upon the very heart of this question. Gentlemen in this House on the Ju-

diciary Committee acknowledge that it is the right and the duty of the House to investigate the accused Members, and yet acknowledging that it is our duty, acknowledging that we possess the power, they are willing to abdicate that power because the Attorney General says that if the House exercises its power and its duty he will fail and refuse to perform his duty.

Mr. HERSEY. Will the gentleman yield?

Mr. CONNALLY of Texas. Not for a moment. If the gentleman will give me the time, I would like to have two more minutes.

Mr. THOMAS of Kentucky. Will the gentleman yield?

Mr. CONNALLY of Texas. I want to say that the duty of this House is to perform its own duty first, and if the Department of Justice, as an excuse for its action, fails to perform its duty, the House of Representatives then has a remedy by which it can hold responsible the Department of Justice for dereliction of its duty. I yield now to the gentleman from Kentucky.

Mr. THOMAS of Kentucky. I wish to say to the gentleman from Texas that so far as I am concerned regarding his remarks about the Judiciary Committee the gentleman is covering a little too much territory. I did not sign that report. [Applause.]

Mr. CONNALLY of Texas. I will absolve the gentleman from Kentucky.

The duty of this House is to perform its function and its responsibility to the country first, and if the Department of Justice does not want to perform its functions and its duty and its responsibility we can take care of that question when we meet it. [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. DOMINICK. I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the House, if I have the opportunity, I intend to vote for the substitute or motion submitted by the gentleman from South Carolina [Mr. DOMINICK]. I am sorry that the Judiciary Committee did not avail itself of the privilege it had of recommending that a special committee be created for the purpose of trying this case. I am glad that the majority leader has suggested what in all probability is in the minds of a good many of his friends on the Democratic side and, I hope, in the minds of a good many on the Republican side, and that is the appointment of a special committee to try this case at once without regard to any action that may be taken by the Attorney General.

We are quibbling, gentlemen, with a situation with which we should not quibble. We ought to appoint a special committee with full powers to administer oaths, to summon persons and papers, to bring the judge of the court to which this report was made, to bring the report itself to us, to summon the members of the grand jury and to secure from them a list of the witnesses that attended that court, and thereby get to the very bottom of this whole situation. [Applause.]

It has been intimated in more or less clear language that the report of the grand jury referred to in these proceedings and discussions is to some extent and for some unassigned and unfathomable reason more or less of a frame up for the purpose of ruining two Members of Congress and directing the finger of suspicion at the whole body with a view of effecting results more or less vague. The gentlemen charged or accused have intimated it, and rumor, which hath so many evil tongues, has alleged in colorful stories.

Mr. MONTAGUE. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. No; I have only five minutes.

Mr. MONTAGUE. I just wanted to ask the gentleman if the resolution prohibited you from doing that if you wanted to do it.

Mr. O'CONNOR of Louisiana. I understand the resolution. What is the use of quibbling with a situation when it is within the power of this House to free itself from any slurring insinuations that may be cast upon it throughout the length and breadth of this country? Of course it is desirable, and everyone knows it, to prosecute criminal cases through the Department of Justice, and thousands and thousands of cases are being prosecuted successfully and unsuccessfully throughout the length and breadth of this land, and they do not create a ripple on the sea of American life; but the suggestion that has been carried broadcast throughout this country that corruption and crookedness is rampant in Congress does mean a great deal to this House and to the American people.

Higher and above the rights of any man before a criminal court and the privileges of the Department of Justice or any



other prosecuting agency are the rights and the obligations of this House to maintain itself free from unfair and unjust criticism at all times, and it is only by taking proper procedure that it can maintain that course. If representative government is to last, if the Republic is to endure, its temples of liberty and freedom, the House and Senate must remain pure and unsullied, unstained and untarnished, and, like Caesar's wife, be above suspicion.

Why, Mr. Chairman, our course is clear. A special committee with full power to act in the case should be appointed that will investigate it from end to end and give to the country what these two accused men are themselves demanding—a fair and square trial for themselves, expeditiously carried out, and a fair and square trial for this House, whose honor, whose prestige, whose history, and whose glory must be maintained by the eternal vigilance to keep it free from stain or stigma or discolorization. The reputation of this House is higher and above the mere privileges that a man might claim for himself in a criminal proceeding or that the Department of Justice arrogates to itself.

Transcending immeasurably the outcome of any prosecution that may be instituted in the courts by the Government is the sacred duty to retain the confidence of the people. "Each House shall be the judge of the elections, returns, and qualifications of its own Members," saith the Constitution. That is not a direction to the Attorney General as to what he should or should not do in the conduct of his office. It is a solemn mandate to the House and Senate—to "each House," to use the language of the Constitution—to maintain inviolate the honor, the integrity, the grandly magnificent place in the soul of America, a representative assembly, free from blemish, unscarred, undimmed, "Sans peur et sans reproche"—without fear and without reproach.

And that mandate can be discharged only by trying Members who are so unfortunate as to be mentioned in such a way as to make themselves and Congress the subject of national conversation and comment. The two gentlemen are everlastingly right in demanding an immediate trial from the House. The House would be recreant to its duty to the country and its own splendid history if it did not move up and show the American people whom we represent that we are alive to the maxim that the honor of Congress is the sacred trust of its Members.

These two Members, I repeat, are right in crying for a trial by their peers in this House at once. Let the committee be appointed and if found innocent let the vindication of rumor's victims go to the world. If found guilty, let them be expelled. That is the course suggested by themselves. I hope for these men's sake, for their families, and above everything else for the honor of this House that the alleged charges will prove to be the vilest of villifications. I do not want to be misunderstood. I know I will not be misunderstood. I thoroughly understand the presumption of innocence. It goes with a person charged with a criminal act from the time that he is charged until he is found guilty, and in proportion to the enormity of the offense committed is that presumption enlarged, increased, and accentuated. It is far greater in a capital offense than in misdemeanor. It is greater still when it affects the honor of a Member of Congress and the historic and honorable traditions of a great House. But correlatively there is the great duty resting upon us of preserving against unjust criticism the reputation of this House and its rights to keep it free from evil judgment, to keep itself free from stigma, by prompt and decisive action when the circumstances warrant it. If we hesitate, if we deal in attenuated refinements of historical traditions, procrastinate and quibble over precedents, the country will have a right to believe that we are faltering, that we are dallying with a situation that demands immediate action. That special committee ought to be appointed, it ought to be given full power to act, and I hope the minority leader will crystallize his thought into parliamentary action.

Mr. MONTAGUE. Does the gentleman think that the substitute resolution will give us immediate action?

Mr. O'CONNOR of Louisiana. No; but it will do a lot more than the majority resolution will.

Mr. MONTAGUE. Oh, no; the majority gives us every right that the gentleman wants. The House can establish its committee any time it gets ready to do so.

Mr. O'CONNOR of Louisiana. The committee should have recommended the establishment of an independent committee, as was suggested by the last speaker.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. DOMINICK. Mr. Speaker, a parliamentary inquiry. In order to get my substitute properly before the House so as not to be precluded by a motion for the previous question,

will I not have to formally offer it and present it in my own time?

The SPEAKER. The gentleman will.

Mr. DOMINICK. Then I offer that resolution now.

The SPEAKER. The gentleman presents a substitute resolution which has already been reported. Does the gentleman wish to have it reported again?

Mr. DOMINICK. I should be glad to have it again reported.

The SPEAKER. The Clerk will again report the substitute. The Clerk again reported the Dominick resolution.

Mr. DOMINICK. Mr. Speaker, I yield three minutes to the gentleman from South Carolina, [Mr. McSWAIN.]

Mr. McSWAIN. Mr. Speaker and gentlemen, I wish merely to submit this observation, that the Judiciary Committee, by its chairman, has asked us to take as facts in connection with the credibility of Mr. Crim certain things that are entirely outside of the record and are contrary to the opinion as to the reliability and credibility of this same man, brought upon the floor of this House several days ago by the gentleman from Illinois [Mr. KING], who said upon his responsibility here that Mr. Crim was the man who gave away the Government's case in what is known as the Harness case. As a result of the investigation by the Graham committee, charges were preferred, in nature a conspiracy, to the effect that certain Army officers, who had held temporary commissions in time of war, had resigned from their positions as Army officers, and had gotten together on the outside and formed a sort of roll-top desk corporation, calling themselves the "United States Harness Co.," and had gone back to the other officers as though they were bona fide civilians, and made a deal with their friends and associates still remaining as Army officers on the inside. What do the records of the Department of Justice show?

The report of the eminent counsel from St. Louis, who tried that case, shows that when it was tried in Clarksburg last month some of these Army officers and their friends and associates were there creating sentiment in the hotel and in the community, seeking to bring about the acquittal of the men so charged. Mr. King said the defendants did not constitute all that ought to have been indicted in order to establish conspiracy. Some of the conspirators to this movement to defraud our Government were not indicted. Such things as that are what constitute the gravamen of the complaint of the ex-service men for adjustment of compensation. When they realize that they and their children and their grandchildren have to pay the \$23,000,000,000 still piled up as war obligations of the Nation, and when they realize that they have been cheated by those who were trusted to protect the Treasury of this Government in time of war and in settling the accounts of the Government after war, then they say that this demand for adjustment of compensation is the only possible public protest, the only public evidence of their righteous indignation against the way the rights of the people and the resources of the Public Treasury were squandered in time of war.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. DOMINICK. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it is not my purpose to indulge in any criticism of the Attorney General in a personal way, nor of the assistant of the Department of Justice who seems to have had charge of affairs before the Chicago grand jury when the report which occasioned this condition was made. We are confronted, as I have said in the discussions before, with a very delicate situation, but it is one with which we have to deal. I can not agree with the statement made in the report of the Committee on the Judiciary as it appears near the top of the first column on page 3929 of the RECORD under the head "Conclusions." Under that head we find the following:

Under the reply of the Attorney General there is but one of two courses open to the House of Representatives:

(a) The House take full charge of the investigation and evidence of the alleged charges and relieve the Department of Justice from any further responsibility.

I can not agree to that. As a legal proposition, with all due deference to the learned gentlemen who are members of that committee, the great law committee of the House, it is incorrect. The Attorney General was not justified in saying in his letter to the House of Representatives in substance: "If you insist upon obtaining from this department certain evidence with which to prosecute your inquiries under your con-



stitutional power, obligation, and duty, I shall refuse to perform my duties as a statutory officer of the head of the Department of Justice." And that was what I had in mind when I interrogated the gentleman from Pennsylvania [Mr. GRAHAM] in his opening remarks.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. GRAHAM of Pennsylvania. The gentleman says that the Attorney General said that he would refuse to discharge his duties.

Mr. GARRETT of Tennessee. That is the meaning of it.

Mr. GRAHAM of Pennsylvania. Let me quote from the Attorney General's letter:

If, however, the House of Representatives \* \* \* requests that all the evidence now in the possession of anyone connected with the Department of Justice shall be turned over, I will direct all such evidence \* \* \* to be turned over \* \* \* and will wait the complete investigation of the facts of the House before continuing the investigation now being made by the Department of Justice.

Is that cutting off his liability or responsibility?

Mr. GARRETT of Tennessee. I can see no reason why the Department of Justice should wait.

Mr. GRAHAM of Pennsylvania. As an act of courtesy when we were pursuing the investigation here. Of course he would have to wait.

Mr. GARRETT of Tennessee. Not at all, because he is proceeding along lines of criminal prosecution, while the House is proceeding along lines of ascertaining whether its Members have been guilty of conduct that would require the House to purge itself of them. [Applause.]

I have been greatly puzzled over this matter, Mr. Speaker. It has been a troublesome proposition. I think I shall have to vote for the substitute offered by the gentleman from South Carolina. But let me say this before my time has ended. The House is coming back within a few days, if not now—I think we might as well do it after we have disposed of this resolution this evening—to an acceptance of the proposition that ought to have been accepted in the beginning and which if accepted would have relieved the House of all the embarrassment that it is in now, and that is the creation of a special committee to investigate the conduct of its Members, and whichever of the propositions pending may be adopted, that proposition must follow and follow very quickly. [Applause.]

Mr. THOMAS of Kentucky. Mr. Speaker, will I ever get the floor? I am on the committee.

The SPEAKER. By vote of the House all time is exhausted except 15 minutes, which is controlled by the gentleman from Pennsylvania.

Mr. GRAHAM of Pennsylvania. Mr. Speaker and gentlemen of the House, you will be asked in a few minutes to vote for the adoption of the committee's resolution or the adoption of the substitute which has been offered, which means simply to refer this back to the Attorney General and insist upon a more complete answer. I desire within my time to suggest the adoption of a second resolution which is an amendment to the committee's resolution which was agreed to by a majority of the committee and only withdrawn out of deference to one, and I hand this amendment to the Clerk to be read.

The SPEAKER. Does the gentleman offer the amendment?

Mr. GRAHAM of Pennsylvania. I do.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

*Resolved*, That in view of its extreme importance to the House the Attorney General be, and is hereby, requested to proceed at once and give preference and precedence to this investigation and report the result to this House.

Mr. GRAHAM of Pennsylvania. Now, it is immaterial to me—

Mr. GARRETT of Tennessee. Will the gentleman yield to me in reference to the amendment?

Mr. GRAHAM of Pennsylvania. Not now.

Mr. GARRETT of Tennessee. I reserve a point of order on the amendment.

Mr. GRAHAM of Pennsylvania. All right. First, I wish to say that there has been a degree of personal criticism and allusion inserted into this debate that ought to have had no place in it. I want to say to the Members of the House, so far as Mr. Crim is concerned and the discussion of these leather frauds the gentlemen referred to, that there was a distinguished Democratic lawyer, one of the very best for the purpose, allowed by the Attorney General to prosecute that case to its finality.

Mr. McSWAIN. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. And Mr. Crim had no responsibility for it, he assures me absolutely.

Mr. McSWAIN. Has the gentleman seen the report of the distinguished gentleman, the attorney who tried the case?

Mr. GRAHAM of Pennsylvania. I decline to yield. If I were standing here as a brother of the men whose names have now been connected with this matter, and moved with the strongest personal affection existing between men, I ask what course would and ought I to pursue. Advise an investigation by this House? Nothing of the kind. I would ask the Attorney General to proceed at once and give us the result of that investigation, which in all human probability will clear everybody and the House itself of every question and imputation. I would say that the proceeding by a committee of this House might appear to be the proper thing in the enthusiasm of friendship, but it is an injustice to the men you would serve. What avails an acquittal at the hands of their colleagues in the House if the matter is not carried out to its conclusion and determined according to law and the facts? A whitewash by his colleagues would be no justification to a man accused if the case itself should proceed to a finality that was different from that conclusion which the House had reached. Gentlemen, I say be patient; I say be temperate. Exercise your calm judgment, and without prejudice give this matter a fair consideration. Let this resolution be adopted calling upon the Attorney General to complete this work at once. If he does not, then the remedy is in your hands and can be rightfully pursued. Mr. Speaker, I yield the balance of my time, except a half minute, to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

The SPEAKER. The gentleman from Ohio is recognized for ten and a half minutes.

