SENATE

FRIDAY, *February 6, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 2975. An act validating certain applications for, and entries of public lands, and for other purposes;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 4294. An act for the relief of heirs of Casimira Mendoza;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes;

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and joint resolutions, which had been signed previously by the Speaker of the House of Representatives:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service";

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3392. An act to amend section 558 of the Code of Law for the District of Columbia;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas;

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10724. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river in the counties of Allegheny and Westmoreland, in the State of Pennsylvania;

S. J. Res. 154. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. J. Res. 155. Joint resolution providing for the filling of a proximate vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

Ashurst	Edge	Kendrick	Ransdell
Ball	Edwards	Keyes	Reed, Pa.
Bayard	Ernst	King	Sheppard
Bingham	Fernald	Ladd	Shipstead
Borah	Ferris	McKellar	Shortridge
Brookhart	Fess	McKinley	Simmons
Broussard	Fletcher	McLean	Smith
Bruce	Frazier	McNary	Smoot
Bursum	George	Mayfield	Spencer
Butler	Glass	Means	Stanfield
Cameron	Gooding	Metcalf	Stanley
Capper	Hale	Neely	Sterling
Caraway	Harreld	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Oddie	Wadsworth
Cummins	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Owen	Warren
Dale	Johnson, Calif.	Pepper	Wheeler
Dial	Johnson, Minn.	Phipps	Willis
Dill	Jones, Wash.	Pittman	

The PRESIDENT pro tempore. Seventy-nine Senators have answered to the roll call. There is a quorum present.

REPORT OF THE COMMISSIONER OF PATENTS

The PRESIDENT pro tempore laid before the Senate the report of the Commissioner of Patents, submitted pursuant to law, for the calendar year 1924, which was referred to the Committee on Patents.

CHILD LABOR

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of Deleware, refusing to ratify the proposed so-called child labor amendment to the Constitution, which was referred to the Committee on the Judiciary:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT.

I, Robert P. Robinson, Governor of the State of Delaware, do hereby certify that attached hereto is a certified copy of Senate Joint Resolution No. 2, entitled: "Senate joint resolution ratifying the proposed amendment to the Constitution of the United States giving to Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age, and suspending the operation of State laws to the extent necessary to give effect to the legislation enacted by the Congress of the United States," the same having been transmitted to me by the Senate of the State of Delaware to be forwarded to the Secretary of State of the United States, Presiding Officer of the United States Senate, and the Speaker of the House of Representatives at Washington, D. C.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Delaware to be affixed at Dover this 3d day of February, in the year of our Lord 1925, and of the independence of the United States the one hundred and forty-ninth.

[SEAL.] ROBT. P. ROBINSON.

By the governor:

WM. G. TAYLOR, *Secretary of State.*

Senate joint resolution ratifying the proposed amendment to the Constitution of the United States giving to Congress the power to limit, regulate, and prohibit the labor of persons under 18 years of age, and suspending the operation of State laws to the extent necessary to give effect to the legislation enacted by the Congress of the United States

Whereas the Congress of the United States has by joint resolution proposed an amendment to the Constitution of the United States of America, which joint resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an

amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE—

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Delaware; and be it further

Resolved, That certified copies of this preamble and joint resolution, together with the action of the legislature therein properly certified, be forwarded to the governor of this State, to be by him sent, one copy to the Secretary of State at Washington, D. C., one copy to the Presiding Officer of the United States Senate at Washington, D. C., and one other copy to the Speaker of the House of Representatives of the United States at Washington, D. C.

I hereby certify that the within is a true and correct copy of the resolution as presented to the Senate of the State of Delaware; and I further certify that the following is a true and correct account of the action of the Senate of the State of Delaware upon the within resolution.

Total members of senate	17
Votes needed to ratify	9
Members voting	17
Votes in favor of ratifying	0
Votes against ratification	17

I therefore certify that the within resolution failed to pass the Senate of the State of Delaware.

Certified to by me as correct this 2d day of February, A. D. 1925.

WILLIAM C. TRUITT,
President pro tempore of Senate of State of Delaware.

Attest:

H. B. JOHNSON,
Chief Clerk of the Senate of the State of Delaware.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of Pennsylvania, which was ordered to lie on the table:

Concurrent Resolution 3

IN THE HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
January 26, 1925.

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania does respectfully request the Congress of the United States to adopt legislation which will provide for retirement privileges for disabled emergency officers of the Army under the same conditions now provided by law for officers of the Regular Army in so far as regards physical disability in line of duty.

Resolved, That the secretary of the Commonwealth forward a copy of this resolution to the President pro tempore of the Senate and the Speaker of the House of Representatives of the United States, and a copy to each Member and Senator from Pennsylvania in Congress of the United States.

The foregoing resolution was adopted by the house of representatives and concurred in by the senate January 26, 1925.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.
W. P. GALLAGHER,
Chief Clerk of the Senate.

Approved the 3d day of February, A. D. 1925.

GIFFORD PINCHOT.

I do hereby certify that the foregoing is a true and correct copy of concurrent resolution of the general assembly No. 3.

CLYDE L. KING,
Secretary of the Commonwealth.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of Minnesota, which was referred to the Committee on Finance:

STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of concurrent resolution from Minnesota Legislature, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 2d day of February, A. D. 1925.

[SEAL.]

MIKE HOLM,
Secretary of State.

A concurrent resolution memorializing the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products

Whereas large quantities of dairy and other agricultural products have been and are being imported into the United States from foreign countries; and

Whereas agriculture is the basic industry and the success of all other lines of industry and business is dependent upon its prosperity; and

Whereas the financial recovery and the future prosperity of agriculture have been and will be delayed and seriously imperiled by continued large importations of agricultural products produced by labor employed under conditions and for wages lower than the American standard and imported under a rate of exchange which more than offsets the protection of the present duties: Therefore be it

Resolved by the Senate of the State of Minnesota, the House of Representatives concurring, That the President and the Congress be, and they hereby are, most earnestly requested to increase the present duties on butter, cheese, condensed milk, casein, cream, milk powder, skimmilk products, and other agriculture products which are now not adequately protected, and that such action be taken before adjournment of the Congress now sitting; and be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President, to the President of the Senate, and to the Speaker of the House of Representatives in the Congress, to the Secretary of Agriculture, to each member of the President's Agricultural Commission, to each member of the Committee on Finance in the Senate, to each member of the Committee on Ways and Means in the House of Representatives, to each member of the Committee on Agriculture in the Senate, to each member of the Committee on Agriculture in the House of Representatives, and to each Senator and Representative from the State of Minnesota in the Congress.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 23d day of January, 1925.

GEO. W. PEACHEY,
Secretary of the Senate.

Passed the house of representatives the 26th day of January, 1925.

OSCAR ARNESON,
Chief Clerk of the House of Representatives.

Approved January 29, 1925.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed January 29, 1925.

MIKE HOLM, *Secretary of State.*

Mr. LADD presented the following resolution adopted by the board of directors of the North Dakota Wheat Growers' Association, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolved by the board of directors of the North Dakota Wheat Growers' Association, representing almost 18,000 farmers of North Dakota growing approximately 25,000,000 bushels of wheat—

1. That the present high market price of wheat is due to a fortunate combination of circumstances, among which was the world shortage of bread grains and the strong position of the wheat pools both in this country and in Canada. The wheat pools, with their program of orderly marketing, have enabled the growers of wheat to take advantage of the present high price of wheat, and by virtue of the increased bargaining power which the pool method of sales promote the price level of wheat has been considerably raised.

2. However, we hold that the present world shortage of bread grains may not, and perhaps will not, be permanent, and therefore it is beyond reasonable expectations that the present high level of wheat prices can be permanently maintained so as to net the growers a profitable price, especially in view of the fact that wheat producers are not yet sufficiently organized to control and stabilize the wheat market to the greatest degree possible; and, further, for the reason that the unregulated surplus production of wheat in this country places the growers of this country on a world price basis in competition with a lower standard of living and a lower production cost in other countries, despite the 42-cent per bushel wheat duty.

3. We commend President Coolidge and the agricultural commission appointed by him for public-spirited and far-visioned recommendations to Congress to enact laws to promote and foster cooperative marketing

and to otherwise enact legislation that will aid in placing agriculture on an equal basis with other industries.

4. We particularly urge the passage of the amended form of the McNary-Haugen bill providing for an export corporation, which will make the wheat duty effective.

5. We approve the Smith-Hoch resolution looking to a readjustment of freight rates, believing the present freight rates on agricultural commodities are out of proportion to their value.

6. We urge the early completion of the St. Lawrence deep-waterway project, which would give the farmers of the Northwest greatly reduced transportation rates on grain and other farm products for export to foreign markets.

7. We believe that the passage of the bill introduced in the House of Representatives by Congressman BRAND of Ohio and in the United States Senate by Senator CAPPER, of Kansas, providing for the establishment of standard weights for loaves of bread, will not only protect consumers of bread from unfair weights but will also promote greater bread consumption in this country, and therefore reduce the exportable surplus of wheat to a considerable degree. We believe it to be to the interest of wheat producers and wheat consumers that this bill be enacted into law.

8. The secretary is hereby instructed to give copies of these resolutions to the press, to President Coolidge, to members of the Agricultural Commission, to the Secretary of Agriculture, to the Secretary of Commerce, to the chairman of the Committee on Agriculture of the United States Senate, to the Committee on Agriculture in the House of Representatives, and to the Senators and Congressmen from North Dakota.

Approved unanimously by the board of directors of the North Dakota Wheat Growers' Association, in session assembled, this 31st day of January, 1925.

A. J. SCOTT,
Secretary North Dakota Wheat Growers' Association.

Mr. WADSWORTH presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

IN SENATE OF STATE OF NEW YORK,
Albany, February 2, 1925.

[By Mr. Gibbs]

Whereas there is pending before Congress a bill known as Senate bill No. 4428 (McCormick bill) which among other things authorized the withdrawal of 10,000 cubic feet per second of water from Lake Michigan by the Sanitary District of Chicago; and there is also pending in the Senate an amendment proposed by Mr. MCKELLAR to H. R. bill No. 3933, which bill provides for the purchase of the Cape Cod Canal property, and which amendment authorizes among other things for some years the withdrawal of 10,000 cubic feet per second of water from Lake Michigan by the Sanitary District of Chicago and thereafter a withdrawal of 7,500 cubic feet per second;

Whereas the withdrawal of 1,000 cubic feet per second of water from Lake Michigan is adequate for the needs of navigation in constructing a waterway from Lake Michigan to ultimately connect with the Mississippi River; and the withdrawal of 10,000 cubic feet per second of water from Lake Michigan at Chicago is damaging navigation interests on the Great Lakes to the extent of approximately $3,000,000 annually in addition to the damage done to other interests:

Resolved (if the assembly concurs), That the Legislature of the State of New York respectfully memorialize the Congress of the United States not to advance to passage the aforesaid bills nor any other measure which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 cubic feet per second; be it further

Resolved, That a copy of these resolutions be transmitted to the Secretary of War, the Clerk of the Senate, and to the Clerk of the House of Representatives, and to each Senator and Representative in Congress representing the State of New York, and that the latter be urged to do all in their power by voice and vote to prevent the passage of this proposed legislation, which by this memorial is brought to the attention of Congress.

By order of the senate,

ERNEST A. FAY, *Clerk.*
IN ASSEMBLY, *February 3, 1925.*

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, *Clerk.*

Mr. BAYARD. I present a resolution adopted at a meeting of the Washington Heights Century Club, of Wilmington, Del., advocating the entry of this country into the World Court under the terms of the Harding-Hughes plan, and I ask that it be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Foreign Relations.

Mr. CURTIS presented resolutions adopted by the Emporia (Kans.) Chamber of Commerce, favoring the making of an appropriation for the improvement of the Missouri River, which were referred to the Committee on Commerce.

Mr. FERRIS presented memorials of sundry citizens of Benton Harbor, St. Joseph, Oxford, Battle Creek, and Charlotte, all in the State of Michigan, remonstrating against the passage of the so-called Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. BINGHAM presented the petition of 123 members of the Woman's Christian Temperance Union of Waterbury, Conn., praying for the passage of the so-called Cramton bill, being the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by members of the Round Table Club, of Bridgeport, Conn., favoring the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Howard University Club, of Hartford, Conn., favoring the passage of legislation providing for the federalization of the Howard University at Washington, D. C., and suggesting certain amendments in proposed legislation relative thereto, which were referred to the Committee on the District of Columbia.

Mr. KING. Mr. President, I present a telegram and ask that it be printed in the RECORD and referred to the Committee on Foreign Relations. It relates to the expulsion of the Greek patriarch from Constantinople.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 3, 1925.*

Senator WILLIAM H. KING,
United States Senate, Washington, D. C.:

The brutal expulsion of the most reverend Ecumenical Patriarch of Constantinople by the Turkish authorities, constituting a hard blow against the Holy Orthodox Church of which we are devout communicants, prompts us to appeal most earnestly to the Government of our glorious adopted country and respectfully ask that our protest be transmitted to the Turkish Government. We remember that it was at the instance of the American Government that the patriarch, by the treaty of Lausanne, obtained the right to remain at Constantinople as it has done for the last 17 centuries. We protest against the violation of the Lausanne treaty by Turkey and we express the hope that the American Government will take due notice of this brutal Turkish act which strikes at the very heart of the mother of all churches, and makes a scrap of paper out of a solemn treaty.

Respectfully,

THE CENTRAL COMMITTEE OF THE
GREEK LOYALIST LEAGUE OF AMERICA,
DAZEAS STRATAKOS PATRINAKOS,
1½ Columbus Avenue, New York.

REPORTS OF COMMITTEES

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10770) granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes, reported it with an amendment and submitted a report (No. 1022) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 2663) to standardize the procedure with reference to surety bonds running in favor of the United States, and for other purposes, reported it with amendments and submitted a report (No. 1023) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (H. R. 27) to compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest, reported it without amendment and submitted a report (No. 1024) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3264) for the relief of Horace G. Knowles, reported it without amendment and submitted a report (No. 1025) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon:

A bill (S. 2421) for the relief of John J. Beattie (Rept. No. 1026); and

A bill (S. 3311) for the relief of Alden H. Baker (Rept. No. 1027).

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 2865) to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, reported it with amendments and submitted a report (No. 1028) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9494) to enable the Board of Supervisors of Los Angeles County to maintain public camp grounds within the Angeles National Forest, reported it without amendment.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6651) to add certain lands to the Umatilla, Wallowa, and Whitman National Forests in Oregon (Rept. No. 1029);

A bill (H. R. 8366) to add certain lands to the Santiam National Forest (Rept. No. 1030); and

A bill (H. R. 9028) to authorize the addition of certain lands to the Whitman National Forest (Rept. No. 1031).

Mr. JOHNSON of Minnesota, from the Committee on Claims, to which was referred the bill (S. 2896) for the relief of Joseph B. Tanner, reported it with an amendment and submitted a report (No. 1032) thereon.

Mr. PEPPER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, reported it with amendments.

INVESTIGATION OF INTERNAL REVENUE BUREAU

Mr. COUZENS, from the Select Committee on Investigation of the Bureau of Internal Revenue, pursuant to Senate Resolution 168, Sixty-eighth Congress, reported the testimony taken on certain dates included in the committee hearings known as parts 6, 7, and 8, which was ordered to lie on the table.

COTTON MERCHANDISING PRACTICES (S. DOC. NO. 194)

Mr. SMITH. I am directed by the Committee on Agriculture and Forestry to report a resolution which I ask may be read and agreed to.

The resolution (S. Res. 327) was read, as follows:

Resolved, That the report of the Federal Trade Commission on cotton merchandising practices, transmitted to the Senate on January 20, 1925, in response to Senate Resolution No. 252, be printed as a Senate document.

Mr. SMOOT. There never has been printed as a public document a report from any of the commissions of the Government. We make direct appropriations for the printing of their reports. I do not know what the report is.

Mr. NORRIS. It is a report that was referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. It is then made in conformity with a request of the Senate?

Mr. SMITH. The Committee on Agriculture and Forestry instructed me to report the resolution.

Mr. SMOOT. I have no objection if it is in answer to a request made by the Senate. Then there is no rule against it; but if the Federal Trade Commission made the report themselves, there is a rule against it.

Mr. NORRIS. In reality it is a report made by the Committee on Agriculture and Forestry.

The resolution was considered, by unanimous consent, and agreed to.

BILLS INTRODUCED

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

By Mr. GLASS:

A bill (S. 4240) for the relief of Laura C. Hughes; to the Committee on Claims.

By Mr. EDGE:

A bill (S. 4241) granting an increase of pension to Sarah A. Murray; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4242) granting a pension to Emily E. Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4243) for the relief of the Milwaukee Journal, of Milwaukee, Wis.; to the Committee on Indian Affairs.

By Mr. COPELAND:

A bill (S. 4244) for the relief of C. E. Waite; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4245) granting a pension to Martha J. Schaffer; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4246) granting a pension to Emery W. Hackett; to the Committee on Pensions.

By Mr. STANFIELD:

A bill (S. 4247) for the relief of George Walthers; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4248) to amend section 14 of the act approved June 10, 1922, known as the pay readjustment act for the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. JOHNSON of Minnesota:

A bill (S. 4249) granting an increase of pension to Mercy J. Harris (with accompanying papers); to the Committee on Pensions.

CHANGES OF REFERENCE

On motion by Mr. PEPPER, and by unanimous consent, the Committee on the Library was discharged from the further consideration of the bill (S. 4230) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial, and the bill was referred to the Committee on Banking and Currency.

On motion by Mr. BURSUM, and by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 3201) for the relief of Lieut. Col. Charles Burnett, Cavalry; Maj. Philip R. Faymonville, Ordnance Department; First Lieut. Warren J. Clear, Infantry; and Second Lieut. Thomas G. Cranford, jr., Coast Artillery Corps; and the bill was referred to the Committee on Claims.

On motion by Mr. ODDIE, and by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3501) to confer jurisdiction upon the Court of Claims to render judgment in the matter of the claim of Addison B. McKinley, of Reno, Nev., and the bill was referred to the Committee on Claims.

BUILDING ACCOMMODATIONS FOR IMMIGRATION STATIONS

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OPERATION OF MOTOR BUSSES IN THE DISTRICT

Mr. COPELAND submitted the following resolution (S. Res. 328), which was referred to the Committee on the District of Columbia:

Resolved, That the Public Utilities Commission of the District of Columbia, be, and they are hereby, directed to inform the Senate under what authority of law they have granted or may propose to grant to any street railway corporation in the District of Columbia the right to operate motor busses in connection with its street railway service.

PRESIDENTIAL APPROVALS

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

On February 3, 1925:

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;* and

S. 2669. An act for the relief of J. R. King.

On February 4, 1925:

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

THE ITALIAN DEBT

Mr. BORAH. I ask permission to have printed in the RECORD a letter from the Secretary of the Treasury as to the present status of the Italian debt.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, February 5, 1925.

MY DEAR SENATOR: I have your letter of February 2, 1925, requesting to be informed as to the amount of the indebtedness of the Government of Italy to the United States, and as to whether Italy has made any proposition or proposed any plan looking toward an adjustment of its indebtedness.

As regards the amount of the indebtedness, I take pleasure in giving you the following information

PRINCIPAL

Obligations acquired for cash advances prior to Nov. 11, 1918		$1,031,000,000.00
Obligations acquired for cash advances after Nov. 11, 1918	$617,034,050.90	
Less amounts repaid	164,852.94	
		616,869,197.96
Principal amount of obligations now held		1,647,869,197.96

INTEREST

Total interest on obligations evidencing above advances	$507,076,777.48	
Payments made on account (all of which was paid on or prior to May 15, 1919, and largely from Treasury advances)	57,598,852.62	
Accrued and unpaid interest as of Nov. 15, 1924		449,477,924.86
Total indebtedness		2,097,347,122.82

In reply to your further inquiry, I would say that no proposals have been made looking toward an adjustment of this indebtedness.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

WAR-RISK INSURANCE PAYMENTS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, and the bill (H. R. 1671) for the relief of Adaline White be referred to the Committee on Finance. These are bills dealing with war-risk insurance claims, special bills for the payment of the insurance to beneficiaries under two policies. We have 50 or 60 similar bills in the Finance Committee which we are trying to act on in one measure. It is not fair to take up particular cases in this way, but it is much better for everybody concerned that we act on them altogether and in a uniform way.

Mr. SPENCER. Mr. President, I would like to ask the Senator from Pennsylvania, in connection with Senate bill 1387, introduced by the Senator from New Jersey [Mr. EDGE] and reported by me from the Committee on Claims, as to whether the facts involved in that bill are such as may come within any general legislation that the Senator may have in mind?

Mr. REED of Pennsylvania. I do not think we can pass any general legislation, but we hope to report out an omnibus bill that will cover all war-risk insurance cases. There are other cases of the same class as that about which the Senator is inquiring.

Mr. EDGE. As sponsor for the bill referred to by the Senator from Missouri, I am entirely satisfied with this disposition of it in view of the explanation of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there objection to referring the two bills to the Committee on Finance? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED

The bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TOBACCO GROWERS' COOPERATIVE MARKETING ASSOCIATIONS

Mr. ERNST obtained the floor.

Mr. STERLING. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. ERNST. Certainly.

Mr. STERLING. A word in regard to the unfinished business. I want it understood that it is before the Senate, of course.

The PRESIDENT pro tempore. The Senator from South Dakota, being in charge of the unfinished business, has a right to arrest the proceedings at any moment he pleases by an objection.

Mr. STERLING. Then, I will yield to the Senator from Kentucky. I ask that the unfinished business may be laid before the Senate and that the amendment be stated. Then I shall yield.

The PRESIDENT pro tempore. For aught the Chair knows, the Senator from Kentucky rises to address himself to the unfinished business. It is not necessary to lay the unfinished business before the Senate; it is before the Senate.

Mr. ERNST. Mr. President, the Tobacco Growers' Cooperative Association has a membership of over 97,000 growers of bright and dark tobacco in the States of Virginia, North Carolina, and South Carolina. The Dark Tobacco Growers' Cooperative Association has a membership of more than 70,000 growers of the various types of dark tobacco in the States of Kentucky, Tennessee, and Indiana. The Burley Tobacco Growers' Cooperative Association has more than 103,000 members growing Burley tobacco in Kentucky, Ohio, Indiana, Tennessee, West Virginia, and Missouri. All of these associations are nonprofit associations; they have no capital stock. They are organized for the purpose of intelligently merchandising their tobacco instead of dumping it upon the open market, without regard to proper grading and without any ability to follow the usual good practice of making supply conform to demand.

These associations, Mr. President, were formed as the result of the widespread dissatisfaction with economic conditions resulting from poor methods of marketing the raw tobacco extending over a term of many years. The object of these associations has been set out very clearly, as follows:

First, to raise the standards of living in the homes of the tobacco farmers throughout the United States and to give them an opportunity for clean, comfortable living and for acquiring modern enlightenment.

Second, to stabilize the raw-tobacco industry by introducing better systems of grading, by pooling tobacco according to grades, and by offering such tobacco at uniform prices for such grades throughout the tobacco territory.

Third, to merchandise raw tobacco intelligently into all normal and proper channels of trade, just as the manufacturers merchandise the finished goods into the consuming channels of trade.

Lastly, to enable the industry to adjust itself to modern financial and commercial progress.

These organizations have been encouraged in every way by the United States Government. There have been loaned to them in part by the Government for the purpose of carrying on their business millions upon millions of dollars.

I desire to read from a letter of President Coolidge, under date of April 8, 1924, addressed to Judge Bingham, who has taken a leading part in the work of the cooperative associations. The President says:

> It has given me much satisfaction to learn that your association is sending to Europe a commission to represent its varied and highly important interests. I am assured that these cooperative tobacco marketing associations represent at least 250,000 tobacco growers, and that your commission is going abroad in behalf of the export business in American tobacco, with the purpose of establishing the most intimate and mutually helpful relations with the tobacco industries of Europe.
>
> Having been for a long time profoundly impressed with the desirability of developing the cooperative marketing movement to its utmost possibilities in this country, I am especially pleased to know of the mission upon which you are going together with Hon. John W. Davis and Mr. Oliver J. Sands. Your mission suggests the possibility of that larger cooperation on an international basis which is the aspiration of all who hope for a better organized, more productive, and more efficient civilization in this world. Happily, nearly all of us have passed the time when we indulge suspicion that the profit of one country through international trade must somehow represent the loss of some other country. We recognize that the prosperity and advancement of every community are to be shared by the other communities with which it maintains relations. For this reason your embassy must be regarded as not only a quest for business and profits but also as an unselfish effort to coordinate in a mutually advantageous way the interests of our own country with other communities.
>
> Feeling as I do profoundly assured that this is the true measure of such movements, I wish to extend assurances of my hope for the most satisfactory results, together with my belief that yours is one

of the enterprises calculated to bring the world into a closer and better understanding neighborship, which will be the most effective guaranty of peace and of the widest expansion of civilization.

CALVIN COOLIDGE.

I wish to quote also a sentence from a letter of Secretary Hoover to a representative of the growers' association, written on April 7, 1924, as follows:

I have been following with much interest the cooperative movement during the past few years in the marketing of the various agricultural products, and it has been a satisfaction to note the able manner in which many of these cooperative associations have achieved successful results in spite of much opposition on the part of certain factors in the industry who did not fully comprehend at first the real purpose of the movement or were not able to see the economies to be effected by the efficient operation of such a marketing agency in lessening the cost of distribution.

These associations, upon which so many thousands of our citizens depend for their living, have been bitterly complaining of the action of the American Tobacco Co. and the Imperial Tobacco Co. of London, saying that those companies, by boycotting and other methods, which they set out in detail, are endeavoring to destroy the cooperative tobacco growers' associations, and that they have not neglected any opportunities to deprive those associations of that support to which they are entitled.

Because of the foregoing, Mr. President, I offer a resolution and ask for immediate action upon it. I will read the resolution, S. Res. 329, as follows:

Whereas it has been stated openly that an agreement exists between the American Tobacco Co. and the Imperial Tobacco Co. of Great Britain whereby the American Tobacco Co. will sell no tobacco in Great Britain and the Imperial Tobacco Co. will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Co. a practical monoply on certain types of tobacco grown in Virginia, North Carolina, and South Carolina, and special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Co. and processed in the United States in its plants, and the same agreement gives the American Tobacco Co. a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than 270,000 grower members, for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

Whereas the American Tobacco Co. and the Imperial Tobacco Co. are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from nonmember growers at higher prices than tenders theretofore made by such cooperative associations, and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interests in certain types, have caused great damage and harm to the cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Co. and the Imperial Tobacco Co. and enables one company or the other to control the purchase and marketing of these types; and

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative associations; and

Whereas such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements or through any other device or means whatsoever by the American Tobacco Co. and the Imperial Tobacco Co.; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members, and the said cooperative associations; and

Resolved, further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department.

Mr. President, I ask that the papers and document to which I am about to refer may be inserted as part of my remarks without being read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERNST. First, a decision of the House of Lords in the case of the Imperial Tobacco Co. *v.* Albert Bonnan and Bonnan & Co. found in the 1924 appeal cases. The decision is as follows:

In September, 1902, this last-named company made an agreement with the company called the American Tobacco Co., by which it was agreed that the American Tobacco Co. should confine its trade to the United States and certain islands and that the Imperial Tobacco Co. (of Great Britain and Ireland) (Ltd.) should confine its trade to Great Britain and Ireland, and that these two companies should form a third, to be called the British-American Tobacco Co. (Ltd.), which should confine its trade to the rest of the world not included in the territories of the two first companies. And, accordingly, the British-American Tobacco Co. (Ltd.) was incorporated, and to it the other two companies assigned their business, good will, and trademarks outside their respective territories; and mutual covenants were entered into by the three companies confining their trades to their respective territories.

These cooperative associations believe that to-day there is some sort of implied agreement or understanding between these companies whereby this territory is still divided up as originally agreed upon, for the reason that the American Tobacco Co. sells but little of its output in England, and the Imperial Tobacco Co. sells nothing of its product here.

I also desire to file a brief which a commission of these growers, representing the associations I have named, presented to the Imperial Tobacco Co. in England in an endeavor to arrive at a fair understanding with that company and to assume business relations with it, the brief presenting the growers' side of the case.

The brief referred to is as follows:

LONDON, ENGLAND, *May 14, 1924*.

To the IMPERIAL TOBACCO CO. (LTD.),

Bristol, England:

This brief is presented by a commission composed of representatives of the leading tobacco growers' associations of the United States, namely:

Tobacco Growers' Cooperative Association, comprising over 97,000 growers of bright and dark tobacco in Virginia, North Carolina, and South Carolina, represented by Oliver J. Sands, executive manager and chairman of this commission:

G. A. Norwood, president; Tucker Watkins, jr., and Bright Williamson, members executive committee; A. R. Breedlove, assistant general manager.

Dark Tobacco Growers' Cooperative Association, including approximately 70,000 growers of the various types of dark tobacco in Kentucky, Tennessee, and Indiana, represented by R. E. Cooper, general manager, vice chairman of this commission; Mr. Englehard, sales manager.

Burley Tobacco Growers' Cooperative Association, including 103,000 members growing burley tobacco in Kentucky, Ohio, Indiana, Tennessee, West Virginia, and Missouri, represented by James C. Stone, president and general manager. In addition the commission included Aaron Sapiro, general counsel for all these associations.

Mr. Hughes, of the Department of Commerce, is attending the commission at the request of the Secretary of Commerce.

Each of these associations is a nonprofit association, organized without capital stock for the purpose of enabling its members to merchandise their tobacco intelligently instead of dumping it upon the open markets without regard to proper grading and without any ability to follow the usual good practice of making supply conform to demand.

Each association is the result of widespread dissatisfaction with economic conditions resulting from poor methods of marketing raw tobacco over a term of many years.

It is interesting to note that the lowest net return of any group of families in the entire United States, agricultural or industrial, has

been the fate of these tobacco growers in the last 16 years. The average annual family income covering the territory as a whole has been less than $360 for a family; and in the districts in North Carolina, probably the most prosperous of all, the average gross income per family has ranged between $200 and $650 per year. This leaves a net income of less than $400 per year as the maximum.

Most of these families depend primarily on tobacco for income. They may have a few hens and hogs, and perhaps a cow or two; and they may grow a bit of corn or other grains. But the net income figured above includes the estimated value of such commodities in addition to the tobacco productions.

Separately you will find a pamphlet issued by the University of North Carolina and a study of conditions in Virginia and similar territories which present certain intensive studies of such farm conditions. That explains why the standards of living have grown lower in these tobacco States than in any other section of the country. It explains why a State like Kentucky ranks forty-seventh in education in the United States, not because the people do not want education but simply because they can not pay the taxes for schools or teachers. These low incomes over a term of years lead to pathetic social conditions. Illiteracy has increased enormously in these areas, although these sections include the best Anglo-Saxon blood that came to America and represent the descendants of the British people more than any other sections of the United States.

These economic conditions led to great desperation and attracted the attention of the leading thinkers in the United States.

It was the consensus of opinion that social conditions in these areas could be changed only by introducing better methods in agriculture, and that the system of individual marketing was the weakest point in their status.

Therefore these cooperative marketing associations were organized, each in its own sphere, covering special types of tobacco with the express aims—

(a) To raise the standards of living in the homes of the tobacco farmers and to give them an opportunity for clean, comfortable living and for acquiring modern enlightenment;

(b) To stabilize the raw-tobacco industry by introducing better systems of grading and by pooling tobacco according to grades and by offering such tobacco at uniform prices for such grades throughout the tobacco territory;

(c) To merchandise raw tobacco intelligently into all normal and proper channels of trade, just as the manufacturers merchandise finished goods into the consuming channels of trade; and

(d) To enable the industry to adjust itself to modern financial and commercial progress.

This type of organization and these very associations have been fostered and encouraged by the United States Government. Here follows a letter from the President of the United States, addressed to Hon. Robert W. Bingham, who had originally expected to come as the chairman of this commission. This letter shows the current attitude of the President of the United States:

THE WHITE HOUSE,
Washington, April 8, 1924.