Mr. LONGWORTH. Mr. Speaker and gentlemen, I believe it to be my duty both as a Member in my private capacity and also in my capacity as majority leader, which I hold by virtue of the expressed confidence of my colleagues, to support the report of the Committee on the Judiciary. I regret I can not agree with my friend, the gentleman from Tennessee, for I know that his position, like mine, is actuated only by a desire best to maintain the honor and dignity of this House. I hope we can consider this question without any partisan or personal feeling. No man holds in higher esteem the two gentlemen whose names have become regretfully conspicuous in this affair than I. I will go even further and say that I have absolute and complete confidence in the integrity of both the gentleman from Kentucky and the gentleman from Maryland. [Applause.] I want to do not only what is best for this House but what is best for them, and I am certain that the best thing we can do is not to act hastily in this matter. I agree with my friend from Tennessee that the inevitable result of voting down the recommendation of the Committee on the Judiciary is to have an independent investigation by a committee appointed by this House—

Mr. GARRETT of Tennessee. Does the gentleman agree with me further that if the report of the Committee on the Judiciary is adopted it will also be necessary to have an investigation?

Mr. LONGWORTH. I should doubt that, I say to my friend, because I am in hope that if we do not now interfere with the course the Department of Justice is expected to pursue we will have it in our hands, if there is any undue delay in the prosecution of this case, to demand a committee which will investigate this matter on our own account.

Mr. MONTAGUE. Will the gentleman from Ohio permit me to ask him a question?

Mr. LONGWORTH. Yes; but I have only a short time.

Mr. MONTAGUE. I will be brief. Does the gentleman believe that the adoption of this report will preclude an investigation by the House?

Mr. LONGWORTH. No; I want to make it clear that if there is any delay, any unreasonable delay, in the prosecution of these cases on the part of the Department of Justice, I shall be glad to advocate the creation of a committee to investigate on the part of the House. [Applause.]

Now, let us look the facts squarely in the face. The only reason we have to ask for this evidence now in possession of the Department of Justice is to exercise our constitutional right to punish Members; to criticize their course, not to approve it. I am not willing to say that an investigation of this sort would result in the punishment of two Members of this House. As I said before, my belief is that their records are absolutely clean. What, then, can it advantage us or them if we delay—as we must inevitably delay if we demand for the prosecution of this case—the evidence in the possession of the Department of Justice?



What are the facts in this whole unfortunate matter? The facts are that this jury in Illinois, which had no possible jurisdiction in this case, insisted that a supplemental report be drafted and submitted to the judge of the northern district of Illinois urging that other cases involving turpitude, among them these accusations against two Members of Congress, be prosecuted in another jurisdiction. Personally I think it was an outrage that that report was ever made public. [Applause.] The moment it became public it was inevitable that the names of these two unnamed Members of Congress would leak out and everybody would know it.

I do not know whose fault it was, but certainly had that been a sealed report this situation never would have confronted us. But it does confront us now. How are we going to benefit the situation, gentlemen, by demanding our constitutional right to get this evidence in order to punish or expel Members—because that is the only reason we have for demanding this evidence from the Department of Justice? In my view a demand to take over and inspect that evidence and proceed on our own account can do nothing else but delay the inevitable conclusion of this unfortunate affair. We can not go ahead as two coordinate branches of the Government, acting upon the same evidence and summoning the same witnesses.

I do not believe, reasoning it out calmly, that would be the best thing either for the majority of this House or for the two gentlemen who have been named. I can not tell, I have no means of knowing, how long it may take the department to proceed in this investigation. We could get no definite assurance from Mr. Crim or from the Acting Attorney General. I would hope that it would not take a long time, particularly now that they well know that Congress is going to insist that there shall be no delay in this matter.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DYER. I will say that my information is that the matter will be finished or in shape so that the House may know the situation within two weeks.

Mr. LONGWORTH. Well, I am very glad to hear that from the gentleman, and I hope his information is accurate; but whether it be true or not is it not best to proceed in an orderly way, to wit, by allowing the Department of Justice to go ahead?

I think we accomplished a great result by passing the resolution instructing the Attorney General to reveal the names and offenses, regardless of whether he has seen fit to comply with our direction or not, because to-day, as the result of all this hallabaloo, there are but two names which have been mentioned—mentioned by the gentlemen themselves. There is not another man upon whom the faintest aspersion has been cast in the whole House of Representatives. Under these circumstances is not the safe and wise thing to do, gentlemen, to allow this matter to proceed in due course, reserving to ourselves always the right, when it shall appear to us that there is any undue delay, to at once create a committee of this House to proceed with an investigation on its own account? [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move the previous question upon the resolution reported by the Committee on the Judiciary and all amendments or substitutes therefor to final passage.

Mr. THOMAS of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] moves the previous question on the resolution and all amendments.

Mr. THOMAS of Kentucky. Mr. Speaker, I want unanimous consent to address the House for seven minutes. I am a member of this committee.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for seven minutes. Is there objection?

Mr. DYER. I object.

The SPEAKER. Objection is heard.

Mr. GARRETT of Tennessee. Mr. Speaker, when will that point of order be considered?

The SPEAKER. The Chair will now hear the gentleman.

Mr. GARRETT of Tennessee. I make a point of order on the amendment offered by the gentleman from Pennsylvania.

The SPEAKER. The Chair will hear the gentleman from Tennessee later. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The next question comes upon the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That in view of its extreme importance to the House, the Attorney General be, and is hereby, requested to proceed at once and give preference and precedence to this investigation and report the results to this House.

Mr. GARRETT of Tennessee. Mr. Speaker, I make a point of order that it is not germane to the resolution before the House.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. The resolution before the House reads:

*Resolved*, That the House take no more action for the present.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit me to add one word to the resolution by unanimous consent? Add the words "And be it further resolved." That is the way I want to have the resolution read.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to modify his amendment in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. The only thing before the House for action, so far as the report of the Judiciary Committee is concerned, is a simple resolution containing a very few lines.

*Resolved*, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General under House Resolution 211.

There was nothing whatever in House Resolution 211 which in any way referred to prosecutions or investigations by a grand jury or any procedure whatever in the courts of the United States, except the grand jury that heard the case in Chicago. Therefore, all that House Resolution 211 contained was a request for certain names or, rather, directed the submission of certain names and the nature of the charges against them.

Now, the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM] proposes to expand the committee proposition so as to go far beyond anything that was contained in resolution 211, upon which it is based, which resolution directed the Attorney General of the United States to do certain things.

Of course, Mr. Speaker, I pass by the humiliating situation in which the House would place itself if the House itself asked the Attorney General to do that which it refuses to do, namely, to make an investigation of its Members. [Applause.] But, Mr. Speaker, I rest upon the parliamentary ground that it is not germane to the resolution.

The SPEAKER. The Chair thinks the objection made is extremely technical. The resolution is not based entirely on Resolution 211, but it is based explicitly on the letter from the Attorney General which was referred to the Committee on the Judiciary with instructions to report thereon. The action of that committee was based on the letter from the Attorney General. In that letter the Attorney General specifically speaks of the investigation being made by him. I forget whether he speaks of a grand jury or not, but he does say that there can not be two proceedings at once, one by a committee of the House and another by the courts, and one of the objections to the inquiry was that the tribunals under his jurisdiction were also investigating. So the Chair thinks the amendment is pertinent, relevant, and germane to the resolution. The point of order is overruled.

Mr. MOORE of Virginia. Mr. Speaker, may I have unanimous consent to ask the gentleman from Pennsylvania [Mr. GRAHAM] one question.

The SPEAKER. The previous question has been ordered, and, of course, that is not in order except by unanimous consent.

Mr. MOORE of Virginia. I ask for unanimous consent simply to make an inquiry that will not take a quarter of a minute.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for a quarter of a minute. Is there objection?

Mr. CLARKE of New York. Mr. Speaker, I object.

The SPEAKER. Objection is made. The question first comes on the amendment offered by the gentleman from Pennsylvania.

Mr. CLARK of Florida. Mr. Speaker, may we have the amendment again reported?

The SPEAKER. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

The SPEAKER. The question is on agreeing to that amendment.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 129, noes 123.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

Mr. LONGWORTH. Will the gentleman from Tennessee yield? I hope the gentleman will not ask for the yeas and nays. We ought not to have any division on this question, and I am perfectly willing to accept any vote either by tellers or otherwise. I think it would be a mistake to have any division.

Mr. TUCKER. Then withdraw the amendment.

Mr. GARRETT of Tennessee. I think it is a great mistake to offer the amendment. It has changed the whole idea. I am willing to take a teller vote on it but I also reserve the right to call for the yeas and nays after the teller vote.

Mr. LONGWORTH. Well, if the gentleman thinks that is advisable, all right.

Mr. ROUSE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 162, answered "present" 1, not voting 90, as follows:

## YEAS—178.

Ackerman	Fenn	Little	Sinnott
Aldrich	Fish	Longworth	Smith
Andrew	Fitzgerald	McKenzie	Smithwick
Anthony	Fleetwood	McKeown	Snell
Bacharach	Foster	McLaughlin, Mich.	Snyder
Bacon	Fredericks	MacGregor	Speaks
Barbour	Free	MacLafferty	Sproul, Ill.
Barkley	Freeman	Madden	Sproul, Kans.
Beck	French	Magee, N. Y.	Stalker
Beedy	Gibson	Magee, Pa.	Stephens
Beers	Gifford	Manlove	Strong, Kans.
Begg	Graham, Ill.	Mapes	Strong, Pa.
Bixler	Graham, Pa.	Merritt	Summers, Wash.
Boies	Green, Iowa	Michener	Swing
Browne, Wis.	Griest	Miller, Wash.	Swoope
Burdick	Griffin	Moore, Ohio	Taylor, Tenn.
Burtness	Hadley	Moores, Ind.	Temple
Burton	Hardy	Morehead	Thatcher
Butler	Haugen	Morgan	Thompson
Byrns, Tenn.	Hawley	Murphy	Timberlake
Campbell	Hersey	Nelson, Wis.	Tinkham
Carter	Hickey	Newton, Minn.	Treadway
Chindblom	Hill, Md.	Newton, Mo.	Underhill
Christopherson	Hoch	Paige	Vaile
Clague	Holaday	Parker	Vestal
Clarke, N. Y.	Hudson	Peavey	Vincent, Mich.
Cole, Iowa	Hull, Iowa	Perkins	Voigt
Colton	Hull, Morton D.	Phillips	Ward, N. Y.
Connolly, Pa.	Hull, William E.	Purnell	Watres
Cooper, Ohio	James	Ramseyer	Watson
Cooper, Wis.	Johnson, Wash.	Ransley	Wefald
Cramton	Kearns	Reece	Welsh
Crowther	Keller	Reed, N. Y.	White, Kans.
Curry	Kelly	Roach	White, Me.
Dallinger	Ketcham	Robinson, Iowa	Williams, Mich.
Darrow	Kiess	Robison, Ky.	Williamson
Deal	King	Rogers, Mass.	Winter
Dickinson, Iowa	Kopp	Schafer	Wood
Dowell	Kurtz	Schall	Woodruff
Dyer	LaGuardia	Schneider	Wurzbach
Elliott	Lampert	Scott	Yates
Evans, Iowa	Langley	Sears, Nebr.	Young
Fairchild	Larson, Minn.	Shallenberger	Zihlman
Fairfield	Leatherwood	Simmons	
Faust	Leavitt	Sinclair	

## NAYS—162.

Allen	Cullen	Jeffers	O'Connor, La.
Allgood	Cummings	Johnson, Tex.	O'Connor, N. Y.
Almon	Davis, Tenn.	Johnson, W. Va.	O'Sullivan
Arnold	Dickinson, Mo.	Jones	Oldfield
Aswell	Dominick	Kent	Oliver, Ala.
Ayres	Doughton	Kincheloe	Oliver, N. Y.
Bankhead	Drane	Kindred	Park, Ga.
Bell	Drewry	Kunz	Parks, Ark.
Bland	Driver	Lanham	Pou
Bloom	Eagan	Lankford	Prall
Bowling	Evans, Mont.	Larsen, Ga.	Quayle
Box	Favrot	Lazaro	Quin
Boyce	Fisher	Lea, Calif.	Ragon
Brand, Ga.	Fulbright	Lindsay	Rainey
Briggs	Gardner, Ind.	Lowrey	Raker
Browning	Garner, Tex.	Lozler	Rankin
Buchanan	Garrett, Tenn.	Lyon	Rayburn
Bulwinkle	Garrett, Tex.	McNulty	Reed, Ark.
Busby	Gasque	McReynolds	Richards
Byrnes, S. C.	Geran	McSwain	Romjue
Canfield	Gilbert	McSweeney	Rouse
Cannon	Glatfelter	Major, Ill.	Rubey
Carew	Greenwood	Major, Mo.	Salmon
Celler	Hammer	Mansfield	Sanders, Tex.
Clancy	Hastings	Martin	Sandlin
Clark, Fla.	Hayden	Sears, Fla.	Sherwood
Cleary	Hill, Ala.	Milligan	Stegall
Collier	Hill, Wash.	Minahan	Stedman
Connally, Tex.	Hooker	Montague	Stengle
Connery	Howard, Nebr.	Mooney	Stevenson
Cook	Howard, Okla.	Moore, Va.	Sullivan
Corning	Huddleston	Morris	Summers, Tex.
Crisp	Hudspeth	Nelson, Me.	Swank
Croll	Humphreys	O'Connell, N. Y.	Tague
Crosser	Jacobstein	O'Connell, R. I.	

Taylor, W. Va.  
Thomas, Ky.  
Thomas, Okla.  
Tillman  
Tucker  
Tydings

Underwood  
Upshaw  
Vinson, Ga.  
Vinson, Ky.  
Ward, N. C.  
Watkins

Weaver  
Weller  
Williams, Tex.  
Wilson, Ind.  
Wilson, La.  
Wilson, Miss.

Wingo  
Wolff  
Woodrum  
Wright

## ANSWERED "PRESENT"—1.

Wason

## NOT VOTING—90.

Abernethy	Frear	Lineberger	Reed, W. Va.
Anderson	Frothingham	Linthicum	Reid, Ill.
Berger	Fuller	Logan	Rogers, N. H.
Black, N. Y.	Fulmer	Luce	Rosenbloom
Black, Tex.	Funk	McClintic	Sabath
Blanton	Gallivan	McDuffie	Sanders, Ind.
Boylan	Garber	McFadden	Sanders, N. Y.
Brand, Ohio	Goldsborough	McLaughlin, Nebr.	Seger
Britten	Greene, Mass.	McLeod	Shreve
Browne, N. J.	Harrison	Michaelson	Sites
Brumm	Hawes	Miller, Ill.	Sweet
Buckley	Hull, Tenn.	Mills	Taber
Cable	Johnson, Ky.	Moore, Ga.	Taylor, Colo.
Casey	Johnson, S. Dak.	Moore, Ill.	Tilson
Cole, Ohio	Jost	Morin	Tiacher
Collins	Kahn	Morrow	Vare
Davey	Kendall	Nolan	Wainwright
Davis, Minn.	Kerr	O'Brien	Wertz
Dempsey	Knutson	Patterson	Williams, Ill.
Denison	Kvale	Peery	Winslow
Dickstein	Lee, Ga.	Perlman	Wyant
Doyle	Lehlbach	Porter	
Edmonds	Lilly	Rathbone	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Davis of Minnesota (for) with Mr. Linthicum (against).  
Mr. Porter (for) with Mr. Black of New York (against).  
Mr. Greene of Massachusetts (for) with Mr. Dickstein (against).  
Mr. Edmonds (for) with Mr. Boylan (against).

Until further notice:

Mr. Wason with Mr. Rogers of New Hampshire.  
Mr. Denison with Mr. Taylor of Colorado.  
Mr. Morin with Mr. Fulmer.  
Mr. Seger with Mr. Buckley.  
Mr. Frothingham with Mr. Black of Texas.  
Mr. Lineberger with Mr. Collins.  
Mr. Shreve with Mr. Moore of Georgia.  
Mr. Wertz with Mr. Harrison.  
Mr. Mills with Mr. Hawes.  
Mr. Luce with Mr. Goldsborough.  
Mr. Vare with Mr. Gallivan.  
Mr. Wyant with Mr. Sites.  
Mr. Johnson of South Dakota with Mr. Abernethy.  
Mr. Williams of Illinois with Mr. Jest.  
Mr. McFadden with Mr. Hull of Tennessee.  
Mr. Moore of Illinois with Mr. Davey.  
Mr. Brand of Ohio with Mr. O'Brien.  
Mr. Patterson with Mr. Morrow.  
Mr. Brumm with Mr. Sabath.  
Mr. Lehlbach with Mr. Lee of Georgia.  
Mr. McLaughlin of Nebraska with Mr. Logan.  
Mr. Sanders of Indiana with Mr. Casey.  
Mr. Sweet with Mr. Doyle.  
Mr. Tilson with Mr. Johnson of Kentucky.  
Mr. Winslow with Mr. Lilly.  
Mr. Michaelson with Mr. Kerr.  
Mr. Kendall with Mr. Blanton.  
Mr. Reed of Illinois with Mr. Peery.  
Mr. Perlman with Mr. Kvale.  
Mr. Kahn with Mr. Browne of New Jersey.  
Mr. Miller of Illinois with Mr. McClintic.  
Mr. Cole of Ohio with Mr. McDuffie.  
Mr. Frear with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the amendment, in the nature of a substitute, offered by the gentleman from South Carolina [Mr. DOMINICK].

Mr. DOMINICK. Mr. Speaker, I ask that the substitute be again reported.

The SPEAKER. Without objection, the substitute will be again reported.

There was no objection.

The Clerk again reported the substitute.

The SPEAKER. The question is on the amendment, in the nature of a substitute, offered by the gentleman from South Carolina [Mr. DOMINICK].

The question was taken; and on a division (demanded by Mr. DOMINICK) there were—ayes 143, noes 177.

Mr. DOMINICK. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 184, answered "present" 3, not voting 92, as follows:

## YEAS—152.

Allen	Bland	Busby	Cleary
Allgood	Bloom	Byrnes, S. C.	Collier
Almon	Bowling	Canfield	Connally, Tex.
Arnold	Box	Cannon	Connery
Aswell	Briggs	Carew	Cook
Ayres	Browne, Wis.	Carter	Cooper, Wis.
Bankhead	Browning	Celler	Crisp
Beck	Buchanan	Clancy	Croll
Bell	Bulwinkle	Clark, Fla.	Crosser



Cullen	Howard, Okla.	Mead	Sears, Fla.
Cunhaings	Huddleston	Milligan	Sherwood
Davis, Tenn.	Hudspeth	Minahan	Sinclair
Deal	Jacobstein	Mooney	Sproul, Kans.
Dickinson, Mo.	James	Moore, Ga.	Stegall
Domineck	Jeffers	Moore, Va.	Stedman
Drewry	Johnson, Tex.	Morris	Stengle
Driver	Johnson, W. Va.	O'Connell, N. Y.	Stevenson
Eagan	Jones	O'Connell, R. I.	Sullivan
Evans, Mont.	Keller	O'Connor, La.	Summers, Wash.
Favrot	Kelly	O'Connor, N. Y.	Swank
Fisher	Kent	Oldfield	Tague
Frear	Kincheloe	Oliver, Ala.	Taylor, W. Va.
Fulbright	Kindred	Oliver, N. Y.	Thomas, Ky.
Gardner, Ind.	King	Park, Ga.	Thomas, Okla.
Garner, Tex.	Kunz	Parks, Ark.	Tucker
Garrett, Tenn.	Lampert	Peavey	Tydings
Garrett, Tex.	Lankford	Pon	Underwood
Gasque	Larsen, Ga.	Prall	Upshaw
Geran	Lazaro	Quayle	Vinson, Ga.
Glatfelter	Lindsay	Quin	Ward, N. C.
Greenwood	Lozier	Rainey	Watkins
Hastings	Lyon	Rankin	Wefald
Hayden	McNulty	Reed, Ark.	Weller
Hill, Ala.	McReynolds	Salmon	Wilson, La.
Hill, Wash.	McSwain	Sanders, Tex.	Wilson, Miss.
Hooker	Major, Ill.	Sandlin	Wingo
Howard, Nebr.	Mansfield	Schaffer	Wolf
	Martin	Schneider	Woodrum

## NAYS—184.

Ackerman	Fleetwood	MacGregor	Simmons
Aldrich	Foster	MacLafferty	Sinnott
Andrew	Fredericks	Madden	Smith
Bacharach	Free	Magee, N. Y.	Smithwick
Bacon	Freeman	Snell	Snyder
Barbour	French	Speaks	Sproul, Ill.
Barkley	Gibson	Mapes	Stalker
Beedy	Gifford	Merritt	Stephens
Beers	Gilbert	Michener	Strong, Kans.
Begg	Graham, Ill.	Miller, Wash.	Strong, Pa.
Bixler	Graham, Pa.	Montague	Summers, Tex.
Boies	Green, Iowa	Moore, Ohio	Swing
Boyce	Griest	Moorehead	Swoope
Brand, Ga.	Griffin	Morgan	Taylor, Tenn.
Buckley	Hadley	Murphy	Temple
Burdick	Hammer	Nelson, Me.	Thatcher
Burtess	Harrison	Nelson, Wis.	Thompson
Burton	Haugen	Newton, Minn.	Tilman
Butler	Hayley	Newton, Mo.	Timberlake
Byrns, Tenn.	Hickey	O'Sullivan	Tinkham
Campbell	Hill, Md.	Paige	Trendway
Chindblom	Hoch	Parker	Underhill
Christopherson	Hudson	Perkins	Vaile
Clague	Hull, Iowa	Phillips	Vestal
Cole, Iowa	Hull, Morton D.	Purnell	Vincent, Mich.
Colton	Hull, William E.	Ragon	Vinson, Ky.
Connolly, Pa.	Humphreys	Raker	Ward, N. Y.
Cooper, Ohio	Johnson, Wash.	Ramsayer	Watres
Cornell	Ketcham	Ransley	Watson
Cramton	Kopp	Rayburn	Weaver
Crowther	Kuriz	Reece	Welsh
Curry	LaGuardia	Reed, N. Y.	White, Kans.
Dallinger	Lanham	Richards	White, Me.
Darrow	Larson, Minn.	Roach	Williams, Mich.
Dickinson, Iowa	Lea, Calif.	Robinson, Iowa	Williams, Tex.
Doughton	Leatherwood	Robson, Ky.	Williamson
Dowell	Leavitt	Rogers, Mass.	Wilson, Ind.
Dyer	Little	Romjue	Winter
Elliott	Longworth	Rouse	Wood
Evans, Iowa	Lowrey	Rubey	Woodruff
Fairchild	McKenzie	Schall	Wright
Fairfield	McKeown	Scott	Wurzbach
Faust	McLaughlin, Mich.	Sears, Nebr.	Yates
Fenn	McSweeney	Shallenberger	Young
Fish			
Fitzgerald			

## ANSWERING "PRESENT"—3.

Langley	Wason	Zihlman
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## NOT VOTING—92.

Abernethy	Edmonds	Lehlbach	Rathbone
Anderson	Frothingham	Lilly	Reed, W. Va.
Anthony	Fuller	Lineberger	Reid, Ill.
Berger	Fulmer	Linthicum	Rogers, N. H.
Black, N. Y.	Funk	Logan	Rosenbloom
Black, Tex.	Gallivan	Luce	Sabath
Blanton	Garber	McClintic	Sanders, Ind.
Boylan	Goldsbrough	McDuffie	Sanders, N. Y.
Brand, Ohio	Greene, Mass.	McFadden	Seger
Britten	Hawes	McLaughlin, Nebr.	Shreve
Browne, N. J.	Holaday	McLeod	Sites
Brumm	Hull, Tenn.	Michelson	Sweet
Cable	Johnson, Ky.	Miller, Ill.	Taber
Casey	Johnson, S. Dak.	Mills	Taylor, Colo.
Clarke, N. Y.	Jost	Moore, Ill.	Tilson
Cole, Ohio	Kahn	Morin	Tincher
Collins	Kearns	Morrow	Tare
Davey	Kendall	Nolan	Volgt
Davis, Minn.	Kerr	O'Brien	Wainwright
Dempsey	Kiess	Patterson	Wertz
Denison	Kintson	Peery	Williams, Ill.
Dickstein	Kvale	Periman	Winslow
Doyle	Lee, Ga.	Porter	Wyant

So the substitute was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. Linthicum (for) with Mr. Davis of Minnesota (against).  
 Mr. Black of New York (for) with Mr. Porter (against).  
 Mr. Dickstein (for) with Mr. Greene of Massachusetts (against).  
 Mr. Boylan (for) with Mr. Edmonds (against).  
 Mr. Lineberger (for) with Mr. Clarke of New York (against).

## Until further notice:

Mr. Wason with Mr. Rogers of New Hampshire.  
 Mr. Kiess with Mr. Berger.  
 Mr. Seger with Mr. Collins.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays.

Mr. GARRETT of Tennessee. Mr. Speaker, when is it in order to move to recommit?

The SPEAKER. It was in order before this vote was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, this was not a bill reported from the Committee of the Whole. Is it now in order to make a motion to recommit?

The SPEAKER. The Chair has put the question on agreeing finally to the resolution, and the gentleman from Tennessee has demanded the yeas and nays. Obviously, it is too late. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 108, answered "present" 4, not voting 97, as follows:

## YEAS—222.

Ackerman	Fairfield	McKenzie	Simmons
Aldrich	Faust	McKeown	Sinclair
Andrew	Fenn	McLaughlin, Mich.	Sinnott
Bacharach	Fish	McSweeney	Smith
Bacon	Fisher	MacGregor	Smithwick
Barbour	Fitzgerald	MacLafferty	Snyder
Barkley	Fleetwood	Madden	Speaks
Beedy	Foster	Magee, N. Y.	Sproul, Ill.
Beers	Frear	Magee, Pa.	Sproul, Kans.
Begg	Fredericks	Major, Mo.	Stalker
Bixler	Free	Manlove	Stedman
Boies	Freeman	Mapes	Stephens
Boyce	French	Merritt	Strong, Kans.
Brand, Ga.	Gardner, Ind.	Michener	Strong, Pa.
Buckley	Gibson	Miller, Wash.	Summers, Wash.
Burdick	Gifford	Montague	Summers, Tex.
Burtess	Gilbert	Mooney	Swing
Burton	Graham, Ill.	Moore, Ohio	Swoope
Butler	Graham, Pa.	Moorehead	Taylor, Tenn.
Byrns, Tenn.	Green, Iowa	Morgan	Temple
Campbell	Griest	Morris	Thatcher
Canfield	Griffin	Murphy	Thompson
Cannon	Hadley	Nelson, Me.	Tillman
Carter	Hammer	Nelson, Wis.	Timberlake
Chindblom	Hardy	Newton, Minn.	Tinkham
Christopherson	Harrison	Newton, Mo.	Underhill
Clague	Hastings	O'Connell, R. I.	Underwood
Cleary	Haugen	O'Sullivan	Vaile
Cole, Iowa	Hayley	Paige	Vestal
Colton	Hickey	Parker	Vincent, Mich.
Connolly, Pa.	Hill, Md.	Peavey	Vinson, Ga.
Cooper, Ohio	Hoch	Perkins	Vinson, Ky.
Cramton	Hudson	Phillips	Voigt
Crowther	Hull, Iowa	Purnell	Ward, N. C.
Croll	Hull, Morton D.	Ragon	Ward, N. Y.
Crosser	Hull, William E.	Raker	Watres
Cummins	James	Ramsayer	Watson
Curry	Johnson, Wash.	Ransley	Weaver
Dallinger	Kearns	Rayburn	Wefald
Darrow	Kelly	Reece	Welsh
Deal	Ketcham	Reed, N. Y.	White, Kans.
Dickinson, Iowa	Kindred	Richards	White, Me.
Doughton	Kopp	Roach	Williams, Mich.
Dowell	Kurtz	Robinson, Iowa	Williams, Tex.
Dyer	LaGuardia	Robson, Ky.	Williamson
Elliott	Lampert	Rogers, Mass.	Wilson, Ind.
Evans, Iowa	Lanham	Romjue	Winter
Evans, Mont.	Larson, Minn.	Rouse	Wood
Fairchild	Lea, Calif.	Rubey	Woodruff
	Leatherwood	Schall	Wright
	Leavitt	Schneider	Wurzbach
	Little	Scott	Yates
	Longworth	Sears, Nebr.	Young
	Lowrey	Shallenberger	Zihlman
	Lyon		

## NAYS—108.

Allen	Davis, Tenn.	Hudspeth	Moore, Ga.
Allgood	Dickinson, Mo.	Humphreys	Moore, Va.
Almon	Domineck	Jacobstein	O'Connell, N. Y.
Aswell	Drane	Jeffers	O'Connor, La.
Bankhead	Drewry	Johnson, Tex.	O'Connor, N. Y.
Ball	Driver	Johnson, W. Va.	Oldfield
Bell	Eagan	Jones	Oliver, Ala.
Bloom	Favrot	Kent	Oliver, N. Y.
Bowling	Fulbright	Kincheloe	Park, Ga.
Box	Garner, Tex.	Lankford	Parks, Ark.
Briggs	Garrett, Tenn.	Larsen, Ga.	Prall
Browning	Garrett, Tex.	Lazaro	Quayle
Bushy	Gasque	Lindsay	Quin
Byrnes, S. C.	Geran	Lozier	Rankin
Carew	Glatfelter	McNulty	Reed, Ark.
Celler	Greenwood	McReynolds	Salmon
Collier	Hayden	McSwain	Sanders, Tex.
Connally, Tex.	Hill, Ala.	Major, Ill.	Sandlin
Connery	Hill, Wash.	Mansfield	Scherer
Cooper, Wis.	Hooker	Martin	Sherwood
Cornell	Howard, Nebr.	Mead	Stegall
Crisp	Howard, Okla.	Milligan	Stengle
Cullen	Huddleston	Minahan	Stevenson

Sullivan  
Swank  
Tague  
Taylor, W. Va.

Thomas, Ky.  
Thomas, Okla.  
Tucker  
Tydings

Upshaw  
Watkins  
Weller  
Wilson, La.