MY DEAR JUDGE BINGHAM: It has given me much satisfaction to learn that your association is sending to Europe a commission to represent its varied and highly important interests. I am assured that these cooperative tobacco marketing associations represent at least 250,000 tobacco growers and that your commission is going abroad in behalf of the export business in American tobacco with the purpose of establishing the most intimate and mutually helpful relations with the tobacco industries of Europe.

Having been for a long time profoundly impressed with the desirability of developing the cooperative marketing movement to its utmost possibilities in this country, I am especially pleased to know of the mission upon which you are going, together with Hon. John W. Davis and Mr. Oliver J. Sands. Your mission suggests the possibility of that larger cooperation, on an international basis, which is the aspiration of all who hope for a better organized, more productive, and more efficient civilization in this world. Happily, nearly all of us have passed the time when we indulge suspicion that the profit of one country through international trade must somehow represent the loss of some other country. We recognize that the prosperity and advancement of every community are to be shared by the other communities with which it maintains relations. For this reason your embassy must be regarded as not only a quest for business and profits, but also as an unselfish effort to coordinate in a mutually advantageous way the interests of our own country with other communities.

Feeling, as I do, profoundly assured that this is the true measure of such movements, I wish to extend assurances of my hope for the most satisfactory results, together with my belief that yours is one of the enterprises calculated to bring the world into a closer and better understanding neighborship, which will be the most effective guarantee of peace and of the widest expansion of civilization.

Most sincerely yours,

CALVIN COOLIDGE.

The attitude of the Secretary of Commerce, Mr. Herbert Hoover, is best explained in the following letter addressed to Mr. Oliver J. Sands:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 7, 1924.

DEAR MR. SANDS: The Hon. JAMES F. BYRNES, Congressman from South Carolina, has transmitted to me your letter of March 25 relative to some of the problems with which your tobacco associations are confronted, together with his comments on the subject.

I have been following with much interest the cooperative movement during the past few years in the marketing of the various agricultural products and it has been a satisfaction to note the able manner in which many of these cooperative associations have achieved successful results in spite of much opposition on the part of certain factors in the industry who did not fully comprehend at first the real purpose of the movement, or were not able to see the economies to be effected by the efficient operation of such a marketing agency, in lessening the cost of distribution.

It is not apparent to me that the motive of any cooperative association, which is possessed with a management of broad perspective, is to destroy any existing agency that is rendering a service to the industry, but on the other hand, a cooperative marketing association when efficiently and conservatively managed, is in position to effect economies in the cost of distribution, between the producer and the manufacturer, or foreign importer, in the case of raw products, that will revert alike to both the buyer and the seller. I am constrained to believe that when foreign importers and manufacturers fully comprehend the purpose of cooperative marketing of tobacco the system will not meet with either passive or active resistance; provided, however, that cooperative marketing be effected through a cooperative association whose management adopts sound and liberal business policies.

This department, through its staff in Washington and its representatives in the United Kingdom and Europe, will gladly render any service consistent in connection with your program for the proposed trip to Europe.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

Secretary Hoover likewise sent with the commission Mr. Hughes, as representative of his department, to advise and assist in all activities.

The Secretary of Agriculture has been openly in favor of these tobacco organizations. The Congress of the United States passed specific legislation authorizing and approving cooperative marketing associations of this type.

The attitude of members of the United States Senate is best indicated by a letter from Senator Smith, chairman of the Committee on Interstate Commerce.

UNITED STATES SENATE,
Washington, D. C., April 12, 1924.

Mr. OLIVER J. SANDS,
Executive Manager
Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. SANDS: As you are planning a trip to Europe in the interest of cooperative marketing system of America, I take this opportunity of asking you to present to the representative of the different countries certain facts that have developed since we have attempted to bring about this organization.

Every government must recognize that the basis of all permanent world prosperity is agriculture. The United States recognizing this fact has officially and legislatively given every aid to cooperative marketing that can be given constitutionally. We have exempted these agricultural organizations from the operation of our antitrust laws, we have granted them special financial aid, and the Government is still considering means of further fostering these organizations.

It is alleged and believed that a certain English corporation, doing business in this country, has evidenced their hostility toward these organizations. This course is not calculated to promote that friendly relationship which should exist between Great Britain and America. It would not be considered a proper attitude for an American company, to whom was extended the privilege of doing business under the protection of the English flag, to assume an attitude antagonistic to a trade policy recognized and fostered by the English Government. Therefore, I earnestly hope that you will be able to have this condition remedied so that there may not be any ground for an unfriendly feeling to exist in this respect between any of our people to a great business concern organized under the laws of Great Britain and doing business in America. We take it that those who seek our markets, our own people as well as those from abroad, seek these markets for the sole purpose of trading in the commodities on these markets and not for the purpose of attempting to influence or dictate

the policies governing our markets. The article is the thing of interest and not the individual or corporation that offers it for sale. The commodities offered by the cooperative organizations are the same as offered by other individuals and corporations, and a refusal to buy a commodity simply because it is offered for sale by a given organization necessarily carries with it the declaration that it is the organization and not the commodity that is discriminated against; and as this organization has been recognized and fostered by our Government, we have reason to protest against any discrimination against it.

In behalf of the organization, and believing in the same of fair play that characterizes both nations, I earnestly solicit the careful attention of the proper British authorities to this very important matter.

I am, very sincerely,

E. H. SMITH.

The attitude of Senator SWANSON follows:

UNITED STATES SENATE,
Washington, D. C., April 29, 1924.

To whom it may concern:

I understand several of the officers of the Tobacco Growers' Association contemplate visiting Europe in order to interest tobacco buyers there.

The Tobacco Growers' Cooperative Association is a very large and successful organization, patronized extensively by the growers and purchasers of tobacco in America. Nearly all of the large tobacco companies purchase from the association, and it has been a source of regret that more of the large European companies have not done so.

I believe such a policy on the part of European buyers a mistake, and that when they fully understand the situation and conditions they will abandon it.

I commend the persons representing this association as men of high character and standing, both socially and financially.

With best wishes, I am,

Yours very truly,

CLAUDE A. SWANSON,
United States Senator from Virginia.

The Governors of Virginia and South Carolina have expressed themselves definitely in favor of these organizations.

RICHMOND, *May 1, 1924.*

To whom it may concern:

Mr. Oliver J. Sands and other officers of the Tobacco Growers' Cooperative Association of Virginia, North Carolina, and South Carolina are going abroad for the purpose of presenting the aims and business of the cooperative association to the buyers of leaf tobacco.

The situation of the American farmer has been such as to command the sympathetic interest of our National and State Governments, and many laws have been passed looking toward the betterment of this condition.

After most exhaustive investigation and study the experts of our governments have concluded that the marketing conditions as heretofore existing were such as to deprive the producers of much of the price paid by the manufacturers and consumers and that the cooperative plan of selling would bring to the farmer a larger return for his products.

The Government is not favorable to monopolies or to the undue withdrawal of products from sale, but it is encouraging in every possible way the orderly marketing of the staple crops of this country.

The plan of the tobacco growers is based upon proven methods of organization and management and is supported by many thousands of our best farmers and by the business interests throughout this territory.

It was my pleasure to appoint Mr. Sands as public director of this association and I bespeak for him and his associates the attention and consideration which this most worthy undertaking deserves.

Never before in the history of this world has the welfare of all the people of every country been so fully recognized as a problem of the mutual interest of the leading nations, and in so far as it is possible to cooperate for the general good it will inevitably lead to better understanding and more cordial relations.

Very respectfully,

E. LEE TRINKLE, *Governor of Virginia.*

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, April 28, 1924.

The PRESIDENT IMPERIAL TOBACCO CO.

MY DEAR SIR: I am advised that a commission from the Tri-State Tobacco Growers' Association will go to England soon to lay the matter of the relationship of the Imperial Tobacco Co. and their association before the directors of your company.

As a farmer, principally producing cotton, I have been a student of cooperative marketing for a number of years, and was one of those who, as a private citizen, took an active part in promoting both the cooperative marketing association for cotton and tobacco. It was never intended, and has not been the practice, that cooperative marketing association become a holding company, as has been reported, neither was it their purpose in organizing to force up prices inconsistent with the laws of supply and demand upon either manufacturers or consumers. They are organized for the purpose of promoting orderly marketing and the elimination of the immense expense of "middlemen"—a greater profit for their tobacco than obtained under the former methods of marketing, where their crops were thrown hurriedly upon the market and sold in a short time and at such variable and conflicting prices as to render the future entirely uncertain.

We are merely taking the position that just as every other occupation or vocation is entitled to a reasonable profit for labor performed or investments made, that so the man who feeds and clothes the world and supplies it with its luxuries, is likewise entitled to a reasonable profit over and above the cost of productions.

Our very best people, in the interest of the development of our resources, have taken part in this movement. It has been liberally patronized by many of the principal buyers of tobacco in our country, but for some reason, I must think under misinformation or misapprehension, your company has refused to deal with them and has, in fact, boycotted the association. I sincerely believe that an open investigation of conditions would change your course of action, and that you would find it from every standpoint to your advantage to deal with our American producers through their organizations.

I most earnestly recommend the message that this committee brings to you to your careful consideration, and will appreciate any courtesies you may show them.

Very respectfully yours,

THOMAS G. MCLEOD,
Governor of South Carolina.

In addition, we are attaching affidavits from 52 important local bankers, merchants, and legislators, indicating generally their judgment that the tobacco association, particularly the Bright Tobacco Growers' Organization, is sound, has been cleanly and efficiently managed, and is the type of movement which they favor and desire for their districts.

As a type of the affidavits, we here set forth a statement of Frank Brand:

COMMERCIAL & SAVINGS BANK,
Florence, S. C.

I believe that I am thoroughly familiar with the conditions of the agricultural interest, both past and present, of this and the surrounding counties, being president of the Commercial & Savings Bank of Florence, S. C., with branches at Lake City and Timmonsville, S. C., and connections throughout the tobacco-growing section of the State. A large portion of the business of this bank is directly or indirectly connected with the farmer.

During the years 1920 and 1921 the financial situation of the average farmer was most precarious and disheartening in the extreme both to himself and to those with whom he did business.

The returns from his tobacco were far less than the cost of production.

The farmers, in the latter part of 1921, realizing the hopelessness of the future under the then existing conditions, in an attempt to apply the sound business principles to the marketing of their products as were being used by the great commercial interests of the country, organized cooperative tobacco and cotton associations.

With experienced business executives in charge these associations began to function in 1922. I have now seen them in operation for two years, and have no hesitation in saying that they have been the economic salvation of this section of South Carolina. The effect on the agricultural interests and allied pursuits has been remarkable, and I think I am safe in stating that conditions have improved 100 per cent. I believe that every right-thinking citizen will concede that the basic principles of cooperative marketing are sound and that the farmers in their effort to better their condition without calling on outside assistance should receive every encouragement. A majority of our most influential farmers belong to these associations.

Speaking of the Tobacco Growers' Cooperative Association, the officers are well known to me personally and I have been much impressed with their integrity, ability, and spirit of fair dealing. They have overcome almost unsurmountable obstacles.

One of the most outstanding of these obstacles has been the lack of support, amounting to hostility, of the largest purchaser of the tobacco grown in this section, the Imperial Tobacco Co. This has been clearly indicated to me by their failure to purchase any of their requirements from the association. Their position is so well known that it is the subject of conversation on the streets and, at times, of much bitterness. Our farmers can not understand, nor can it be explained to them, why their organization, controlled by them and operated for them, and at the same time working no hardship on any person, either consumer or manufacturer, sponsored by the Government of the United States, receiving the support of and encouragement of the authorities of every State in the Union, should be singled out by the Imperial

Tobacco Co. alone, of all the great companies for what they can not help but construe as unfriendliness at the least.

I feet that both the Tobacco and Cotton Growers' Cooperative Associations are absolutely essential to the welfare of this State, and I can not indorse them too strongly.

FRANK BRAND,
President of Bank.

These statements as a whole indicate conclusively that the cooperative marketing movement and these associations in particular are definitely in line with the most advanced and intelligent opinion in the United States as to the proper course of progress in agriculture.

The association has done a large business with the R. J. Reynolds Tobacco Co., of Winston-Salem, with the Export Leaf Tobacco Co., and with Liggett & Myers Tobacco Co.

These business relations have proved satisfactory, as the following letters indicate:

R. J. REYNOLDS TOBACCO CO.,
Winston-Salem, N. C., April 26, 1924.

Mr. R. R. PATTERSON,
General Manager Tobacco Growers' Cooperative Association.

DEAR DICK: I have for acknowledgment your favor of the 23d instant, and in reply wish to state that we have bought large quantities of tobacco from your association during the last two years, and it gives us great pleasure to state that our relations with your association have been entirely satisfactory.

Yours very truly,

W. N. REYNOLDS,
Chairman of the Board.

EXPORT LEAF TOBACCO CO.,
New York, April 26, 1924.

Mr. R. R. PATTERSON,
General Manager Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. PATTERSON: The writer wishes to acknowledge receipt of your letter of the 23d, requesting that I write you a letter with reference to our dealings with your association for the past two years, in reply to which I take pleasure in advising that all of the transactions which we have had with your association have been entirely satisfactory.

Assuring you of my highest personal regards, believe me,

Yours very truly,

R. C. HARRISON.

W. DUKE SONS & CO.,
BRAND OF LIGGETT & MYERS TOBACCO CO.,
New York, N. Y., April 24, 1924.

Mr. R. R. PATTERSON,
General Manager Leaf Department,
Tobacco Growers' Cooperative Association,
Richmond, Va.

DEAR MR. PATTERSON: We beg to acknowledge your letter of the 23d instant, and we are always anxious to do anything that you may request. We do not, however, write letters, and in this instance we certainly think it unnecessary since our purchases from you are the strongest kind of evidence.

Yours very truly,

C. W. TOMS.

On the other hand, these associations have been almost wholly unable to do business with the Imperial Tobacco Co. (Ltd.), although efforts have been made from time to time by these associations, and price lists and samples have been submitted.

On the contrary, instead of doing business with the cooperative associations, the Imperial Tobacco Co. has instituted what practically amounts to a boycott against the cooperative associations.

The affidavit of T. C. Watkins, jr., seems to set forth the attitude of one important employee of the Imperial Tobacco Co.:

STATE OF VIRGINIA, *City of Richmond:*

T. C. Watkins, jr., being first duly sworn, deposes and says:

"That I am a member of the board of directors of the Tobacco Growers' Cooperative Association and am employed by the said association as director of warehouse; that the said association is an organization of tobacco growers of the three States of Virginia, North Carolina, and South Carolina, formed for the purpose of cooperatively marketing the tobacco grown by its members, for minimizing speculation and waste, and for stabilizing tobacco markets in the interest of the grower and the public.

"That in the summer of 1922 I traveled on a railroad train from Richmond, Va., to South Boston, Va., with J. J. Hickey, of Richmond, Va., a well-known employee of the Imperial Tobacco Co. of Great Britain and Ireland.

"That in a conversation with the said Hickey at the time and place above mentioned the subject of the said Tobacco Growers' Cooperative Association was discussed.

"That in the said conversation the said Hickey told me that the said Imperial Tobacco Co. would never buy a damn pound of tobacco from the said association; that the said association would soon fail and deserved to fail; that the tobacco growers had no reason to form such an organization as the said association and that it ought not to succeed; that the said Imperial Tobacco Co. was one-third owner in the British American Tobacco Co. and that the said British American Tobacco would not, in his opinion, buy a pound of tobacco from the said association."

T. C. WATKINS, Jr.

Sworn to and subscribed before me, F. G. Cubbon, notary public for the city of Richmond, in the State of Virginia, this 28th day of April, 1924.

F. G. CUBBON, *Notary Public.*

Your company has not rested with a mere boycott; but some of the employees thereof have indicated definite antagonism. The affidavits of H. L. Lane and John Martin and James Thomas Lacy, jr., definitely indicate points where this antagonism has crept out and become public property.

In addition to this boycott and open antagonism, the Imperial Tobacco Co. has taken steps to foster the extension of tobacco production in Georgia, although your officers know as well as all other merchants in the United States that the production has been more than ample for all commercial needs.

The secretary of the Farm Loan Bureau presents evidence of the attitude of the Imperial Tobacco Co. in extending tobacco production in south Georgia, always under the condition that the farmer must sell his crop through the auction warehouses, which are the greatest antagonists of the cooperative marketing idea. The letter of Mr. Hefley follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 23, 1924.

HON. CARTER GLASS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your request over telephone, we furnish below an extract from a report made by our reviewing appraiser on the agricultural conditions in southern Georgia:

"The development of the tobacco industry in south Georgia has during the past two years assumed considerable proportions. It is estimated that between 30,000 and 40,000 acres will be planted in tobacco this coming year. The Imperial Tobacco Co. is fostering this production in cooperation with local banks and supply houses. This company maintains a considerable number of demonstrators who sign up the farmers, under contract, to plant a certain acreage in tobacco, the demonstrator to advise the farmer in the culture, handling, and marketing; also to furnish detail plans for construction of necessary barns. For this service the demonstrator received 10 per cent of gross sales from each farmer, whose operations he supervises. The tobacco company is also said to be directing the establishment of sales warehouses conveniently located, and the farmer is required to dispose of his entire crop through these warehouses. We observed large numbers of tobacco barns, either newly constructed or in process of construction.

"Attention is particularly called to the fact that the demonstrators above referred to are in every way possible working along lines intended to prejudice the farmers against affiliating with the Tobacco Growers' Cooperative Associations. This information was secured by M. Stevens and myself through conversation which we had with demonstrators at the hotel in Willacoochee and at Valdosta."

Yours very truly,

C. R. HEFLEY,
Secretary Farm Loan Board.

In addition, several of the buyers of the Imperial Tobacco Co., particularly Mr. Love, have been paying abnormally high prices for nonmembers' tobacco on the auction floor, especially with divided crops where the owner may be a member of the cooperative association and the tenant sells on the auction floor. In several such instances, when this fact was called to the attention of Mr. Love, he paid a price beyond the price usually paid for that grade of tobacco at that time, obviously to create dissatisfaction and to make the member of the association feel that he was not receiving a proper price for tobacco, because he would receive only the normal and proper price of the tobacco sold in the usual way through the normal channels of trade. The affidavits of F. L. Thomas, H. B. Stokes, E. C. Johnson, and C. C. Johnson support this statement.

In addition, the attitude of the Imperial Tobacco Co. has tended to encourage weak members to breach their contracts with the association and to violate the law of the land by so doing. Both by action and words the representatives of the Imperial Tobacco Co. have helped to create and foment dissatisfaction among members of the cooperative association and to confuse them as to the purposes, operations, and results or accomplishments of these associations.

The attitude of the Imperial Tobacco Co. is believed to be responsible for much trouble with contract violators, particularly in Virginia and North Carolina.

The results of this attitude on the part of the Imperial Tobacco Co. are that one of these associations is unable to sell tobacco to the largest buyer of bright tobacco in the United States, and huge stocks of tobacco are left unsold and have to be carried over to later seasons, always accumulating. Great damage has been done to the cooperative associations. Many contract violations are traceable to the open attitude of the Imperial Tobacco Co. and the terror caused thereby. It has prevented the cooperative associations from stabilizing prices because of the unscientific and manipulated auction markets. It has prevented a proper normal growth of the cooperative association, and it has caused great bitterness against things British. Many scores of thousands of farmers do not look kindly upon the effort of a small group of men sitting in England to thwart them in their one chance to secure a decent standard of living for their families by means of the type of organization which they were encouraged to adopt by their own American leaders, and even by their own Government.

These cooperative associations have refrained from bringing these matters of boycott and discrimination before the Federal Trade Commission or the courts. They have urged their friends in the Senate to refrain from open attacks and from a proposed investigation.

These associations have taken the view that the directors of the Imperial Tobacco Co. may have adopted their present course before they had an opportunity to understand fully the purpose or operations or the probable results of such cooperative marketing associations. These associations believe that the board of directors of the Imperial Tobacco Co. have been advised by their American managers; but these American managers have been acting under the force of their old established ideas and may not feel the responsibility for obstructing an enlightened movement for fair play.

These associations are aware that the company may give various reasons for its refusal to deal with the cooperative associations. It may say that the grading is not right; or that the prices are not right; or that it does not want to deal with new organizations.

But, as a matter of fact, it need not take any tobacco that does not come up to its standards. The grading has satisfied other big companies and purchasers, including the Export Leaf Tobacco Co. and Gallaher (Ltd.). There is not a single thing done in the grading and handling of tobacco purchased on the auction floor that it can not do equally well by purchases from these associations.

The company must admit that the prices are fair, because in some instances it has paid more for tobacco bought from nonmembers than it would need to pay for that grade of tobacco already tendered to it by the association at slightly lower prices. It must recognize that the organization is here and is here to stay. It may point to the fact that in the bright tobacco area we do not have the majority of the growers in the association; but the company knows that we have the majority of the farmers signed on the contracts, and that violations of contract and deliveries in breach of contract have brought the association below the 50 per cent mark, primarily because of the boycott and antagonism of the Imperial Tobacco Co.

There is not a single commercial reason; there is not a single moral justification for the present attitude or the practices of the Imperial Tobacco Co. in either boycotting, antagonizing, or discriminating against these cooperative associations.

The purpose of these associations is to stabilize the industry and to secure a fair price for raw tobacco and to permit the men who grow tobacco to have something to say in determining that fair price in the same way as the Imperial Tobacco Co. has something to say in determining the price for which it sells its manufactured goods to the trade and to the public.

There is no need to continue the system under which the growers had nothing whatsoever to say with regard to the prices of their commodities, and in which they had to take any price that was offered and then debase their standards of living accordingly. Some change of system is bound to stay; and the best thinkers in America believe that cooperative marketing is that change.

Therefore, these associations come to ask that the responsible heads of the Imperial Tobacco Co. definitely change their policy toward cooperative marketing groups; that they stop antagonism and discrimination against cooperative associations; that they stop their policy of urging extension of tobacco production, as far as such activities are actuated by antagonism to the cooperative or are unnecessary as far as quantity or quality of production are concerned; that they begin business relations with the cooperative association and buy from the cooperatives about the same proportion of their purchases as the cooperatives represent in percentage of type of crop handled through each association; all under the assumption that grading will be made satisfactory, and that prices will be fair and will not be greater than the prices at which the Imperial Tobacco Co. is buying such tobacco in bulk from outside sources.

The cooperative associations have confidence in the ultimate sense of justice and fair play on the part of the members of the executive committee of the Imperial Tobacco Co., and urge immediate consideration of this change of policy.

Respectfully submitted.

TOBACCO GROWERS' COOPERATIVE ASSOCIATION.
By G. A. NORWOOD.
BRIGHT WILLIAMSON.
OLIVER J. SANDS.
A. R. BREEDLOVE.
T. C. WATKINS, Jr.
DARK TOBACCO COOPERATIVE ASSOCIATION.
By R. E. COOPER.
J. C. ENGLEHART.
BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION.
By JAMES C. STONE, *President and General Manager.*
AARON SAPIRO, *Counsel.*

Mr. ERNST. I desire also to present the report which was made by this commission after its return from England, and after it had its interviews with the head of the Imperial Tobacco Co. As will be seen from this report, the question which was directed to the Imperial Tobacco Co. by this commission was, "Will you buy tobacco from cooperative associations, assuming that they can satisfy your buyers as to grade, condition, and price?"

The PRESIDENT pro tempore. Does the Senator from Kentucky ask that the documents be printed as a part of his remarks?

Mr. ERNST. I do; these and one or two others which I will supply.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report above referred to is as follows:

REPORT OF COMMISSION ON IMPERIAL CONFERENCE

The tobacco commission arrived at the office of the Imperial Tobacco Co. at 1.25 p. m. on Thursday, May 15.

They were met by Mr. George Falk, secretary of the board of directors, and by him introduced to the majority of the executive committee then in session.

The chairman of the executive committee was not present. It was stated that he was at home on account of illness. Mr. H. W. Gunn acted as chairman, and others present were A. F. Faulkner, Sir Gilbert Wills, C. S. Clark, E. R. Still, solicitor, L. H. Reed, T. R. Davie, Mr. Monckton, and Mr. Earl, and three others, including the assistant to the solicitor, Mr. Still.

At 1.30 the members of the tobacco commission and the representatives of the Imperial Tobacco Co. were invited in to lunch.

At 2.45 they adjourned to the board room and Mr. Gunn called the meeting to order.

Mr. Sands then arose and made the opening statement for the cooperative marketing association. This was a dignified, general statement in behalf of the three associations, explaining generally and without any suggestion of criticism the desire of the cooperative associations to enter into business relations with the Imperial Tobacco Co. At the opening of his remarks Mr. Sands read the letter of President Coolidge, and also letters from the Governor of South Carolina and from Ambassador Kellogg, all of these indicating that these cooperative marketing associations were organized for high purposes and along lines definitely approved by the United States Government. Letters were also presented from Liggett & Myers, R. J. Reynolds Co., and the Export Leaf Tobacco Co. stating that they had been buying tobacco from the cooperative associations and were satisfied.

No further documents were then submitted and no further subjects were then introduced. Then Mr. Sands called on Mr. Stone to speak specifically for the Burley Association. Mr. Stone explained that the condition of the burley section did not primarily depend upon the exportation of tobacco and that the purpose of the cooperative associations was to stabilize prices and avoid wide fluctuations in prices. At this point Mr. Gunn asked questions to try to bring out that the wide fluctuations in burley tobacco were caused by local American conditions only.

Mr. Faulkner was answered on the point regarding his organization to the effect that his organization might remain intact, and that the only departure was that the Imperial Tobacco Co. with the same organization might make purchases from the floors of the associations' warehouses, at the very same time and in the very same places, with the same men with whom it was operating from and with the noncooperatives, or at auction floors antagonistic to the association. The question was: "Will you buy tobacco from the cooperative associations, assuming they can satisfy your buyer as to grade, condition, and price?"

To this question, which was asked in different forms by Mr. Sands and Mr. Sapiro, no definite answer was given at any time during the interview. Mr. Breedlove brought out that he could deliver tobacco in any form desired. Mr. Cooper made the same representation for his association. To these statements were answered general claims of

good will, but no single definite assurance was made nor any indication of a change of policy.

The letter of Mr. Hefley, secretary of the Federal Farm Loan Bureau, was read, stating specifically that the Imperial Tobacco Co. was fostering the extension of tobacco production in southern Georgia under express conditions showing antagonism against the cooperative marketing associations by the Imperial Tobacco Co. Mr. Gunn denied that this had been attempted, and Mr. Reed stated that he knew nothing of it and repudiated it. Efforts were made to get the tobacco commission to openly accept the statement of Mr. Reed and several of the members tactfully stated that they were willing to take Mr. Reed's word and close the matter; but this attitude was not taken by all of the tobacco commission and the majority of the commission remained silent and submitted the letter.

It was then brought out that there was a very general and widespread opinion in the tobacco areas that the Imperial Tobacco Co. was opposed to and actually antagonized these cooperative associations, and that this might be due to subordinate employees or others. The board of directors of the Imperial Tobacco Co. was asked if they would not issue a statement of denial of this feeling; but they declined to do so, and they would make no formal statement or definitely publish anything that would deny that there had been antagonism by any of their employees. Mr. Sands stated that it was his opinion and the opinion of many others that if the cooperative associations were compelled to break up, the Imperial Tobacco Co. would be held to blame in the minds of the farmers throughout the United States.

More than two hours were spent in discussion, and the attempt of the tobacco commission to narrow down the issues to the real point, namely, will the Imperial buy tobacco from the association and stop the boycott, was continually evaded. Mr. Gunn made the statement that they had made purchases, but it was pointed out that the purchases were relatively small. It was stated that out of the dark-fired types in the Dark Tobacco Association they had made purchases of about 25,000 pounds out of more than 12,000,000 pounds purchased from the auction floors, and out of the 150,000,000 pounds of bright tobacco handled by the tobacco growers' cooperative associations in 1923 they had not bought a single pound, but had made small purchases of dark tobacco probably because it could not be bought elsewhere.

Definite evidence was given of the boycott by the Imperial Tobacco Co. definitely proved by no substantial purchases.

The commission then asked for two specific things—first, that definite efforts be made to stop actual antagonism by the Imperial Tobacco Co. against the cooperatives, and to correct publicly the reports of such antagonism, and to stop the extension of tobacco territory against cooperative marketing antagonism, whereas there already is overproduction greater than the commercial requirements, and whereas the increased production was intended solely to embarrass cooperative marketing; second, that in some manner the Imperial Tobacco Co. would make purchases of tobacco from the cooperative marketing associations somewhat in proportion to the amount of tobacco which each association handled, considering each type always with the assurance that such purchases would be satisfactory as to grading and condition and price. The executive committee refused point-blank to do either of these things. They stated that they had been very much interested in the things that the tobacco commission had pointed out.

Mr. Sands, then in the name of the commission, expressed the extreme pleasure of the commission in meeting the various members of the committee. Then the tobacco commission repeated its request for something definite and asked for another meeting at which they might have further discussion and an answer to their specific requests, but Mr. Gunn stated that he did not think another meeting would be helpful.

Then Mr. Sands presented a brief bringing out all of the points of discussion of the entire afternoon. This brief had been prepared in advance and signed by the commission.

Mr. Sands called on Mr. Cooper to speak specifically for the dark association. Mr. Cooper pointed out facts regarding the operations of his association, and further pointed out that this association had been practically unable to make any real sales to the Imperial.

Mr. Gunn then asked questions in an attempt to bring out the idea that the condition of the continental countries was responsible for the bad conditions in the dark tobacco areas. Mr. Cooper replied to this question by pointing out that the continental buyers had bought in very large quantities and did not show evidence of a crippled buying power.

Throughout this discussion the attitude of the directors of the Imperial Tobacco Co. was that of studied and careful courtesy, as if to show that they were going to give the tobacco commission careful attention and thus avoid the charge of having been unwilling to give them a hearing.

Mr. Sands then called on Mr. Breedlove. He explained the eager willingness to sell tobacco to the Imperial Tobacco Co. Then there were questions raised as to the difficulty of the associations delivering tobacco to the Imperial Tobacco Co. because of grading or other conditions. Mr. Breedlove explained that their requirements of grading could be met and that the association was ready and able and willing to sell them any tobacco in any and every condition acceptable by the company. Mr. Gunn repeated three or four times that conditions were different because they had to buy for a different country and had to have different packing, and pointed out other technical details. Mr. Faulkner also brought out the point of the existence of his very expensive organization, made up after the efforts of years, which they did not want to disrupt.

The discussion then became general. Mr. Gunn then asked Mr. Sapiro questions regarding cooperative marketing in general. It looked as though they wanted to get information on all outside things and to avoid any further discussion of the main issue, namely, should they buy tobacco from the associations.

Mr. Sands called on Mr. Bright Williamson for a statement. Mr. Williamson stated how he had become interested in the cooperative movement, and also stated why the movement was essential to the prosperity of his section of the country. Various members of the commission were supported by more than 53 affidavits confirming the various points made. The brief contained copies of letters from the President, Secretary Hoover, the Governors of Virginia and South Carolina, Senators SMITH and SWANSON, and other documents indicating that these associations were in line with the most advanced social and economic thought in the United States. The committee also referred to and left with the executive committee a pamphlet issued by the American Bankers' Association, showing the general support and approval of the bankers of America to the cooperative marketing movement.

Mr. Gunn then invited the commission to tea, but the commission felt obliged to return to London.

Mr. Gunn brought out several times that the English were slow to change, and that they could not be expected to take quick action on this matter. It was brought out to him that this condition had been the same for over two years, and that the things the tobacco commission were requesting were not new things: First, that the Imperial stop its actual antagonistic fight against cooperatives, and, second, that they use their present organization in buying some tobacco from the cooperatives in just exactly the same way they have been operating and buying from the noncooperative growers.

The meeting then broke up. Then Mr. Faulkner stated to Mr. Stone and Mr. Sapiro that he was hardly to blame for his prejudice against the associations, because they received so many newspaper reports and clippings against the cooperative associations; and that he expected to meet with Judge Bingham and Mr. Lloyd-George some time during this month at London to discuss the matter further.

Mr. ERNST. Notwithstanding this effort on the part of the commission from the Tobacco Growers' Association no answer was made to that question, and the Imperial Tobacco Co. would not agree to say even that they were not opposed to the associations. No positive expression of opinion could be obtained from this company.

Next, a letter from one of the representatives of the Growers' Cooperative Association, a portion of which only I will read.

A LETTER FROM A REPRESENTATIVE OF THE GROWERS COOPERATIVE ASSOCIATIONS

JANUARY 20, 1925.

* * * * * * *

This agreement between the American Tobacco Co. and the Imperial Tobacco Co. was originally made in 1902; and provided that the American Tobacco Co. should not sell manufactured goods in the United Kingdom, and that the Imperial Tobacco Co. should not sell manufactured goods in the United States, and that the two of them should form the British American Tobacco Co., which would then sell in the rest of the world.

Then the American Tobacco Co. proceeded to absorb a great many companies in the United States and was finally ordered dissolved by court proceedings culminating in the famous tobacco decree of 1911.

Since that time, strange to say, the American Tobacco Co. still does not sell any important quantities of manufactured goods in Great Britain, and the Imperial Tobacco Co. does not sell in the United States, and there seems to be a continuation of that agreement.

It was originally thought that this agreement and the continuation of the agreement by an understanding through action, would not affect the trade very much, because it was simply a matter as to whether the American Tobacco Co., or the Imperial Tobacco Co. manufactured goods for such and such a trade.

Therefore, the distributers, as such, have not been fighting against this situation.

But it does affect the growers in a very harmful way. Great Britain does not use exactly the same types and grades of tobacco that the American consumers use. Therefore, this agreement and

understanding, between the American Tobacco Co. and the Imperial Tobacco Co., makes the Imperial Tobacco Co. the great purchaser of certain types of tobacco, so that in buying raw-leaf tobacco from the growers it absolutely dominates the market.

A similar result happens in reference to the American Tobacco Co. with certain other grades and types, although there the American Tobacco Co. is not permitted to dominate the market, but simply becomes a very large factor in the market.

Now, if the Imperial Tobacco Co. chooses to boycott a cooperative association, that means that there is practically no other purchaser for that particular grade or type of tobacco, or if the American Tobacco Co. chooses to boycott, that means that the possibility of sale of certain types of tobacco is distinctly limited.

But if there were no understanding between these two companies, then there would be free and open competition between the American Tobacco Co. and the Imperial Tobacco Co. on all of the grades and types, because the American Tobacco Co. would naturally want to buy the leaf tobacco to make the product that the British people like, and the Imperial Tobacco Co. would likewise conform to American taste.

Now the Imperial Tobacco Co. buys an average of 100,000,000 to 125,000,000 pounds of bright tobacco each year. These tobaccos are grown chiefly in the Carolinas and Virginia.

The Tobacco Growers Cooperative Association is composed of about 100,000 growers in Virginia and the Carolinas, and has actually had delivered to it from 26 to 32 per cent of all the bright tobacco produced in the country.

The contracts with the members should have brought a greater delivery, but for reasons which will appear later the control of the crop was between 26 and 32 per cent.

Nevertheless the Imperial Tobacco Co. did not buy any tobacco from the association out of the 1922 or 1923 crops.

The Imperial Tobacco Co. likewise buys from 8,000,000 to 10,000,000 pounds of dark tobacco each year.

The association in 1922 and 1923 had deliveries of 53 and 54 per cent, respectively, of the dark tobacco produced in Virginia.

Yet of that amount the Imperial Tobacco Co. bought from the association less than one-half million pounds out of its total requirements of over 8,000,000 pounds.

The American Tobacco Co. purchases from 30,000,000 to 35,000,000 pounds per year of bright tobacco.

Out of the 1922 crop the American Tobacco Co. bought approximately 5,000,000 pounds from the association, and of the 1923 crop it bought nothing.

On the 1924 crop neither the Imperial Tobacco Co. nor the American Tobacco Co. has bought anything from the association.

* * * * * * *

Not only did the Imperial Tobacco Co. practically boycott these associations, but in addition the buyers for the company did things to attempt to dissatisfy our members and thereby cause a breach of contract. They paid more for tobacco on open-auction floors than they could have purchased that tobacco for on straight tenders made by the association.

Their agents attempted to extend and increase the production of bright tobacco, even in the face of what was generally considered an overproduction.

As the affidavit of Mr. Watkins sets out, Mr. Hickey, one of their important employees, told Mr. Watkins, who is one of the important officials of the Tobacco Growers Cooperative Association, that the Imperial Tobacco Co. "would never buy a d— pound of tobacco from the said association," and so on.

In short the communication of the Cooperative Growers Association to the Imperial Tobacco Co. of May 14, 1924, shows fully the policy of antagonism adopted by this British company to try to prevent the American farmers from conducting their business along lines definitely approved by the leading authorities of this country from the President down.

In the dark-tobacco belt the Imperial Tobacco Co. usually uses 10,000,000 to 12,000,000 pounds of Green River tobacco per year, about 2,000,000 pounds of dark-fired stemming, and about 7,000,000 pounds of dark fired.

Of these requirements the Imperial Tobacco Co. has bought from the Dark Tobacco Growers Cooperative Association, in 1922, the full amount of 25,000 pounds of dark-fired tobacco, and in 1923, 700,000 pounds of Green River tobacco.

In spite of that fact, the Dark Tobacco Growers Cooperative Association has controlled between 40 and 50 per cent of these types of tobacco in Kentucky and Tennessee.

During the same years the American Tobacco Co. had average requirements of 10,000,000 to 12,000,000 pounds of air-cured tobacco and about one-half million pounds of dark-fired tobacco.

In 1922 the American Tobacco Co. purchased 5,000,000 pounds of Green River tobacco and 3,000,000 pounds of One Sucker.

Of the 1923 crop the American Tobacco Co. purchased about 800,000 pounds of Green River tobacco and 300,000 pounds of One Sucker tobacco.

These two companies control the conditions of purchase and sale of the tobacco in the Green River district, and their refusal to buy determines whether or not the crop will move at any price.

Strange to say, the attitude of both of these companies is absolutely parallel in reference to the cooperative associations.

They have attempted to boycott; their buyers have openly favored the auction markets, even where the prices were higher than tenders made by the cooperative associations.

It is impossible for the cooperative associations to meet this situation adequately, without the help of the law.

The associations must find customers; and on the different types, either the American Tobacco Co. or the Imperial Tobacco Co. prevails and dominates.

They can hold off these markets, and then spread rumors to the effect that the association can not sell the tobacco.

That affects our credit; the bankers get frightened; the growers get frightened.

Before we do a thing the growers begin to break contracts; the tobacco accumulates in the warehouses. The news of that accumulation is spread among the growers by these representatives; then the growers begin to bootleg the tobacco on the auction floors.

Then these buyers come in and buy on these auction floors a great deal of tobacco.

Now, we do not claim that a buyer needs to support the cooperative association; but we do maintain that this agreement and understanding between the Imperial Tobacco Co. and the American Tobacco Co., which results in giving each one a practical monopoly of control of certain types of tobacco, which prevents competition in those grades of tobacco is therefore a restraint of competition in interstate commerce. We maintain that all this is unfair trade practice, within the view of the Federal Trade Commission practice; and that the growers of the country have been badly damaged thereby, and that the whole matter warrants an investigation by the Federal Trade Commission, to determine the extent of the restraint of trade, and to throw the public light on the tactics of these two companies.

* * * * * * *

I also desire to have inserted as part of my remarks a statement prepared by the association, of estimated amount of purchases by the American and the Imperial tobacco companies, and the amount actually purchased from the Tobacco Growers' Association by these companies.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

* * * * * * *

The estimated amounts of purchases, bright and dark tobacco, by the American Tobacco Co. and the Imperial Tobacco Co., as follows:

BRIGHT TOBACCO

American Tobacco Co. (per year), 30,000,000 to 35,000,000 pounds.
Imperial Tobacco Co. (per year), 100,000,000 to 125,000,000 pounds.

DARK TOBACCO

Imperial Tobacco Co. (per year), 8,000,000 to 10,000,000 pounds.

The following is amount purchased by each company from the association:

1922 CROP, BRIGHT TOBACCO

American Tobacco Co., 5,055,228 pounds green order; 77,326 pounds redried.

1922 CROP, DARK TOBACCO

Imperial Tobacco Co., 458,507 pounds green order.

Neither of the above companies bought any tobacco from the 1923 crop, nor have they bought any from the association of the 1924 crop.

However, the American Tobacco Co. has given an order for 50,000 pounds dark fired Virginia, 1924 crop. No orders from the Imperial Tobacco Co. for 1924 crop.

With reference to the proportion of each type controlled by the association, I give you below statement, by crops, of the bright and dark fired tobaccos, both auction figures and our receipts, as well as the total production and the association's percentages:

	Auction	Association receipts	Total	Association
BRIGHT				*Per cent*
1922	281,536,776	133,185,024	414,721,800	32.11
1923	422,130,597	152,931,348	575,061,945	26.59
DARK				
1922	26,917,453	30,404,020	57,321,473	53.04
1923	22,700,547	27,169,237	49,869,784	54.48

I trust that the above information is what you desire.

Yours very truly,

_____.

P. S.—With reference to the 1924 crop, same not yet completed; the figures for this crop therefore not available at this time.

Mr. ERNST. There are also sundry affidavits which I desire to have inserted without reading, and I ask that that be done.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The affidavits are as follows:

STATE OF VIRGINIA, *City of Richmond:*

T. C. Watkins, jr., being first duly sworn, deposes and says:

That I am a member of the board of directors of the Tobacco Growers' Cooperative Association and am employed by the said association as director of warehouses; that the said association is an organization of tobacco growers of the three States of Virginia, North Carolina, and South Carolina, formed for the purpose of cooperatively marketing the tobacco grown by its members, for minimizing speculation and waste, and for stabilizing tobacco markets in the interest of the grower and the public.

That in the summer of 1922 I traveled on a railroad train from Richmond, Va., to South Boston, Va., with J. J. Hickey, of Richmond, Va., a well-known employee of the Imperial Tobacco Co. of Great Britain and Ireland.

That in a conversation with the said Hickey at the time and place above mentioned the subject of the said Tobacco Growers' Cooperative Association was discussed.

That in the said conversation the said Hickey told me that the said Imperial Tobacco Co. would never buy a damn pound of tobacco from the said association; that the said association would soon fail and deserved to fail; that the tobacco growers had no reason to form such an organization as the said association and that it ought not to succeed; that the said Imperial Tobacco Co. was one-third owner in the British-American Tobacco Co., and that the said British-American Tobacco Co. would not in his opinion buy a pound of tobacco from the said association.

T. C. WATKINS, Jr.

Sworn to and subscribed before me, F. G. Cubbon, a notary public for the city of Richmond, in the State of Virginia, this 28th day of April, 1924.

F. G. CUBBON, *Notary Public.*

(My commission expires August 4, 1926.)

ALBERTA, VA.

I am a citizen of Brunswick County, Va., and am not a member of the Tobacco Growers' Cooperative Association.

In the year 1922 Mr. R. R. Wesson owed me $250. I went with Mr. Wesson to Blackstone, Va., when he took his tobacco to market. He delivered it to the planters' warehouse, an open warehouse at Blackstone, and the highest bid offered for this tobacco was about $200 for the lot. Mr. Wesson refused to accept this bid. I asked Mr. D. W. Perkins, manager of the warehouse, if he could not obtain for him a better price for this tobacco. Mr. Perkins informed him that this was impossible as the tobacco had brought the market price. I then asked Mr. Wesson if I could take the tobacco and credit his account for the amount it brought on the open warehouse, and he allowed me to do this. I then went to the warehouse of the Tobacco Growers' Cooperative Association and asked Mr. T. P. Jones, the manager, if I could put it in the association and was informed by Mr. Jones that I could not unless I was a member of the association.

I then returned to the planters' warehouse and commenced to load the tobacco on the wagon of Mr. Wesson. Mr. D. W. Perkins asked me what I was going to do with the tobacco, and I told him I was going to deliver it to the Tobacco Growers' Cooperative Association. He then asked me how much I would take for the tobacco, and I told him that I would take $310, which was about double the amount offered for it when it was put on the floor by Mr. Wesson. Mr. Perkins asked me to wait a minute until he could see Mr. J. E. Beach, buyer for the Imperial Tobacco Co., and after seeing Mr. Beach, Mr. Perkins told me he would pay me $310 for the tobacco.

This was the same lot of tobacco which was originally bid on for about $200 for the lot.

C. C. JOHNSON,
Alberta, Va.

Sworn to and subscribed before me this 9th day of January, 1923.

A. B. ELMORE, *Notary Public.*

(My commission expires May 18, 1926.)

KENBRIDGE, VA.

I, R. L. Thomas, of Lunenburg County, Va., am a member of the Tobacco Growers' Cooperative Association.

In the winter of 1922 I brought a load of tobacco raised by a tenant on my land to Kenbridge, Va. One-half of this tobacco belonged to me and the other half belonged to the tenant. I delivered my tobacco to the association warehouse at Kenbridge, and as my tenant was not a member of the association, I carried his half of the tobacco to the open warehouse at Kenbridge. The highest bid offered on one pile of this tobacco belonging to the tenant was $36 per hundred pounds. I refused to accept this bid. Mr. Love, the buyer for the Imperial Tobacco Co., came to me and asked me what I was going to do with this pile of tobacco. I informed him that this tobacco belonged to a tenant of mine who was not a member of the association and that I had just delivered my share of this same crop to the association, and that I was going to take this pile of tobacco and deliver it to the association unless I received $47 per hundred pounds for it. Mr. Love, without any further remarks, marked this pile of tobacco $47 per hundred pounds and, I think, placed on it the grade "PE."

R. L. THOMAS.

Sworn to and subscribed before me this 3d day of August, 1923.

E. M. JETT, *Notary Public.*

(My commission expires September 30, 1923.)

KENBRIDGE, VA.

I, H. B. Stokes, of Lunenburg County, Va., am a member of the Tobacco Growers' Cooperative Association.

In the year 1922, I made a crop of tobacco on shares with E. W. Acers as tenant, who was not a member of the Tobacco Growers' Cooperative Association. I divided the crop with my tenant and my half was delivered to the Tobacco Growers' Cooperative Association at Kenbridge, Va. The half belonging to Mr. Acers was delivered to the open market at Kenbridge, Va. I was on the open market several times when Mr. Acers put his tobacco on the warehouse floors for sale and special attention was called by Mr. Shackleford, the open-warehouse manager, to the fact that this was a divided load and that the other half had been delivered to the Tobacco Growers' Cooperative Association. When this fact was called to the attention of the buyers, they paid a price beyond the average price of the market on similar grades for the tobacco of Mr. Acers.

On one occasion, John Lou Blackwell, who did not belong to the association, and E. W. Acers sold tobacco on the same day and the prices paid Mr. Acers on his divided load were much higher than the prices paid Blackwell for the same grades of tobacco. One pile of Mr. Acers's tobacco, bought by Mr. Love, the buyer for the Imperial Tobacco Co., was about $11 per hundred pounds higher than the price paid for a similar grade of tobacco belonging to John Lou Blackwell.

I have heard other members of the Tobacco Growers' Cooperative Association and outsiders state that it is a very common occurrence when it is known that a divided crop is on a warehouse floor for such tobacco to bring much higher prices than similar grades of tobacco that are not part of a divided crop.

HENRY B. STOKES.

Sworn to and subscribed before me this 3d day of August, 1923.

E. M. JETT, *Notary Public.*

(My commission expires September 30, 1923.)

Mr. ERNEST. As I have stated, the commission wholly failed in its purpose to obtain any satisfaction from the Imperial Tobacco Co. The action of the Imperial Tobacco Co. and the American Tobacco Co. has been such that only one conclusion can be fairly drawn from it and that is that they are distinctively hostile to these cooperative tobacco associations and are endeavoring by various devices to undermine them. The request of these growers that the matter be examined into is a most reasonable one, and should receive the active support of the Members of the Senate. They ask that the investigation be made, not by any committee of the Senate, but by the Federal Trade Commission, in accordance with the law, and that report of their investigations be made to the President not later than July 1, 1925.

This is a large subject, Mr. President. Much more can be said about it. I do not wish, however, to speak at greater length, because Senators have given way to me who are anxious to present other matters. I now ask that immediate action be taken upon this resolution.

Mr. BRUCE. Mr. President, I object. I object on the ground that it seems to me this resolution ought to take exactly the same course as other resolutions.

The PRESIDENT pro tempore. Objection is made.

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Pennsylvania [Mr. REED].

Mr. PHIPPS. Mr. President, I propose to make a few remarks with reference to the pending bill, House bill 4971.

For many years I have endeavored to keep in touch with the progress of the good roads movement in the United States. In the early nineteen hundreds our citizens who desired to get

any pleasure out of the use of automobiles, except within very restricted districts, found it necessary to go to foreign countries for that purpose. The good roads of France and of England were quite an inducement, and many of our people spent their vacations and their money on the roads of those countries because we did not have good roads.

It is not, however, the pleasurable use of the automobile which I consider the most important. I look upon the commercial development of our country as the main inducement for the making, the upkeep, and the development of good roads in the United States.

The principal object of good roads legislation so far has been the establishment of national routes throughout the United States. There are various uses for them, among the most important being that for the Postal Service. With the development we have had since 1916, and which, in fact, was greatly retarded by the Great War so that it was not until 1920 that we began to make real progress, the roads have been established to a remarkable extent. They have been made available for the extension of postal routes so that now many rural inhabitants are furnished with regular postal service which they did not previously enjoy.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. PHIPPS. I yield.

Mr. SIMMONS. In that connection I would like to ask the opinion of the Senator with reference to the effect of these good roads upon the cost to the Government of distributing the rural mails and the parcel-post service. Has it not, as a fact, greatly reduced the cost to the Government—that is to say, if they could not use the automobile as a method of distributing rural mail, would it not be more costly if they should be forced to return to the old methods of distributing it by vehicles drawn by horses? Is not that situation most strongly accentuated with reference to the parcel post? If the parcel post had to be delivered now, with bad road conditions, such as we had before we began to improve our roads and make them hard surfaced, would not the cost to the Government of distribution of those packages be very much greater than it is now with automobiles and hard-surfaced roads?

Mr. PHIPPS. Mr. President, while I have had no figures which would furnish proper comparisons so as to indicate the savings which may be effected and which have been effected from the employment of automobiles over good roads in the Postal Service, many routes have been established which could not possibly have been established before the building of these roads, and undoubtedly the cost of delivery and collection of mails of the United States, and particularly the parcel post, has been materially reduced on account of the use of automobiles on rural routes, and also the routes leading into the large centers of population, where the mails are to be dispatched by railway trains.

I feel that the further development of the good roads which is going forward is going to have a very decided effect upon the efficiency of the Postal Service and tend to lower very materially the cost of handling the mail.

Mr. SIMMONS. Mr. President, let me ask the Senator another question. I think he has made a very correct statement about the lessened cost to the Government of this service. On the other hand, have not the patrons of the rural mail and the senders and receivers of parcel post likewise received a great benefit from the establishment of these roads and the introduction of the automobile?

Mr. PHIPPS. Undoubtedly they have.

Mr. SIMMONS. Of course, the automobile could not have navigated upon our old roads to any very great extent, but the use of automobiles in connection with the better roads has given to the rural population of this country a quick service, a better service, a more regular service, and not only the Government has been greatly benefited, in the reduction of cost, but the patrons of the Post Office Department living in the country have had a very much better service and a very much quicker service. In connection with the mails, quickness is of very great importance, and this combination of advantages in the distribution of the mails in the country has given the country population a service almost equal to that enjoyed by the cities, especially the small towns.

Mr. PHIPPS. Mr. President, I thoroughly agree with the Senator in all of the statements he has made, and I thank him for his contribution.

Undoubtedly the citizens have been benefited and appreciate the fact that it has been possible to extend the benefits of rural free delivery service to them. The proof of it lies in the fact that other communities are making requests constantly, and where we have routes 24 miles long the requests are coming in continuously to extend the routes and make 36-mile routes, to take in other settlements, because the people in the neighboring communities and the small hamlets see the advantages which their neighbors who have had the service derive from delivery over these good roads, because it means to them more frequent and better service, and regular service, which would have been impossible before the roads were improved.

It has been found possible to give continuous service, even where we have adverse weather conditions, where we have to contend with snow and ice in the wintertime, over roads which have been gravel surfaced only. As to those which have been hard surfaced, so called, macadamized, or sheeted with asphalt or some other paving material, there is no question but that the deliveries may be as continuous and as regular as they are in the large cities themselves.

I believe the commercial features of the transportation over good roads are the most important, perhaps. The transportation of farm products to the markets has been rendered possible by the construction of good roads where hitherto the railways had to be depended upon almost exclusively, meaning that produce had to be transported greater distances. Instead of communities being supplied by the producing country in their immediate vicinity they had to resort to long hauls in order to draw their supplies from distant markets.

It is not only that the farm products shall come into the consuming centers, but also that the products of manufacturers may be delivered and distributed to the consumers over these good roads by the use of trucks. That is being done to-day at less cost for transportation than was paid to the railways for similar service.

Many lines of autobusses have been installed in various sections of the country and are now in operation. The service is being extended, because it has been found satisfactory as to comfort and convenience, and in cost it can compete with that of the railways.

The military aspect of the situation is one which I do not think should be overlooked. Countries like France, with their systems of good roads, in their war experiences found them absolutely essential for the movement of their troops and their supplies. Even in the United States during the Great War, with our few State roads not connected up into State highways, it was found possible to transport automobiles, machinery, and other war supplies from manufacturing centers, such as Detroit, Cleveland, and Buffalo, to the seaboard for loading; and to-day, if necessity should arise, the fact that those roads have since been connected up into through roads would prove of inestimable value in the handling of supplies to the seaboard.

As to the large centers, the big cities contribute willingly their proportion of taxes for the purposes of public roads, although not one penny of the appropriations is permitted to be used in the building of city streets. Why do they do that? It is because they want the highways to be made passable so that they may receive their daily needs of food and other supplies, that they may come to them regularly, and that they may not have to be entirely dependent upon railway transportation. It means to them the purchase of supplies at minimum costs. Then, too, they have their own products of manufacture which they desire to distribute to the markets which they supply, and they find with the development of the automobile truck that their produce may be largely handled and their merchandise distributed through the use of autotrucks over the improved highways, which was impossible of accomplishment before the highways were graded and properly surfaced.

All manufacturing centers throughout the United States have benefited through the development of the automobile industry, now one of the leading industries of the country. That development is not at all or by any means limited to the production of passenger vehicles. It is growing more and more important in the production of motor trucks and in the making of machinery for farming purposes. Tractors are coming into general use, together with other motor-driven vehicles on the farms of our country, thus reducing the costs in agriculture. The construction of all forms of motor-driven machinery has largely increased the demands for steel and all classes of supplies which go into the make-up of automobiles, tractors, and trucks.

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

Mr. PHIPPS. I yield.

Mr. COPELAND. The Senator would not contend, I am sure, that we would be justified, under the Constitution, in expending money for roads in order to improve the automobile service and improve the manufacturing conditions relating to

motor cars and the development of steel for that purpose. We are only permitted to build post roads.

Mr. PHIPPS. If that were the only purpose, I would say no; but that is not the only purpose, as the Senator may see as I proceed in my statement.

No one State in the Union would have constructed the mileage of highways now in use within its borders without the incentive of Federal aid. Even the great Empire State of New York would not have expended, out of its own funds, anything like a half the amount of money that has been expended so far in the construction of the highways within its limits. What may be said of New York may equally well be said of any other of the populous States.

The automobile industry could not have developed as it has except for the movement for good roads, which has already given us a number of interstate routes. The demand to-day is for connecting up these routes into transcontinental highways, and while the direct benefits of such a program may be more noticeable in a territory that is sparsely settled, the indirect benefits are indeed much greater in the areas of large population.

Mr. President, the fact that the legislatures of many of the States meet only once in two years, and further that the raising of funds for public roads by the States involves the issuance of bonds, makes it necessary for the States to know in advance what the policy of the Federal Government will be with reference to the continuance of aid to the States for their highway construction. For these reasons it appears necessary for the Congress to make authorizations somewhat in advance of the actual requirements for appropriations. The bill now under consideration proposes to authorize for the ensuing two years. Assuming the enactment of the bill, the State legislatures which are now meeting will know how they may formulate their plans for bond issues or other character of financing necessary to carry on their programs of good-road construction.

In my own State hundreds of thousands of automobiles come from adjoining States and pass through Colorado during not only the summer season, but the early spring and late fall months of the year. Almost every State in the Union is represented in the tourist traffic. The people to-day are asking that the roads be connected up so that one may take his family in his own car and, if he so desires, motor from the Atlantic to the Pacific.

Mr. McKELLAR Mr. President——

Mr. PHIPPS. I yield to the Senator from Tennessee.

Mr. McKELLAR. Following out the view which the Senator has just expressed I saw in the newspaper the other day a statement that the amount of money spent in the State of New Hampshire by automobile tourists was $266,000,000 in one year. I do not vouch for that statement, but I saw it in the newspaper. I saw in the same paper a statement that 234,000 cars bearing tags of other States went into the State of Florida in a year. If good roads have brought about any such condition of affairs or anything approaching such a condition of affairs, manifestly it is a great thing for our country and it means the building up of our country. I indorse what the Senator is saying in reference to the use of through roads by automobile traffic.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Colorado permit me to ask the Senator from Tennessee a question?

Mr. PHIPPS. I am perfectly willing to yield for that purpose.

Mr. REED of Pennsylvania. If our doctrine of limitation of State sovereignty is to be cast aside because we want to promote automobile traffic, does not the Senator from Tennessee think the United States ought to run hotels all over the United States?

Mr. McKELLAR. Quite the contrary. As the Senator well understands, we have a direct, express, and specific authority in the Constitution of the United States for the building of post roads. Every road that is being improved by the National Government is a post road. In improving those roads we are directly within the express terms of the Constitution and no question of State rights therefore arises. The Senator can not deny that we have employed the authority under the post-roads clause of the Constitution to build these roads or to aid in their building, and therefore there can be no question of State rights involved.

When it comes to the question of hotels that is a totally different proposition. We have no authority under the Constitution to build hotels, and therefore, much as I respect his judgment and his learning, for I do respect both, I must differ with him in that regard.

Mr. REED of Pennsylvania. I do not differ with the Senator on that point. Of course, if it were not for the post-road clause of the Constitution this bill, if enacted into law, would be hopelessly unconstitutional and we would not need to debate it. The question is as to the propriety and the wisdom of the Federal Government helping the States to do those things which the States ought to do for themselves.

Mr. McKELLAR. If the Senator from Colorado will permit me further, I will say in reply to the Senator from Pennsylvania that I do not concede that it is the single duty of the States. I think it is a joint duty. I think those who wrote the Constitution intended that it should be a joint duty. I do not believe it will ever be done until it is carried out as a joint duty, and that is the reason why I differ with the Senator about that feature.

Mr. FESS. Mr. President——

Mr. PHIPPS. I yield to the Senator from Ohio.

Mr. FESS. Some days ago a colloquy arose on the policy of the Government in the building of roads, and I inadvertantly referred to the hit-and-miss plan upon which we were proceeding. I have a communication from the Chief of the Bureau of Public Roads which, I think, ought to be made a part of the RECORD, and I should like to read it at this time, if the Senator from Colorado will permit me to do so.

Mr. PHIPPS. I would prefer to conclude the remarks which I have to make and then the Senator may take the floor in his own time. I have about finished what I have to say on the subject this morning.

Mr. FESS. Very well.

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. PHIPPS. I yield.

Mr. ODDIE. I would like to ask the Senator from Colorado if he does not think the question of national defense and military preparedness is a very important one to consider in referring to and studying the question of good roads, and if the opening up of a fine system of highways across and throughout the country from east to west and north to south is not a very important matter in that connection?

Mr. PHIPPS. I believe it is. I have reason to believe to-day, in fact I am quite sure, that our War Department is testing out the uses of the roads in practice marches of various classes of troops, including Cavalry, in the transportation of material, and so forth, so that they may know with what expedition they can count upon forwarding supplies and transferring them from point to point in case of necessity or in the event of emergency.

Mr. ODDIE. In regard to the possible breaking down of the railroad system in an emergency, would not these national highways be of very great benefit to our Government?

Mr. PHIPPS. In the Great War, when we entered it in 1917 and continuing on into 1918, without any breakdown of the railways, any physical failure, but by reason of lack of capacity, it was absolutely essential for the War Department and the Navy Department to use such highways as we had for getting war supplies from point of manufacture to the seaboard for transportation across the Atlantic to the front. It is most important. I believe that the country should have a coordinated system of through highways—national roads connecting up from the Atlantic to the Pacific and from the Great Lakes to the Gulf.

Mr. President, reverting to the remark that was made by the Senator from Tennessee [Mr. McKELLAR]—and I am sorry I did not have the opportunity to reply at the moment—I wish to say that had New Hampshire continued her former method of toll roads which was in effect in 1904 and up to at least 1907, instead of having $266,000,000 coming into her coffers from tourist traffic, she would have done well to have had $2,500,000. In 1907, I think it was, in going over what was then conceded to be one of the most desirable automobile tours in the United States—the Ideal Tour, I believe it was called—we passed through New Hampshire over poor roads, and among the poorest we found were those on which tolls were exacted, and which detracted very much from the pleasure of the trip. The hotels, the general stores, and all of the industries of New Hampshire benefit from the fact that she has to-day passable highways that have been built at least in part by Federal aid.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator from Colorado yield to the Senator from New York?

Mr. PHIPPS. Certainly.

Mr. COPELAND. I have not any doubt at all that money, no matter what it is for, will build good roads, but I would be glad to have the Senator state to us how we can lawfully use the money of the country, the Federal money, to build automobile roads? We might as well talk about buying automobiles or buying tires for automobiles as to talk about building roads simply for the convenience and comfort of our citizens.

Mr. PHIPPS. I think that is the first time I have heard anyone challenge the legality of Federal aid for public highways.

Mr. McKELLAR. It is plainly provided for in the Constitution.

Mr. PHIPPS. I do not care to debate the question. It may be a legal question, and I am not an attorney. But I say to the Senator from New York that in my humble opinion the State of New York has reaped greater benefits and larger returns from the money she has thus far contributed to the good roads movement than she has from any other investment she has made in the last 20 years.

Mr. COPELAND. I do not doubt the truth of that statement. I do not doubt it at all; but I desire to say, and I want to amplify it if I have the opportunity later, that under the power given by the Constitution I do not believe we can build anything except post roads—roads which are essential to the carrying of the mails. I believe when we take Federal money to build roads, to make them comfortable for travel through Colorado or New Hampshire or my own State of New York, or to build military roads, that we are entirely outside of the Constitution. The reason why I ask the Senator the question is because I want him to show me how I can vote for the pending bill and maintain my conscience unimpaired.

Mr. PHIPPS. I am glad to have the admission of the Senator from New York that the money which the State of New York has invested with its share of Federal aid has been a good investment. We have no difference on that score. We are in accord there. I have said I did not care to debate the legal phases of the proposition; but I do say to the Senator that, in my opinion, no road has been authorized on which Federal money could be expended that was not intended to be used—indeed, that is not to-day being used—for the transportation and handling of mail in the service of the United States.

The Senator would not say if we shall need a post road built that such road should only admit vehicles belonging to the Postal Service to pass over it and should shut off general traffic; that we should say "do not let anyone go joy riding, do not allow merchants to send their trucks loaded with their products over these roads because they are post roads." That is a position which I know the Senator does not assume for a moment.

Mr. COPELAND. I would not.

Mr. SIMMONS. Mr. President, will the Senator from Colorado yield to me?

Mr. PHIPPS. I yield to the Senator from North Carolina.

Mr. SIMMONS. If the Senator from Colorado will pardon me, he has stated that he is not a lawyer and therefore is not equipped to answer the inquiry of the Senator from New York [Mr. COPELAND].