Wilson, Miss.  
Wingo  
Wolff  
Woodrum

## ANSWERED "PRESENT"—4.

Keller

Langley

Snell

Wason

## NOT VOTING—97.

Abernethy  
Anderson  
Anthony  
Berger  
Black, N. Y.  
Black, Tex.  
Blanton  
Boylan  
Brand, Ohio  
Britten  
Browne, N. J.  
Brumm  
Cable  
Casey  
Clancy  
Clark, Fla.  
Clarke, N. Y.  
Cole, Ohio  
Collins  
Davey  
Davis, Minn.  
Dempsey  
Denison  
Dickstein  
Doyle

Edmonds  
Frothingham  
Fuller  
Fulmer  
Funk  
Gallivan  
Garber  
Goldsborough  
Greene, Mass.  
Hawes  
Holaday  
Hull, Tenn.  
Johnson, Ky.  
Johnson, S. Dak.  
Jost  
Kahn  
Kendall  
Kerr  
Kless  
King  
Knutson  
Kunz  
Kvale  
Lee, Ga.  
Lehlbach

Lilly  
Lineberger  
Linthicum  
Logan  
Luce  
McClintic  
McDuffie  
McFadden  
McLaughlin, Nebr.  
McLeod  
Michaelson  
Miller, Ill.  
Mills  
Moore, Ill.  
Morin  
Morrow  
Nolan  
O'Brien  
Patterson  
Peery  
Perlman  
Porter  
Pon  
Rathbone  
Reed, W. Va.

Reld, Ill.  
Rogers, N. H.  
Rosenbloom  
Sabath  
Sanders, Ind.  
Sanders, N. Y.  
Sears, Fla.  
Seger  
Shreve  
Sites  
Sweet  
Taber  
Taylor, Colo.  
Tilson  
Tinchner  
Treadway  
Vare  
Walnwright  
Wertz  
Williams, Ill.  
Winslow  
Wyant

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Davis of Minnesota (for) with Mr. Linthicum (against).  
Mr. Porter (for) with Mr. Black of New York (against).  
Mr. Greene of Massachusetts (for) with Mr. Dickstein (against).  
Mr. Edmonds (for) with Mr. Boylan (against).  
Mr. Treadway (for) with Mr. Clark of Florida (against).  
Mr. Snell (for) with Mr. Pou (against).

Until further notice:

Mr. Wason with Mr. Rogers of New Hampshire.  
Mr. Shreve with Mr. Sears of Florida.  
Mr. Cable with Mr. Kunz.  
Mr. Wertz with Mr. Clancy.

Mr. SNELL. Mr. Speaker, I have a pair with the gentleman from North Carolina, Mr. Pou, and I desire to withdraw my vote of "yea" and answer "present."

Mr. KING. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present, listening, when his name was called?

Mr. KING. I heard my name called on the electrical device as I was coming through the hall below in the basement.

The SPEAKER. The gentleman does not bring himself within the rules.

The result of the vote was announced as above recorded.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move to reconsider the vote by which the resolution was passed and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, I object. I think we may have to have a division of the question.

The SPEAKER. The gentleman from Tennessee objects.

Mr. GARRETT of Tennessee. Mr. Speaker, I have offered a privileged resolution, and possibly after that is disposed of there will be no objection to the motion of the gentleman from Pennsylvania.

Mr. SNELL. Mr. Speaker, would the gentleman be willing to let that go over until to-morrow?

Mr. GARRETT of Tennessee. I am going to take the ruling of the Speaker on the proposition of whether the resolution I offer is privileged.

Mr. CRAMTON. Mr. Speaker, in time I shall ask recognition to call up a conference report.

The SPEAKER. Of course, a conference report is of the very highest privilege; but perhaps this resolution is also privileged. The Chair will examine the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I think it should be reported.

The SPEAKER. This resolution is in connection with the same subject which the House has been considering and, of course, it is a matter of the privilege of the House. The Chair is not certain which is of the highest privilege—a conference report or the resolution.

Mr. SNELL. Mr. Speaker, could we not have the resolution read for information?

The SPEAKER. The conference report has not been read, either. The Chair thinks the motion to reconsider comes first. The gentleman from Pennsylvania moves to reconsider the vote

by which the resolution was passed and to lay that motion on the table. Without objection, it will be so ordered.

There was no objection.

Mr. GARRETT of Tennessee. Do I understand, Mr. Speaker, that the ruling of the Chair is that this resolution which I send to the desk is privileged?

The SPEAKER. That is the ruling of the Chair. The Clerk will report the resolution.

The Clerk read as follows:

## House Resolution 217.

Whereas a grand jury of the District Court of the United States for the Northern District of Illinois, southern division, impaneled at the February term, 1924, has reported to that court that certain evidence has been submitted to them involving the payment of money to two Members of Congress;

Whereas the honor and dignity of the Congress require that the facts be immediately ascertained, to the end that such action as is essential for the Congress itself to take may be promptly taken: Therefore be it

*Resolved*, That a select committee of five Members of the House shall be appointed by the Speaker thereof whose duty it shall be to proceed forthwith to make an investigation of such allegation and ascertain—

(a) Whether said "two Members of Congress" so charged are Members of the House of Representatives; and

(b) If so, to make such further investigation as may be essential to establish the truth or falsity of said allegation.

Said committee shall have power to send for persons and papers and administer oaths and shall be permitted to sit during the sessions of the House and any recess thereof and at such place or places as may be necessary to discharge the duties herein imposed.

*Resolved further*, That the Speaker is hereby authorized to issue subpoenas to witnesses upon the request of the committee or any subcommittee thereof at any time, including any recess of the Congress; and the Sergeant at Arms is hereby empowered and directed to serve all subpoenas and other processes put into his hands by said committee or any subcommittee thereof.

*Resolved further*, That said committee shall report to the House as promptly as possible the results of its inquiries together with such recommendations as it may deem advisable.

Mr. CRAMTON. Mr. Speaker, I make the point of order on the resolution that the subject matter upon which this motion rests for its privileged status has already been subject to action by the House and has been disposed of.

The SPEAKER. The Chair did not hear the reading of the resolution, but just looked at it, and while it was being read the Chair has been examining the precedents on the question of which has the highest privilege, such a motion or a conference report.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman has made the point of order that it is not privileged at all, now let me say if it be privileged—and I think the Speaker indicated it was—

The SPEAKER. It seemed so to the Chair.

Mr. GARRETT of Tennessee. So far as I am concerned I am willing for it to go over until to-morrow and have a vote upon it and give way to the other matter.

Mr. SNELL. I think it would be better.

Mr. LONGWORTH. Would the gentleman be satisfied to have it referred to the Committee on Rules?

Mr. GARRETT of Tennessee. It has been before the Committee on Rules substantially.

Mr. SNELL. That exact resolution has not been considered, I think, and I think it would be better for it to hold its status until to-morrow morning.

Mr. GARRETT of Tennessee. I am willing to have it voted upon to-night. I am willing to give way upon the other proposition and let the conference report be called up, but I did want the question of privilege determined.

The SPEAKER. The Chair would be glad to wait until to-morrow, but the Chair thinks it is privileged.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that its consideration may go over until to-morrow and come up immediately after the reading of the Journal.

Mr. SNELL. What will be the situation with reference to Calendar Wednesday?

Mr. LONGWORTH. May I suggest to the gentleman that to-morrow is Calendar Wednesday, and it has been dispensed with a number of times—

Mr. GARRETT of Tennessee. I will let it go over until Thursday.

Mr. MADDEN. Let us take a little survey of Thursday. Mr. Speaker, I submit this to the consideration of the House: The Committee on Appropriations has all its bills but two



ready. We have not had a calendar for five weeks, and we came in here this morning expecting to go on with the deficiency bill. There is a very large amount of money involved in the deficiency bill and over 100,000 claims.

Mr. GARRETT of Tennessee. I am perfectly willing to dispose of it at once. I will be very glad to accommodate the gentleman.

Mr. SNELL. Do I understand the gentleman's interests will be as well served if it goes over until Thursday?

The SPEAKER. It is a privileged proposition and—

Mr. GARRETT of Tennessee. I am simply trying to call attention—

Mr. SNELL. The gentleman from Illinois, I think, will agree to that.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the resolution. I am perfectly willing to agree with gentlemen about the matter. I am willing to agree—does the Speaker rule that it could come up to-morrow?

The SPEAKER. Yes; the Chair thinks so.

Mr. GARRETT of Tennessee. Mr. Speaker, I am perfectly willing that it be disposed of to-morrow, immediately after the reading of the Journal, without debate.

Mr. LONGWORTH. The gentleman would be entitled to have an hour and can move the previous question.

Mr. GARRETT of Tennessee. As I say, I am willing for it to come up without debate.

Mr. SNELL. Let us decide on that to-morrow. [Cries of "Vote!"]

The SPEAKER. The Chair did not understand whether an agreement had been reached or not.

Mr. GARRETT of Tennessee. Mr. Speaker, there has been no agreement reached. I will ask—it is not necessary to ask unanimous consent. Mr. Speaker, I will simply give notice that to-morrow immediately after reading of the Journal I shall ask for the consideration of the resolution.

#### INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Interior Department appropriation bill.

The SPEAKER. The gentleman from Michigan calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 10, 34, 40, 52, 53, 54, 55, 56, 57, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 8, 9, 11, 12, 13, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33, 37, 41, 42, 43, 45, 46, 48, 49, 50, 51, 61, and 62, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "\$9,000: *Provided*, That the four inspectors shall not receive per diem in lieu of subsistence for a longer period than 30 days at any one time at the seat of government"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "and each of said tribal attorneys: *Provided further*, That the Commissioner of Indian Affairs shall dispense with the attorney for the Creek Tribe not later than September 1, 1924, and the commissioner shall dispense with any other tribal attorneys at any time their services are no longer needed"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment, insert: "\$7,500"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read

as follows: "*Provided*, That except upon the individual order of the Secretary of the Interior, no part of this appropriation shall be used for the support or education at said school of any native pupil brought from Alaska who enters after January 1, 1925"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert: "\$160,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That no part of the money appropriated under this paragraph shall be expended for the development of electric power until the Secretary of the Interior shall have secured, subject to the needs of the Boise project, a contract with the Gem irrigation district providing for the purchase by that district, for a period to be determined by the Secretary of the Interior, of the electric power necessary for the irrigation of the lands of said district: *And provided further*, That the rates in such contract shall be sufficient to include interest at 5 per centum per annum on the cost of such power development, plus a reasonable depreciation on the power plant, as found by the Secretary of the Interior, and that the contract shall provide that before delivery of power in any season the district shall furnish security satisfactory to the Secretary of the Interior to insure payment to the Government of the power charges for such season, and that such contract shall be entered into only in the event that the holders of not less than 90 per centum of the face value of the bonded and warrant indebtedness of the district shall subordinate their claims to the obligations of the district to the Government under such contract: *And provided further*, That in the event power is furnished from the said power plant to more than one contractor, then the rates for power shall be fixed so that each such contractor, including said district, shall pay only its proper proportionate share of said interest and depreciation, as found by the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$1,706,482"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 15, 16, 17, 18, 19, 36, 38, 39, 47, 58, and 60.

LOUIS C. CRAMTON,  
FRANK MURPHY,  
C. D. CARTER,

*Managers on the part of the House.*

REED SMOOT,  
CHARLES CURTIS,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, submit the following statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 2: Appropriates \$77,000, as proposed by the House, instead of \$80,000, as proposed by the Senate, for contingent expenses of the Department of the Interior.

On No. 3: Permits the purchase of supplies and equipment or the procurement of services in open market, without compliance with sections 3709 and 3744 of the Revised Statutes, when the aggregate amount of the purchase or service does not exceed \$100 in any instance, as proposed by the Senate, instead of similar permission, as proposed by the House, when the aggregate amount of the purchases or the services does not exceed \$100 in any month.

On No. 4: Appropriates \$9,000, instead of \$6,000, as proposed by the House, and \$10,000, as proposed by the Senate, for travel and subsistence for four inspectors, and restores the language proposed by the House and stricken out by the Senate limiting to 20 days the period of time the inspectors may receive per

dium in lieu of subsistence while on duty at the seat of government, amended so as to extend the time to 30 days.

On No. 5: Appropriates \$124,000, as proposed by the Senate, instead of \$110,000 as proposed by the House, for salaries in the office of solicitor.

On No. 6: Appropriates \$175,000, as proposed by the House, instead of \$191,590, as proposed by the Senate, for offices of surveyors general.

On No. 7: Appropriates \$700,000, as proposed by the Senate, instead of \$650,000, as proposed by the House, for surveying public lands.

On Nos. 8, 9, and 10: Provides, as proposed by the Senate, for the consolidation of the offices of registers and receivers at Harrison, Ark., and Clayton, N. Mex.; and restores the House language, stricken out by the Senate, providing for such consolidation of the offices of register and receiver at Rapid City, S. Dak.

On No. 11: Provides for one special Indian Service Inspector, at \$3,500 per annum, and four Indian Service inspectors, at \$2,500 per annum each, as proposed by the Senate, instead of five Indian Service inspectors, at \$2,500 per annum each, as proposed by the House.

On No. 12: Appropriates \$56,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for survey of Indian lands.

On Nos. 13 and 14: Provides one attorney each for the Choctaw, Chickasaw, and Creek Tribes, as proposed by the Senate, instead of a single attorney for all three of the tribes, as proposed by the House; authorizes expenses for said attorneys in the sum of \$1,500 per annum each, instead of \$1,000 per annum, as proposed by the House, and instead of the Senate language providing that such expenses shall be determined and limited as now provided by law; and strikes out the language inserted by the Senate directing the Commissioner of Indian Affairs to dispense with the services of any of the attorneys at any time such services are no longer needed, and inserts in lieu thereof language directing the Commissioner of Indian Affairs to dispense with the attorney for the Creek Tribe not later than September 1, 1924, and to dispense with the services of any other tribal attorneys when no longer needed.

On No. 20: Fixes a maximum of \$7,500, instead of \$5,000, as proposed by the House, and \$10,000, as proposed by the Senate, which may be expended for new construction, without express authorization, out of the appropriation for construction, etc., of school buildings in the Indian Service.

On No. 21: Appropriates \$18,000, as proposed by the Senate, instead of \$12,000, as proposed by the House, for general repairs and improvements at Haskell Institute, Lawrence, Kans., and makes the amount immediately available, as proposed by the Senate.

On No. 22: Appropriates \$15,000, as proposed by the Senate, instead of \$10,000, as proposed by the House, for general repairs and improvements for the Chemawa Indian School at Salem, Oreg.

On No. 23: Restores the language stricken out by the Senate amended so as to provide that, except upon the individual order of the Secretary of the Interior, no part of the appropriation for the Chemawa Indian School at Salem, Oreg., may be expended for the support or education of any native pupil brought from Alaska who enters after January 1, 1925, instead of July 1, 1924, as proposed by the House.

On No. 24: Corrects the total of the appropriation for Indian boarding schools so as to conform to the changes involved in the amendments of the Senate, agreed to by the House conferees, making the total \$2,541,000, as proposed by the Senate, instead of \$2,530,000, as proposed by the House.