I wish to say to the Senator from New York that this is the first time, as I recall, when the constitutionality of this legislation has been challenged. I have repeatedly heard the argument that it was violative of the principle of State rights, but that is not a constitutional objection; that is an objection that goes to the question of how one feels with reference to the question of the division of Federal and State power. There can be no question of the constitutionality of this measure. It is clearly within the provision of the Constitution authorizing the Government to establish post roads; it is clearly within the provision of the Constitution for the mobilization of our military forces in time of war; and it is clearly within the provision of the interstate commerce clause of the Constitution.

There is not a road to which the Government under this act will make a contribution which is not in essence an interstate road. As the Senator very well said, there is not a single mile of road which will be built or that can be built under the provisions of this measure that will not be used by the Government as a postal road.

However, Mr. President, take the great trunk lines about which the Senator has spoken, which traverse and cross and run up and down the continent. Those roads pass through a number of States. They are not State roads. If roads be purely State roads, then the Government does not contribute to their construction. It contributes only where roads in some way or other interlink with and become a part of interstate systems. Therefore, being interstate systems of highways, they are, for the purpose of regulation, if it ever comes to that point, if it ever becomes necessary, as much within the control of the Federal Government as our railroads that run from State to State are within such jurisdiction. If it ever shall transpire, as I stated the other day I believed it would transpire, when these great trunk highways are completed and become avenues of intercourse, commercial and social, between the various sections of the country, that we shall see not only the individual automobile but the individual truck going from State to State along these roads and shall see the long-distance busses and long-distance trucks crossing many States upon regular schedules—if that time shall arrive and Congress in its judgment shall feel that it is necessary to establish regular rates, then, I take it, those roads will become as much subject to regulation under the interstate commerce clause of the Constitution as are the railroads.

Mr. KING. Mr. President, will the Senator from Colorado yield to me in order that I may ask a question?

Mr. PHIPPS. I yield to the Senator from Utah for that purpose.

Mr. KING. The Senator from North Carolina [Mr. SIMMONS] certainly does not mean to contend that the power to regulate interstate commerce, whether as related to railroads or to busses which may travel upon any State road, gives to Congress the right to appropriate money out of the Treasury of the United States to build either railroads or any other kind of roads?

Mr. SIMMONS. I was not putting it upon that ground, but I was putting it upon the ground that such roads are performing an interstate service, and that it is only roads that perform interstate service to which this act applies, either directly or indirectly.

Mr. KING. I might state to the Senator, if I may be pardoned, that, if I understand the facts, I think there are many roads which have received very large contributions from the Federal Government under the so-called good roads plan which are used for automobiles for pleasure, for commercial purposes, but not at all for post roads for carrying the mails. As a matter of fact, we all know that many of these roads parallel the railroads, and that the railroads carry the mails.

Mr. SIMMONS. Oh, Mr. President, the Senator from Utah is wrong in saying that these roads parallel the railroads. There are a number, it is true, which do, but——

Mr. KING. The Senator must not misquote me. I said they parallel the railroads in many instances.

Mr. SIMMONS. Yes; but there are no roads which as a whole parallel the railroads. There are some of them that run along parallel and in very close proximity to the railroads for a short distance, but they then diverge, and they are used now and are necessarily used for the purpose of transmitting in the rural sections packages sent through the mails. There is now no community in the country that is not served with such mail facilities. The Government contributes to the building of these roads under the direction of Congress. This fund is not distributed by the department here at its will; it is not allocated according to the judgment of any particular department of the Government; but it is allocated according to the judgment of Congress which is declared in the act. It may be that it has happened that some roads that have been built were not strictly within the purview of the law, but if that has been so, then they were built outside and independently of and as a result of a misconstruction of the law. They were roads not authorized under the law, and we are not responsible for a violation or an incorrect interpretation of the law by an agency of the Government.

Mr. PHIPPS. Mr. President, I desire to thank the Senator for his contribution. In stating that I did not care to discuss the legal point raised by the Senator from New York, I said that the statement had previously been made by the Senator from Tennessee in colloquy here with the Senator from Pennsylvania that it was clearly within our constitutional rights to construct post roads.

As to their use when they are constructed, it is not necessary to limit them to that one use. In my own State automobile busses cover a distance north and south of about 250-odd miles; they run on regular schedules, and they are regulated by the public-service commission of the State. Incidentally, they carry the mails, or a portion of the mails. In California, I understand, automobiles run all of the way from San Diego to San Francisco, and they have routes extending northerly. It is only the fact that we have through routes on hard-surfaced roads that enables us to handle the passenger and much of the freight traffic of this country to-day. The use of trucks for the transportation of merchandise is becoming essential; that service is absolutely necessary, and for short hauls it has

been demonstrated that they can and do complete with the railways and furnish more dependable and more convenient service.

Mr. President, I do not care to continue the discussion at this time unless some Senator desires to ask me a question.

Mr. COPELAND. Mr. President, I was very much interested the other day when the Senator from Ohio [Mr. FESS] said, "The Government must be looked upon as an entity."

I know how eloquent the Senator is and have heard him speak upon the growth and development of our country; I have no doubt he has frequently quoted Gladstone, who said of the United States Constitution:

> It is the most wonderful work ever struck off at a given time by the brain and purpose of man.

But I do think in what the Senator from Ohio said the other day he rewrote the Constitution. I want to ask what there was about our Constitution that made it "the most wonderful work ever struck off at a given time by the brain and purpose of man"? In that connection, I wish to read a paragraph from Pierson's work, Our Changing Constitution, and, if I may say so in all my modesty and kindness, I believe that this little book on occasion might be read with profit by Senators. I have seen a copy of it from time to time upon the desk of the Senator from Florida [Mr. FLETCHER], and I know that he has been a student of this book, from which I wish to read this paragraph:

> Wherein, then, did the novelty and greatness of the Constitution lie? Its novelty lay in the duality of the form of government which it created—a nation dealing directly with its citizens and yet composed of sovereign States—and in its system of checks and balances. The world has seen confederations of states. It was familiar with nations subdivided into provinces or other administrative units. It had known experiments in pure democracy. The constitutional scheme was none of these. It was something new, and its novel features were relied upon as a protection from the evils which had developed under the other plans.
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> The greatness of the Constitution lay in its nice adjustment of the powers of government, notably the division of power which it effected between the National Government and the States. The powers conferred on the National Government were clearly set forth. All were of a strictly national character. They covered the field of foreign relations, interstate and foreign commerce, fiscal and monetary system, post offices and post roads, patents and copyrights, and jurisdiction over certain specified crimes. All other power were reserved to the States or the people. In other words, the theory was (to quote Bryce's The American Commonwealth) "local government for local affairs: general government for general affairs only."

To me that means that local taxes should be used for local purposes and that the local demands should be satisfied by taxes raised locally.

There is one other reference in this little book which I wish to quote, because conditions are so different now and in such marked contrast to the fears existing at the time of the framing of the Constitution that the States might be interfered with. So I quote the following:

> The makers of the Constitution represented the people of distinct and independent States, jealous of their rights and of each other but, nevertheless, impelled by experience of danger lately past and sense of other perils impending to substitute for their loose and ill-working confederation a more effective union. The most formidable obstacle, apart from mutual jealousies, was a fear of loss of liberties, State and individual, through encroachment of the central power. The instrument, drawn with this fear uppermost, was designed to limit the National Government to "the irreducible minimum of functions absolutely needed for the national welfare."

The quotation is from Bryce.

> To this end the powers granted were specifically enumerated. All other powers were by express enactment "reserved to the States respectively, or to the people."

Now we find the Senator from Ohio coming to us and proposing, with other disciples of the Hamiltonian school, that the State lines should be wiped out and that the Government should be considered as an entity.

It may be out of place for the Senator from New York to discuss a constitutional question, but I want to ask Senators to go back to the foundation upon which we now appropriate money for post roads and consider how we came to do it.

I hold in my hand the debates in the Federal Convention of 1787, as reported by Madison.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield to the Senator.

Mr. McKELLAR. So far as the constitutional provisions the Senator is reading from are concerned, I think we are all in accord with those. The Senator says that the line of demarcation is the express grant of power in the Constitution. Here is an express grant of power. It expressly gives the Congress power to deal with post roads and interstate commerce.

This question has all been passed upon by our courts. It was passed upon in the legislation by which national aid was extended to the railroads of our country. The same question that the Senator is now propounding arose then. The Government granted national aid to our railroads, both on the ground that they were carriers of interstate commerce and on the ground that they were postal carriers; and that legislation has been upheld. It has been acquiesced in for over 50 years, and most of it for over 75 years.

I take it that so far as authority is concerned the authority of the National Government to act can not reasonably be doubted. It is a question of policy; and so, when it comes to the question of policy, it seems to me that there can be no doubt about the policy of the proposed appropriation, not only in the States where we have not the best of roads, but in the Senator's own State.

For instance, just take the Ideal Tour that the Senator from Colorado [Mr. PHIPPS] was talking about a while ago. It runs through the New England States. Where does it begin? It begins in the Senator's State and in the Senator's city.

Mr. COPELAND. It goes past the Senator's house.

Mr. McKELLAR. As the Senator says, it goes past the Senator's house. It is true that New York State does contribute the larger portion of the taxes that are expended under a bill of this kind. We all know that; we all admit that; but as a matter of fact I have no doubt in my mind that the State of New York gets the largest advantage from the expenditure of the money. All roads lead to New York—not only the railroads, but these interstate highways that are being improved. New York, in the end, will be one of the greatest if not the greatest beneficiary of any State in the Union. Those things adjust themselves. The natural course of business tends toward New York; and the Senator, instead of being opposed to the bill because his State in the first instance pays the larger part of the taxes, ought to be in favor of it, in my judgment.

Mr. COPELAND. Mr. President, I do not care to have the Senator from Tennessee quite so confident as to what I am going to do about my ultimate vote.

Mr. McKELLAR. I simply assume from the Senator's argument that if he votes as he talks he is going to vote against the bill.

Mr. COPELAND. I can not agree with my friend from Tennessee that because my State would benefit from this transaction it is necessarily a proper use of public funds. I might go and rob a bank, and I would benefit personally by the money I got out of the bank, but the transaction would not be a legal one.

Mr. McKELLAR. The Senator would not do that, however, nor would any other Senator.

Mr. COPELAND. No. I hope the Senator will not rob his country, either, if I can convince him that this is an improper act; but, of course, that is merely a facetious remark.

Mr. SIMMONS. Mr. President——

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

Mr. COPELAND. I do.

Mr. SIMMONS. Does the Senator think that in the years since we entered upon this project of Government aid the Congress of the United States has been continuously and persistently and habitually violating the Constitution? Does not the Senator believe that that question has been very thoroughly thrashed out, and that the Senate and the House and the President of the United States would not likely have given their assent to the many appropriations we have heretofore made if the project were as clearly unconstitutional as he thinks it is? If we are going to rob the Government in the future, does the Senator think we have not been robbing the Government for the last 10 years? Does the Senator wish to characterize the action of Congress in appropriating this money biennially for the last 10 years as robbery of the Government?

Mr. COPELAND. Mr. President, I think the Senator missed the comment I made a moment ago that the remark to which he refers was facetious, as the RECORD will show.

Mr. SIMMONS. I did not hear the Senator say that he was speaking facetiously. I rather suspected that he was, but I do not remember that I heard him say it.

Mr. COPELAND. Of course, I would not criticize any Senator for his vote in the past; but I want to say to the Senator from North Carolina that while I want to vote for

this measure, and hope I may, I shall have to be convinced for myself that it can be done with propriety. I am not asking anybody else to be influenced by my action.

Mr. SIMMONS. The Senator is exactly right about that. If the Senator has doubts about the matter, I think it is very well that he should invite discussion of it; but I understood the Senator to be rather dogmatic in his expression of opinion that it was unconstitutional, and amounted practically to robbery of the Government.

Mr. COPELAND. I thought the Senator a moment ago accepted the statement that that was facetious.

Mr. SIMMONS. I do accept it, Mr. President.

Mr. COPELAND. Very well.

Now, Mr. President, I want to call the attention of the Senate to the session of the constitutional convention held on Thursday, August 16, 1787, as reported by Mr. Madison. The particular section of the Constitution which provides for the establishment of post offices and post roads—section 8 of Article I—was under discussion, and the question before the convention was on the proposition to establish post offices. It did not say a word about post roads. The proposition was to establish post offices. Mr. Gerry moved to add "and post roads." Mr. Mercer seconded the motion, and it was carried by a vote of 6 to 5, a very close vote. Massachusetts, Delaware, Maryland, Virginia, South Carolina, and Georgia voted "aye"; New Hampshire, Connecticut, New Jersey, Pennsylvania, and North Carolina voted "no." I suppose that had New York been present there would have been a tie vote.

That was on the 16th of August, 1787. The matter was up again on the 14th of September, when Doctor Franklin moved to add, after the words "post roads," Article I, section 8, these words:

A power to provide for cutting canals where deemed necessary.

Of course, we then had a condition to deal with which was entirely different from the present condition, because there were no railroads. The only way in which the mails could be carried was by the post roads which were established; and I take it that the reason why in modern times the railroads have been included in this proposal was because, in the evolution of things, the railroads naturally would carry the mails. Doctor Franklin thought, however, that canals should be included, and Mr. Wilson seconded the motion.

Mr. Sherman objected, on the ground that—

The expense in such cases will fall on the United States and the benefit accrue to the places where the canals may be cut.

That is exactly the question we have up now. The objection is raised that the benefit of these roads is largely local, that it does not accrue to the entire country, and that was the objection raised by Mr. Sherman at that time.

Then Mr. Wilson suggested that—

Instead of being an expense to the United States they (the canals) may be made a source of revenue.

Mr. Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the interests of the United States might require and the legislative provisions of individual States may be incompetent." His primary object was, however, to secure an easy communication between the States which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow.

Mr. Randolph seconded the motion; and there was some question about whether the bank, over which there was so much dispute, might not be covered by such a proposal.

Colonel Mason was for limiting the power to the single case of canals. He was afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution, as supposed by Mr. Wilson.

The motion being so modified as to admit a distinct question specifying and limited to the case of canals—

Was defeated by a vote of 8 to 3. Pennsylvania, Virginia, and Georgia voted "yes," and all the other States voted against it.

Exactly the same question was up at that time; and I have very serious doubt myself whether we are justified under the Constitution in voting money in this way.

I recognize the necessity of good roads. The only way in which I can justify myself at all, as a Senator from the State of New York, in voting for this proposal, or any part of it, is that by the building of these roads the handling of the farmers' crops may be facilitated, and in all probability the cost of the essentials and necessities of life in our State and in the city of New York may be lessened. In that way there may be moral justification for this act.

But, Mr. President, we have been in session now a long time, and we have had before us a dozen agricultural bills. Why has not the party in control done something to relieve agriculture? The appropriation of large sums of money is proposed in good-roads legislation, and the argument made for it is because it will benefit agriculture. Why are we not voting those sums of money to benefit agriculture directly by the passage of some of the measures pending before us, or one of them at least, and making possible the incorporation of these cooperative organizations which are demanded by the agricultural interests, demanded by the President's commission, and demanded by the President himself?

It seems to me that is a very strange thing, Mr. President—and I regret that there are not more Senators on the other side of the Chamber present to hear it—that no effort is being made by the Republican Party, so far as the Congress is concerned, to give relief to the agricultural sections of the country.

If there were a proposition here to assist agriculture, to make it possible to go on with these cooperative organizations, to make possible some substantial benefits to agriculture, I should be very glad to have Congress make any necessary appropriations for the purpose, and I believe my State would approve such a course. Here, however, we have a proposal to go on with the building of good roads, and it means that lateral roads and roads going into remote sections are going to be benefited. The original idea of the writers of the Constitution certainly has been overridden, and we are going entirely aside and away from the original intention, which was to build post-roads in order that the mail might be carried between the States.

But, Mr. President, I do not want to give any wrong impression as to my intention. I hope that the amendment proposed by the Senator from Pennsylvania may be accepted, because that amendment provides for a smaller appropriation this year—$60,000,000 this year, and $50,000,000 next year—and it contemplates the appropriation of fewer millions in years to come. In the meantime the States will have been warned that these appropriations are not to be continued, and they will be making local provisions and local arrangements to take care of their roads.

I want to make clear that my city and my State are anxious to serve the agricultural and rural sections of the country. If this is the way they want to be served, if this is the height of their ambition, let us pass this bill, but, as I see it, agricultural and rural sections will be benefited in a much larger degree if some permanent agricultural policy may be developed, and the necessary appropriations made to carry that policy into effect.

Mr. BRUCE. Mr. President, the President of the United States has made a great many sensible and judicious observations in the course of his messages to Congress, but personally I do not think that he ever made a more sensible or judicious one than that made by him in one of his recent messages with respect to Federal aid in support of State objects. In that message he said:

I am convinced that the broadening of this field of activity—

That is to say, Federal activity in the field of State administration—

is detrimental both to Federal and State Governments. Efficiency of Federal operations is impaired as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My conviction is they can be curtailed with benefit to both the Federal and State Governments.

In other words, this system of Federal aid has resulted to no small extent in the hypertrophy of Federal authority and in the atrophy of State authority, and it is largely because my views accord with the views of the President that I propose to support the amendment offered by the Senator from Pennsylvania [Mr. REED].

I think that the time has come when all of us should ask ourselves, as the Senator from New York [Mr. WADSWORTH] suggested yesterday, how far this system of Federal subsidy is to go. I think that we should all also ask ourselves, as the Senator from Pennsylvania [Mr. REED] has suggested, whether the time has not come when Federal aid in the matter of State roads, if extended at all, should not be extended in a diminished degree, perhaps in a degree that should lessen from year to year, and in process of time cease.

I think that there are many circumstances, as has been said by the Senator from Ohio [Mr. FESS], under which the country, in the matter of Federal appropriations, should be treated as a unit. Under ordinary circumstances it would not do for the sovereign States of the Union to enter into a scramble with each other as to how much or how little they were to contribute for the public benefit where national objects were involved. Usually each State of the Union should be glad, in proportion to the extent to which it has been endowed by fortune with its blessings, to contribute to the general good. That is elemental; that is fundamental.

Only a year or so ago, my State, realizing that it was not exactly just, in the face of special conditions, to rest its road appropriations for southern Maryland upon its ordinary quota, was so generous as, in addition to the usual appropriations for the construction of roads in southern Maryland, to add the extraordinary sum of a million dollars, and I have always thought that it was a rather ungenerous and short-sighted policy when Virginia came to adopt her present project of good roads that her people in the more favored parts, the more prosperous, the wealthier parts of the State, should not have been just a little more willing than they were to assume their full share of burdens intended to promote the local interests of the less favored, the less fortunate, the less wealthy parts of the State. As a general principle, however, in political relations, as in all others, contributions to common objects should be given in exact proportion, as far as possible, to the ability to give. That is a sound principle, which, as a rule, ought to run not only through individual conduct but through all national, collective, corporate conduct as well.

The State that I have the honor, in part, to represent is no such State as New York. It can not be said that it contains any such great emporium of commerce, any such cosmopolitan metropolis as the city of New York. It is no overflowing cornucopia. No golden streams pour from every portion of the United States into its coffers. For their prosperity its people have been largely dependent upon their own domestic exertions. Therefore, it would be impossible, it seems to me, for anyone justly to assign to the State of Maryland any peculiar degree of selfishness were she to contend that this burden of Federal aid rests upon her more unequally than it should. But the fact that it does rest upon her unequally can not be denied. She pays a large amount of taxes of one description or another into the Federal Treasury, and she receives back in the form of State aid only 2.77 per cent of the amount. It is also a fact that the expenses of the Federal Government imposed upon her people constitute a per capita tax burden four times as heavy as that which the expenses of her own State government impose upon her.

When it is recollected that the State of Nevada receives in the form of Federal aid 116 per cent of the taxes that she pays into the Federal Treasury, and that other States of the Union are in very much the same situation, abstractly speaking, it certainly seems to be a little unfair, indeed, quite unjust, that the Federal Government should regurgitate, so to speak, in the form of Federal aid, such a small percentage of the taxes that we paid to it during the last fiscal year as 2.77 per cent.

I might add, in this connection, that some of the Members of this body who are opposed to the amendment of the Senator from Pennsylvania [Mr. REED] appear to have lost sight of the very small percentages of return made by the Federal Government to their States of the Federal taxes paid by them. If I understand it, the Senator from North Carolina [Mr. SIMMONS] is antagonistic to the pending amendment; at least, I draw the inference from what he has said that he is.

Mr. SIMMONS. Does the Senator mean that I am antagonistic to the amendment proposing to reduce that amount provided by the Government from seventy-five million to sixty million?

Mr. BRUCE. Yes; or to any such reduction, as I understand it, or to any change in the system of Federal aid.

Mr. SIMMONS. The Senator is correct.

Mr. BRUCE. The State of North Carolina, in the Federal fiscal year ending in 1924, paid into the Federal fisc in taxes the enormous sum of $157,973,393, and it received back in the form of Federal aid only 1.18 per cent of this sum.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. The Senator is correct. North Carolina pays into the Federal Treasury annually a very large sum of money. Last year it paid, as the Senator has stated, in round numbers, the sum of $158,000,000. In some recent years it has paid even a larger amount than that, and I dare say the Senator is correct in stating that for one fiscal year the State of North Carolina received by way of contribution from the Federal Government for road construction in that State not very much over a million dollars. What were the figures the Senator gave?

Mr. BRUCE. One and eighteen one-hundredths per cent.

Mr. FLETCHER. One million eight hundred and seventy-three thousand dollars.

Mr. BRUCE. That was for the fiscal year ending in 1924.

Mr. SIMMONS. About a million and three-quarters, in round numbers, is what we received in North Carolina. I wish to call the attention of the Senator, however, to the fact that the State of North Carolina has received, up to this time, out of the money appropriated by the Federal Government for road construction, $12,294,000, less $1,221,000 which has been allocated but not yet used by the State.

That is as much as any State in the Union has received, with the exception of seven States. Seven of the great industrial and commercial States of the country have received more of this money than the State of North Carolina. The State of North Carolina is receiving about in the proportion that it pays taxes to the Federal Government. It pays more taxes to the Federal Government, possibly, than about seven other States and receives more money from Federal Government in aid of roads than all of the States except those seven.

Mr. BRUCE. That is, of course, because of the extraordinary scale of magnitude upon which the State of North Carolina is making State appropriations for the construction of roads.

Mr. SIMMONS. No; it is because the State of North Carolina is making extensive developments, just as a number of other States in the country are doing.

Mr. BRUCE. But not on the same scale.

Mr. SIMMONS. It is making extensive construction in comparison with the seven States that got larger sums of money out of the Federal Treasury than North Carolina for this purpose. I want to say to the Senator from Maryland that I was entirely aware of this situation. I knew the State of North Carolina would only receive in proportion to other States from this money. I knew the amount would not be determined by the amount the State paid to the Federal Government. I knew it would be determined upon the mileage of construction in the State, upon the population, and so on.

Mr. BRUCE. And determined by the amount that the State itself appropriates from its State treasury.

Mr. SIMMONS. Yes; of course. Those are the three elements, and the element of the amount of money a State pays into the Federal Treasury does not enter into the problem at all. I knew of all those things. I knew that the State of North Carolina was paying this large sum. I knew the State of North Carolina, even under its progressive road-construction program, would not receive any very large contribution out of the $75,000,000 to be divided among the 48 States. I knew that; but, knowing it, I supported the measure, and knowing it now I support the measure. Why? Not so much because my State gets that amount of money. If my State were the only State that got the money or were the only State that was so inspired and induced to construct good roads, I would vote against it.

Mr. BRUCE. Precisely.

Mr. SIMMONS. But if the Senator will permit me to develop this thought in answer to his suggestion——

Mr. BRUCE. Certainly.

Mr. SIMMONS. The State of North Carolina is deeply interested in the other States of the Union likewise constructing good roads. We are equally interested in being a part of the great trunk line highways that run up and down and across the continent and through my State. If my State should build good roads and the States bordering upon my State should not build good roads, we could not have those great interstate trunk lines. It is for the purpose of securing those great lines to traverse my State that I am so deeply interested, not because my State alone benefits so much by it, but because every other State benefits in the same way and to the extent that my State is encouraged to construct good roads the other States will be encouraged to construct good roads, and as the result of that general movement throughout the country there will pass through my State a system of highways from the East to the West and from the North to the South, highways that we could not possibly hope to have unless the other States like my State were engaged in the same general work.

Mr. BRUCE. I should think it fair to infer that the States adjacent to North Carolina are likely to respond to the same impulses of self-improvement.

Mr. SIMMONS. I want to encourage them to respond. I want to help them to respond.

Mr. BRUCE. That general extension of the good-roads system would result, though perhaps more slowly, even if the Federal Government did not contribute so liberally in aid of State roads.

Mr. SIMMONS. If the Senator will pardon me, I do not know how many of those trunk lines will pass through my State. I know that there will be at least three to pass through it from north to south, and I know there are at least two that will pass through it from east to west. Those roads will connect North Carolina by hard-surface roads with every State to the north of it, with every State to the south of it, and with every State to the west of it. The development of that system is of immense importance to every State in the Union.

It is of immense importance to my State. I believe that the intervention of the United States in the matter has done more than everything else put together to bring about the general system of road construction throughout the States that has now almost resulted in the complete construction of several great highways leading from the North to the South through my State and through every other State lying within the boundaries of the United States.

Mr. BRUCE. I should think that the Senator from North Carolina would have to enter upon a very nice calculation indeed to satisfy himself that the collateral advantages of which he speaks would be sufficient to offset the fact that while his State paid in taxes to the Federal Treasury in the fiscal year ending in 1924 as much as $157,973,393, it has paid back in Federal aid in one form or another only 1.18 per cent of that amount.

Mr. SIMMONS. I am utterly unable to follow the argument of the Senator from Maryland.

Mr. BRUCE. If the Senator will pardon me, it is impossible to pursue that line of inquiry to any further extent. The Senator is apparently satisfied, notwithstanding the extraordinary toll that is exacted from his State by the Federal Government in the form of taxes, that his State reaps the benefit of so many collateral advantages resulting generally from road building as to countervail the extraordinary contribution that it makes to the Federal Treasury in taxes.

Mr. SIMMONS. So far as my State is concerned, I think we probably would have built the roads even if the Government had not helped us, but I doubt whether other States would have done so. If the Government will help us, I am very glad that they should help us. I think that the basis upon which the money is distributed—that of population, of mileage, and of State construction—is a just basis. I can not for the life of me see how the amount the State pays into the Federal Treasury has anything to do with it.

Mr. BRUCE. I am glad to have the statement of the Senator that his State would probably have entered upon its great system of good roads even if it had never received a dollar of Federal aid.

Mr. SIMMONS. I think some other States perhaps would not have done so.

Mr. BRUCE. I think that perhaps a little more slowly all the other States that border on North Carolina will do the same thing. Virginia is certainly proceeding to do it. I do not know what the state of things in that respect is in South Carolina.

Mr. SIMMONS. Will the Senator let me say just another word in that connection? The Senator is correct. North Carolina is an exceptionally progressive State, and we are very proud of it.

Mr. BRUCE. Indeed it is, and I rejoice that such is the case. The fact is not only a source of pleasure to me as a native of the State that is coterminus with North Carolina on the north, but fills me with pride. North Carolina in recent years in the matter of industrial progress has furnished a beneficent example to every Southern State of what can be accomplished by the same measure of industry, energy, and farsighted sagacity.

Now, I desire to call the attention of the Senator from Virginia [Mr. SWANSON] to the fact that the percentage which that State gets back from the Federal Government in the form of Federal aid is most insignificant. During the fiscal year ending in 1924 the State of Virginia paid into the Federal Treasury in taxes of all kinds the sum of $45,991,886 and got back only 3.47 per cent of that amount. The same meager percentages apply to numerous other States—California, for instance, which gets in the form of Federal aid from the Government only 1.91 per cent of what she pays in taxes into the Federal Treasury; Connecticut, which gets only 1.45 per cent; Delaware, which gets only 3.51 per cent; Florida, which gets only 5.75 per cent; Illinois, which gets only 1.5 per cent; Indiana, which gets only 4.44 per cent; Massachusetts, which gets only 0.86 per cent; Michigan, which gets only 1.5 per cent; New Jersey, which gets only 0.98 per cent; New York, which gets only 0.58 per cent; Oregon, which gets back only 1.41 per cent; Pennsylvania, which gets back only 1.38 per cent; and so on. These figures are all taken from a table which was published last December in the Washington Post, and if there is no objection I would like to have it inserted in the RECORD at this point.

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

The table is as follows:

Proportion of Federal subsidies to United States taxes paid by each State

[From the Washington Post, December 28, 1924]

This table shows the amount of Federal taxes each State paid in the last fiscal year and the amount the State received in Federal aid.

State	Paid in Federal taxes	Received as State aid [1]	Per cent
Alabama	$9,800,970	$1,705,610	17.40
Arizona	2,131,288	995,331	42.00
Arkansas	6,536,635	1,361,459	20.82
California	129,026,453	2,475,800	1.91
Colorado	15,228,037	1,294,448	8.50
Connecticut	37,006,532	538,009	1.45
Delaware	10,805,101	379,330	3.51
Florida	15,819,827	910,084	5.75
Georgia	19,181,446	2,137,684	11.14
Idaho	1,976,084	905,827	45.08
Illinois	214,840,722	3,300,701	1.57
Indiana	45,767,607	2,034,555	4.44
Iowa	17,946,204	2,149,551	11.97
Kansas	20,735,282	2,038,124	9.81
Kentucky	28,574,914	1,592,612	5.57
Louisiana	20,427,382	1,099,011	5.37
Maine	13,945,902	704,496	5.05
Maryland	34,349,218	714,774	2.77
Massachusetts	138,681,654	1,196,042	.86
Michigan	221,380,005	2,339,480	1.05
Minnesota	31,586,633	2,157,830	6.83
Msisissippi	4,949,236	1,428,199	28.55
Missouri	68,794,487	2,503,602	3.62
Montana	2,958,039	1,448,635	48.97
Nebraska	10,791,615	1,555,586	14.41
Nevada	761,499	885,759	116.31
New Hampshire	5,805,346	387,827	6.68
New Jersey	112,260,046	1,109,187	.98
New Mexico	1,131,323	1,119,086	98.91
New York	690,415,425	4,020,445	.58
North Carolina	157,973,393	1,873,830	1.18
North Dakota	1,282,838	1,142,382	89.05
Ohio	153,524,832	3,026,236	1.97
Oklahoma	13,520,536	1,813,931	13.41
Oregon	10,500,237	1,138,143	10.83
Pennsylvania	269,688,619	3,796,118	1.40
Rhode Island	20,239,353	371,864	1.38
South Carolina	8,938,278	1,178,110	13.18
South Dakota	1,951,248	1,175,515	60.24
Tennessee	18,633,646	1,754,211	9.41
Texas	36,863,758	4,448,314	12.06
Utah	4,087,186	816,876	19.98
Vermont	3,600,827	382,681	10.62
Virginia	45,991,886	1,599,270	3.47
Washington	19,006,008	1,111,669	5.84
West Virginia	19,895,467	917,127	4.60
Wisconsin	40,448,722	1,951,718	4.82
Wyoming	2,088,353	880,051	42.14

[1] These figures do not include small payments made under minor subsidy measures

Mr. FLETCHER. Mr. President, the Senator is mistaken in quoting Oregon. Oregon's percentage is 10.83. The Senator probably intended to read Ohio.

Mr. BRUCE. The Senator is right. I should not have mentioned Oregon. I thank the Senator for the correction. The table, of course, speaks for itself.

Mr. SIMMONS. Large or small as those contributions are, every State gets out of the Public Treasury about 43 per cent of all the money it spends upon a Government-aided road. If it does not get much, it is because it is not spending much itself.

Mr. BRUCE. That is true.

Mr. SIMMONS. But the Government matches the State—not exactly matches in the proportion of 50–50, but it pays practically 43 per cent of the actual cost of all the roads that are constructed under this plan.

Mr. BRUCE. Now, of course, the percentages that I have mentioned are the total percentages that were paid out in all forms of Federal aid to the States by the Federal Government.

So surely, on its face at any rate, this system of Federal aid with respect to roads and other State objects produces most unequal consequences; that is unquestionable. If those results can be defended, they can be defended only upon the very highest grounds of public disinterestedness, generosity, and self-sacrifice on the part of the States inter lese.

For the purposes of this discussion I am entirely willing to waive all inquiry as to whether it is just or unjust that the State of Maryland should be returned such a small percentage as 2.77 per cent of the taxes that she paid during the last fiscal year into the Federal Treasury. All that I am saying in respect to the pending amendment is that I think that the President is right when he says that the time has come to slow down in Federal aid to the States. As he alleges, the system is building up a vast organization of bureaucracy in the departments of the Federal Government, at the same time that it works the most lamentable enervation in the activities of the States. This hypertrophy of the Federal Government, this atrophy of the State governments, should be gradually brought to an end, and the old healthy, normal balance between the operations of the Federal Government and the operations of the State governments should be restored. Therefore I hope, and most earnestly hope, that in 1926 the Federal aid toward the construction of State roads will not be in excess of $60,000,000, and that in 1927 it will not be in excess of $50,000,000.

I have no doubt that until the system of gradual reduction contemplated by the President has worked out its complete results the people of Maryland will continue cheerfully, as they have heretofore done, to contribute toward the establishment of post roads throughout the country. However, my objection to the general system of Federal aid or subsidy is, as I have affirmed, fundamental. In my judgment it constitutes the stealthiest, the most insidious, the most perilous, the most effective invasion of State rights that has ever been known in the history of our country. A more skillful, a more ingenious method on the part of the Federal Government of robbing the States of the full measure of their State sovereignty could not be devised; in other words, this system of Federal aid is simply an indirect, oblique method of filching from the States the domestic powers that properly appertain to them.

What are the chief heads of Federal aid to the States? First, we have the Smith-Lever Act. I will not stop to dwell on that. Much can be said in its favor. That contemplates, of course, cooperative agricultural extension work between the Federal Government and the States.

Then we have the Federal aid road act, with which we have been dealing. Then we have the Chamberlain-Kahn venereal disease act. Why should the States call upon the Federal Government to aid them in the furtherance of the objects contemplated by that act?

Then we have the Smith-Hughes vocational education act, which looks to the joint promotion of vocational education in the wage-earning field by the Federal Government and the State governments. Why should the Federal Government trespass upon that State province, pray?

Then we have the industrial rehabilitation act, under which, through the joint efforts of the Federal Government and the State governments, persons who are injured in industrial occupations are to be rehabilitated. Why should the Federal authority intrude into that province, pray?

Then we have the most extreme violation of State sovereignty of all, as I conceive it—the Sheppard-Towner maternity and infancy welfare act. Why should the foot of the Federal Government be permitted to tread upon that State domain?

In all the different fields of appropriation involved in those six different acts the Federal Government is now making appropriations in conjunction with the States. Well might the Senator from New York [Mr. WADSWORTH] ask where is this process to stop?

In 1914 the whole amount of Federal-aid subsidies granted to the States was $6,500,000. Since that time Federal aid under the six heads that I have specified has amounted in the aggregate to more than $521,000,000. In other words, not only have we had Federal aid ramifying out into all these domestic provinces of State administration but with every passing year involving a larger and a larger tax burden.

Mr. President, as I see it, this system of Federal aid is in many respects a most demoralizing agency. It holds out to the States, so far as the surrender of their sovereignty is concerned, a lure as corrupting as the box of glistening jewels that Faust brings under the eye of Marguerite when he is tempting her virgin purity. Its solicitations are intended to induce the States with their own hands to despoil themselves of the domestic jurisdiction and authority with which they were clothed by the framers of the Federal Constitution.

Never, perhaps, by any direct means could the Federal Government have persuaded the States practically to surrender to it control over maternity and infancy welfare, over the physical rehabilitation of the injured workingmen, over the vocational education of the wage earner. It is only by the bribery that lurks in Federal aid to State activities that the Federal Government has succeeded in winning the States to the idea of divesting themselves of some of the most important, significant, and useful powers with which they are endowed under our constitutional forms.

In my judgment, the time has come for that sort of thing to terminate, and that fact is evidenced by the insistent spread of popular feeling which is creeping at the present time over the whole country and inspiring State after State to visit with its verdict of condemnation the proposed child labor amendment to the Federal Constitution. On every hand I see, God be praised, the recrudescence of the old sound ideas of State rights and State sovereignty, which were so precious in the eyes of our forefathers. A retroversion is going on that will sooner or later undo a vast amount of what has unhappily been done in the way of hamstringing State autonomy.

Like Samson when robbed of his omnipotent locks by Delilah, the people of the United States have permitted themselves to be deprived of a large portion of the State authority with which they were originally endowed. And it warms my heart to think that one of the influences that have been most potently at work to bring about this process of reversion to the old conception of State rights and State sovereignty is the disastrous results that have flowed from those most fatal, those most tragic, those most disastrous of all recent interferences with State sovereignty; that is to say, the eighteenth amendment to the Federal Constitution, and its whelp, the Volstead Act.

Not until the people of this country witnessed the utterly ineffectual efforts of the Government to enforce that unnatural constitutional mandate and that arbitrary statutory law, and realize how hopeless it is to adopt any constitutional provision or to enact any law that does not pay proper regard to varying local usages, customs, and manners, did they realize how priceless is the line of partition that was drawn by the authors of the Federal Constitution between the jurisdiction of the Federal Government and the jurisdiction of the States.

In my opinion, there is nothing in which the people of the United States are more interested to-day than the reestablishment of the ideas which formerly existed in this country with reference to our dual form of government. One of the greatest mistakes is to think of these ideas as peculiar to the South. They are not. I am sorry to say that no part of the country recently has drifted farther away from them than the South. Originally, the domestic rights of the States were held in fully as high estimation in New England and the Middle States as they were in the South. Henry Adams, in his history of the United States, expresses the opinion that until the sectional struggle sprang up over slavery an overwhelming majority of all the people of the United States were cordially wedded to the principle of State sovereignty. Then, of course, arose the sectional conflict, when the South used State sovereignty as a shield for its domestic protection in that conflict, with the result that State authority acquired no little opprobrium. That opprobrium, however, is passing away, and to-day we find the doctrine of local self-government nowhere more cherished than in the Middle and New England States.

So the Members of the Senate will see that I am not only in favor of the pending amendment on some secondary grounds, but because I deem it an initial step in the process by which I am certain that ultimately this Government of ours will be brought back in many important respects to its old, safe constitutional moorings.

Mr. FLETCHER. Mr. President, just a few words regarding this amendment.

It has been frankly stated by the author of the amendment, the junior Senator from Pennsylvania [Mr. REED], and it is admitted by the Senator from Maryland [Mr. BRUCE], that it is his wish that it shall be the initial step toward the final denial of all Federal aid in the construction of highways.

Mr. BRUCE. Mr. President, will the Senator permit me to interrupt him for just one moment? No; I do not mean that. The Federal Government has the undoubted power to establish post roads, and I do not quarrel with any direct, proper exercise by the Federal Government of the power to establish post roads. That is one of the objects to be subserved by the Federal power, just as much as any other object that falls within the domain of the power. I do object, however, to this system by which the Federal Government lures the State governments

into the surrender of that State sovereignty, and that is not all; by which it tempts the State governments often into most imprudent, improvident, and extravagant expenditures of State funds.

This Federal-aid system is like the old pretzel system. I presume the Senator is too temperate, perhaps, ever to have been familiar with it.

Mr. FLETCHER. I have heard of it.

Mr. BRUCE. Under that system, which prevailed in the old saloon, a man would come into the saloon, and the first thing that would greet his eye would be a lot of salted pretzels. When he ate the pretzels, of course he wanted to drink just twice as much as he did before he ate the pretzels. So the States, under the solicitation of this system of Federal aid, are tempted into expending far greater sums than they otherwise would expend.

Mr. FLETCHER. Mr. President, the Senator has already discussed the matter quite fully, and I want only a few minutes to give voice to the views that I have on this subject. I think I understand his position quite well.

In the first place, I disagree with the Senator's conception of the practical working out of the policy which we have adopted in regard to these highways. Up to 1916 we had done very little, so far as the Federal Government was concerned, in this field of activity. The act of 1916 was passed and this policy was adopted. I submit that it is not only working admirably, but I submit further that it has not unduly stimulated any State in the matter of constructing highways. On the contrary, there is no State, in my judgment, which has done all that it must do and concedes now that it is proper and right and wise for it to do in the way of building good roads.

In my judgment there is no factor which has contributed to the development of the various States and to the national wealth as the building of good roads has contributed. I do not wish to see a discontinuance of that system, which is working so admirably now and under which roads are being built throughout the country, enabling citizens from one portion of the country to go with comfort and pleasure to all other portions of the country. Instead of seeing that system discontinued I want to see it further expanded and extended.

It means something to be able to see, for instance, in the State of Washington, in the State of Oregon, in the State of California, in the State of Idaho, in the State of Montana, and other States, as we did last year when our committee was in that region in connection with the reforestation work, automobiles from Florida, from Georgia, from South Carolina, from Maine, and from all other portions of the country. It means the same thing down in Florida. There are in Florida to-day automobiles from Washington, from Minnesota, from Michigan, from Maine, even from California, and from all other portions of the country, including Canada. The people, through the use of those automobiles over these improved highways, are able to get acquainted with each other and cultivate good will and exchange their thoughts and ideas and cooperate in spirit and purpose through this facility for communication which otherwise they would not enjoy; and that ought to be continued.

I say we have accomplished a great deal since 1916, and we ought to continue to prosecute this great public activity along the same line. I can not see how we can for one moment support this idea of crippling this great work, of discontinuing it, of discouraging the States, hampering them, or refusing that proper cooperation that is desirable, that is back of this proposition. That is what it means, however. The Senator from Pennsylvania says that this is a proposal to reduce the appropriation for this purpose from $75,000,000 to $60,000,000 this year, and to reduce it next year still further, until ultimately no Federal aid whatever will be granted for the purpose of building good roads.

Mr. SMITH. Mr. President——

Mr. FLETCHER. I yield.

Mr. SMITH. I do not know that I shall take the opportunity to make any remarks on this question, but I have been interested to know what is the opinion of other Senators on this subject, and I can not go to a better source to get it than the Senator from Florida. What is his opinion of the effect of good roads, as we are now constructing them, upon the promotion and development of interstate commerce in this country, aside from post offices and post roads?

Mr. FLETCHER. I think the effect is marked and favorable. Commodities and produce from the farm are being moved to market by trucks on these roads, where otherwise they would rot in the fields or could scarcely be gotten to market at all.

Mr. SMITH. My reason for asking the question is that complaint has come before the Committee on Interstate Commerce that the revenues of the railroads, both as to freight and as to passengers, have been seriously impaired by the diversion of the traffic, both passenger and freight, to the local traffic on good roads.

Mr. FLETCHER. I have seen some statement of that kind, but, in my judgment, that is local to a great extent. In a general way the railroads have all the freight they can carry and all the passengers they can carry and render proper service now; and we need all the means of transportation that we can develop—not only good roads, but the waterways of the country as well.

Mr. SMITH. Mr. President, the point I wanted to make was this: If it be true that there has been a diversion of freight and passengers by virtue of this, the corollary to that is also true, that it would not be used if it were not more advantageous and in accordance with the desires of the people. Who would use one means of transportation for freight or passengers in preference to another if the one they neglected were superior to the other?

Mr. FLETCHER. Precisely; that is quite true.

Mr. KING. Mr. President——

Mr. FLETCHER. Will the Senator please excuse me? I will allow the interruption if he insists.

Mr. KING. No; I will not insist.

Mr. FLETCHER. We have gotten into a most abominable habit here. A Senator gets the floor to present his views, and he is interrupted right and left, and speeches are intertwined and interlaced, and we waste an enormous lot of time, it seems to me.

Without repeating myself, if Senators will allow me, I will conclude in about two minutes, and then any other Senator who wants to say anything can do so when he will have the right to the floor, and I will be in favor of his keeping it until he finishes, without interruption. We will get somewhere if we follow that course. But these constant interruptions, in my judgment, not only make for a waste of time, but they destroy all logical connection in the debate. I say that without finding fault with the Senator from South Carolina, because I value the contribution he has made to this subject by calling to mind a matter which I had not thought of dwelling upon at all. It is not necessary to dwell upon it. The Senator himself, by merely pointing out that situation, in my judgment, presents a strong argument in favor of the continuance of the construction of good roads in this country.

To show that the work has progressed satisfactorily, the total road mileage completed through Federal aid up to June 30, 1924, was 32,452 miles, and the work is going on splendidly. It is not a new policy. It is authorized expressly by the Constitution. It is in line with other things which the Government has been doing as well, and perhaps with less authority under the Constitution. For instance, the Government last year contributed $145,000,000 in the way of State aid for various purposes. Among the other purposes was the support of agricultural colleges. Do Senators want to say we must discontinue that? Among other purposes was the support of the experiment stations of cooperative agricultural extension work, and aid for the construction of highways, $63,375,000. For the National Guard, $19,486,000.

The total contribution from the Federal Government in the way of State aid last year was about $145,000,000, and that included such things, for instance, as, through the Agricultural Department, fighting white pine rust, European corn borer, and the gypsy and brown-tail moth. The Federal Government undertakes to cooperate with the States in the control and destruction of those pests. It is not proposed, I take it, that we discontinue those activities. Some of the matters mentioned may be somewhat questionable, but that is outside of this particular question now before us.

I am utterly opposed to any step that will diminish this aid and that will cause us to cease to engage properly in cooperation with the States of the country in this great enterprise of building highways, which means the development now taking place where good highways exist, and the civilizing influence and excellent enlightening effects upon the people.

The Senator from Maryland should not attempt to put the President of the United States in the position of opposing legislation of this kind by quoting from a message he delivered at some time, but which did not have reference to this particular question. I want to call attention to the President's message of December 6, 1923, where under the head of Highways and Forests, he said:

Highways and reforestation should continue to have the interest and support of the Government. Everyone is anxious for good highways. I have made a liberal proposal in the Budget for the continuing payment to the States by the Federal Government of its share for this necessary public improvement. No expenditure of public money contributes so much to the national wealth as for building good roads.

That is what the President said on this specific question, and I need not add anything to it. His Budget recommendation was for about $80,000,000, I think. In the last fiscal year there were distributed about $63,370,000, and that represented 43 per cent of the total Federal, State, and local funds expended for roads. The estimate in this year's Budget is $80,000,000, or 73 per cent of the $109,000,000 for Federal aid mentioned by the President in his Budget message.

I submit, Mr. President, that this amendment ought to be defeated, and that the bill should have our cordial support.

Mr. SMITH. Mr. President, I have wondered, during this debate, why some Senator has not called attention to the invention which has brought about this good-roads movement. The movement for good roads, as we now know them and as they are proposed to be constructed by the cooperation of State and National Governments, is not based upon the desire for good roads themselves, but upon the imperative necessity of getting roads that will get out of a modern invention the maximum return, the full and adequate expression of the power of that invention.

We had but one system of adequate, rapid, interstate communication, namely, the railroad, previous to the discovery of and the practical application of the internal-combustion engine. Not a man on this floor, not a citizen of the United States, would have questioned the right of the Federal Government to see that steam transportation was adequately provided for, because of its power to revolutionize, as it did revolutionize, the methods of communication between far-distant points. But it was of such a character that it could not become available for the individual, and to that extent was undemocratic.

It is not necessary for me to review the history of the building of our great transcontinental lines. Vast subsidies of land, empires, were given by the Government in order to bring about the completion of a system that would unite East and West. It made the opening of the West possible. It made the unification of the American continent possible.

As we have progressed in scientific discovery, we have a substitute for the railroad, which is the automobile, or the autotruck. Their full efficiency can not be gotten out of the ordinary roads as we knew them when horse-drawn vehicles were the vogue. They are built upon a quadrangle where the ordinary vehicle that is pulled could be put upon a triangle, like the fifth wheel in a buggy or a wagon. An uneven surface did not do the damage to the horse-drawn vehicle that it would do to one that is pushed, and therefore must be built upon a quadrangle. Any unevenness in the surface tends to destroy or impair the efficiency of the construction. Therefore, in order to get the greatest efficiency out of what we all recognize as being a marvelous substitute, locally now, at least, for train service, for steam service, you have to accommodate your road to it. Hence the good-road movement, the smooth surface, the hard surface.

It is more essential to the development of our country than ever the railroad was. It is more democratic. It has a greater effect upon a community. It has obliterated the isolation of farm life and country life. By virtue of its being contemporaneous with the radio and the telephone, it has made the inhabitants of the country as cosmopolitan and as much interested in the progress of the congested urban life as though they were there themselves.

It has also contributed to the development of out-of-the-way places, made it possible for communities to contribute their wealth to the great streams and arteries of wealth, as no other invention of modern times has done. It is stimulating and developing the commerce and the interchange of commerce in the country as the railroads or horse-drawn vehicles could never hope to do. It has reduced the importance of the element of time or the element of space, the two great barriers to the proper distribution and production of wealth.

I cannot understand how any man, realizing the fundamental activities which must be engaged in by all the people for the benefit of all, can stand on this floor and argue against the Government of the United States, with the commerce clause in the Constitution, with the post office and post roads provision, cooperating with the States in developing that system of transportation which makes possible the development of every out-of-the-way place on the American continent.

I call the attention of the Senator from Florida [Mr. FLETCHER] to the complaint which has come before the Committee on Interstate Commerce, that even here in the incipiency of auto transportation the railroads are complaining that we are granting Government aid to their competitors and granting no Government aid to the railroads. I will not stop to discuss whether or not we are granting aid to the railroads. I think it could be proven that we are, perhaps, in a larger degree than to the good-roads movement; but that has nothing to do with your and my duty, which is to furnish every facility for the development of the resources of this country within our power. It is not an infraction of State rights. It is giving the power to a State to demonstrate its right to develop and express itself beyond its borders, as well as within its borders.

No invention of modern times has exceeded in public value the invention of the internal-combustion engine. It has brought within the scope of the individual the power to have his own freight train and his own passenger train. It has gone far toward solving the vexed problem of our dependence upon steam transportation, with its monopolistic and imperialistic power. It is contended that there may be a few roads which have been constructed by Government aid that are not post roads, but there is not a good road in the United States that is not a direct contributor to the commercial development of this country.

These good roads are just as essential for the efficient use of modern power, the autotruck and the automobile, as railroad ties and steel rails are to accommodate the steam engine. We are not building good roads because we want the smooth surface alone, but we are building them because we can not get full efficiency out of the machine without accommodating ourselves to the machine. It is an economic question. We are building up good roads in order that we may get the most out of this modern application of the internal-combustion engine.

I do not approve the idea of standing here and saying that we will not contribute the Federal Government's share for the development of that system which in less than a decade has revolutionized the life of every community, brought within the province of exploitation places into which it was not possible to build a railroad on account of the extravagant cost. We can build a good road into such places and put a modern method of transportation in there and grant those people the same contact with the markets and the society of the world as though a railroad ran there.

It is not a question of localizing the system within a State. It is interstate in its very nature. It is not a question of South Carolina building a system of good roads without an understanding with North Carolina, her sister State, nothing but an imaginary line dividing the two, and where we might incidentally or accidentally build a road that would not accommodate itself to a like system of transportation in North Carolina. But by cooperating with North Carolina we can get a system of interstate communication that answers all the purposes of intrastate communication. Likewise as North Carolina touches Virgina and Virginia touches the District of Columbia, so stretching on across the common country are the States, each maintaining its State rights and developing that system that brings us together in elbow touch. That is the work to which every one of us should commit himself and foster with all the power within reach.

I do not believe that we would be wise in appropriating more money than we can wisely expend in the proper laying out of this marvelous means of modern advancement and communication, but we have an organization to take care of the Government's side and we have the State good roads commissions, which are supposed to have the welfare of their respective States at heart. They know how far they can levy the taxes without too great a burden. We know just to what extent we can go here. Working jointly, where is the limit in this country to our development with this modern means of rapid transit and communication, more comfortable, more educational than the system which it is rapidly supplanting, that of steam transportation?

I have sat here and listened to the debates and to Senators taking the view that it is a proposition to build a buggy road or a wagon road or a forest trail. It is a marvelous revelation through the inventive genius of man of what may be done in annihilating time and space and giving the country at large and the States a means of rapid communication both of person and of property. It is our duty to develop it. It is not a question of State rights. It is a question of national development all along the line, the logic of which is the promotion of every interest, religious, social, political, and commercial, and

we have no other way of doing it except by the elbow touch of communication. Genius has indicated the lines along which we shall move, and it behooves us to follow those who were endowed with the divine power of discovering the intent of Providence in relation to man.

CARRYING ANITITOXIN TO NOME BY RELAY TEAMS

Mr. DILL. Mr. President, this is a road bill which the Senate is now considering, and I think that without leaving the subject entirely I might discuss for a few moments certain events in that part of the United States which has no roads and to which the bill does not apply. In other words, I want to speak for a few minutes about the means of transportation used in far-away Alaska in the past few days. I want to speak of that classic, heroic dog-team relay that carried antitoxin for the suffering, dying people of the little city of Nome away out there on the coast of the Bering Sea.

It was a week ago last Monday that the news came that there were four deaths and 20 cases of diphtheria in Nome, and that the only antitoxin in the town had been there from four to six years and therefore was not worth anything in caring for those people. Then there arose the question of how the antitoxin that was needed could be gotten to Nome. Because of the ice-bound Bering Sea it is impossible to reach the harbor at this time of the year. It was first proposed that the antitoxin be carried by airplane. Nome is a thousand miles from Anchorage down on the southwestern coast of Alaska, from where the antitoxin was to be sent. But it was found that there were only three usable airplanes in Alaska, that they were in winter storage, and the aviators had gone to the States. There was one other airplane in Alaska, but the engine had not been in use for some time and it was believed to be very dangerous to undertake to use it without its being repaired. So it was finally decided that they might take 300,000 units of antitoxin from the railroad hospital at Anchorage and send it overland by dog teams. They could take it about half way by the railroad that runs from Anchorage to Fairbanks. They did not take it all of the distance to Fairbanks, but stopped at Dunbar, about 40 miles this side of Fairbanks. There it was met by one of the dog teams and in relays carried across the country.

RIGORS OF THE TRIP

We who live in a climate such as we have in the States can not possibly realize what that trip meant. It is a trip of 650 miles, which, made regularly by the mail teams, takes from 25 to 30 days. By the use of relay teams they covered the distance in five and one-half days. It is an accomplishment that will be talked about in Alaska not only through this winter, but for many years to come. The heroic deeds of those men and dogs have caught the imagination of the entire world and are worthy of a mighty pen and eloquent tongue, and will be celebrated in story and in song long after the participants are dead and gone.

I want to call particular attention to one or two things in connection with this method of transportation. The teams are made up ordinarily of 9 to 11 dogs. They travel from 6 to 7 miles an hour under ordinary conditions. When it was announced that they would take the antitoxin by relay teams, every noted dog driver in the entire country along the routes over the mountains and down the Yukon River to the seacoast, and then along the coast to Nome, volunteered his services, and the very best drivers and teams were chosen. They made some really remarkable records. I shall not attempt to trace the trip, nor to give the details; first, because I am not sufficiently familiar with them, and secondly, because it would take too much time; but it is interesting to know that between the relays, running from 30 to 40 miles each, there was only 10 to 15 minutes of delay, the driver of every team immediately taking charge of the antitoxin and driving on to the next station.

REMARKABLE RECORD

The Indian natives of the country volunteered their services to make possible the quick relays on the trip, because the people in that section of Alaska have again and again been stricken with this dread disease. So as the drivers and dogs went along on the trip, these Indians helped in every way they could. There are two or three speed records that are really worth mentioning. The relay from Ruby to Whiskey Creek, 28 miles, was made in three and one-half hours. The most remarkable relay was from Nulato to Kaltag, where they made 36 miles in three and one-half hours, which is a little better than 10 miles an hour. They made the entire distance from Tanana to Kaltag, 280 miles, in 37 hours, by these relay teams. These are truly remarkable records for this time of year.

I want to remind Senators of another thing. The newspapers mentioned the names of the great dog-team drivers who have won the relay races, Seppala, and particularly Kasson, but those records I have just mentioned were made by unknown Indian dog drivers with teams of mongrel dogs. Of course, the last part of the trip was more exciting and the traveling was the more fierce, because of the terrific gales that swept across the Bering Sea and the coast. But we should always remember that the rapid and successful carrying of this antitoxin to Nome was due as much to the unknown drivers and the unknown dogs fighting their way through the blizzards over the lonely, dead ice desert, each doing his part to make the final victory possible, and that they deserve equal credit with those whose names came through in the news dispatches.

THROUGH DARKNESS, COLD, AND GALES

When the teams which carried the antitoxin over the mountains and down the river to the Bering coast reached that point they struck the most difficult part of the trip. It was 30° below zero, the gales blew 40 miles an hour, and this is the time of the year in Alaska when the country is wrapped in darkness. Their daylight period is from 10 to 2 o'clock and is a period of misty light. They made the trip through the darkness, the drivers most of the time being unable to see anything at all and least of all the trail. They had to trust to the dogs, which seemed to have an almost supernatural power of finding their way along the trail. The trip of Seppala was something like 100 miles, much of it across the country where there is not a single habitation through all the distance. With his dog team of 20 or 21 dogs he made a wonderful record, the crossing of Norton Sound being the most spectacular and the most notable part of the trip. His dogs are the Siberian dogs, smaller than the ordinary malamute dogs used on the first part of the trip. They have the peculiar faculty of starting at an ordinary rate of speed and as they go along they get faster and faster until they attain a speed of 8 or 9 miles an hour. They are said in this case to have speeded up beyond anything known in the travel of Alaskan dog teams. They seem to have had a sort of supernatural knowledge that they must get through to the coast in the face of the storm which was driving against them.

TRIBUTE TO BALTO

When the relay reached Bluff it was taken by Kasson with his team of Siberian dogs. He was to have been relayed at a place called Safety. The storm, however, was terrible, and he did not stop at Safety, but went on through and made the trip of 55 miles. His description of the trip, as written in the newspaper, reads like a romance. I shall not attempt to give it all, but I wish to read just two or three statements from it. According to the United Press, he said:

I left Bluff, 53 miles east of Nome, at 10 p. m. Sunday. The thermometer stood at 30 below, and a gale was blowing from the northwest. I couldn't see the trail. Many times I couldn't even see my dogs, so blinding was the gale. I gave Balto, my lead dog, his head and trusted to him. He never once faltered. It was Balto who led the way—the credit is his.

This black Siberian dog, through the darkness and storm, crossed this icy desert and kept the trail when no human being could possibly have found his way. I wish to read a commentary on this feat by one of the editors of the Hearst newspapers, because, while many editors have attempted to do justice to this trip, I think he has come nearest to doing so. Speaking of the journey, he said:

Nothing finer has been done by heroism on any battle field than this relay race across this wind-swept, ice-locked desert of the Arctic.

If anything, this heroism of the distant North is better than that of battle, for there was no thrill in the doing of it, no wild intoxication, no mass delirium which makes the hazard seem a holiday.

All alone these brave drivers and brave dogs accepted the challenge of the tempest and the plague—and won.

Six hundred and fifty miles they struggled through the storm, blowing 70 miles an hour—650 miles with the thermometer 40 below zero.

There was not even daylight to relieve the loneliness of it, for at this season that region is wrapped in night. Only between 10 in the morning and 2 in the afternoon a pale gray light filters through—a light so dim that the driver can not see his leading dog.

And after this brief twilight, blackness comes—and with it all the desolation of a dead world.

Such was the pitiless stage of this great drama of Alaska—this drama of man and dog—or dog and man—for in the fine democracy of nature all are equal if their worth be equal.

The savage wind cut them, the stinging, flying ice numbed them, the cold cut clear to the bone. They were clad in ice—dogs and drivers—but they kept straight on toward Nome, for children were dying there for want of the medicine they bore—and every minute meant a life.

They are a dauntless lot—these mushers and their dogs—who find their way where there is neither sign nor star—and they are a gallant lot as well.

For instance Seppala, four-time winner of the all-Alaska sweepstakes, first won the prize from Scotty Allan, till then the peerless driver of the northland, and then Seppala named his leading dog "Scotty," in honor of his vanquished rival.

There are thoroughbreds up yonder in the long, bitter darkness. Consider another gallant fellow—

When, half frozen, Gunmar Kasson, the driver of the final relay into Nome, was given coffee and half thawed out, his first words were words of praise for his leader "Balto."

Then the editor quoted this statement from Kasson:

I do not believe any dog other than my leader, Balto, could have brought the sled with the antitoxin through such a night of storm as we, my 13 dogs and myself, passed through last night.

I could not see the trail or any markings myself, and it was only through Balto's leadership that we arrived when we did.

SHOULD NEVER BE NECESSARY AGAIN

Senators, I tell this story because I want it in the RECORD, and because I want to remind the Senate and the bureau that has charge of the Health Service that we should see to it that never again in the future will a great ice-locked northern port be left in the fall with no antitoxin except that which is from four to six years old.

The 300,000 units of antitoxin that were carried there are only sufficient for 20 or 30 people. It has been decided to send 1,200,000 more units of antitoxin and 200 Shick tests from Seattle. It is hoped to be able to send those by airplane, and probably in the future they will always be able to transport such necessary medical supplies by airplane.

The classic victory of these dogs and men will probably be the last of its kind, and it is certainly a fitting finish to the long history of brilliant achievement made by dog teams in the far north.

While I am speaking on the subject of the work that dogs have done with men and for men, I wish to insert in the RECORD two tributes to the dog which have been paid by men to the faithfulness of dogs in temperate climes, living under conditions with which we are familiar. I desire to submit them as a part of my remarks, the one being the well-known tribute to the dog by former Senator Vest, of Missouri, and the other being the editorial written by former President Harding concerning the dog that died when he was editing his newspaper at Marion.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

SENATOR VEST'S TRIBUTE TO A DOG

"Gentlemen of the jury, the best friend a man has in the world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its clouds upon our heads.

"The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog. He will sleep on the cold ground where the wintry winds blow and the snow drives fiercely if only he may be near his master's side. He will kiss the hand that has no food to offer. He will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert he remains. When riches take wings and reputation falls to pieces he is as constant in his love as the sun in its journey through the heaven. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard against danger, to fight his enemies.

"And when the last scene of all comes and death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his grave side will the noble dog be found, his head between his paws, his eyes sad, but opened to alert watchfulness, faithful and true even in death."

MR. HARDING'S MASTERPIECE

Back in the days when Warren G. Harding was merely the editor of the Marion Daily Star and only an ultraoptimistic few of his fellow townsmen expected him ever to become President of the United States, there was a little dog who loved this beetle-browed man above every other living thing. This was Hub, a Boston terrier.

One day last summer when the Republican presidential candidate had been complimented upon one of his best speeches he mentioned Hub, and said:

"The best thing I ever wrote was an obituary for my dog. I felt that, and anybody can write when he feels very strongly upon his subject. Some day I'll find a copy of that tribute to my dog and you'll agree with me that it was good."

Recently George Van Fleet, managing editor of the Marion Star and the sole boss while the owner is in Washington, found the obituary of Hub in the newspaper files and sent a copy to the White House. Here it is:

"Edgewood Hub in the register, a mark of his breeding; but to us just Hub, a little Boston terrior, whose sentient eye mirrored the fidelity and devotion of his loyal heart. The veterinary said he was poisoned; perhaps he was. His mute suffering suggested it. One is reluctant to believe that a human being who claims man's estate could be so hateful a coward as to ruthlessly torture and kill a trusting victim, made defenseless through his confidence in the human master, but there are such. One honest look from Hub's trusting eyes was worth a hundred lying greetings from such inhuman beings, though they wear the habiliments of men.

"Perhaps you wouldn't devote these lines to a dog. But Hub was a Star office visitor nearly every day of the six years in which he deepened attachment. He was a grateful and devoted dog, with a dozen lovable attributes, and it somehow voices the yearnings of broken companionship to pay his memory deserved tribute.