On No. 25: Appropriates \$3,000 out of tribal funds, as proposed by the Senate, for employment of counsel for the Wichita and affiliated bands of Indians of Oklahoma.

On No. 26: Designates the appropriation for the Choctaw Indians of Mississippi as being for "general support and civilization" of such Indians, as proposed by the Senate, instead of for "the relief of distress among" said Indians, as proposed by the House.

On No. 27: Appropriates \$160,000 for expenses of administration of the Five Civilized Tribes, instead of \$150,000, as proposed by the House, and \$165,000, as proposed by the Senate.

On Nos. 28, 29, and 30: Appropriates out of tribal funds \$110,000, as proposed by the Senate, instead of \$125,000, as proposed by the House, for support and civilization of Indians under the Klamath, Oreg., agency; and provides, as proposed by the Senate, that \$7,500 thereof may be expended for construction, upkeep, and repair of buildings for administrative purposes.

On No. 31: Appropriates out of tribal funds \$75,000, as proposed by the Senate, instead of \$80,000, as proposed by the House, for the construction at Redby, Minn., of a sawmill and other buildings for the Red Lake Band of Chippewa Indians in the State of Minnesota.

On No. 32: Strikes out the language proposed by the House appropriating out of tribal funds \$8,000 for one-half the cost of constructing a bridge across the Washita River within the Kiowa Indian Reservation, N. Mex.

On No. 33: Appropriates \$82,200, as proposed by the Senate, for the construction of steel bridges across the Rio Grande within the Cochiti and San Juan Pueblo Indian grants, N. Mex.

On No. 34: Limits the appropriation of \$250,000 for the construction of a hydroelectric power plant at the siphon drop on the main canal of the Yuma irrigation project in the manner and in the language proposed by the House, instead of as proposed by the Senate.

On No. 35: Inserts a substitute for the limitation inserted by the House and stricken out by the Senate upon the expenditure of money for the development, in connection with the Boise project, Idaho, of electric power for sale to the Gem irrigation district, Idaho.

On No. 37: Restricts expenditures on the so-called American Falls Reservoir on the Minidoka project, Idaho, in the manner and in the language proposed by the Senate instead of that proposed by the House.

On No. 40: Appropriates \$500,000 for topographic surveys, as proposed by the House, instead of \$540,711, as proposed by the Senate.

On Nos. 41 and 42: Appropriates \$333,722 for geologic surveys, as proposed by the Senate, instead of \$300,000, as proposed by the House, and makes \$15,000 of the sum immediately available for arsenic-bearing ores, as proposed by the Senate.

On No. 43: Appropriates \$280,000, as proposed by the Senate, instead of \$250,000, as proposed by the House, for examination and classification of lands.

On No. 44: Corrects the total for the Geological Survey so as to conform to the action of the conferees on the various amendments, making the figure \$1,706,482, instead of \$1,642,760, as proposed by the House, and \$1,747,193, as proposed by the Senate.

On Nos. 45 and 46: Appropriates \$359,768, as proposed by the Senate, instead of \$350,000, as proposed by the House, for investigations as to the causes of mine explosions.

On No. 48: Appropriates \$78,000, as proposed by the Senate, instead of \$63,000, as proposed by the House, for Hot Springs National Park, Ark., including, as proposed by the Senate, \$18,000 for construction of physical improvements, of which \$15,000 is made available for sewer construction to connect with sewer system of city of Hot Springs.

On Nos. 49 and 50: Appropriates \$336,800, as proposed by the Senate, instead of \$330,000, as proposed by the House, for administration, protection, and maintenance of Yellowstone National Park, Wyo.

On No. 51: Appropriates \$20,750, as proposed by the Senate, instead of \$15,750, as proposed by the House, for administration, etc., of national monuments, and makes immediately available, as proposed by the Senate, \$5,000 thereof for construction of physical improvements of Carlsbad Cave National Monument.

On Nos. 52 and 53: Appropriates \$150,000, as proposed by the House, instead of \$153,000, as proposed by the Senate, for care of insane in Alaska, and limits the annual per capita cost of such maintenance to \$600, as proposed by the House, instead of \$624, as proposed by the Senate.

On No. 54: Appropriates \$1,000,000, as proposed by the House, instead of \$1,250,000, as proposed by the Senate, for maintenance and operation of railways in Alaska.

On No. 55: Appropriates \$25,000, as proposed by the House, instead of \$50,000, as proposed by the Senate, for maintenance and operation of river steamers on the Yukon River, Alaska.

On Nos. 56 and 57: Appropriates \$7,000, as proposed by the House, instead of \$10,000, as proposed by the Senate, for the salary of the Governor of Hawaii.

On No. 59: Strikes out the Senate language appropriating for Howard University \$370,000 for additions to medical school building and \$130,000 for equipment therefor.

On Nos. 61 and 62: Appropriates \$89,000, as proposed by the Senate, instead of \$80,000, as proposed by the House, for personal services for Freedmen's Hospital.



The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1: Relating to the purchase of newspapers by the Department of the Interior.

On Nos. 15 and 16: Relating to the appropriation for irrigation on the Flathead Indian Reservation, Mont.

On No. 17: Relating to the appropriation for irrigation on the Fort Peck Indian Reservation in Montana.

On Nos. 18 and 19: Relating to the appropriation for irrigation on the Blackfeet Indian Reservation, Mont.

On No. 36: Relating to the appropriation for the Minidoka irrigation project, Idaho.

On No. 38: Relating to the appropriation for the Newlands irrigation project, Nevada.

On No. 39: The total for Reclamation Bureau.

On No. 47: Relating to the purchase of Bright Angel Toll Road and Trail, Grand Canyon National Park, Ariz.

On Nos. 58 and 60: Relating to the appropriations for Howard University.

LOUIS C. CRAMTON,  
FRANK MURPHY,  
C. D. CARTER,

*Managers on the part of the House.*

Mr. CRAMTON. Mr. Speaker, at this time I shall not take any long time in presenting the report beyond any questions that may be asked me. I may say this: That the bill when it was reported to the House carried \$261,727,965, and the report of the conferees that is now before you, and the further action which the House conferees will further recommend, if concurred in by the House and ultimately by the Senate, will only produce a bill of \$262,565,455 outside of the tribal funds, or a net increase of the bill above the figure reported to the House of about \$800,000. Of that increase a round \$600,000 comes from the reclamation fund, a revolving fund, which is set apart from other purposes. So from the general funds of the Treasury the increase of the bill, as we hope to have it when we finally get it through the conference, would be about a quarter of a million dollars' increase on the \$261,000,000.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BYRNS of Tennessee. The gentleman referred to the amount of the bill as reported to the House. Just what did it carry when it left the House?

Mr. CRAMTON. It carried only a little less than \$20,000 more than when it was reported by the committee. I quote the figure as it left the committee, because that is what the committee had approved at that time.

Mr. BYRNS of Tennessee. I was under the impression that it carried more, because I recall that they put in \$253,000 for land offices.

Mr. CRAMTON. Yes; but some reductions were made that offset that.

Mr. FRENCH. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. FRENCH. Amendment No. 37 contains one subdivision, No. 3, which requires the American Falls Reservoir district and the Empire irrigation district, in respect to a certain contract—article 46—to rescind or eliminate that part of the contract before the Government will proceed. That part of the contract is a part that guarantees to this district the right to participate in any additional storage which might be developed if additional storage shall be provided for in that reservoir. It is my understanding that in all irrigation districts where additional storage has been provided and which is supplied by the reservoir they shared in the additional storage, and the contract merely recites that which now is the policy of the department. Is that correct?

Mr. CRAMTON. The language in question is a modification by the Senate of language that was inserted on the floor of the House, on my amendment, and covers conditions precedent to any further use of money on the American Falls Reservoir construction. Section 46 of the contract, as to the private districts, as it stands is a very ambiguous section. In the first clause it says that these private districts—the Shepherd district and the others—shall not have any preferential rights to partake in the enlargement of the reservoir. The other part of section 46 says they shall have.

Personally I have felt that it is the natural thing that an existing project that has participated in the construction of the reservoir should have consideration when there comes an enlargement of the reservoir and an increase of water. But I

have a deep-rooted objection to tying the hands of the Government perpetually. But I trust that when the time does come when there is an enlargement the authorities at that time will treat the existing districts fairly, and the elimination of that part of section 46 in this bill does not foreclose proper recognition of the existing districts when that enlargement is made and is not intended to foreclose such consideration; but it is to save the Government from the perpetual lien upon such enlargement in favor of the existing districts.

Mr. FRENCH. And you would want these two districts to simply have the same policy applied to them as is applied to other districts?

Mr. CRAMTON. I trust that when the time comes that they will have proper consideration, and in view of the fact that they are populated, while the public lands are not, I presume they will always be in a position to secure proper consideration.

Mr. Speaker, I will ask unanimous consent to extend my remarks in the RECORD with reference to this particular item in the report. It is understood that payments by the private districts under the text of the bill shall cover the advances heretofore made and interest thereon as indicated by this computation by the service.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, under leave to extend my remarks in the RECORD on the conference report on the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and so forth, I include the following letter:

DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
OFFICE OF THE COMMISSIONER,  
Washington, February 13, 1924.

Hon. LOUIS C. CRAMTON,  
*House of Representatives.*

MY DEAR MR. CRAMTON: Reference is again made to your letter of February 1 concerning expenditures on the American Falls development under the Minidoka Federal irrigation project in Idaho, and there are inclosed four tables as follows:

1. Status of allotment for fiscal year 1924.
2. Allocation of expenditures by Government.
3. Summary of Table 2.
4. Interest on payments due under article 43 of contract.

To secure a more accurate result, in Table 2 we have made computations on a monthly instead of a quarterly basis, which we assume will be satisfactory to you.

Table 3 contains, in addition to a summary of Table 2, an allocation of estimated expenditures from January 1 to March 31, 1924.

I trust these inclosures will give you the information you desire. If they do not do so, will you kindly advise.

Very truly yours,

D. W. DAVIS, *Commissioner.*

TABLE 1.—Status of allotment, fiscal year 1924, American Falls development.

Allotment fiscal year 1924	\$435,500.00
Disbursements to December 31, 1923	60,881.24
Contract liabilities	374,618.76
	74,133.29
Balance	300,485.47

[NOTE.—Since December 31, 1923, the following contracts have been negotiated. All of these contracts have been fully executed and approved with the exception of three. The contract with the Colorado Fuel & Iron Co. is with the company for execution. The contract with the Wheelwright Co. is being prepared in the field for transmittal to the company for execution. The contract with the Oregon Short Line R. R. Co. has been executed and is with the Secretary for final approval.]

The Colorado Fuel & Iron Co., Denver, Colo., (cast-iron pipe and specials)	\$15,494.77
American Wood Pipe Co., Tacoma, Wash. (fir water pipe)	19,716.00
D. C. Dunbar Co., Salt Lake City, Utah (fire hydrants, valves, and valve boxes)	3,957.00
Chris Adolf (hauling gravel)	7,200.00
Mrs. Jennie Rogers (land purchase)	12,500.00
The Wheelwright Co., Ogden, Utah (construction water system) (estimated)	18,000.00
Denver Instrument Co., Denver, Colo.	61.50
Continental Oil Co., American Falls, Idaho	150.00
Oregon Short Line R. R. Co. (moving tracks)	200,000.00
Total	277,079.27

TABLE 2.—American Falls Reservoir (1,040,000 acre-feet capacity), showing net cost and accrued interest to December 31, 1923.

(NOTE: For convenience of computation, columns showing cost figures are cumulative, while interest figures are otherwise.)