"It isn't orthodox to ascribe a soul to a dog. But Hub was loving and loyal, with the jealousy that tests its quality. He was reverent, patient, faithful; he was sympathetic, more than humanly so sometimes, for no lure could be devised to call him from the sick bed of mistress or master. He minded his own affairs, especially worthy of human emulation, and he would kill nor wound no living thing. He was modest and submissive where these were becoming, yet he assumed a guardianship of the home he sentineled, until entry was properly vouched. He couldn't speak our language, but he could be, and was, eloquent with uttering eye and wagging tail, and the other expressions of knowing dogs. No, perhaps he had no soul, but in these things are the essence of soul and the spirit of lovable life.

"Whether the Creator planned it so or environment and human companionship have made it so, men may learn richly through the love and fidelity of a brave and devoted dog. Such loyalty might easily add luster to a crown of immortality."

FAITHFULNESS

Mr. DILL. Now, in conclusion, I wish to make one other observation. Somebody has said that if a man feeds a dog when he is cold and hungry, even though he be a cur, he will never bite that man, no matter how he may subsequently be treated by him. I think that is a quality that human beings, especially many politicians, might emulate. [Laughter.]

I am told that when it was desired to erect a statue in the French Palace of Justice in Paris to typify the faithfulness that a lawyer should practice in serving his client, they chose a dog faithful to his master. The dog is the companion of man in every clime on every part of earth, and his devotion to his master has always been as steadfast as the stars and as eternal as love.

Mr. FESS. Mr. President, our colleague from Washington, by his splendid talent, has put himself in the class with Jack London in The Call of the Wild. I think we have enjoyed his address on the dog as much as any of us enjoyed reading the famous book of Jack London.

ADDRESSES BY FORMER GOVERNOR FRANK O. LOWDEN

Mr. HARRIS. Mr. President, one of the ablest men who has been in public life in the United States is former Gov. Frank O. Lowden, of Illinois. He recently delivered two addresses in my State, one in Atlanta and one in Savannah, of such great interest to our people that I ask unanimous consent to have them printed in the RECORD. I also ask to have printed in the RECORD the remarks of Mrs. Walter D. Lamar in introducing Governor Lowden to his audience in Atlanta. Mrs. Lamar is one of the distinguished women of Georgia and the South. Her father was the Hon. James H. Blount, who for 20 years so ably represented in Congress the sixth district of Georgia.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDRESS OF HON. FRANK O. LOWDEN, AT ATLANTA, GA.

Madam President and ladies of the United Daughters of the Confederacy, I thank you for this opportunity. When your gracious invitation came I was deeply moved and grateful—moved beyond words that you should thus honor me and grateful for the chance to tell of the gladness that fills my heart because of the fact that the last wraith of misunderstanding between the North and the South is laid, as I believe, forevermore.

It is a happiness, too, to be here under the auspices of the Daughters of the Confederacy. In war women always bear the hardest part. In battle the soldier is stimulated by the pomp and panoply that surround him, is heartened by his contact with his comrades, is sustained by the intense excitement which is inseparable from combat. The woman at home is altogether without these powerful influences. She, in her loneliness, with only her children about her, always bears the heaviest brunt of war. For woman, brave beyond man in enduring pain herself, suffers most of all when her loved ones are in pain or peril. The worst that can happen to a soldier fighting for his country is to sleep in a patriot's grave. It is those whom he leaves behind—a mother, it may be, or a wife or children—to whom our tenderest sympathy is due. It came very close to my heart, therefore, that you, the Daughters of the Confederacy, upon whose mothers the war laid the heaviest burdens, that it was you who bade me come.

I do not deem it appropriate to-night to go further into the causes of the Civil War than may be needed for a better understanding of some of the perils that beset us to-day.

The question of the right of a State to secede was not a new one. It had been asserted many times since the adoption of the Constitution. It was inevitable, I think, that this should be. The question is inherent in the very nature of the Constitution itself. For in that great instrument a new principle was introduced into government.

The United States of America are a federation. Unlike all earlier federations, however, the federation itself is clothed with powers to be exercised directly over certain designated subjects. It is, therefore, a federation and a Nation in one. The framers of the Constitution saw that all the federations of the past, usually formed for purposes of mutual defense, had fallen apart whenever their several members had come into conflict over internal affairs. They had seen the confederation of the Colonies torn by internal discord and sinking into impotence. When, therefore, they assembled in Independence Hall to frame a new Constitution, they were not content to frame a mere federation and nothing more. They adopted a new device in government and conferred upon the central Government jurisdiction to be exercised directly upon the citizens of the several States in those matters which were thought to be of common interest to all the States and which were necessary to enable the new Government to maintain itself. It was thus unavoidable that men should differ as to the power of the new Government. Those who by temperament regarded the integrity of the States as the important feature in the new Government were inclined to view with jealousy any large exercise of power directly by the central Government. They, upon the other hand, who looked to the national principle embodied in the Constitution as affording the largest hope for the future of our country were inclined to a liberal construction of the powers of the central Government. Those holding the former view easily deduced the doctrine that each State had the right to decide for itself, in a case where there was doubt, as to whether or not the General Government had exceeded its powers, and if it had, to refuse to yield obedience in that particular matter to the central Government. This is the doctrine embodied in the Kentucky and Virginia resolutions announced during the first decade under the new Government. A little later the famous Hartford convention was held. There the same doctrine was advanced, and although the convention in its formal report denied that it had any present intention to dissolve the Union, the right to do so lay in the background of its deliberations. Indeed, in its demands upon Congress for far-reaching amendments to the Constitution there was contained an implied threat of secession. The Kentucky and Virginia resolutions were adopted on the initiative of the then Republican Party, when the Federalists were in power, as a protest against some of the policies of that party. The Hartford convention of Federalists was held during the second war with England and while their old opponent, the Republican Party, was in power, as a protest against the policies which that party had adopted in the prosecution of the war and which were believed to be injurious to the interests of New England. Fortunately, before any action could be taken, peace with England had been declared and Jackson's great victory at New Orleans had greatly strengthened the national spirit. Thus we see the two great parties of the day, when the opposite party was in power, equally indulging in at least implied threats of secession.

This vital fundamental question continued to reappear in different forms throughout subsequent years and until it was finally settled by the arbitrament of arms.

The question was so vital, so far-reaching, so novel, without any precedent in all history to guide us, that it is difficult for us to see, looking calmly over the past, how it was possible to settle this question in any other way. It was unfortunate for the South that events cast upon her the burden of bringing this mighty issue to the cruel test of war. It is conceivable that if the second war with England had lasted some years longer the New England States would have felt impelled to take the course that the States of the South later took.

The war was really waged over conflicting theories of government. There were inherent differences of opinion among honest men as to whether the central Federal Government safely could be clothed with power enough to maintain itself against the will of the States themselves without endangering the liberties of its far-flung citizenship. This was the real question involved in that heroic struggle. For threescore years and ten the statesmen of America had attempted in vain to solve the problem. The resources of human statesmanship had been exhausted, and it was reserved to the armies of the North and the South to answer the question with their life's blood. The question was so large, involving as it did not only the future of America but all the future generations of men everywhere, that it need must be settled even at the awful cost of war.

It had been decreed that the answer to this portentous question should be yes, and when the war was over men everywhere could say that this great question had been settled forever by brave men, some wearing the blue and some the gray.

It was a distinguished son of the South, Gen. Stephen D. Lee, who said:

> "Now, that 30 milestones of the years have been passed since the last life was offered up for the love of our country, the southern people, making no apologies for the past, since, as you generously recognize, they fought for the right as they saw it and did their duty as they understood it, do not regret that the great God, who holds the destiny of nations, settled the question of State sovereignty and slavery for our common and everlasting good."

Through war the dream of the founders of the Republic came true, and a mighty and united country had become a fact. This was equally, as I believe, to the benefit of both the South and the North. The Constitution extends its protecting influence over the remotest portion of our common country. A war between the States is no longer a thing to dread. There are other influences now at work, however, seeking to undermine the very foundations of the Constitution.

It is seriously proposed that the Congress of the United States shall be given power to overrule decisions of the Supreme Court declaring an act of Congress void. If that proposition is adopted, the Constitution, which was finally established at such an awful cost of treasure and blood, will have become of no more significance than an act of Congress, which may be repealed by a temporary majority in the following year. Those great enduring guaranties of the rights and liberties of the citizens which the Constitution contains will have been swept away and the States themselves will sink to the status of satrapies ruled from Washington. Congress, freed from the restraints contained in the Constitution and which can be given effect only by the Supreme Court, will legislate upon every variety of subject which hitherto has been regarded as of merely State concern. The war made this an "indissoluble union of indestructible States"—mind you, indestructible States. If this new proposal shall be given effect, the States, as independent entities in our Federal system, will have been destroyed by a single blow. For who can doubt that the Congress of the United States, in the exercise of its powers, if made the final judge of its own acts, will encroach upon those powers which hitherto have been exercised by the State until the State shall be shorn of those powers, one by one.

If this shall happen, the States as we know them will disappear. They will become but mere shadows of their former selves. They will finally be ruled from Washington, the seat of autocratic power. The "lost cause" is dear to the heart of every southerner. But though he lost his cause, he found a country greater than any of which he had dreamed. Now, if the proposition to substitute the will of Congress for the sacred guaranties of the Constitution shall prevail, it will indeed be a "lost cause" for which both North and South poured out their blood upon a hundred battle fields.

The principle established in the Civil War has gained steadily in the estimation of the students of government the whole world round. Two years ago two great Englishmen visited America—Lord Shaw, chief justice of England, and Lionel Curtis. Lord Shaw addressed the American Bar Association at San Francisco, and Lionel Curtis at about the same time addressed the Institute of Politics at Williamstown. These men both emphasized the Federal principle as America's greatest contribution to the science of government. Lord Shaw said:

> "In this task of widening the range of law your great country has produced supremely great advocates. I sometimes think that the Federal idea, the idea which the genius of Hamilton and Washington combined to impress upon your people, under which State rights could be guaranteed and the Union kept secure, is on the eve of establishment on a world scale."

A generation ago it was suggested that it would be well for our country if all monuments keeping alive the memories of the Civil War were razed to the ground, so that future generations might forget that fratricidal strife. At the time the idea commended itself to many broad-minded Americans, both North and South, but in the light of these later years I think it would have been a grievous mistake. The bitterness engendered by the war has disappeared. Time, the great physician, has healed the wounds to the spirit inflicted by the war.

The monuments we are erecting North and South to our soldier dead no longer recall anything of the bitterness of the strife, but they do immortalize the sacrifices, the valor, the heroism of the American soldier, whether clothed in blue or gray. When I am told that the strategy of Stonewall Jackson was taught for years in the military schools of France in preparation for the greatest war the world has ever seen, pride swells within me that Stonewall Jackson was an American soldier, and I forget for the moment upon which side he fought. When the English military experts pronounced him the greatest soldier since Napoleon, I was glad that this great tribute had been paid to an American soldier, though south of Mason and Dixon's line. What we need is not fewer monuments, but we do need to feel both North and South that all of us have a part in all that was brave, fine, self-sacrificing, and great in the matchless deeds of the armies of both North and South. When I visit Richmond and gaze upon the statue of Robert E. Lee, that masterpiece of art, I like to think that the knightly figure there portrayed was a countryman of mine, and that I have a small part in the immortal fame that has come to him. And I know that no true son or daughter of the South ever passes the stately mausoleum on Riverside Drive in New York, where lie the ashes of Ulysses S. Grant, who would not think the great metropolis the poorer if that monument were destroyed by vandal hands.

Last fall I visited Stone Mountain and saw the beginning of the most stupendous memorial I think that man has ever dared. I thought, when I learned that this great monument had been initiated and inspired by the United Daughters of the Confederacy, that though it had not been so intended it was a noble monument, too, to their great organization. And when I looked upon the heroic figures then being sketched upon the side of that majestic granite peak a feeling of awe came over me, and I could not but think that when the pyramids have crumbled into dust, when all the monuments of the bygone ages erected by the hand of man have disappeared from earth, this great memorial will stand an immortal record of the great achievements of Americans.

When the war was over, the soldiers of the North formed themselves into the Grand Army of the Republic and the soldiers of the South into the United Confederate Veterans. Each of these organizations has rendered important service to their country in all the years that followed Appomattox. Around their several camp fires they have recalled deeds of valor and heroism and hardship and revived the stirring days of the war. They have given the tenderest care to the widowed and orphaned of their fallen comrades. They have exerted their great influence toward a better understanding between the two sections. For the brave are always generous, and it was the soldiers of the two sections who first extended the hand of friendship and fellowship across the chasm which had sundered the two. Though they could not know it, the opportunity for the greatest service of all they were to render their country did not come for more than a half century after the last shot was fired in the War between the States. Their ranks had been thinned until only shadows of the proud armies that had laid down their arms at Appomattox remained. And then the World War laid its claims upon American manhood. I was Governor of Illinois at the time and it was one of my duties to attempt to rouse our people to a full understanding of the significance of the mighty conflict. It was a difficult thing to accomplish. The war seemed to many to be so far away. It was not easy to bring home to the average mind the truth that there never was a war in our history which was so close to our hearthstones as that war across the sea. I soon learned that in my State it was the Grand Army of the Republic that responded first and most heartily to every patriotic appeal.

During this time I had occasion, too, to visit the South. And wherever I went I found the United Confederate Veterans performing a like service. They, too, were exhorting their sons and their grandsons to answer their country's call. I saw that they were employing the same language, the same lofty sentiments of patriotism, in their appeal as were their former foes of the North, now become comrades all.

A merciful God had preserved these veterans of the Civil War for more than 50 years. No longer capable of bearing arms themselves, they still could inspire and arouse the younger men to the supreme need of responding to their country's call.

Wherever there was a Grand Army post North or wherever there was a post of the United Confederate Veterans South that post was the center from out of which there radiated all the stimulating, patriotic influences in that community. These old veterans still held aloft in their trembling hands the torch of liberty to illumine the pathway of duty and honor to those whose forbears had worn the blue and the gray.

All honor to the great-hearted, broad-minded men and women of both North and South who were the first to point the way to fraternal accord between the two sections. I shall have time to name but a few.

In the summer of 1885 Grant lay dying upon Mount McGregor. His last years had been saddened by the perfidy of a business associate. Up to the very end he was engaged in writing his memoirs, with the hope that the proceeds derived therefrom might save his widow and children from want. During his heroic struggle to live until he might complete his work the public's old interest in him and affection for him began to revive. Letters and messages poured in, and none so heartened him as the words of respect and sympathy which came from his old foes of the battle field. Just three weeks before the end he wrote a letter to his physician, asking him to keep it confidential until after his death. In this letter he said:

> "As I have stated, I am thankful for the providential extension of my time to enable me to continue my work. I am further thankful, and in a much greater degree thankful, because it has enabled me to see for myself the happy harmony which has so suddenly sprung up between those engaged but a few short years ago in deadly conflict."

And no sincerer mourners followed the great captain to his tomb than the brave men from the South who had held him at bay for four long years.

And I would be recreant to my duty, speaking, as I am, upon Georgia soil, if I did not recall the great contribution to a better understanding made by that gifted son of this historic State, Henry W. Grady. His great speech in New York but four years after Grant's death, which he called "The New South," impressed the North as I think no other speech within my memory has impressed it. Let me quote for you a few of his inspired words:

> "In my native town of Athens is a monument that crowns its central hills—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men, that of a brave and simple man who died in brave and simple faith. Not for all the glories of New England—from Plymouth Rock all the way—would I exchange the heritage he left me in his soldier's death. To the foot of that shaft I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory, which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his or mine, and I am glad that the omniscient God held the balance of battle in His almighty hand, and that human slavery was swept forever from American soil—the American Union saved from the wreck of war.
>
> "This message, Mr. President, comes to you from consecrated ground. Every foot of the soil about the city in which I live is sacred as a battle ground of the Republic. Every hill that invests it is hallowed to you by the blood of your brothers, who died for your victory, and doubly hallowed to us by the blood of those who died hopeless, but undaunted, in defeat—sacred soil to all of us, rich with memories that make us purer and stronger and better, silent but stanch witnesses in its red desolation of the matchless valor of American hearts and the deathless glory of American arms—speaking an eloquent witness in its white peace and prosperity to the indissoluble Union of American States and the imperishable brotherhood of the American people."

A little later, John B. Gordon, another son of Georgia, gallant soldier, statesman, gentleman, gave a lecture in different parts of the United States called "The last days of the Confederacy." It was a great lecture. The portraits he draws of Lee and Grant at Appomattox should be enshrined forever in the heart of every true American. The two men as he paints them were equally great, each in his own way, the one in victory and the other in defeat. No one can read General Gordon's story of that time without feeling that it was one of the climatic hours of history. There was no precedent for it in all the annals of time, and no one can read it without thinking, too, that Grant and Lee then and there, without knowing it, perhaps, were laying the foundations for the happy union that has come about between the North and the South.

I am proud of the fact that it was in Illinois that the first great reunion of the soldiers of the North and the South occurred. The time was Memorial Day in 1895, just 10 years after Grant's noble message from his deathbed to his brethren of the South. The occasion was the dedication of a monument which had been erected above the dust of Confederate dead in Oakwood Cemetery in Chicago. Thither had come Longstreet, Stephen D. Lee, Fitzhugh Lee, Wade Hampton, Heth, Butler, and Underwood from the South, to fraternize with their erstwhile adversaries of the North. Never since the war had the wearers of the blue and the gray in such large numbers met and mingled. They formed a great parade and marched to the cemetery. There in the presence of a vast concourse they united in paying final honors to the Confederate dead. It was my own old regiment—I

am proud to recall—the First Infantry of the Illinois National Guard, which, in final military tribute, fired volleys over the Confederate graves. It was an epochal event. It was fitting that this final rapprochement should happen upon Illinois soil. For was not Illinois the home of Lincoln?

And it was Lincoln who said, in his first inaugural address:

> "I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection.
>
> "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

Those words were spoken with great solemnity three and three score years ago. They did not come true then as Lincoln fondly hoped and prayed. He was destined not to live to see the consummation of his dreams. His prophecy seemed for the time to have failed. In fact, it was only postponed. For now we have seen his prophetic utterance come true in every word and line. Passion has greatly strained, but it has not broken "our bonds of affection." The mystic chords of memory "are stretching from every battlefield and patriot grave." They issue from Chancellorsville and from Gettysburg and from a score of other battlefields consecrated by the blood of brave men, Americans all. They come from the graves of those who died beneath the Stars and Bars just as from the graves of those who fell beneath the Stars and Stripes. In very truth they go to "swell the chorus of the union" in ever increasing volume. And surely these "mystic chords" have been divinely "touched by the better angels of our nature" just as Lincoln hoped and prayed. We can now say, in all thankfulness to Almighty God, that Lincoln's noble vision at last is realized.

MRS. LAMAR'S INTRODUCTION

This is a great moment in the history of the Daughters of the Confederacy, it is a great moment in the history of the State of Illinois, it is a great moment in the history of the United States; and why? Because to-day the daughter of the Confederacy, standing deeply imbued with reverence for her forbears and the principles for which they offered their lives in the War between the States, with a sorrowful glance at the scorched fields back of her from Atlanta to the sea, is with loyalty to the Constitution seeking how she may best have a part in maintaining standards of the Nation against lawlessness and unrighteousness.

Behold her! A countenance that radiates love for her section and her country, a bearing that denotes pride in her heritage from Revolutionary as well as Confederate ancestry. In her left hand, clasped close to her heart, is the flag she loves, symbol of a Nation than which none ever rose more fair nor fell more pure—the Stars and Bars. In her right hand she holds aloft the flag of a reunited country, a flag that was once an enemy flag, but a flag that now protects her life and home, a flag under which her sons have three times since the sixties marched side by side with sons of men who wore the blue in that sorrowful strife between brothers—Old Glory, the Stars and Stripes.

OF INTEREST TO ILLINOIS

This is a great moment in the history of the State of Illinois, because her favorite son comes into the heart of the Southland to bring to the daughters of men against whom his fathers were once in battle arrayed a message of respect and appreciation of what the West and the South may be to each other and to the whole country in friendly combine against the only forces that can profit by a failure to know each other better. This is a great moment in the history of the United States, because only by being really united can our Nation go forward to the place in the sun toward which she is striving, the place of the Nation that must be the great factor in the world peace so devoutly to be wished. And that great something of which we sing "My country, 'tis of thee"; that beneficent oversoul to the body politic which we know as the "United States" must thrill with loving pride at every symptom of better understanding between the South and the not-south part of itself.

As sign and seal of the greatness of this moment and the fullness of its import, a daughter of a Confederate soldier presents to you a man who comes from the native State of the Federal general to whom the Confederate Army surrendered at Appomattox, the State of the man who, in the War between the States, remained on the side of the Union as its President, and the State that has through this distinguished guest given expression in no uncertain terms to the desire for friendly cooperation of all the mighty forces for good inherent in the citizens of North, South, East, and West.

AN ALL-AROUND AMERICAN

The public utterances of this man have proven him to be an all-around American, whose estimate of men has been from standards of worth to the Republic, rather than from any regard for the part of the Union from which they come. I believe, too, he holds with dear old Corporal Tanner, of the Grand Army of the Republic, who asked permission to speak a few words to the Daughters of the Confederacy in convention assembled in Washington in 1912. Corporal Tanner said, in part: "I honor the sentiment which prompts you women to cherish your flag. It is akin to that sentiment which prompts the bereaved mother to go to the bottom drawer of the bureau, take out the little dead baby's shoes, kiss them, and weep over them." And then he added, as he limped from the platform, "I buried my leg in the Valley of the Shenandoah and I buried my animosity at Appomattox."

LEADS USEFUL LIFE

The speaker of the evening is a member of the legal profession, but he is an aristocrat who believes that he alone is entitled to be so called who serves his country to the best of his ability. By devotion to business he has become a man of wealth, but he values his position as a plutocrat only in so far as it fits him the better to serve his country. Although the Republican Party claims him, his broad views, his kindly attitude toward those who differ with him, make of him the best of Democrats.

Aristocrat, plutocrat, democrat! Words that have been distorted to mean sinister things in the world's history sometimes, but words which, rightly interpreted by lives of usefulness, stand for the greatest possible factors in the conception and promotion of all that we mean when we say "He is a true American."

It is, therefore, with pride and pleasure that I present to the United Daughters of the Confederacy, in convention assembled, a great constitutional lawyer, the best governor that Illinois ever had, the best man the Republican Party ever had in view for the presidency, a man that has that most lovable of all qualities, the ability to put himself in the other fellow's place. A man, high-minded, noble-hearted, cultured—the Hon. Frank O. Lowden, of Illinois.

ADDRESS OF HON. FRANK O. LOWDEN, AT SAVANNAH, GA.

When the Great War came to an end everyone recognized the fact that there must be a readjustment of values. It was assumed that prices generally would decline. It was supposed that the decline would affect all commodities with an approach at least to uniformity. That has not happened. Prices of farm products declined rapidly and beyond all proportion to the decline in prices of other commodities and have never regained their former relative position. Why is it that in every other period of depression there has been some degree of uniformity in the lowering of prices of commodities generally and not at this particular time? Why is it that at the time of the panic of 1873 and of 1893 prices of steel products and of farm implements and of manufactured goods generally declined substantially as much as did the prices of the products of the farm? And why is it that this period of depression we have gone through has been an exception in this respect? To answer these questions correctly requires that we should look into the conditions generally as they exist to-day and as they did exist during the former periods of depression. The chief difference, I think, between now and then is that during the last 30 years organization has been the dominant factor with labor and with every other industry except our own. When the depression of 1920 set in there was a large accumulation of goods of all kinds on hand; but industry, being highly organized, was able to resist more successfully than the farmer the pressure for lower prices.

This leads to the inquiry whether or not, in marketing farm products, the farmer has kept apace with the great changes going on everywhere in the modern business world. In all other industries there has been a growing tendency to stabilize prices. This has been effected largely through the organization of a few great corporations which have taken the place of innumerable smaller independent units scattered over the land. Not only are there fewer manufacturers relative to production, in every line, but they in turn are organized into a great national body which meets usually once a year and considers questions of world supply and demand and other subjects of common interest to the industries. These great companies are therefore able to plan the next year's campaign intelligently and to adjust their production to the probable demand. From time to time they fix the price upon their product, which remains until new conditions require a change. They no longer go ahead blindly running full capacity, putting their commodity upon the market at whatever price may be offered, for they have learned that in that way danger lies. In agriculture alone have the methods of marketing made no improvement, except as to the sale of those products which are now being marketed through cooperative commodity marketing associations. These associations have made remarkable progress during recent years. Indeed, while the farmer generally has retained his old methods, they have lost much of their original efficacy because of the tendency toward organization on the part of purchasers of his product. The number of sellers has constantly increased while the number of purchasers has as constantly decreased.

FARMERS MUST ORGANIZE

Agriculture, therefore, finds itself with its millions of members freely competing among themselves while it is obliged to sell its products in a highly organized industrial and commercial world. Now, if the farmers are to put themselves upon terms of equality with the great industries of the country they, too, must organize. It is not desirable that they should imitate the great industries, adopt the corporate form of organization, and operate their farms through corporate management. It would weaken our whole social structure if our millions of farmers were to surrender their individualism in this way. Nor is it necessary. While much improved efficiency in production is still possible, the farmers have made and are making constant progress in this respect. The problems which press hardest upon him to-day are concerned with the marketing at a price which will enable him to live and to go on producing his products. He must find some way to restore the proper relationship between the prices he receives for his products and the prices he pays for other commodities. The devotee of the laissez faire philosophy insists that in process of time, under the operation of economic laws alone, this relationship will be restored. Perhaps he is right. The last report of the Secretary of Agriculture states that during the last year 10 per cent of the farms in Michigan alone have been abandoned, and 13 per cent more only partially worked. Only the other day the county agent in one of the counties in Indiana told me that last year 320 farms in his county alone lay idle. Indeed, I think I may safely say that there is not an agricultural State in the country in which there are not at the present time fallow fields. As things stand this tendency will continue until farm production will fall so low that there will be a real scarcity of farm products and farm prices will rise to an even higher level than would be desirable. In the meantime, a large portion of the farm population will go bankrupt. Certainly this is not a pleasing prospect from the standpoint of either the producer or the consumer of farm products. If we would avoid this ruin I see but one way out. The farmer, too, must organize for the purpose of marketing his products. Commodity marketing associations are no longer an experiment. It is not necessary before this audience to enlarge upon this point.

Those who oppose the principle of cooperative marketing seem to think that in some sort of way the cooperative associations are seeking to avoid the operation of the law of supply and demand. Quite the reverse is true. Those who advocate this form of marketing are seeking only to create conditions by which the law will operate fairly as between the seller and the buyer of farm products. At present it does not. We are told by the economists that time and place are important factors in the market price. He, therefore, who selects the time and place for the sale of his product has a direct effect upon the price of that product. This the individual farmer can not do. As to the time, he usually must market whenever his product is harvested or otherwise ready for the market. As to place, he is limited practically to the nearest local market. Organized along commodity lines, his organization would have much to say as to both time and place. We are told also by the economists that the supply which operates in price change "does not mean the total stock of goods in existence but the quantity which sellers are willing and able to sell at the former price." Therefore he who exercises a substantial control upon the flow of the product to the market is an important factor in making the price. It is perfectly evident that the hundreds of thousands of individual producers each acting for himself are deprived of this advantage.

FOES OF FREE COMPETITION

The laws of supply and demand extending over a series of years in fixing what the political economists call the normal price still obtain. To fix the market price, however, fairly, that law is effective only "with free competition on both sides." Among the causes which defeat free competition, Hadley, formerly president of Yale University, in his "Work on Economics," places ignorance first. In other words, there must be equality of understanding on the part of buyers and sellers before this law can operate successfully.

Now, apply this to the farmer marketing his product. How can he possibly know as much about the many and complex factors which enter into the thing as the great, powerful organized buying corporations, including, during recent years, even governments themselves? If, however, he should enjoy equality of information with the buyer, he is not usually in a position to take advantage of his knowledge. In most instances he must market his field crops as soon as they are harvested. He, therefore, dumps his entire crop upon the market within a few weeks or months at the outside. The effect inevitably is to depress the price. It is not a sufficient answer to say that by the device of dealing in futures, as in the cereal and in the cotton markets, the effect of the dumping is altogether obviated. For though it may be shown that the price of the cash commodity months hence may be but little more than sufficient to cover the cost plus the carrying charges, it is quite likely that the cash price throughout the year would have been much higher if the market had not been unduly depressed by dumping at the beginning. In other words, it is altogether probable that the market for the year never recovers from the jolt it receives by the marketing of almost the entire crop within a few weeks.

Of course, the law of supply and demand still holds. Like any other law, however, in the economic or the natural world it may be made to serve man, or, through ignorance, destroy him. The law of gravitation is of immense benefit to the farmer when rightly used. It enables him to drain his lands, makes it possible for him to distribute water cheaply from a tank throughout his house and barn. The same law, however, may destroy him if he carelessly leaves open a trap door into his hay mow and falls through it to the floor below. The purpose of cooperative marketing of farm products is not to defy the law of supply and demand but only to make that law serve the farmer.

THE SURPLUS BUGABOO

We have too long permitted the bugaboo of surplus to depress unduly the price of the great staple products of the farm. The world has been producing wheat for some thousands of years. Since the time of Pharaoh, however, there has never at any given time been a sufficient amount of wheat in existence to feed the world for more than a few months. Would we call mankind improvident if enough of wheat were always carried in storage to feed the world for a single year? If not, what shall we say of the system of marketing wheat by which a six months' supply is permitted to lower the price of that necessity of life below the cost to produce?

Two recent instances have come to me of the faulty way in which the present system works. Early in the summer I marketed some hogs at $6.90 a hundred. A few days afterwards the same hogs were selling at $9.50 a hundred. Now the law of supply and demand, I insist, was not working perfectly on both these days so far as hogs in Illinois were concerned. During August, the Government estimate increased the probable yield of cotton by 600,000 bales over its previous estimate, or less than 5 per cent. As a result, at the same time the price in the market declined $30 a bale, or 20 per cent. In other words, the crop by the last estimate was worth less in the market by $300,000,000 than the crop by the lesser estimate, and yet the world needs cotton as it has not needed it before in modern times.

Something is wrong with our methods of marketing when the aggregate money value of a larger crop of a prime necessity is smaller than the value of a smaller crop. There are untold thousands of men and women and children who need to clothe them more cotton than is produced in the world to-day. To say, therefore, that 12,400,000 bales of cotton are worth more to the world than 13,000,000 bales is to condemn a system of marketing which reveals such an absurdity.

GROWERS WAKING UP

Cotton growers of the South have begun to appreciate the situation. In each of the cotton-growing States they have effected an organization for the cooperative marketing of their cotton. These associations have already accomplished much for their members, though they market less than 15 per cent of all the cotton produced. Their membership is increasing. And when the time comes, as it surely will, if only the farmers of the South are alive to their own interests, when they shall market instead of less than 15 per cent 50 per cent or more of the crop, you may be sure that an increase of less than 5 per cent in a crop will not decrease the price received by 30 per cent.

A year ago corn was selling in many sections of the country, as I recall it, at about 40 cents a bushel. This was less than it cost under present conditions to produce it. It was said that the low price was the result of a surplus. Most farmers were compelled to sell even at a loss. The few men who were able to hold have received double that price. The old bogey of a surplus did not disturb them, for they knew that under the operation of the economic laws corn must some day bring in the market what it cost to produce it. For though farmers are long suffering as a rule, they will not indefinitely continue to produce at a continuous loss. Now, if the corn producers had been organized as other businesses are organized, they would have marketed their corn in an orderly way; they would have established a fair price for corn, marketed as much as possible, and waited for the turn which was inevitable before marketing the remainder. But, you say, what if this year there had been another bumper crop of corn. I reply that if it were ascertained that we were producing year by year any commodity in excess of the world's needs, and we were organized, we would at once take steps to curtail production, just as every other organized industry does. One of the ablest authorities on farm conditions, not only in America but throughout the world, Eugene H. Grubb, believes that we are cultivating too much land in America. He thinks that we should permit 25 per cent of our tilled fields to go back into pasture. It is certain that we are exhausting the fertility of our farms at a rapid rate. If all branches of agriculture were organized it would be possible to reduce cultivation to this extent. The so-called surpluses, which are really after all but a small percentage of the total crop produced, would disappear. The 75 per cent of land then cultivated would, I believe, produce in money value much more than it does to-day. In other

words, through organization we would be able to do just what other great organized industries do. We would adjust our production to consumption. I know of no other way in which this can be accomplished.