Month.	Gross cost reservoir and town site.	Revenues and forfeited payments 10 cents per acre-foot.	Net cost.	American Falls reservoir district, 300,000 acre-feet.		Empire irrigation district, 110,000 acre-feet.		Snake River irrigation district, 20,000 acre-feet.		New Sweden irrigation district, 25,000 acre-feet.		Milner low lift irrigation district, 20,000 acre-feet.	
				Portion of net cost.	Accrued interest.	Portion of net cost.	Accrued interest.	Portion of net cost.	Accrued interest.	Portion of net cost.	Accrued interest.	Portion of net cost.	Accrued interest.
1920.													
Aug. 31.....	\$2,457.68		\$2,457.68	\$708.95	\$3.55	\$259.95	\$1.30	\$47.26	\$0.23	\$59.08	\$0.30	\$47.26	\$0.23
Sept. 30.....	6,516.75		6,516.75	1,879.84	9.40	689.27	3.45	125.32	.63	156.65	.78	125.32	.63
Oct. 31.....	12,329.65		12,329.65	3,556.63	17.78	1,304.10	6.52	237.11	1.19	296.38	1.48	237.11	1.19
Nov. 30.....	26,578.08		26,578.08	7,669.75	38.33	2,811.14	14.06	511.12	2.56	638.90	3.19	511.12	2.56
Dec. 31.....	42,291.49	\$9,927.00	32,364.49	9,835.91	46.68	3,423.17	17.12	622.39	3.11	778.00	3.89	622.39	3.11
1921.													
Jan. 31.....	89,885.69	9,927.00	79,958.69	23,065.00	115.33	8,457.17	42.29	1,537.67	7.69	1,922.08	9.61	1,537.67	7.69
Feb. 28.....	173,763.63	9,927.00	163,836.63	47,260.58	236.30	17,328.87	85.64	3,150.70	15.75	3,938.87	19.69	3,150.70	15.75
Mar. 31.....	205,153.95	9,927.00	195,226.95	56,315.47	281.58	20,649.00	103.25	3,754.36	18.77	4,692.96	23.46	3,754.36	18.77
Apr. 30.....	242,017.33	9,927.00	232,090.33	66,949.12	334.75	24,548.02	122.74	4,463.28	22.32	5,579.09	27.90	4,463.28	22.32
May 31.....	295,423.13	9,927.00	285,496.13	82,043.11	413.22	30,302.48	151.51	5,509.54	27.55	6,885.93	34.43	5,509.54	27.55
June 30.....	410,011.79	11,198.64	408,813.15	117,926.88	589.64	43,239.85	216.20	7,861.79	39.31	9,827.24	49.14	7,861.79	39.31
July 31.....	441,716.08	11,827.00	429,889.08	124,006.63	620.03	45,459.10	227.35	8,267.11	41.34	10,333.89	51.67	8,267.11	41.34
Aug. 31.....	454,897.27	12,427.00	442,470.27	127,635.65	638.18	46,799.75	234.00	8,509.05	42.55	10,636.30	53.18	8,509.05	42.55
Sept. 30.....	462,174.88	15,527.00	446,647.88	128,840.76	644.20	47,241.61	236.21	8,589.38	42.95	10,736.75	53.68	8,589.38	42.95
Oct. 31.....	473,433.09	16,327.00	457,106.09	131,857.52	659.29	48,347.76	241.74	8,790.50	43.95	10,988.13	54.94	8,790.50	43.95
Nov. 30.....	483,767.31	17,127.00	466,640.31	134,607.77	673.04	49,355.18	246.78	8,973.85	44.87	11,217.31	56.09	8,973.85	44.87
Dec. 31.....	499,574.24	17,971.00	481,603.24	138,924.02	684.62	50,938.80	254.69	9,261.60	46.31	11,577.00	57.89	9,261.60	46.31
1922.													
Jan. 31.....	509,371.28	18,595.57	490,775.71	141,569.92	707.85	51,908.97	259.54	9,438.00	47.19	11,767.48	58.99	9,438.00	47.19
Feb. 28.....	517,431.61	19,468.64	497,963.04	142,777.80	713.89	52,351.86	261.75	9,518.52	47.59	11,898.15	59.49	9,518.52	47.59
Mar. 31.....	540,194.08	20,477.64	519,716.44	149,918.64	749.59	54,970.17	274.85	9,994.58	49.97	12,493.22	62.47	9,994.58	49.97
Apr. 30.....	544,478.94	20,684.93	523,794.01	151,094.42	755.05	55,401.29	277.06	10,072.06	50.36	12,591.20	62.96	10,072.06	50.36
May 31.....	551,180.69	21,416.48	529,764.21	152,816.60	764.08	56,032.75	280.16	10,187.77	50.94	12,734.72	63.67	10,187.77	50.94
June 30.....	556,584.57	21,983.00	534,601.57	154,347.57	771.74	56,594.10	282.97	10,289.84	51.45	12,862.30	64.31	10,289.84	51.45
July 31.....	560,150.77	22,549.00	537,601.77	155,077.43	775.39	56,861.72	284.31	10,338.50	51.69	12,923.12	64.62	10,338.50	51.69
Aug. 31.....	562,239.05	23,115.00	539,124.05	155,516.55	777.58	57,022.74	285.11	10,367.77	51.84	12,959.71	64.80	10,367.77	51.84
Sept. 30.....	565,960.44	23,681.00	542,279.44	156,849.84	779.25	57,144.94	285.72	10,389.99	51.95	12,987.49	64.94	10,389.99	51.95
Oct. 31.....	566,080.70	24,247.00	541,833.70	156,298.17	781.49	57,309.33	286.55	10,419.88	52.10	13,024.84	65.12	10,419.88	52.10
Nov. 30.....	568,912.11	24,813.00	544,099.11	156,951.67	784.76	57,548.94	287.75	10,463.44	52.32	13,079.31	65.40	10,463.44	52.32
Dec. 31.....	573,514.59	25,378.00	548,136.59	158,116.32	790.58	57,975.99	289.88	10,541.00	52.75	13,176.36	65.88	10,541.00	52.75
1923.													
Jan. 31.....	576,405.04	26,327.00	550,078.04	159,830.10	799.15	58,604.41	293.02	10,655.35	53.28	13,319.18	66.60	10,655.35	53.28
Feb. 28.....	579,436.62	27,627.00	551,809.62	159,175.56	795.88	58,364.37	291.82	10,611.70	53.06	13,264.63	66.32	10,611.70	53.06
Mar. 31.....	582,295.70	29,027.00	553,268.70	159,596.76	797.98	58,518.51	292.59	10,639.78	53.20	13,299.73	66.50	10,639.78	53.20
Apr. 30.....	585,985.11	31,277.00	554,708.11	159,841.75	799.21	58,698.64	293.04	10,656.12	53.28	13,320.15	66.60	10,656.12	53.28
May 31.....	588,634.08	34,277.00	554,357.08	159,913.29	799.57	58,834.87	293.17	10,669.89	53.30	13,326.11	66.60	10,669.89	53.30
June 30.....	1,876,804.63	37,277.00	1,839,527.63	530,632.97	2,653.16	194,565.42	972.82	35,375.53	176.88	44,219.41	235.37	35,375.53	176.88
July 31.....	1,881,355.22	40,527.00	1,840,828.22	531,008.14	2,655.04	194,702.98	973.51	35,400.54	177.00	44,250.68	235.40	35,400.54	177.00
Aug. 31.....	1,885,264.64	44,127.00	1,841,137.64	531,097.40	2,655.49	194,735.71	973.68	35,403.49	177.03	44,258.12	235.40	35,403.49	177.03
Sept. 30.....	1,914,497.18	47,527.00	1,866,970.18	538,549.09	2,692.75	197,468.00	987.34	35,901.27	177.03	44,879.09	235.90	35,901.27	177.03
Oct. 31.....	1,919,186.54	50,914.55	1,868,271.99	538,924.61	2,694.62	197,605.69	988.03	35,928.31	177.03	44,910.38	235.92	35,928.31	177.03
Nov. 30.....	1,933,715.60	53,721.04	1,880,004.56	542,302.01	2,711.54	198,846.64	994.23	36,153.93	177.03	45,192.42	236.15	36,153.93	177.03
Dec. 31.....	1,955,656.32	57,373.77	1,898,282.55	547,587.27	2,737.93	200,782.00	1,003.91	36,505.82	177.03	45,632.27	236.58	36,505.82	177.03
Total.....	1,955,656.32	57,373.77	1,898,282.55	547,587.27	2,737.93	200,782.00	1,003.91	36,505.82	1,808.26	45,632.27	236.58	36,505.82	854.03

<sup>1</sup> Second payment made October 22.<sup>2</sup> Second payment made May, 1923.<sup>3</sup> Second payment made September, 1923.

TABLE 3.—American Falls-Minidoka project, Idaho.

Gross cost of American Falls to December 31, 1923..... \$1,955,656.32  
 Miscellaneous revenues, including 10 cents per acre-foot payments forfeited..... 57,353.77

Net cost to December 31, 1923..... 1,898,302.55

The following gives the portions of the net cost chargeable to the cooperating districts, assuming 1,040,000 acre-feet as the capacity of the reservoir:

District.	Portion of net cost.	Amount paid.	Balance.	Accrued interest at 6 per cent under article No. 43 of contract.
American Falls, 300/1040.....	\$547,587.27	\$14,325	\$533,262.27	\$37,949.49
Empire, 110/1040.....	200,782.00	0	200,782.00	13,918.66
Snow River, 20/1040.....	36,505.82	102,000	65,494.18	1,808.26
New Sweden, 25/1040.....	45,632.27	127,500	81,867.73	1,529.99
Milner low lift, 20/1040.....	36,505.82	152,000	115,494.18	854.06
Total, 475/1040.....	867,013.18	395,825	471,188.18	56,060.46

<sup>1</sup> Credit.

Using \$150,000 as the estimated cost for the period January 1 to March 31, 1924, the following amounts would be the additional portions due from the districts:

American Falls district, 300/1040.....	\$43,269.24
Empire district, 110/1040.....	15,865.39
Snow River district, 20/1040.....	paid in advance..... 0
New Sweden district, 25/1040.....	do..... 0
Milner low lift district, 20/1040.....	do..... 0
Total.....	59,134.64

TABLE 4.—Bureau of Reclamation—American Falls Reservoir.<sup>1</sup>

(Interest at 10 per cent under article No. 43 of contract.)

ON FIRST PAYMENT OF 10 CENTS PER AMERICAN FALLS.

Districts.	Date due.	Amount.	Paid.		Balance due.	Interest.
			Date.	Amount.		
American Falls.....	June 15, 1923	\$30,000	(?)	\$14,325	\$15,675	\$854.60
Empire.....	do.....	11,000	do.....	2,000	11,000	600.00
Snow River.....	Nov. 15, 1920	2,000	Oct. 20	2,000		
New Sweden.....	Nov. 12, 1923	2,500	do.....	2,500		
Milner low lift.....	do.....	2,000	do.....	2,000		
		47,500		20,825	26,675	1,454.60

ON SECOND PAYMENT OF \$2 PER AMERICAN FALLS.

American Falls..	Sept. 17, 1923	\$600,000			\$600,000	\$17,260.00
Empire.....	Sept. 24, 1923	220,000			220,000	5,846.60
Snow River.....	Sept. 17, 1923	40,000	Sept. 23	\$100,000		
New Sweden.....	do.....	50,000	May 23	125,000		
Milner low lift..	do.....	40,000	Sept. 22	150,000		
		950,000		375,000	820,000	23,106.60

<sup>1</sup> Letter of June 15, 1923, from the American Falls Reservoir district to the Secretary provides that no demands shall be made upon the district under the said contract until the Indian lands are secured and that the district shall not be considered as being delinquent in any of the payments referred to in contract. At the time this letter was approved it was understood that all of the other cooperative contractors should be given the same privilege.

<sup>2</sup> Credit.



The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives 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 March 10:

H. R. 4121. An act to extend the provisions of certain laws to the Territory of Hawaii.

On March 11:

H. R. 584. An act to authorize the county of Multnomah, Oreg., to construct, maintain, and operate a bridge and approaches thereto across the Willamette River, in the city of Portland, Oreg., in the vicinity of present site of Sellwood Ferry;

H. R. 3265. An act to authorize the construction of a bridge between the Boroughs of Brooklyn and Queens, in the city and State of New York;

H. R. 3681. An act to authorize the building of a bridge across the Waccamaw River in South Carolina;

H. R. 4807. An act granting the consent of Congress to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across West Pearl River in the State of Louisiana; and

H. R. 4808. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across the Pearl River between St. Tammany Parish in Louisiana and Hancock County in Mississippi.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3444. An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington;

H. R. 4577. An act providing for the examination and survey of Mill Cut and Clubfoot Creek, N. C.; and

H. R. 5557. An act to authorize the settlement of the indebtedness of the Republic of Finland to the United States of America.

#### PRESIDENT'S MESSAGE—INCOME-TAX REDUCTION (S. DOC. NO. 63).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means:

*To the Congress of the United States:*

It had been my earnest hope that a 25 per cent reduction in taxes to be paid for the current year might be provided by law before the 15th of March current. Many people have been expecting that such would be the case and deferred their tax returns accordingly. It is a matter of such imminent importance that I have no hesitation in recommending that the public welfare would be much advanced by temporarily laying aside all other legislation and enacting a resolution for this purpose, which ought to be by unanimous consent. The taxpayers, the business interests, agriculture, industry, finance; in fact, all the elements that go to make up the economic welfare of the people of America would be greatly benefited by such action. It would remove an element of uncertainty from the current financial year at once, which would be a strong stimulant to business with its resultant benefit to the wage earner and the agriculture of our country. It is impossible to see that any harm could accrue from this action, and there is every prospect of resulting benefits which would be very great. It would be a positive step in the right direction, which is much needed at this time to justify the confidence of the people that the Government is intent solely on the promotion of the public welfare without regard to any collateral objects.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 11, 1924.

#### LEAVE OF ABSENCE.

Mr. ALMON, by unanimous consent, was granted leave of absence, for the remainder of the week, on account of official business.

#### INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, there are certain amendments which have not yet been acted upon by the House.

The SPEAKER. The Clerk will report the amendments.

Mr. RAKER. Mr. Speaker, the gentleman does not intend to dispose of these amendments to-night, does he?

Mr. CRAMTON. Those on which there is no serious controversy. There is a group of three amendments in Montana

which I do not desire to dispose of to-night, because I have an understanding with respect to them with Members interested. There is also an amendment in regard to Howard University.

Mr. RAKER. There is no controversy as to that.

The Clerk read as follows:

Senate amendment No. 1: Page 3, line 25, after the word "offices," insert the following: "not exceeding \$450 for the purchase of newspapers, notwithstanding the provisions of section 192 of the Revised Statutes of the United States."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that amendments 15, 16, 17, 18, and 19, or amendments 15 to 19, inclusive, may be passed over for the present.

The SPEAKER. The gentleman from Michigan asks unanimous consent that amendments 15 to 19, inclusive, may be passed over for the present. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 36: Page 70, line 6, strike out "\$380,000" and insert "\$1,045,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment on page 73, line 12: Strike out the figures "\$155,000" and insert in lieu thereof "\$400,000, of which amount \$245,000 shall be used for drainage purposes when the water users of the Truckee-Carson irrigation district have voted for a contract binding themselves to reimburse the Federal Government for the cost thereof."

Mr. RICHARDS. Will the gentleman from Michigan yield?

Mr. CRAMTON. I will.

Mr. RICHARDS. I note, according to the Senate amendment, that the appropriation has been increased to the original Budget figures. Is that correct?

Mr. CRAMTON. Yes. The Senate proposes the restoration of the Budget figures, but for a different purpose.

Mr. RICHARDS. And the language added, to my way of thinking, is partially in compliance with the idea suggested by the chairman in the original committee hearings.

Mr. CRAMTON. Yes. It has seemed to me, in view of recent controversies, that hereafter, whenever there is an extension to an irrigation project which involves increase in cost, the Government should not proceed with such expenditure until the district to be benefited clearly commits itself to that proposition; and that is the purpose of the further language. I may add that the Reclamation Service has suggested some modification which I think should have consideration by the conferees if they should conclude to accept the amendment.

Mr. RICHARDS. May I ask the chairman this question: If recommitted to conference, does he think the House Members will go into conference with an open mind and give this matter proper consideration?

Mr. CRAMTON. The gentleman is well aware that he himself, Mr. Vincell, a representative of the district, and the Reclamation Service have strongly indorsed this item. Of course, I would not want to commit the House conferees at this time, but I will say to the gentleman that we have open minds and will give it careful consideration when it goes back to conference.

Mr. Speaker, I move that the House further insist on its disagreement.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 39, page 76, line 12: Strike out "\$9,946,000" and insert in lieu thereof "\$10,156,000."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist upon its disagreement to that amendment. It is simply a total which is dependent upon the disposition of the prior amendment.

The SPEAKER. The gentleman from Michigan moves that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 47: Page 87, line 24, strike out "For the purchase of the Bright Angel Toll Road and Trail within the Grand Canyon National Park, Ariz., as contemplated by the 'Act to establish the Grand Canyon National Park in the State of Arizona,' approved February 26, 1919, \$100,000, to be available until expended for payment to the county of Coconino, State of Arizona, for the construction, under the supervision of the National Park Service, of a road from Maine, Ariz., to the south boundary of the Grand Canyon National Park: *Provided*, That no part of such sum shall be expended until after the delivery of a good and sufficient deed by the proper authorities of said county conveying to the United States full and complete title to the said Bright Angel Toll Road and Trail, and acceptance thereof by the Secretary of the Interior."

Mr. CRAMTON. Mr. Speaker, I offer a motion which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers a motion, which the Clerk will report.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment No. 47, and concur therein with an amendment as follows:

In lieu of the matter proposed to be stricken out by said amendment insert: "For the construction of trails within the Grand Canyon National Park, \$100,000, to be immediately available and to remain available until expended: *Provided*, That said sum may be used by the Secretary of the Interior for the purchase from the County of Coconino, Ariz., of the Bright Angel toll road and trail within said park, under such terms and conditions as he may deem proper, and the Secretary of the Interior is authorized to construct an approach road from the National Old Trails Highway to the south boundary of said park."

Mr. CRAMTON. Mr. Speaker, with reference to that amendment, I will only take time at this time to state that the effect of the language is to broaden the scope of the item, but continuing the same amount. While the former language was restricted to the purchase of an existing trail, this gives authority either to purchase or to build. In connection with that the conferees had before them a letter from one RALPH H. CAMERON, setting forth certain statements with reference to Bright Angel Trail, which reads as follows:

MARCH 5, 1924.

In re item appropriating \$100,000 for the purchase of the Bright Angel Trail, Grand Canyon National Park.

Hon. REED SMOOT,

Chairman Senate Conferees on H. R. 5078,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Section 2418, Revised Statutes of Arizona (1913), providing for the jurisdiction and powers of the board of supervisors, sub. 10, provides that the board shall have power to "sell at public auction at the courthouse door, after 30 days' previous notice given by publication in a newspaper in the county, and convey to the highest bidder for cash any property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county. The item referred to in the bill provides that the said sum of \$100,000, if appropriated, "to be available until expended for payment to the county of Coconino, State of Arizona, for the construction, under the supervision of the National Park Service, of a road from Maine, Ariz., to the south boundary of the Grand Canyon National Park," etc. It will be seen, therefore, that the proposed item of \$100,000, if appropriated, will not be paid over to the county of Coconino and deposited in the county treasury. In other words, the consideration proposed to the county of Coconino for this toll road or trail is a remote promise to expend \$100,000 on a road almost wholly within forest areas.

Senator ASHURST in his remarks on this item on February 25, 1924, CONGRESSIONAL RECORD, page 3053, says:

"In other words, the \$100,000 to be appropriated is not to be paid into the treasury of the county to become cash assets of the county; the \$100,000 will be expended, I repeat, under the supervision of the National Park Service for the construction of a road some 62 or 63 miles in length to the national park from the grand artery of auto traffic, the Santa Fe Trail, to the Grand Canyon."

Under the statutes of Arizona, before the board of supervisors can sell real property—for instance, a road or trail—the same must, under appropriate proceedings, be declared of no longer a public use, be condemned, and then sold. According to the figures of the Department of the Interior, from October, 1922, to September 20, 1923, the number of persons who used this trail were 7,130, and the net source of revenue from such use to the county was some \$4,000. Can it be said, therefore, that this trail has no public use in order to come

within the statute for condemnation? It is a question in my mind, should the board of supervisors of Coconino County transfer this toll road and trail contrary to the statute, and in doing so not receive and place in the treasury of the county the consideration therefor, whether they would not be liable to indictment.

It has been stated that I have an interest in certain mining claims within the Grand Canyon National Park which have been the subject of litigation. I reiterate that I have not at the present time, and have not had for many years prior to the date of the creation of the Grand Canyon National Park in 1919, any interest in claims title to which is being litigated by the Government of the United States.

It has also been stated that the water from two springs on the Bright Angel Trail have been polluted with typhoid germs. Title to one of these springs is in the county of Coconino, Ariz.; the other in a mining location in which I have had no interest for many years.

I wish to add, further, should the \$100,000 be paid to the county of Coconino, as proposed by this legislation, the whole amount thereof could not be applied to the building of the proposed road, under the laws of the State of Arizona.

Therefore, in view of the law, it is my opinion, if this proposed legislation is enacted, it can not be consummated, and is illegal.

With kind personal regards, I am,

Sincerely yours,

RALPH H. CAMERON.

It is not possible for me, of course, to say who RALPH H. CAMERON is; that is, who is the RALPH H. CAMERON who writes this letter. There is nothing upon the carbon copy which I have to indicate it. I am sure it can not be the RALPH H. CAMERON I discussed on the floor the other day, because this RALPH H. CAMERON states, "I have not at the present time, and have not had for many years prior to the date of the creation of the Grand Canyon National Park in 1919 any interest in claims, title to which is being litigated by the Government of the United States," whereas the statement which I made on the floor the other day showed that RALPH H. CAMERON was a party to the case of Cameron et al. v. United States (252 U. S. 450), and that the Secretary of the Interior has just called upon the Attorney General of the United States to take appropriate action to protect the interests of the United States and the public in the Grand Canyon National Park against unlawful encroachments maintained by that RALPH H. CAMERON in that park in defiance of that decision of the United States Supreme Court. The RALPH H. CAMERON who was, in 1920, in litigation with the United States over the claims discussed in Two hundred and fifty-second United States, 450, soon will be in litigation again concerning the same claims unless he bows to and obeys that decision, as the following letter from the Attorney General indicates:

DEPARTMENT OF JUSTICE,  
Washington, D. C., March 5, 1924.

THE SECRETARY OF THE INTERIOR.

SIR: Receipt is acknowledged of your letter of February 28, 1924, with respect to the failure of RALPH H. CAMERON and others to fully comply with the decrees rendered against them in certain cases which involved asserted mining claims affecting lands within the Grand Canyon National Park, and in which you also called attention to certain mining claims located in January, 1919, by associates of CAMERON.

I have referred the matter to the United States attorney at Tucson, Ariz., with instructions to give these matters immediate attention; to obtain such order or orders as may be necessary to secure full compliance with the decrees already entered, with such exceptions as you have noted in your letter; also, to take up for immediate action by way of suit the matter of these other claims.

Very respectfully,

(Signed) ALBERT OTTINGER  
(For the Attorney General),  
Assistant Attorney General.

I also referred the other day to a RALPH H. CAMERON, who is a party to litigation with the United States, concerning the validity of certain other claims in the Grand Canyon, 28 in number, discussed on page 3497 of the RECORD, wherein I stated that a hearing set for February 29, 1924, had been continued to next summer on request of Mr. CAMERON. That same RALPH H. CAMERON is a party to this pending litigation and is interested in it is indicated by the following letter:

DEPARTMENT OF THE INTERIOR,  
Washington, January 15, 1924.

Hon. RALPH H. CAMERON.

MY DEAR SIR: Reference is had to your personal conference with me wherein you requested the postponement of the hearing ordered and now set for February 29, at Flagstaff, Ariz., in the case of The United States v. R. H. Cameron et al., involving a group of 28 mining claims in which you are personally interested. You informed me that it was your desire to be present at the taking of testimony, but that your duties \* \* \* would prevent your attendance on the date named.



You requested a continuance be granted until after the adjournment of the present session of Congress.

It is believed that under the circumstances the public interest will in no wise suffer by granting the continuance requested, and the chief of field division of the General Land Office at Santa Fe has been instructed to postpone further action until after the present session of Congress has adjourned.

Very truly yours,

E. C. FINNEY,  
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, January 15, 1924.

Mr. JOHN T. MURPHY,  
Chief of Field Division, G. L. O.,  
Federal Building, Santa Fe, N. Mex.

MY DEAR MR. MURPHY: Reference is had to the case of the United States v. R. H. Cameron et al., involving the Alta Bueno et al. mining claims in the Grand Canyon National Park, of Arizona, in which the taking of testimony has been set before the clerk of the superior court, at Flagstaff, on February 29, 1924.

R. H. CAMERON, a party in interest, desires to be present at the taking of testimony in this case, but states that his duties will prevent his presence thereat on the date now set. He has asked that the hearing be postponed until after the adjournment of the present session of Congress.

Believing the public interest will not suffer through a reasonable continuance, you are instructed to postpone the taking of testimony in this case until the present session of Congress has adjourned or until you are further advised by this office.

Very respectfully,

WM. SPREY, Commissioner.

So it is apparent that one RALPH H. CAMERON is very much concerned with litigation with the United States concerning claims in the Grand Canyon.

The letter to Senator Smoot which I have quoted further says of the water available at Indian Gardens, in the canyon:

It has also been stated that the water from two springs on the Bright Angel Trail have been polluted with typhoid germs. Title to one of these springs is in the county of Coconino, Ariz., the other in a mining location in which I have had no interest for many years.

Again it is evident this can not be the RALPH H. CAMERON I have been talking about.

And let us understand. The water in the springs is pure, but the brook flowing from them is contaminated by the corral and waste and closet pits maintained by one RALPH H. CAMERON at Indian Gardens. And the caretaker, who has at times forbidden use of the water from the springs by park visitors, who has continuously torn down signs warning the public of the impurity and danger of the water in the stream, is an employee of RALPH H. CAMERON and gets his orders from him. Note the statement on page 3499 of the RECORD, where Mr. Burlew says, after phoning Mr. CAMERON on March 1, Mr. CAMERON promised to "wire the custodian of the property to allow them to go ahead and use the water."

And that this caretaker or custodian who gets his orders from RALPH H. CAMERON is still holding the fort in defiance of public need and common decency is evident from the following papers just received by the Interior Department:

THE SECRETARY OF THE INTERIOR,  
Washington, March 8, 1924.

Hon. L. C. CRAMTON,  
House of Representatives.

MY DEAR MR. CRAMTON: In response to your letter asking to be kept advised of developments at the Grand Canyon, so far as the Bright Angel Trail is concerned, I am forwarding to you herewith copies of several letters and telegrams from the superintendent of Grand Canyon National Park bearing on the utilization of the spring at Indian Gardens, which reached the department since March 1, when similar material was furnished you.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE, GRAND CANYON NATIONAL PARK,  
Grand Canyon, Ariz., March 1, 1924.

The DIRECTOR NATIONAL PARK SERVICE,  
Washington, D. C.

DEAR MR. MATHER: We have to-day wired you as per inclosed confirmation. We have also wired the county health officer as per inclosed copy. If the State verifies the analysis of water at Indian Gardens, as I have no doubt they will, we are in a deplorable condition, and unless the service uses every possible means to remove this menace at the earliest possible moment we are deserving of the harshest criticism. In the meantime the Harvey Co. are carrying water from the rim. Aside

from the inconvenience, the water is too warm for drinking purposes after it has been carried for several hours. They have suggested discontinuing the trip, and I have told them it would be a good thing to do, providing the State verifies previous analyses.

Clarkson, Tillotson, Scoyen, and I went down the trail in question on February 27 and placed signs at danger points; a large sign had been previously placed at the head of the trail. On the return trip, February 29, Clarkson and I, who preceded Tillotson and Scoyen, noticed some of the most important signs had been removed. We did not see the caretaker. Tillotson and Scoyen passed Indian Gardens about an hour later, and the caretaker gave them an awful bawling out in front of a lot of tourists. It would serve no purpose to repeat his expressions; but in view of the fact that CAMERON stated \* \* \* that he long ago sold his interests along the Indian Gardens trail, one sentence is significant—"I get my orders from Washington, and that is where your superintendent had better get his unless he wants to follow Reaburn and Crosby." The caretaker stated that he had no objection to warning signs being posted, but under no circumstances would he permit signs to be posted directing visitors to the spring. Recent analyses indicate that water in the spring only is pure.

The Harvey people insist that the time has come to adopt aggressive measures in this matter and we thoroughly agree with them. Under verbal instructions I was to report developments to you, leaving decisions as to actions to be taken to your office. If something is not done at once the caretaker, judging by his present attitude, will try to run us out of the park.

Sincerely yours,

J. R. EAKIN, Superintendent.

[Telegram.]  
GRAND CANYON, ARIZ., March 1, 1924.

The DIRECTOR NATIONAL PARK SERVICE,  
Washington, D. C.:

Sign warning against danger of water at lunch station Indian Gardens torn down by caretaker. Refuses to permit use of water at spring. Situation impossible. Something must be done. Have not received analysis from State.

J. R. EAKIN, Superintendent.

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
GRAND CANYON NATIONAL PARK,  
Grand Canyon, Ariz., March 3, 1924.

DIRECTOR NATIONAL PARK SERVICE,  
Washington, D. C.

DEAR SIR: Mr. Shirley, of the transportation company, has just informed me that the caretaker now permits his guides to take water from the spring for use of members of parties they are conducting. His attitude toward the erecting of signs has not changed.

Very truly yours,

J. R. EAKIN.

Care Mr. ALBRIGHT.

[Western Union Telegram.]  
GRAND CANYON, ARIZ., March 4, 1924.

The DIRECTOR NATIONAL PARK SERVICE,  
Washington, D. C.:

Retel fourth have not been advised of action mentioned. Caretaker very irascible and changes orders to us from day to day. Now permitting guides to get water for parties. Attitude toward signs unchanged.

J. R. EAKIN, Superintendent.

STEPHEN T. MATHER,  
National Park Service:

Re telegram 9th. Situation stands as stated in my letters and telegrams. Have not received analysis from State. Will wire new developments.

EAKIN.

The time for equivocating, of yielding to high official influence, is past. The Grand Canyon must be opened to the public and made safe for the public, and any Ralph H. Cameron who is not interested in the controversy may well stand aside while Uncle Sam eliminates the RALPH H. CAMERON who is asserting rights in the canyon that have no basis in law or equity.

That there may be no question as to the nature of the agreement made by the authorities of Coconino County with the gentleman from Oklahoma [Mr. CARTER] and myself, I offer this letter from the supervisors of that county, but unsigned:

COUNTY OF COCONINO,  
OFFICES OF BOARD OF SUPERVISORS,  
Flagstaff, Ariz., July 16, 1923.

The HONORABLE SECRETARY OF THE INTERIOR,  
Washington, D. C.

DEAR SIR: Replying to your letter of July 6, 1922, requesting terms upon which Coconino County will convey to the Government Bright

Angel Trail, in Grand Canyon National Park, in accordance with section 4 of the act of February 26, 1922:

In the event that Congress shall appropriate not less than the sum of \$100,000 to be expended upon the construction of a road between Maine, Ariz., and the south boundary of Grand Canyon National Park, which will be the park's most important approach highway, the county of Coconino will execute and deliver to the United States Government a good and sufficient deed to the Bright Angel toll road and trail, conveying all its right, title, and interest therein to the United States of America.

Respectfully,

The reasons for not signing are set forth in the following letter of same date from the Board of Supervisors of Coconino County:

COUNTY OF COCONINO,  
OFFICES OF BOARD OF SUPERVISORS,  
Flagstaff, Ariz., July 16, 1923.

The honorable SECRETARY OF THE INTERIOR,  
Washington, D. C.

DEAR SIR: Referring to the tentative agreement between Chairman CRAMTON and other members of the Appropriations Committee and officials of the National Park Service and the Board of Supervisors of Coconino County, Ariz., for the sale by Coconino County to the United States of the Bright Angel toll road and trail in the Grand Canyon National Park, our attention has been called by our county attorney to subdivision 10 of paragraph 2418 of civil code, Arizona, 1913, page 848, reading as follows: "To sell at public auction at the courthouse door, after 30 days' previous notice given by publication in a newspaper of the county, and convey to the highest bidder for cash and property, real or personal, belonging to the county, paying the proceeds into the county treasury for the use of the county."

Our delay in writing you making a proposition in accordance with our tentative agreement has been due to the uncertainty as to our right to carry out this agreement without first putting the property up for sale at public auction.

It is the desire of the board to carry out our tentative agreement to the letter, and our only question is the proper method to follow. We hereby formally propose to convey to the United States all right, title, and interest of the county of Coconino to the Bright Angel Trail in accordance with the letter dictated by Government officials and others while in conference, with the understanding that the property first be offered for sale at public auction, in accordance with statutes above mentioned, and with the distinct understanding that at the time of said sale a bid be made by a representative of your office of at least \$100,000, to be expended by the county of Coconino or under its direction upon the construction of a road between Maine and the south boundary of the Grand Canyon National Park. It is understood that said bid shall be conditional upon an appropriation by Congress of such a sum as may be offered for said trail, not to be less, however, than the sum of \$100,000.

A copy of the letter making the proposal agreed upon is attached hereto. It has not been signed by reason of a possible legal objection. This letter nevertheless embodies the proposal we have desired to make, and do now desire to make, subject to our legal right to make it in this form under our statutes. After considering this letter and the legal objections raised by our county attorney, we shall welcome any suggestions you may have that will simplify the transfer of the trail in accordance with our original agreement.