OMINOUS SIGNS

Men everywhere who have been bred upon the land cling tenaciously to the land. They endure much before they exchange the farm for some other occupation. But there are ominous signs all round about us now. Young men who prefer the farm are leaving it because of the larger rewards the cities offer. The number of students entering our agricultural colleges is smaller than it has been for years. And yet these are the young men upon whom we must depend if agriculture shall flourish in the years to come. The Mississippi valley rightly has been called the granary of the world. And yet if the present tendency goes on, in another decade the Mississippi valley will be dotted with abandoned farms because no one can be found who will till them.

The well-being of American agriculture is essential to the well-being and progress of the entire nation. No national policy for America is sound which does not make agriculture its very cornerstone.

The historian of Rome tells us that the decadence of that great empire began with the desertion of the farm for the superior attractions and ease of living in the city of Rome. Indeed, Ferrero, the great historian, has found already much in present day conditions in America to remind him of that period in the history of the Roman empire. Shall we not take warning and while it is yet time see to it that American agriculture shall be guarded at whatever cost?

The agricultural problem is not a class problem, as many seem to think. It involves the very existence of our institutions, as I believe. No man can contemplate the future of America with assurance unless America is to remain fundamentally an agricultural nation. Nature set us apart for an agricultural nation. The very character of our institutions is suited best to an agricultural population. In times of stress, when clouds gather upon our horizon, we turn from the smoke-stacks of our industrial centers to the open fields, and thank God for the millions of American farmers who live upon the farms they own. For we know that in the quiet of the country these millions of men and women still have time to think and pray. We know that they still cherish the ideals which they were taught at their mothers' knees. In their keeping American institutions are secure.

MUSCLE SHOALS

Mr. HOWELL. Mr. President, recently Henry Ford, in reply to a letter requesting him to retake an interest in Muscle Shoals, has very generously offered to turn over to the Government the results of his investigations and determinations respecting new methods of producing fertilizer. This letter was published recently in the Washington Herald, together with some comments by Mr. Arthur Brisbane. I ask unanimous consent to have it spread upon the RECORD.

The PRESIDING OFFICER (Mr. DILL in the chair). Is there objection to the request of the Senator from Nebraska? The Chair hears none.

The matter referred to is here printed, as follows:

UNITED STATES SHOULD OPERATE SHOALS AS NITRATE PLANT, FORD ADVISES—REPLYING TO TELEGRAM OF MR. HEARST, HE PROMISES COOPERATION AND EXPRESSES BELIEF PROBLEM OF GETTING CHEAP NITROGEN FROM AIR HAS BEEN SOLVED

DETROIT, January 31.—Henry Ford issued the following public statement to-night in answer to a telegram he received from William Randolph Hearst:

"I am no longer interested in taking over Muscle Shoals in accord with the original Ford offer which I made at the request of the War Department four years ago.

"However, I am willing to cooperate with the Government in developing Muscle Shoals into a great nitrate plant making cheap fertilizer for the American farmers.

"In my opinion, the shoals should be used for the production of nitrate and fertilizer.

"I believe that the Government could itself keep Muscle Shoals and run it, not as a power plant but as a nitrate plant, to help farmers in peace and safeguard the country in war. The people of the United States spent $140,000,000 to create a Government nitrate plant, not a power house. We should not lose sight of the original and biggest reason for Muscle Shoals being built.

"If the Government keeps Muscle Shoals and operates the nitrate plant by the Army and Navy, I shall be glad to put at their service all that the Ford company has of knowledge and experience. Our engineers have been working for three years on the problem of making cheap fertilizer from the air for farmers. We believe we have discovered improvements on the present processes. We believe air nitrate can be made at a price that will materially reduce the cost of fertilizer on the farm.

"The Ford company will turn over to the Government without cost the results of its research. We will lend the men to help build up an efficient organization to run the Shoals. As a citizen's duty, we worked with the Army and Navy during the war. We are ready to give the same cooperation to the Government in aid of the farmers now, cost free to the Government.

"Our open offer, made at Government request, was based on public-service principles with a view to developing, maintaining, and turning back to the Government a great public utility and defensive asset. This can not be done under the system of 'private profit only' that now rules business.

"It is a mistake to say that the Government can not run the nitrate plant as well as any private party. This is the very kind of business the Government ought to engage in. Electrochemical methods of air nitrogen fixation do not require great forces of employees. It is a straight job of letting the forces of nature work for you. The Government has as good men as there are in this field. We talked with some of them when we were figuring on the shoals.

"If the Government keeps Muscle Shoals and runs it for the farmers, I will help, so far as technical help goes, just as much as I could have helped if I had taken the property over.

"(Signed) HENRY FORD."

TO-DAY—NITROGEN OR POWER—FORD PUTS IT PLAINLY—LOOKS LIKE MONOPOLY NOW—UP TO THE PRESIDENT

(By Arthur Brisbane)

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NEW YORK, February 1.—At the request of the War Department, Henry Ford offered to develop the power plant, built by the people at Muscle Shoals, to provide nitrogen from the atmosphere for use in war time.

Nitrogen can be made into explosives for war and fertilizer for peace.

Every voter in this country should read and remember, until next election, Henry Ford's statement concerning Muscle Shoals. It was made yesterday in response to a message from W. R. Hearst, urging Ford to reenter the Muscle Shoals contest and again try to rescue the people's property from selfish exploiters.

The situation is clear. The President must see it plainly. And, fortunately, private monopolists can not seize this public property without the President's consent.

Should Muscle Shoals go to the power monopoly, that concern will be directly indebted to President Coolidge.

In this appeal, sent to Henry Ford by wire, Mr. Hearst said:

"I know how public-spirited you are, and how much you have at heart the welfare of our country and our people.

"I know that in your former attitude toward the Muscle Shoals enterprise you were animated mainly by a desire further to benefit the people of this country, and particularly the farmers, whom you hold so closely in your consideration.

"I know that you have lost none of this desire to serve, and I think that the situation in Washington that has developed in regard to the Muscle Shoals enterprise would again warrant your attention in the public interest."

Every farmer and every other good citizen in the country should write to President Coolidge urging him to keep Muscle Shoals out of the hands of monopolistic exploiters.

It is understood that the President does not believe in public ownership—perhaps because his knowledge of politicians convinces him that they can't be trusted with a dollar.

But the President surely does not believe in turning over a $140,000,000 public investment to be exploited by private monopolists, whose record for public exploitation is notorious.

The question is, "Shall Muscle Shoals, which the people own, be developed, primarily as a nitrogen-producing plant, and secondarily as a power plant, both in the public interest? Or shall the great enterprise be given to private monopolists to be exploited on the usual basis of 'all that the traffic will bear?'"

President Coolidge will decide the matter. Congress will not send him a bill if it is known that he will veto it.

Write the President and tell him what you think. Farmers, especially, should write. The President is always glad to hear from any citizen.

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended, and supplemented, and for other purposes.

Mr. FESS. Mr. President, the other day in a colloquy as to the program of the Bureau of Public Roads I was inad-

vertently led to make the statement that probably the policy was of the hit-or-miss variety. I should like to make a correction of that statement, because I spoke without information. I have received a letter from the chief of the bureau which is quite informing. Rather than read it myself I should like to have it read at the desk if I can get unanimous consent to have that done.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The principal clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., February 5, 1925.

Hon. SIMEON D. FESS,
United States Senate.

MY DEAR SENATOR FESS: I have been very much interested in reading the debate on the Federal highway authorization measure pending before the Senate. The Federal aid program is not on a haphazard basis, but is strictly confined to a system of roads, interstate and intercounty in character, limited to not more than 7 per cent of the total road mileage. The system in each State is agreed upon between the State and the Secretary of Agriculture; an official map has been prepared, and all Federal funds are confined to this system until completed.

The mileage in each State is shown in Table B, published on page 2983 of the CONGRESSIONAL RECORD for February 4, showing that there has been approved as the Federal aid highway system 174,350 miles.

I am sending you a map of this approved system, showing how it forms a connected network for the whole of the United States. We are completing this system at the rate of about 9,000 miles per year of all types. I have roughly estimated that it will require a program of from 12 to 15 years to do the major work on the system, and beyond that period the expenditures can be smaller. I mean by this that after we have surfaced the system in a reasonable manner there will still need to be a continuity of work for some time, such as the elimination of dangerous railroad crossings. In other words, our program is like the railroad program. We get the roads through and the traffic over them, then there is a considerable amount of supplementary construction absolutely necessary to give service to the public and to protect the public in their use of the roads.

As to types of highways, in States like Ohio practically all of the funds are spent for the higher types of roads such as brick, Portland cement concrete, and bituminous macadam.

We approve, on request of the State highway department, what we term "stage construction." This means that we first do the grading and other necessary fundamental work such as the building of culvert's and bridges, and put on the surface a covering of gravel or sand-clay to be used until funds are available and the traffic has reached a point where such a surface can no longer be economically maintained. This plan has been used very little east of the Mississippi, but we have necessarily followed it in the Western States because the big demand has been for a large mileage of roads to be used by a very much lighter and less dense traffic than east of the Mississippi.

There are no arbitrary policies established with respect to the administration of Federal aid. Under the Federal highway act the States' rights and authority are very carefully preserved, and the question of State versus Federal rights is not raised in our actual operations. There is close cooperation between the State highway departments and the Bureau of Public Roads. Each respects the good faith and judgment of the other, and we approach the problem of road building as engineers seeking to accomplish the same objective and to be mutually helpful in this immense task.

Very truly yours,

THOMAS H. MACDONALD,
Chief of Bureau.

Mr. FESS. Mr. President, I have had the letter read because it covers all of the items that were in controversy the other day when I was interrogated during the course of the colloquy.

Mr. WADSWORTH. Mr. President, may I ask a question?

Mr. FESS. Certainly.

Mr. WADSWORTH. Does the letter cover an estimate of the ultimate cost?

Mr. FESS. No; it covers the time that will be required to finish the present program.

Mr. WADSWORTH. But not the cost?

Mr. FESS. I think not.

Mr. WADSWORTH. Of course, the Senator will admit that is a rather important element.

Mr. FESS. It is. I do not recall, however, that that question was asked the other day.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

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

Mr. FESS. I yield.

Mr. KING. For information, I should like to know what the Senator considers a finished program? For instance, to make myself clear, I read in the hearings that one of the witnesses—and one of the principal witnesses—estimates, as I gather his meaning, that 2,671,400 miles will have to be constructed in order to finish the program. There have been to date Federal aid roads constructed aggregating about 46,000 miles, which have cost the Government more than $500,000,000. The same witness to whom I am referring says that just the limited number of miles which are now under construction and upon which Federal aid has been bestowed and upon which Federal aid will be bestowed will cost over three and one-half billion dollars.

Mr. FESS. I will say to my friend I can not carry the figures in my mind, but I will be glad to place before him the map that was sent to me of the roads already constructed and those which it is planned to construct.

Mr. President, as to the cost, which is enormous, I have the statement of the President of the United States in his first annual message to Congress in which he says:

> No expenditures of public money contributes so much to the national wealth as for building good roads.

Whatever be the amount of money required to put the roads in a finished condition the Government is committed to that policy.

I am sure it is, because I read from the platform of one of the great political parties a plank adopted June 11, 1924:

> The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value in the development of the highway systems of the several States and of the Nation. We pledge a continuation of this policy of Federal cooperation with the States in highway building.
>
> We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefore the taxes which these lands would pay if taxable should be considered as a controlling factor.

Then, Mr. President, I wish to read from the platform of another great political party adopted on June 28, 1924:

> Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

So I think there is left no doubt as to what is the policy of the Government so far as Federal aid to the building of roads goes. I am certain that it is a nonpartisan movement or, rather, an omnipartisan movement, all parties favoring it. I thought I ought to put this into the RECORD in view of some colloquy the other day.

NOMINATION OF HARLAN FISKE STONE

Mr. HEFLIN obtained the floor.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. HEFLIN. I would rather not yield, Mr. President. The rules require the Presiding Officer to recognize the Senator who first addresses him. I shall detain the Senate only a moment.

The Washington Post to-day contains some misrepresentations regarding myself by a correspondent of the paper who has the privilege of the press gallery. I do not mind representatives of the press criticizing me. I rather invite it. If I take a position they do not agree with, I am willing for them to criticize my position. I like open, honest, fair criticism, but I do not like to have falsehoods told about me.

I have addressed the Senate several times during my service here, and on yesterday when I spoke in behalf of an American citizen who had been denied his rights in the courts of his country the galleries were packed. I have not seen a gallery more sympathetic with any Senator in his fight than the entire gallery was with me. I think every truthful man and woman who observed the situation knows that nine-tenths of the gallery here yesterday sympathized with me in the fight that I made.

A representative of the Washington Post, in an article this morning, says that when I announced that I was about through with my speech there was applause in the galleries. Every newspaper man in the press gallery, including the man who

wrote that article, knows that that is a falsehood. No such thing occurred.

There is one other thing, Mr. President, and that is what I rose to reply to in particular. There are other misrepresentations in this article, but this one I wish to reply to in particular:

At another point Senator HEFLIN said he thought it a mistake to have lawyers on the Senate Judiciary Committee.

Every newspaper man in the gallery and every one else in the gallery and every Senator here knows that that is false; that I said nothing of the kind. The newspaper man who wrote that knew that he was telling a falsehood when he wrote it. I never took the position that there ought not to be lawyers on the Judiciary Committee. I think we ought to have lawyers on it; but because that committee passes upon United States marshals and Federal judges, district judges, circuit judges, *and* Supreme Court judges, I said and I still say that there ought to be some people on that committee who are not lawyers.

Mr. President, sometimes lawyers are embarrassed on that committee. When they know that a man is going to be confirmed for a place on the Supreme Bench, the thought comes to them that they will have to appear before him and practice law before him, and they naturally do not want to offend him or incur his displeasure; and what is involved in that? It is the lawyer looking at the matter from a lawyer's standpoint, because the lawyer must appear in the Supreme Court before the judge that he would like to oppose, but, perhaps, thinks that he had better not. If we had some people who were not lawyers upon that committee, with some lawyers on it, I think it would be much better.

Here is what I said on that subject; and I merely call this to the attention of the Senate in order that the truth may be known, and that the RECORD, at least, may contain it:

The Judiciary Committee ought not to be composed entirely of lawyers. Why should it be? The Supreme Court judges are not the judges of lawyers only; but the Judiciary Committee, composed only of lawyers, sit in judgment upon every man who constitutes the Federal judiciary. The people are involved. It is their Government; their rights are at stake; and why should they not have a right to say who shall come through the Judiciary Committee duly O. K'd for a place on the Supreme Court bench.

That was my position, Mr. President; and at some future time I shall fight to have some Senators who are not lawyers placed on that committee. I think it would be a wise change for the Senate to make. I am opposed to all the members of that committee being lawyers, just as I am opposed to bankers constituting the Banking and Currency Committee to the exclusion of others. I do not think the Senate should turn over to the banking interests of this country the Banking and Currency Committee. I think we ought to have some bankers on it, and I think we ought to have on it some people who are not bankers. I feel the same way about the Judiciary Committee—that we should have some lawyers on it and some people who are not lawyers.

Mr. President, I want to make this further observation: I think the Senate ought to take note of newspaper men who have the privilege of the press gallery who deliberately misrepresent a Senator. There is not any excuse for one of them misrepresenting me, and nine-tenths of them would not if they could, because I usually speak loud enough to be heard. I am not going to call the name of the man who wrote that article this time, because he is a very clever writer and I hope he will have a bright future if he will get out of this rascality that they are trying to get him into now on the Post. It would be the best day's work he ever did to quit the Post, because, if he can not stay with the Post and be straight and clean, he should not remain and become a rascal with the Post. [Laughter.]

GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. STERLING. Mr. President, I had hoped very much to have a vote on at least this one and first amendment this afternoon, but I had an understanding with the Senator from Washington [Mr. JONES] this morning that I should give way within the course of a couple of hours from the time we began in order that the appropriation bill might be considered, and I want to adhere to that understanding. I therefore ask unanimous consent——

Mr. SWANSON. Mr. President, so far as I am concerned we may just as well understand the situation. I am not going to consent to have any other legislation get ahead of this bill between 12 and 5 o'clock until it is disposed of. There may be a majority to beat it, but I am not going to consent to delay. While I am not going to object this time, I serve notice now that I shall not consent to further postponements. It appears to me that there is more or less of a filibuster being engendered against the bill, and I am not willing to have it jeopardized in the last week of the session and leave it to the mercy of some Senators to say whether or not it shall pass. This bill has been made the unfinished business and I am not going to consent to laying it aside after this time.

If the Senator in charge of the bill has arrived at an understanding that it shall be laid aside for the day, I believe that understanding ought to be carried out.

Mr. STERLING. Yes.

Mr. SWANSON. But I am not going to consent to have the bill laid aside, except by a majority vote, after this time, so far as I am concerned.

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

Mr. STERLING. Mr. President, if the Senator from Wyoming will excuse me, I want to say to the Senator from Virginia that I think when we get at this bill again we shall be able to dispose of it in a reasonably short time. That is my feeling now, and it is an impression that has been growing.

Mr. HEFLIN. Mr. President, can we not get an agreement to vote on this amendment and the bill to-morrow at 2 o'clock?

Mr. STERLING. I should be very glad if we could enter into such an agreement.

Mr. HEFLIN. Before we agree to the other request, I ask unanimous consent that this bill and all amendments to it be voted on finally at 2 o'clock to-morrow.

Mr. SMOOT. It would be necessary to have a quorum to make such an agreement.

Mr. STERLING. We should have to call a quorum in order to do that, and it would take a good deal of time to get the quorum. I think probably there will be an opportunity to ask unanimous consent either this evening or to-morrow morning.

The PRESIDING OFFICER (Mr. DILL in the chair). The Senator from Alabama asks unanimous consent——

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

The PRESIDING OFFICER. The Clerk will call the roll.

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

Ashurst	Dill	Keyes	Reed, Mo.
Ball	Ernst	King	Reed, Pa.
Bayard	Fernald	Ladd	Sheppard
Bingham	Ferris	McKellar	Shipstead
Borah	Fess	McKinley	Shortridge
Brookhart	Fletcher	McNary	Simmons
Broussard	Frazier	Mayfield	Smith
Bruce	George	Means	Smoot
Bursum	Gooding	Metcalf	Spencer
Butler	Harreld	Neely	Stanfield
Cameron	Harris	Norbeck	Stanley
Capper	Harrison	Norris	Sterling
Caraway	Heflin	Oddie	Swanson
Copeland	Howell	Overman	Trammell
Couzens	Johnson, Calif.	Owen	Wadsworth
Cummins	Johnson, Minn.	Pepper	Walsh, Mass.
Curtis	Jones, N. Mex.	Phipps	Warren
Dale	Jones, Wash.	Pittman	Wheeler
Dial	Kendrick	Ransdell	Willis

The PRESIDENT pro tempore. Seventy-six Senators have answered to the roll call. There is a quorum present. The Clerk will state the unanimous-consent agreement proposed by the Senator from Alabama [Mr. HEFLIN].

The reading clerk read as follows:

Ordered, By unanimous consent, that on the calendar day of Saturday, February 7, 1925, at not later than 2 o'clock, p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 4971, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, through its regular parliamentary stages to its final disposition.

The PRESIDENT pro tempore. Is there objection?

Mr. WADSWORTH. Reserving the right to object, although I had intended to offer an amendment for which I would hope to get consideration to-morrow, and although I can not possibly be here to-morrow, I shall not object to a final disposition of the bill to-morrow; but I do object on general principles to the form of the unanimous-consent agreement which has been suggested. I have seen it operate a good many times. The

result generally is that amendments offered at the last moment can not be explained at all because the final vote has been ordered on all amendments then pending and to be offered, and upon the final passage of the bill.

Mr. CURTIS. I was going to suggest to the Senator that he not object, but that the proposed agreement be amended so as to permit debate of, say, 10 minutes on each amendment.

Mr. WADSWORTH. That is what I was about to say had I not been interrupted.

Mr. HEFLIN. I have no objection that beginning at 12 o'clock to-morrow any Senator may have 10 minutes to discuss any amendment.

The PRESIDENT pro tempore. The Clerk will state the proposed unanimous-consent agreement as modified.

The reading clerk read as follows:

That on the calendar day of Saturday, February 7, 1925, at not later than 2 o'clock, p. m., the Senate shall proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 4971) through the regular parliamentary stages to its final passage, and that after the hour of 12 o'clock m. on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer—

Mr. WADSWORTH. That is not the agreement which I had in mind. I am perfectly willing to consent to a limitation on debate. I would just as leave have it five minutes on any amendment and on the bill, but not fixing the hour for the final vote.

Mr. SWANSON. The Senator has no objection to an agreement to dispose of the bill before adjournment to-morrow?

Mr. WADSWORTH. Not at all.

Mr. HEFLIN. Will the Senator agree to have the time fixed at 4 o'clock?

Mr. NORRIS. Let me suggest to the Senator from New York that if the unanimous-consent agreement is amended so as to limit the debate to five minutes that will bring about the end he desires; there will not be any trouble about it. If we do agree on a specific hour for final vote, as we all know, we are likely to run against the very thing the Senator from New York has spoken of.

Mr. WADSWORTH. We do it constantly, and it is exceedingly unfair to the Senate, as well as to the introducer of any amendment at the last minute, not to have any debate on it at all.

Mr. NORRIS. I think the Senator's proposal as made——

Mr. HEFLIN. Let me suggest to the Senator from New York that debate be limited to five minutes——

Mr. WADSWORTH. To that I am perfectly willing.

Mr. HEFLIN. On amendments and on the bill, and that a vote be had on the bill to-morrow.

Mr. WADSWORTH. In the good time of the Senate.

Mr. NORRIS. I ask unanimous consent that beginning to-morrow all speeches on the bill or any amendment thereto be limited to five minutes.

Mr. SWANSON. Make it 1 o'clock.

Mr. NORRIS. I will make it 1 o'clock.

Mr. HEFLIN. I accept the suggestion of the Senator from Nebraska.

Mr. NORRIS. That after 1 o'clock all speeches on the bill or upon any amendment be limited to five minutes.

Mr. REED of Pennsylvania. And that no Senator shall speak more than once.

Mr. NORRIS. And that no Senator shall speak more than once upon the bill or any amendment.

Mr. HEFLIN. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Alabama accepts the modification proposed by the Senator from Nebraska. The Secretary will state the unanimous-consent agreement as it would read if so modified.

Mr. REED of Pennsylvania. Mr. President, I understand that a large number of Senators who are actively interested in the bill will be compelled to be absent from the Senate to-morrow. I suggest that there be nothing in the agreement to provide that a vote must be taken to-morrow. The effect of the agreement as it stands will be to force a vote to-morrow.

Mr. SWANSON. No——

Mr. REED of Pennsylvania. If the agreement provides that at 1 o'clock speeches shall be limited to five minutes, there will be a final disposition of the bill to-morrow, it is sure.

Mr. McKELLAR. But the present proposal does not provide for that.

The PRESIDENT pro tempore. The Secretary will state the agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that, beginning at 1 o'clock p. m. to-morrow, all speeches on the bill H. R. 4971 be limited to five minutes, and no Senator shall speak more than once on the bill or any amendment.

Mr. BROUSSARD. I would like to suggest that there be inserted in the unanimous-consent agreement a provision that no other business shall intervene before the final disposition of the bill.

Mr. REED of Pennsylvania. If the hour is made 4 o'clock, that will have practically the same effect. We will dispose of the bill finally on Monday, and at the same time give consideration to these other Senators—I am not one of them—who have to be absent to-morrow. I ask the Senator from Nebraska to accept the modification.

Mr. NORRIS. As far as I am concerned, I do not want to cut off any Senator. If it is agreeable to everybody else, I am perfectly willing that we should have the understanding that the bill will not be disposed of until Monday.

Mr. HEFLIN. Mr. President, in order to finally determine what we are going to do about it, will the Senator object to having a final vote on the bill at 2 o'clock on Monday?

Mr. NORRIS. We may reach a vote before that time.

Mr. HEFLIN. At 3, or 4, or 4.30?

Mr. NORRIS. In order to accommodate the Senators who have to be away to-morrow, we should have an understanding that we will not take a final vote to-morrow. As far as I am concerned, I am willing to have a final vote now, but in order to accommodate two Senators—the Senator from Connecticut and the Senator from New York, neither one of whom can be here to-morrow—I am willing that a vote shall be had on Monday.

Mr. STERLING. I understand the Senator from New York waives that question.

Mr. NORRIS. The Senator from Connecticut, no doubt, would be willing to waive it, too, but he is very much interested in the bill, and would like to be here.

Mr. SWANSON. Would the Senator from New York be willing that the agreement should be made, with the understanding that no final vote shall be taken before 2 o'clock Monday?

Mr. WADSWORTH. That will be perfectly satisfactory.

Mr. NORRIS. I am agreeable to that.

Mr. DIAL. Mr. President, we have had this matter up for a long time, and I imagine that every Senator has made up his mind how he will vote on it. The session is drawing to a close, and some of the rest of us have measures we want to have passed. It seems to me we might as well dispose of the bill this afternoon. I do not object to its going over, but——

Mr. SWANSON. There has been an agreement made by the Senator in charge of the bill that we will take up an appropriation bill, and we ought to abide by that.

Mr. DIAL. Senators can not bind the rest of us by any agreement among themselves.

Mr. REED of Pennsylvania. Will the Senator yield to me?

Mr. DIAL. I yield.

Mr. REED of Pennsylvania. I understand that the Senator who has charge of the appropriation bill is willing that we should now dispose of the pending amendments to the good roads bill, and I understand also that there are no other Senators who wish to be heard on them. I suggest that we dispose of them now, and then let us go to the appropriation bill.

Mr. HEFLIN. Very well. I call for the yeas and nays on the pending amendment.

The PRESIDENT pro tempore. Objection is made to the proposed unanimous-consent agreement, and the question is upon the amendment proposed by the Senator from Pennsylvania [Mr. REED]. The yeas and nays are demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. REED of Pennsylvania. I ask that the amendment be stated.

The READING CLERK. On page 2 of the bill the Senator from Connecticut [Mr. BINGHAM] proposes to strike out lines 3 and 4 in the following words:

The sum of $75,000,000 for the fiscal year ending June 30, 1926.

The Senator from Pennsylvania [Mr. REED] moves, in line 3, to strike out "$75,000,000" and to insert in lieu thereof "$60,000,000."

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. SWANSON (when Mr. GLASS's name was called). My colleague, the junior Senator from Virginia [Mr. GLASS] is paired with the senior Senator from Connecticut [Mr. MCLEAN]. If my colleague were present he would vote "nay."

Mr KING (when his name was called). Upon this vote I have a general pair with the Senator from New Jersey [Mr. EDGE]. Not knowing how he would vote, I withhold my vote.

Mr. CURTIS (when Mr. ROBINSON's name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON] on this question. I have already voted "nay" and will allow my vote to stand. I understand if the Senator from Arkansas were present he would vote "nay."

Mr. HARRISON (when Mr. STEPHENS's name was called). My colleague, the junior Senator from Mississippi [Mr. STEPHENS], is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If the senior Senator from Rhode Island were present, he would vote "yea." If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness. If he were present, he would vote "nay."

Mr. JONES of New Mexico. I desire to announce that the Senator from Indiana [Mr. RALSTON] is necessarily absent. He is paired with his colleague, the senior Senator from Indiana [Mr. WATSON].

Mr. OWEN. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. BROUSSARD (after having voted in the negative). I have just ascertained that my general pair, the senior Senator from New Hampshire [Mr. MOSES], is absent. I transfer my pair to the senior Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. BRUCE (after having voted in the affirmative). I am paired on this question with the Senator from Virginia [Mr. GLASS]. If that Senator were here he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. REED of Pennsylvania. A pair with the Senator from Virginia [Mr. GLASS] has already been announced.

Mr. SWANSON. My colleague [Mr. GLASS] has a general pair with the Senator from Connecticut [Mr. MCLEAN]. My colleague had to leave at 3 o'clock and did not know how the Senator from Connecticut would vote on this question. Just before he left, my colleague wrote me a note asking me to inform the Senator from Maryland [Mr. BRUCE] that he, the Senator from Maryland, was released to vote on this question, and my colleague kept his pair with the Senator from Connecticut. I noticed that the Senator from Maryland voted and consequently did not call his attention to the fact that the pair had been released.

The result was announced—yeas 13, nays 61, as follows:

YEAS—13

Bayard	Butler	Metcalf	Walsh, Mass.
Bingham	Copeland	Pepper	
Borah	Cummins	Reed, Pa.	
Bruce	Keyes	Wadsworth	

NAYS—61

Ashurst	Fess	McKellar	Shipstead
Ball	Fletcher	McKinley	Shortridge
Brookhart	Frazier	McNary	Simmons
Broussard	George	Mayfield	Smith
Bursum	Gooding	Means	Spencer
Cameron	Harreld	Neely	Stanfield
Capper	Harris	Norbeck	Stanley
Caraway	Harrison	Norris	Sterling
Couzens	Heflin	Oddie	Swanson
Curtis	Howell	Overman	Trammell
Dale	Johnson, Calif.	Owen	Warren
Dial	Johnson, Minn.	Phipps	Wheeler
Dill	Jones, N. Mex.	Pittman	Willis
Ernst	Jones, Wash.	Ransdell	
Fernald	Kendrick	Reed, Mo.	
Ferris	Ladd	Sheppard	

NOT VOTING—22

Edge	Hale	Moses	Underwood
Edwards	King	Ralston	Walsh, Mont.
Elkins	La Follette	Robinson	Watson
Gerry	Lenroot	Shields	Weller
Glass	McCormick	Smoot	
Greene	McLean	Stephens	

So the amendment of Mr. REED of Pennsylvania was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Connecticut.

Mr. STERLING. I understand that the amendment has been withdrawn.

Mr. REED of Pennsylvania. I understand the Senator from Connecticut has withdrawn his amendment, and I desire to do the same with my second amendment.

The PRESIDENT pro tempore. There is no record of the withdrawal.

Mr. BINGHAM. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut is withdrawn, as is also the amendment of the Senator from Pennsylvania to it.

Mr. STERLING. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 7, before the word "not," insert "immediately upon the passage of this act and thereafter," and in line 7 strike out the numerals "1925" and insert in lieu thereof the words "of each year," so as to read:

Immediately upon the passage of this act, and thereafter not later than January 1 of each year, the Secretary of Agriculture is authorized to apportion among the several States—

And so forth.

Mr. STERLING. This is a clerical amendment, as I think I may call it, made necessary by the fact that the Senate did not act upon the bill prior to January 1, 1925.

The amendment was agreed to.

Mr. STERLING. On page 2, line 19, I move to amend by striking out the word "contractural" and inserting the word "contractual."

The amendment was agreed to.

Mr. STERLING. On page 4 there is a committee amendment to be acted upon.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 4, line 13, strike out "June 30" and insert "January 22."

The amendment was agreed to.

Mr. STERLING. I send to the desk an amendment, which is offered in behalf of the Senator from Kansas [Mr. CURTIS], and which amendment I accept.

The PRESIDENT pro tempore. The Clerk will state the proposed amendment.

The READING CLERK. After section 4, it is proposed to insert a new section, as follows:

SEC. 5. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

Mr. STERLING. Mr. President, I desire to say that this amendment is word for word the same as the law of 1921, which allowed the Secretary of Agriculture to continue to approve projects for three years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. WADSWORTH. I move to amend the bill by inserting, after line 16, on page 4, probably as a new section, the language which I send to the desk, and I ask the Secretary to read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 4, after line 16, it is proposed to insert:

The Secretary of Agriculture is authorized and directed to cause to be prepared, in cooperation with the appropriate State authorities, a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal-aid system, and to report to the Congress, not later than June 30, 1926, such map or plan, together with estimates as to cost and the period of time necessary for completion of the work.