Assuring you of our desire to live up to the letter and spirit of our tentative agreement, we beg to remain,

Respectfully yours,

R. E. TAYLOR,  
JOHN LOY,

Members Board of Supervisors.

The amendment I have offered makes it possible to build one or more trails with the \$100,000, in the Grand Canyon, if political influence prevents carrying out the agreement entered into. I move to recede and concur as stated.

Ralph H. Cameron in Arizona, who does have interests on that trail, very evidently is not the Ralph H. Cameron who addressed the letter to the Senate conferees, because the facts are entirely different as to the two Ralph H. Camerons.

The SPEAKER. The gentleman from Michigan moves to recede and concur with an amendment.

The motion was agreed to.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, the next two amendments pertain to Howard University. As I have already said, I think I am under obligation not to take them up now, due to the absence of one or two gentlemen who did not have notice that the conference report would be taken up this afternoon. Therefore I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p. m.) the House adjourned until to-morrow Wednesday, March 12, 1924, at 12 o'clock noon.

# EXECUTIVE COMMUNICATIONS, ETC.

895. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on a survey of Calaveras River, Calif., with a view to the control of its floods (H. Doc. No. 217), was taken from the Speaker's table and referred to the Committee on Flood Control and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on the Public Lands. H. R. 4840. A bill authorizing the Secretary of War to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., to the United States Department of Agriculture for agricultural experimental purposes; without amendment (Rept. No. 284). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Invalid Pensions. H. R. 7816. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 283). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7772) granting an increase of pension to Richard B. Abston; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7775) granting a pension to James Fletcher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7774) granting an increase of pension to Alfred D. Burns; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7776) granting a pension to Alvin L. Piercey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7777) granting an increase of pension to George Roberts; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7778) granting a pension to Robert Roberts; Committee on Invalid Pensions discharged, and 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. ELLIOTT: A bill (H. R. 7816) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. LEAVITT: A bill (H. R. 7817) to add points to the Civil Service Commission ratings of veterans of wars participated in by the United States in the appointment of postmasters, and for other purposes; to the Committee on the Civil Service.

Also, a bill (H. R. 7818) to give preference to honorably discharged veterans of wars participated in by the United States in postmastership appointments, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. QUAYLE: A bill (H. R. 7819) to provide for the purchase of a site and the erection of a public building thereon at the city of Brooklyn, in the State of New York, near the Plaza, at the east end of the Williamsburg Bridge; to the Committee on Public Buildings and Grounds.

By Mr. HUDDLESTON: A bill (H. R. 7820) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 7821) to convey to the city of Astoria, Oreg., a certain strip of land in said city; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: A bill (H. R. 7822) to safeguard the distribution and sale of certain dangerous caustic or corrosive



acids, alkalies, and other substances in interstate and foreign commerce, and in the Territories, the District of Columbia, and other places within the exclusive jurisdiction of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 7823) to extend the boundaries of the Cleveland National Forest in Riverside County, Calif., and to create therein a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on the Public Lands.

By Mr. ROGERS of Massachusetts: A bill (H. R. 7824) to amend an act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922; to the Committee on World War Veterans' Legislation.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 218) for the immediate consideration of H. R. 7041; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DARROW: A bill (H. R. 7825) for the relief of William C. Gray; to the Committee on Naval Affairs.

By Mr. DEAL: A bill (H. R. 7826) for the relief of George T. Easton; to the Committee on Claims.

By Mr. FAVROT: A bill (H. R. 7827) authorizing and directing the Secretary of War to cause to be made a preliminary examination and survey of the Bayou Des Ours in Louisiana; to the Committee on Rivers and Harbors.

By Mr. GLATFELTER: A bill (H. R. 7828) granting an increase of pension to Catherine Ernst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7829) granting a pension to Thomas A. Smith; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 7830) for the relief of Jesse A. Frost; to the Committee on Claims.

By Mr. McLEOD: A bill (H. R. 7831) granting a pension to Ann E. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7832) granting a pension to Mary Barney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7833) granting a pension to Gustav F. Breiter; to the Committee on Pensions.

Also, a bill (H. R. 7834) granting a pension to Albert B. Mosinsky; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 7835) for the relief of Frank L. Smith; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 7836) for the relief of John Tully; to the Committee on the Civil Service.

By Mr. PATTERSON: A bill (H. R. 7837) granting an increase of pension to Mary Boylen; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 7838) for the relief of Martha D. McCune; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 7839) granting a pension to Everett Bruley; to the Committee on Pensions.

Also, a bill (H. R. 7840) granting an increase of pension to Gustave Pinksohn; to the Committee on Pensions.

By Mr. WARD of North Carolina: A bill (H. R. 7841) for the relief of Abram L. Alexander, postmaster of Plymouth, N. C., for postal funds stolen from the post office in said town; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 7842) for the relief of J. C. Herbert; to the Committee on Claims.

By Mr. WILLIAMS of Texas: A bill (H. R. 7843) granting an increase of pension to Elizabeth Stokes; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7844) granting an increase of pension to Nancy Leming; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1665. By Mr. ALDRICH: Petition of Roger Williams Council, No. 29, Sons and Daughters of Liberty, Wickford, R. I., urging passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1666. By Mr. ANDREW: Petition of Grain Board, Boston Chamber of Commerce, Boston, Mass., protesting against adoption of McNary-Haugen bill; to the Committee on Agriculture.

1667. Also, petition of patients' committee of the United States Veterans' Hospital, No. 89, at Rutland, Mass., protesting the enactment into law of section 10 of the preliminary report of the select committee of the Senate appointed to investigate the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

1668. By Mr. CULLEN: Petition of the New York Assembly of American Train Dispatchers' Association, favoring the passage of House bill 3674 for the purpose of giving military status to the officers of the Russian Railway Service Corps, which was organized in 1917 by authority of the President of the United States; the appointments to the different ranks, from second lieutenant to colonel, being made by the President through the War Department, such officers entertaining the belief when they voluntarily entered the service thus organized that they were a part of the United States Army; to the Committee on Military Affairs.

1669. Also, petition of the committee to review cases of military prisoners of the World War, favoring a careful review of the case of each military prisoner of the World War now imprisoned, by a board or commission of civilians authorized by Congress, with sessions open to the public as are our civil courts; to the end that justice and the spirit of American fairness, free from influences created by war and violence, may be extended in every case; to the Committee on the Judiciary.

1670. By Mr. GALLIVAN: Petition of League of Jewish Women's Organizations, Boston, Mass., protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1671. Also, petition of Boston Central Labor Union, Boston, Mass., recommending early and favorable consideration of House bill 487, known as the Fitzgerald compensation bill; to the Committee on the District of Columbia.

1672. By Mr. GARBER: Petition of members of American Legion and citizens of Ponca City, Okla., urging passage of adjusted compensation measure; to the Committee on Ways and Means.

1673. By Mr. McNULTY: Petition of Slavish-American Citizens' Club of Bayonne, N. J., protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1674. By Mr. MAGEE of Pennsylvania: Petitions of Duquesne Council 110, O. of I. A.; Pittsburgh Pirory, No. 16; Francis Pershing Temple 216, L. G. E.; Penelope Club; Redstone Lodge 74, B. of R. T.; J. P. Winover 618, Jr. O. U. A. M.; Catalpa Club, Clan-Na-Gail; Council of Borough of Carrick; and McKeesport Lodge, No. 136, B. P. O. E., all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1675. Also, petitions of Schiller Glocke G. & T. V.; National Protective Association; Birmingham, No. 48, I. O. O. F.; International Association of Machinists; Memorial Art Club; Fur Workers' Union 73; Western Pennsylvania Veterinary Club; and Swift Mission Brigade, all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1676. Also, petitions of Schenley Review, No. 140, W. B. A.; G. R. C. Knights of St. George, Branch No. 8; Hibernian Building & Loan Association; Bottler's Protective Association; Allegheny County Board Ladies' Auxiliary A. O. H.; Branch 147, L. C. B. A.; South Side Turners; Lodge No. 44, I. O. B. B.; Hope Lodge, No. 243, Knights of Pythias; Arthur C. Woestehoff Post, 435, V. of F. W.; General Thomas Circle, No. 24, G. A. R.; Smoky City Council, 119, Jr. O. U. A. M.; B. and M. L. U. of Pennsylvania; Olive Branch Sisterhood, D. of M., No. 155; and Sylvian Musical Club, all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1677. Also, petitions of Millvale Business Men's Association; Brotherhood, Grace Lutheran Church; St. Clair Literary and Beneficial Association; Heidelberg Men's Bible Class; Washington Heights Board of Trade; Troy Hill Council, 319, F. P. A.; Dormont Chamber of Commerce; Fort Pitt Division, 672, Railroad Conductors; Thor Lodge, No. 1171, I. O. O. F., all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1678. Also, petitions of Fort Pitt Chapter, No. 130, O. E. S.; George S. Morris Lodge, 431, I. O. O. F.; and Smoky City Lodge, 392, K. of P., all of Pittsburgh, Pa., favoring increased compensation to postal employees; to the Committee on the Post Office and Post Roads.

1679. By Mr. ROUSE: Petition of citizens of Kenton County, Ky., indorsing the passage of an immigration bill; to the Committee on Immigration and Naturalization.

1680. By Mr. TINKHAM: Petition of the Affiliated Technical Societies of Boston, indorsing House bill 4522, authorizing the

completion of the topographical mapping of the United States; to the Committee on Interstate and Foreign Commerce.

1681. By Mr. WEFALD: Petition of the Twin City Carpenters' Union, St. Paul, Minn., urging the defeat of House bill 691, providing for the registration, photographing, and finger printing of the foreign-born workers, like criminals, and urging the defeat of House bill 2900, providing for the scrutiny of prospective immigrants in their native country before allowing them to enter or leave for the United States; to the Committee on Immigration and Naturalization.

1682. Also, petition of a public mass meeting arranged by Greek, Italian, Jewish, Polish, Russian, Slovak, and Ukrainian citizens of Minneapolis, Minn., at the assembly room of the courthouse, protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1683. Also, petition of the Cooperative Livestock Shippers' Association, St. Paul, Minn., urging the passage of House bills 5003, 4823, and 4824, amending the packers and stockyards act; to the Committee on Agriculture.

1684. Also, petition of the Commercial Club of East Grand Forks, Minn., urging the passage of the McNary-Haugen bill (H. R. 5563) providing for the relief of agriculture; to the Committee on Agriculture.

1685. Also, petition of the farmers and business men of Pipestone, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1686. Also, petition of the Crookston (Minn.) Central Labor Union, urging the passage of House bill 487, providing for workmen's compensation for the District of Columbia; to the Committee on the District of Columbia.

1687. Also, petition of the Kittson County (Minn.) Export League, urging the enactment of the McNary-Haugen bill, providing for the relief of agriculture, into law; to the Committee on Agriculture.

## SENATE.

WEDNESDAY, March 12, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we would to-day rest in the sunshine of Thy love and would ask Thee so to qualify us in heart and will that we may be glad to do that which is in accordance with Thy mind. Help us more and more to realize that the things that are eternal are the things which are infinitely worth while, and so regulate our conduct and dispose of our opportunity that we may fulfill the high, enduring pleasure of seeing Thee, who art invisible. We ask in Jesus' name. Amen.

### NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., March 12, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CHARLES CURTIS, a Senator from the State of Kansas, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. CURTIS thereupon took the chair as Presiding Officer.

### THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The principal clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Frazier	Jones, N. Mex.
Ashurst	Couzens	George	Jones, Wash.
Bayard	Curtis	Gerry	Kendrick
Borah	Dale	Glass	Keyes
Brandegee	Dill	Gooding	King
Brookhart	Edge	Hale	Ladd
Broussard	Edwards	Harrell	Lodge
Bruce	East	Harris	McCormick
Bursum	Ferris	Harrison	McKellar
Cameron	Fess	Howell	McKinley
Capper	Fletcher	Johnson, Minn.	McLean

McNary	Pittman	Simmons	Walsh, Mass.
Mayfield	Ransdell	Smith	Walsh, Mont.
Moses	Reed, Mo.	Snoot	Warren
Neely	Reed, Pa.	Spencer	Watson
Norris	Robinson	Stephens	Weller
Oddie	Sheppard	Swanson	Wheeler
Pepper	Shields	Trammell	Willis
Phipps	Shipstead	Wadsworth	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 634) to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun.

### 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 Presiding Officer [Mr. CURTIS] as Acting President pro tempore:

H. R. 6901. An act to amend section 252 of the revenue act of 1921, in respect of credits and refunds; and

S. J. Res. 91. Joint resolution to authorize the National Society United States Daughters of 1812 to place a marble tablet on the Francis Scott Key Bridge.

### ADDRESS BY SENATOR ROBINSON.

Mr. PITTMAN. Mr. President, I ask unanimous consent to have printed in the Record an address by the senior Senator from Arkansas [Mr. ROBINSON] delivered in New York on Friday, March 7, 1924, entitled "The Relation of Business to Government."

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection? The Chair hears none, and it is so ordered. The address is as follows:

ADDRESS OF SENATOR JOSEPH T. ROBINSON AT ANNUAL MEETING OF ARKANSAS SOCIETY, NEW YORK CITY, FRIDAY, MARCH 7, 1924.

### THE RELATION OF BUSINESS TO GOVERNMENT.

Senator ROBINSON. Mr. President, in the political campaign of 1920 the slogan "We want more business in government and less government in business" was used effectively to discredit the party then in power. Many measures enacted by the Congress to help win the war had imposed restraints on industry and enterprise. They proved harassing while the war lasted and became intolerable after the return of peace. Some of these measures had been only lately repealed, while others were still in force, and the phrase "less government in business" induced support for Mr. Harding from thousands of electors who did not take the trouble to recall that all war measures were passed well-nigh unanimously and without the slightest division on party lines.

The policy of "less government in business and more business in government" is correct in principle but quite impracticable of application under existing conditions and in the present state of the public mind. There should be as little governmental interference in private industry as may be consistent with the general welfare. Initiative and enterprise manifestly are hampered and restricted under too rigid regulation, so that timidity and hesitation are often displayed by individuals and corporations where courage and quick decision are required to promote prosperity.

Desirable as the end would be, it is impossible wholly to divorce Government from business without revolutionizing both. No satisfactory method has been proposed to restore governmental functions to that simplicity which existed prior to the appearance of the dominating influences which have their origin in "big business." The trust problem appeared in the United States after the close of the Civil War. The forces and conditions, however, which produced that problem had long been at work. It was inevitable that the combinations of resources essential to the development of unpopulated areas and unused resources should result in coalitions of brain power certain to produce monopolies.

### INFLUENCE OF TRUST AND MONOPOLIES.

The 30 years which immediately followed the close of the Civil War were marked by the multiplication and growth in power of monopolies, so that by 1890 the paramount public problems relating to American business were not how to procure capital for the promotion of large and beneficial enterprises but how to restrain monopolies from exercising sovereignty—how to prevent the trusts from controlling the Government. The act to regulate commerce, enacted in 1887, and