Mr. WADSWORTH. Mr. President, the object of the amendment is obvious, and I hope it will be accepted by the Senator in charge of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. STERLING. I think I have no objection to that amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. PITTMAN. No, Mr. President——

Mr. SHIPSTEAD obtained the floor.

Mr. HARRISON. Let us have a division on the amendment.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. SHIPSTEAD. I yield to the Senator from Nevada.

Mr. PITTMAN. I do not think the amendment of the Senator from New York should be adopted as though it amounted to nothing. I never knew an amendment to be offered by the Senator from New York that was not material and important.

Mr. WADSWORTH. This amendment has such merit that no one could object to it.

Mr. PITTMAN. The present law, as I understand, does not give power to the Department to determine where a road shall be built.

Mr. WADSWORTH. Not at all.

Mr. PITTMAN. Nor does it leave it to the discretion of the department to say what roads are important and what are not.

Mr. WADSWORTH. This amendment does not imply any such power.

Mr. PITTMAN. I take it for granted that the Secretary of Agriculture is to report what roads, in his opinion, are valuable as post roads.

Mr. WADSWORTH. Yes; that is it.

Mr. PITTMAN. I feel that we should not ask for his opinion but for information as to what roads are at present used as post roads.

Mr. WADSWORTH. I think the amendment covers the very matter which the Senator from Nevada has in mind.

Mr. PITTMAN. Possibly I did not understand the amendment as read.

Mr. WADSWORTH. The amendment merely provides that:

The Secretary of Agriculture is authorized and directed to cause to be prepared in cooperation with the appropriate State authorities a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal aid system and to report to the Congress not later than June 30, 1926—

That is, about 15 months from now—

together with estimates as to cost and the period of time necessary for completion of the work.

Mr. PITTMAN. If the amendment should call for a report as to what roads in the judgment of the Secretary of Agriculture and the States should be improved, it would be a different thing, or if the map were to be made in cooperation with the States.

Mr. WADSWORTH. Under this proposed amendment the investigation of the Secretary of Agriculture is to be made in cooperation with the States.

Mr. PITTMAN. The investigation is to be made in cooperation with the States, but there is nothing, as I take it, providing that he shall report as to the views and attitude of any State with which he is cooperating. We shall get nothing under the amendment except the report of the Secretary of Agriculture.

Mr. WADSWORTH. I do not know how the Senate could call for a report from 48 different States. I thought we could get the information through the Federal officer in general charge of the work in cooperation with the States.

Mr. PITTMAN. I am in accord with the Senator as to securing a report from the Secretary of Agriculture, but I do not want his opinion alone. I do not object to having his opinion, but I want him to report the facts as developed by the joint investigation.

Mr. WADSWORTH. I think that is what the amendment calls for.

Mr. PITTMAN. Will the Senator change the last words of his amendment so to provide that the Secretary of Agriculture shall report not only his opinion, but also the facts developed by such investigation?

Mr. WADSWORTH. The last words of the amendment read:

Together with estimates as to cost and the period of time necessary for completion of the work.

How would the Senator desire that language changed? Would he have it read "together with his estimates"?

Mr. PITTMAN. Of course, I can not keep in mind the language of the Senator's amendment. I simply want the Secretary of Agriculture to report not alone his opinion, but also as to the action of the States.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from Minnesota.

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

Mr. SHIPSTEAD. Is it the purpose of this amendment to provide that an official survey shall be conducted for the purpose of designating a national system of highways?

Mr. WADSWORTH. Yes; of post roads.

Mr. SHIPSTEAD. Is it a new undertaking so far as the Government is concerned?

Mr. WADSWORTH. No; it is not a new undertaking. I assume that the Bureau of Public Roads already has in mind a good deal of its work for the future. What I think Congress is entitled to know is what is contemplated for the future; how much it will cost, how long it will take. I may say that legislative provisions, such as this, are contained in most of the good roads legislation of the several States. I know in the State of New York which, unfortunately for itself, it may be said, went ahead and completed its road system before Federal aid was ever started, and is now helping other States to pay for theirs—the road legislation contains a provision that there shall be a map of the contemplated road system of the State; and no money can be appropriated for the building of good roads in the State of New York unless it is applied to the roads specified on that map.

I do not know that Congress will want to go as far as that in the future; I do not know whether it will want us to be as strict as that in the future; but I do say that if we are to expend $75,000,000 a year for a score of years yet to come, and further sums beyond that period for incidental expenses, as mentioned in the letter of Mr. MacDonald, the chief of the bureau, we ought to have some plan on which to build, and that plan ought to be reported to the Congress, so that we will know not only when we start but where we are going.

Mr. FLETCHER. Mr. President, may I interrupt the Senator for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. SHIPSTEAD. I yield.

Mr. FLETCHER. What will be accomplished by this amendment, if adopted, will be to stop any further building of roads than those that exist now and are at present recognized. The amendment contemplates a program merely embracing highways now authorized and which it is proposed to finish. That does not leave any opportunity for future development of roads.

Mr. WADSWORTH. The Senator from Florida is mistaken.

Mr. FLETCHER. In some States that might be all right, but in States that are building new roads and are developing vast areas in different portions of the country there is need for new roads in addition to those that exist to-day or that may exist to-morrow. Why cut off the building of good roads at a certain point and say we shall not go beyond that?

Mr. STERLING. Mr. President, I think the Senator from Florida is in error in his interpretation of the proposed amendment offered by the Senator from New York. I do not think it has any such meaning or scope as he has indicated. It merely provides that the highway authorities of the several States may, in cooperation with the Secretary of Agriculture, ascertain what post roads need improvement or what are practicable, and so forth, and such projects may be approved by the Secretary of Agriculture when they are submitted to him thereafter.

Mr. President, as a matter of fact a great deal of work has been done, and a national system of roads to the extent of 174,350 miles has already been apportioned or actually completed or allotments have been made for the several projects belonging to the system.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. SHIPSTEAD. I yield.

Mr. JONES of New Mexico. I should like to call to the attention of the Senator the fact that there is absolutely no limitation of time provided in the amendment proposed by the Senator from New York. We do not know what length of time the Secretary may feel called upon to consider when he comes to carrying out this direction, and if the amendment means what it says then he shall do this for all time.

Mr. WADSWORTH. Oh, no.

Mr. JONES of New Mexico. There is no limitation in the amendment. It refers to all roads that may be necessary, but the Senator from New York himself said that he wanted to know how large the road appropriations would be in the future. If the Secretary of Agriculture were to attempt to carry out the proposal of the Senator from New York we would have not the remotest idea of the expense to be incurred. How is he going to ascertain the expense and the cost of post roads without making an engineering estimate? To do that at this

time for prospective roads, I submit, would be calling upon the Treasury for an expenditure wholly unnecessary. Why should he be called on to say what in his opinion should be done in this road matter now and in the future? The Senator does not even mention the number of years which may be necessary in order to complete the program.

Mr. WADSWORTH. I ask for the information, that is all—for the opinion of the Secretary of Agriculture.

Mr. JONES of New Mexico. So far as the amendment is concerned, it requests him to make an estimate for all time.

Mr. WADSWORTH. Oh, no; not for all time. Apparently the Senator from New Mexico, if he will pardon me, does not want this information.

Mr. JONES of New Mexico. I submit that the information will be of no value whatever. If the Senator wants to know what roads are already under construction or contemplated, and wants to have a map of such roads, all well and good, but, as stated by the Senator from Florida [Mr. FLETCHER], we can not now even anticipate what roads we may want in the near future. Some sections of the country are in a state of development; we are extending the roads of the country; and the information called for by the Senator from New York would either be worthless or it would involve an expenditure which, I am sure, the Senate would not want to incur now for that purpose.

Mr. WADSWORTH and Mr. BROUSSARD addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield, and if so, to whom?

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

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

Mr. WADSWORTH. I think the Senator from Minnesota yielded to me.

Mr. SHIPSTEAD. Yes; I yield to the Senator from New York first.

Mr. WADSWORTH. I thank the Senator.

Mr. BROUSSARD. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. For a question, but I should like to explain my amendment a little further.

Mr. BROUSSARD. I merely wanted to make a short statement, but I will do so later, in my own time.

Mr. WADSWORTH. Mr. President, I was greatly interested in a letter which was put into the RECORD by the Senator from Ohio [Mr. FESS] this afternoon addressed to him by Mr. MacDonald, the chief of the Bureau of Public Roads of the Department of Agriculture. As I recollect, in that letter Mr. MacDonald states that, counting up the roads thus far built with Federal aid, the roads thus far approved, and the roads planned for the future, the total aggregates 174,000 miles.

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

Mr. WADSWORTH. Yes.

Mr. BROUSSARD. I was about to state a while ago, and I think I may make the statement now, so that the Senator in his discussion may consider the factor I am about to mention that in determining the roads to be built, as the Senator knows, a State must duplicate the amount appropriated by the Federal Government.

Mr. WADSWORTH. I understand that.

Mr. BROUSSARD. Those amounts are raised by special assessment, and until every section of any given interstate road has been provided for in the regular way, under the State constitution, it is impossible for the State to give its assent to any project for an interstate road. If the Senator from New York wants to permit the Bureau of Public Roads to lay out a system of roads and then require the States to adopt it, under the conditions imposed in the Federal good roads law, it will be necessary for the States to assess by way of special taxation an amount equal to the Federal appropriations. Even if such a system of roads were projected and submitted to the Congress of the United States it would be absolutely worthless, in my opinion, Mr. President, because there are certain sections of the United States where the assessed valuation of the property abutting the roads would not permit the levying of sufficient taxes at a given time in order to meet the State expenditure. So we would find ourselves in this condition, that, although we had a system of roads submitted to the Congress, when we undertook to construct them we would have links that were not completed and no provision under which the local communities could complete them.

Mr. WADSWORTH. Mr. President, if the Senator will pardon me, I will start over again.

The letter of Mr. MacDonald indicated the existing plans or hopes, perhaps, of the Bureau of Public Roads, involving, as I recollect the figures in the letter, 174,350 miles. That, as I understand, is merely the opinion of Mr. MacDonald. I should like the Federal authority to confer with the States for the next year and a half, and, after so conferring, report to the Congress what in his judgment, this program is going to amount to.

This amendment of mine does not involve in the slightest degree any attempt to force a good-road system upon the States. It is merely to bring to the Congress some information as to the present judgment of the States and the Bureau of Public Roads as to what the program is, how long it will take, and how much it will cost.

Mr. STERLING. Mr. President, does the Senator from New York mean the program that will involve the construction of 174,350 miles?

Mr. WADSWORTH. Yes; or any modification of it which he may see fit to submit to us for further consultation between him and the States between now and June 30, 1926. If the Senate does not want that information, it can vote down the amendment.

The PRESIDENT pro tempore. The Chair withdraws the statement, which will be found in the RECORD, that the amendment was agreed to without objection. The question is upon agreeing to the amendment of the Senator from New York.

Mr. WADSWORTH. Upon that I call for the yeas and nays.

Mr. COUZENS. Mr. President, let us have the amendment stated. It has been revised several times.

Mr. WADSWORTH. It has not been revised at all. It is the same amendment that I had before. I am willing to have it stated, of course.

Mr. COUZENS. Let us have it stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The reading clerk read as follows:

The Secretary of Agriculture is authorized and directed to cause to be prepared in cooperation with the appropriate State authorities a map or plan outlining the system of post roads which, in his judgment, should be improved under the Federal aid system, and to report to the Congress not later than June 30, 1926, such map or plan, together with estimates as to cost and the period of time necessary for completion of the work.

Mr. SHIPSTEAD. Mr. President, I am not convinced in my own mind that this amendment should not prevail. It seems to me, however, that I can see in it the beginning or the continuation of a policy of enlargement of Federal aid that is sweeping all over the country and takes in almost every form of human endeavor and adds to the constantly growing appropriations from the Federal Treasury. This is done, Mr. President, upon the assumption upon the part of a great many people that if the State will spend $100 for a good road the Federal Government will spend another $100, and it encourages the people of the States to spend money on a very extravagant basis because so many of them are led to believe that by spending a great deal of money they will get a great deal of money from the Federal Government for nothing. That is the underlying basis of a great deal of this so-called Federal aid to the various activities throughout the States.

It seems to me that I can see in this amendment a proposition already conceived for a great national program for national highways; and it seems to me that it is fair to assume that with that report will come a request for an appropriation to carry it out which will be double or treble the amount of the appropriation we are voting here this afternoon. Unless, for instance, my State or any other State taxes its people to meet the appropriation for Federal aid, that State is placed in a position where it will have to contribute to the Federal road fund, but can not enjoy the benefits of its own taxes.

This continual propaganda for Federal aid is increasing the appropriations and the taxes necessary to fill the Federal Treasury; and, I think, that instead of laying plans for further encroachments upon the Federal Treasury we should have some commission to investigate how we can stop these continual encroachments upon the Federal Treasury, which are made on the assumption that if the county and the State will produce a certain amount of money they will get a like amount of money from the Federal Government for nothing. We do not get it for nothing. It all comes out of the pockets of the people, and at least 90 per cent of this propaganda for Federal aid is based upon the falsehood that the money the people get from the Federal Treasury, through Federal aid, they get for nothing under the slogan of "Free Federal aid!"

Mr. PEPPER. Mr. President, I do not see in this amendment what the Senator from Minnesota [Mr. SHIPSTEAD] sees in it. I should think the Senator from New York could not

have fairly imputed to him any such purpose as that which is suggested.

This is a simple proposition. Some of the States make large contributions to this Federal fund. The question is whether our taxpayers are to be asked blindly to pour their money into this pool, or whether we are to be furnished with some information respecting the probable outlay, and where it is that our money is going. It is a conservative measure, not an extravagant one. It is in the interest of good business. It is, in a measure, budgeting the work of good roads; and I, for one, very much hope, in the interest of those who contribute the money to the fund, that the amendment will prevail.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PEPPER. I do.

Mr. SHIPSTEAD. I hope the Senator will not assume that I intended to impute any but the best motives to the Senator from New York. I realize that this is a question upon which there can be an enormous difference of opinion. I do not want to be understood as having any conscientious scruples about the motives. I take it for granted that the motives are good.

Mr. PEPPER. I assume that that is the Senator's state of mind.

Mr. HARRELD. Mr. President, I should like to ask the Senator a question. Under the present law the entire expense that is incurred in locating roads is borne by the State highway departments. The Federal Government only finally says whether or not it will contribute to the building of the roads. I have just come into the Chamber, but I should like to ask whether the amendment that the Senator is supporting in any way affects that condition? Does it in any way put the Government to the expense of having to locate these various roads—because there is where a large part of the expense is

Mr. PEPPER. Not at all. As I understand, this is an amendment which calls upon the Secretary of Agriculture during the next 15 months to prepare, in cooperation and consultation with the State authorities, a map indicating the scheme of Federal post roads which it is desirable to improve, and to report to the Congress by June 30, 1926, the map thus prepared, together with estimates of cost and an estimate of the time during which the program of improvement will take place. It does not limit the authority of the States. It promotes cooperation between the Department of Agriculture and the State authorities, and it merely prevents the Congress from appropriating these vast sums of money and pouring them into a blind pool. It is calling for the information which will alone justify us in voting all these millions and millions of the taxpayers' money.

Mr. HARRELD. If, however, this map is once established and becomes binding in any way, then it would involve the Federal Government in the expense and in the difficulties of locating roads.

Mr. PEPPER. Mr. President, I am sure that if the Senator will read the amendment, he will agree that there is not one word in it that imposes an obligation upon anybody to do anything, excepting upon the Secretary of Agriculture to prepare a map and report it to us.

Mr. HARRELD. It would not be binding on Congress?

Mr. PEPPER. Not at all, sir. It is a mere report for our information.

Mr. KING. Mr. President, may I have the attention of the able Senator from New York [Mr. WADSWORTH]? My opinion is that the amendment offered by the Senator from New York calls for information which we should be glad to have, but what I am afraid of is this: Knowing the predilection of Federal officials to extend their authority and to increase appropriations in behalf of bureaus which they control, I fear that the Secretary will recommend surveys far beyond the needs of the States, and far beyond the capacity of many of the States to execute. I am afraid of a plan which would be recommended by the Secretary of Agriculture. I think we ought to know not only the beginning of our program but the end of it. To that extent I am in entire sympathy with the Senator from New York.

What I should like to see is a comprehensive program, participated in, as the Senator's amendment contemplates, by the Secretary of Agriculture and by the various road authorities. If there are any differences between them, the report ought to indicate those differences, and we ought to have the views of the State authorities as to what they think a comprehensive plan should be, and the views of the Secretary of Agriculture, and then it is up to us to determine what we shall do.

I say again to the able Senator from New York, however, that if you leave to the Secretary of Agriculture the determination of a program, he may impose upon Congress, if he can, a program that will bankrupt the Government and bankrupt many of the States. I have not any confidence in paternalism and in the judgment of many of these bureaus; and I hope the able Senator from New York will modify his amendment so that we may have the views of the States as well as the views of the Secretary of Agriculture. If those views coincide, well and good. If there are differences we should have those differences before us, and then it will be up to Congress to determine whether they will make appropriations for the execution of the program or not.

Mr. JONES of New Mexico. Mr. President, I just want to say another word.

I do not believe that this program of road building has any prospective end, and I do not think it should have. I hope, as long as we have this great country of ours, that we will continue to increase the good roads of the country. I do not know of a single country on earth that has completed its road system; and it is absolutely futile to attempt to make out a general program here for future action by Congress with a view of limiting the activities of the Government in connection with the States.

I can find nothing in this amendment that seems to indicate a spirit of carrying on the construction of good roads such as the Senators here who voted for these appropriations have in mind. I think I can see an attempt to have a report brought in, which in the course of a great number of years would involve the expenditure of a large sum of money, and then appeal to the country that we are appropriating these tremendous sums, and that the Congress ought to bring this thing to a stop. I submit that this amendment is not in sympathy with the movement which we have favored in the enactment of legislation such as we are now considering.

Mr. WADSWORTH. Mr. President, I desire to modify my amendment by adding a new sentence, as follows:

> And the Secretary of Agriculture is also authorized and directed to transmit to the Congress, as a part of his report, such recommendations and estimates as may emanate from the State authorities.

Apparently Senators suspect the motive of this amendment. It has been very evident that some of them do. Some of them in private conversation have already told me so. All I am asking is that as we embark upon the erection of an immense structure, we see the plans; that is all.

Mr. GOODING. Mr. President, the Senator must admit that that means a great expenditure of money, which many of the States can not afford at this time to undertake. Any other information than a regular survey with an estimate would be of no value at all to the Congress or to anyone else.

I am disappointed at the turn this argument has taken on this bill. I do not know why the East should be against this proposition; and it is practically the East that is against this bill and has been fighting it. I do not know why the East should be opposed to the development of the West.

As far as my State is concerned, the East owns it; it is largely owned in New York City. All of the standing timber in my State belongs to eastern companies. All the life-insurance companies and all the fire-insurance companies in my State, with one or two exceptions, belong to eastern companies. The railroads of my State, the interurban lines, and everything else we have out there, the power plants, and such things as that, belong to eastern corporations. The General Electric Co. has a monopoly of all the power plants in my State and all the potential opportunities for the development of power. The people of Idaho have very little left outside of the land. It is true they have that. Practically every corporation we have in Idaho is a foreign corporation. They are mightily interested in the West. My State has something like 60,000 automobiles bought from the East. We buy all of our farming machinery in the East. We have not a manufacturing institution in the State of Idaho of any importance. We pay tribute to the East on about everything we have and everything we buy.

I do not know why the East should be so much against the development of their own property, in which they have such a great interest, and I do not know of anything that will develop that country any better than good roads. The people in the East should not object to the building of good roads for the development of the West.

We have great national parks out in the West, and we are proud of them, as far as that is concerned, and we want the people of the East to come out and visit our parks. At the same time, with the great financial interest the East holds in

the West, we do not think they should object to the building of good roads for the development of the West.

Mr. WILLIS. Mr. President, I have not engaged in this discussion, but what has been said by the Senator from Idaho makes me desire to occupy a brief moment.

I am from that section of the country which I suppose the Senator would denominate the East. I am as much interested in the building of good roads as is the Senator from Idaho, but I repel the suggestion that if a Senator indicates that he wants the Government to get a plan, therefore he is opposed to carrying out the project. Suppose we were about to construct a great building; would the Senator from Idaho say that if we undertook to get a plan of the building, therefore we would be opposed to the erection of the building? I am for this bill and for this appropriation, but I am in favor of this amendment, because it is a reasonable attempt to secure information.

Mr. HEFLIN. Mr. President, I want to say that we already have this information. I have visited the Good Roads Department and have gone over with Mr. MacDonald a map showing the projects in my State and projects in other States, those now approved and the projects they have in mind for the future. I think we already have this information, and I ask for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York as modified, on which the yeas and nays have been demanded.

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

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON] and in his absence I withhold my vote.

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 Tennessee [Mr. SHIELDS], and vote "nay."

The roll call was concluded.

Mr. HARRISON. My colleague [Mr. STEPHEN] is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If my colleague were present and voting, he would vote "nay."

Mr. BROUSSARD (after having voted in the negative). I transfer my pair with the senior Senator from New Hampshire [Mr. MOSES] to the senior Senator from Alabama [Mr. UNDERWOOD], and permit my vote to stand.

The result was announced—yeas 22, nays 45, as follows:

YEAS—22

Ball	Couzens	McKinley	Wadsworth
Bingham	Cummins	Norbeck	Walsh, Mass.
Bruce	Hale	Pepper	Warren
Butler	Jones, Wash.	Reed, Pa.	Willis
Capper	Keyes	Spencer	
Copeland	King	Sterling	

NAYS—45

Ashurst	Frazier	Ladd	Sheppard
Brookhart	George	McKellar	Shipstead
Broussard	Gooding	McNary	Shortridge
Bursum	Harreld	Mayfield	Simmons
Cameron	Harris	Means	Smith
Caraway	Harrison	Neely	Stanfield
Dale	Heflin	Norris	Stanley
Dial	Howell	Oddie	Swanson
Dill	Johnson, Calif.	Overman	Trammell
Ernst	Johnson, Minn.	Phipps	
Ferris	Jones, N. Mex.	Pittman	
Fletcher	Kendrick	Ransdell	

NOT VOTING—29

Bayard	Gerry	Moses	Underwood
Borah	Glass	Owen	Walsh, Mont.
Curtis	Greene	Ralston	Watson
Edge	La Follette	Reed, Mo.	Weller
Edwards	Lenroot	Robinson	Wheeler
Elkins	McCormick	Shields	
Fernald	McLean	Smoot	
Fess	Metcalf	Stephens	

So Mr. WADSWORTH's amendment was rejected.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to amendment. If no further amendment is to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment. If there be no amendments to be proposed, the amendments will be ordered engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

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

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

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but I am at liberty to vote on this question, and I vote "yea."

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

Mr. OWEN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Montana [Mr. WASH] and vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am informed that if he were present he would vote as I intend to vote. I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague, the junior Senator from Virginia [Mr. GLASS], is paired with the senior Senator from Connecticut [Mr. MCLEAN]. If my colleague were present, he would vote "yea."

Mr. DALE. My colleague, the senior Senator from Vermont [Mr. GREENE], is unavoidably detained. If he were present, he would vote "yea."

Mr. CARAWAY. My colleague, the senior Senator from Arkansas [Mr. ROBINSON], is unavoidably absent. If present, he would vote "yea."

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Alabama [Mr. UNDERWOOD] and vote "yea."

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] is absent on account of illness. If present, he would vote "yea."

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS] is paired on this question with the senior Senator from Rhode Island [Mr. GERRY]. If present, my colleague would vote "yea." If the senior Senator from Rhode Island were present, he would vote "nay."

Mr. JONES of Washington. I wish to announce that the senior Senator from New Hampshire [Mr. MOSES] is unavoidably absent, and if present, he would vote "nay."

I also wish to announce that the senior Senator from Indiana [Mr. WATSON] is necessarily absent. He has a general pair with his colleague, the junior Senator from Indiana [Mr. RALSTON].

The result was announced—yeas 65, nays 5, as follows:

YEAS—65

Ashurst	Ernst	Kendrick	Reed, Mo.
Ball	Ferris	Keyes	Sheppard
Brookhart	Fess	King	Shipstead
Broussard	Fletcher	Ladd	Shortridge
Bruce	Frazier	McKellar	Simmons
Bursum	George	McKinley	Smith
Butler	Gooding	McNary	Spencer
Cameron	Hale	Mayfield	Stanfield
Capper	Harreld	Means	Stanley
Caraway	Harris	Neely	Sterling
Copeland	Harrison	Norris	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Howell	Overman	Warren
Curtis	Johnson, Calif.	Owen	Willis
Dale	Johnson, Minn.	Phipps	
Dial	Jones, N. Mex.	Pittman	
Dill	Jones, Wash.	Ransdell	

NAYS—5

Bingham	Reed, Pa.	Wadsworth	Walsh, Mass.
Pepper			

NOT VOTING—26

Bayard	Glass	Moses	Underwood
Borah	Greene	Norbeck	Walsh, Mont.
Edge	La Follette	Ralston	Watson
Edwards	Lenroot	Robinson	Weller
Elkins	McCormick	Shields	Wheeler
Fernald	McLean	Smoot	
Gerry	Metcalf	Stephens	

So the bill was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 553) for the relief of Blattmann & Co.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SNYDER, Mr. LEAVITT, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the following entitled bills of the House:

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $200,000 for the purpose of improving the street and sewerage system of the town; and

H. R. 6070. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii.

The message returned to the Senate in compliance with its request, the bill (S. 1639) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 2694. An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise;

H. R. 3669. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.; and

H. R. 8263. An act to authorize officers of the Treasury to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds.

REPORT OF UNITED STATES COAL COMMISSION

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 3, which were, in line 8, to strike out "document room" after the word "Senate," and in line 11, to strike out "document room" after the word "House," so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring), That the report of the United States Coal Commission relative to the anthracite and bituminous coal industry, with accompanying papers, charts, diagrams, and illustrations (including not to exceed one supplemental volume), be printed as a Senate document, with contents and index, and that 5,000 additional copies be printed, of which 1,100 copies shall be for the use of the Senate, 100 copies for the use of the Committee on Mines and Mining of the Senate, 3,500 copies for the use of the House, and 300 copies for the use of the House Committee on Interstate and Foreign Commerce.

Mr. PEPPER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 43) of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 1,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

Mr. PEPPER. I ask that the concurrent resolution may be considered and agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

BRIDGES ACROSS ARTHUR KILL

Mr. LADD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4179) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Arthur Kill between the States of New York and New Jersey, and I submit a report (No. 1034) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out down to and including the word "permit," on page 3, line 5, and insert "the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906." And on page 3, to strike out lines 11 to 22, inclusive, and to renumber the sections, so as to make the bill read:

Be is enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridges shall be commenced within three years, and they shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey."

HUDSON RIVER BRIDGE

Mr. LADD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4178) to authorize the Port of New York Authority to construct, operate, maintain, and own a bridge across the Hudson River between the States of New York and New Jersey, and I submit a report (No. 1033) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out down to and including the word "permit" on page 3, line 4, and insert "the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, Borough of Manhattan, New York City, with a point approximately opposite thereto in the Borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and on page 3, to strike out lines 10 to 21, inclusive, and to renumber the sections, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, Borough of Manhattan, New York City, with a point approximately opposite thereto in the Borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years and it shall be completed within seven years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey."

MILITARY RESERVATION ON ANASTASIA ISLAND, FLA.

Mr. FLETCHER. From the Committee on Military Affairs I report back favorably with amendments the bill (S. 4152) to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida, and I submit a report (No. 1035) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 14, after the word "thence," to strike out "is" and insert "in"; and on page 3, line 18, after the word "purposes," to insert a colon and the following additional proviso: "*Provided further*, That this grant shall not become effective until there shall have been reconveyed to the United States, free from all incumbrances, the title to that portion of the existing right of way of the St. Johns Electric Co. across this reservation, which will be superseded by the new right of way," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the St. Johns Electric Co., an electric power and railroad corporation, organized and existing under and by virtue of the laws of the State of Florida, its successors and assigns, a perpetual easement, subject to the proviso in section 2 herein, for electric railroad purposes over and upon the following described property, being a part of the military reservation on Anastasia Island, in the State of Florida, to wit:

Beginning at a point in old right of way of the St. Johns Electric Co. in the northeast quarter of the northeast quarter of section 28, township 7 south, range 30 east, said point of beginning being 125 feet from the north line and 572 feet from the west line of the northeast quarter of the northeast quarter of section 28, township 7 south, range 30 east, running thence generally in a southerly direction to a point in the half-section line of section 27, township 7 south, range 30 east, said point being 181 feet east of the section line between sections 27 and 28, township 7 south, range 30 east; thence in a southeasterly direction to a point in the south line of lot 10 of section 27, township 7 south, range 30 east, said point being 326 feet east of the southwest corner of said lot 10; said perpetual easement to be 100 feet on each side of the center of the track of railroad company and 6,138 feet in length; with full power to locate and construct railroad tracks, sidings, switches, stations, and other appurtenances thereon and to use said property for any and all purposes appurtenant to its business: *Provided*, That no part of the property hereby granted shall be used for any other than railroad purposes, and that when the property above described shall cease to be so used it shall revert to the United States of America.

SEC. 2. The said conveyance shall be subject to the conditions and reversion hereinbefore provided for, and shall be used for the purposes hereinbefore described only, and shall be subject to the right of the United States in case of an emergency to assume control of, hold, use, and occupy, temporarily or otherwise, without license, consent, or leave from said corporation, any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said corporation: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said corporation for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *Provided further*, That this grant shall not become effective until there shall have been reconveyed to the United States free from all encumbrances the title to that portion of the existing right of way of the St. Johns Electric Co. across this reservation which will be superseded by the new right of way.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

RETIREMENT OF WORLD WAR OFFICERS

The PRESIDENT pro tempore. The Chair lays before the Senate the special order, Senate bill 33, which will be stated.

The READING CLERK. The bill (S. 33) 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.

Mr. BURSUM. I ask that the special order be temporarily laid aside in order to enable the Senate to consider the appropriation bill which the Senator from Washington [Mr. JONES] has in charge.

The PRESIDENT pro tempore. The Senator from New Mexico asks that the special order be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that when the Senate shall conclude its business for the day it shall take a recess until 12 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. Mr. President, I ask that the Senate proceed to the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes. I will say that if the request is granted I shall ask the Senate to consider only the last amendment in the bill, on page 91, in which the two Senators from New York are interested. They can not be here to-morrow.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent to proceed to the consideration of House bill 11753.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES of Washington. I ask unanimous consent that the formal reading of the bill may be dispensed with and the bill read for amendments, committee amendments to be disposed of first.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none and it is so ordered.

Mr. COPELAND. Mr. President, may I ask the Senator from Washington to defer action on one amendment until Monday? He can then take care of the entire bill to-morrow, with that exception, and on Monday my colleague and I will both be here, and that matter can be taken care of.

Mr. JONES of Washington. I was in hopes we could dispose of that amendment to-night.

Mr. COPELAND. What I have to say will take considerable time.

Mr. JONES of Washington. I was in hopes we could get the bill disposed of to-morrow.

Mr. COPELAND. The Senator can make disposition of everything except the one amendment, and that can be taken care of early on Monday. I hope the Senator will agree to that course.

Mr. JONES of Washington. The Senator thinks that we could not dispose of that amendment to-night?

Mr. COPELAND. It will take a long time for me to say what I wish to say.

Mr. JONES of Washington. That makes it all the more important that we should get along with it.

Mr. COPELAND. I hope that consent may be given to do as I have suggested.

Mr. JONES of Washington. I had hoped that we could get that disposed of to-night, and I had thought probably we could do so, but I appreciate the Senator's position. I understand that the two Senators from New York will be away to-morrow, and that this is an amendment in which they are both peculiarly interested; I know that; and so I will have this understanding with them, if no other Senator objects, that we will try to dispose of this bill to-morrow except for that amendment, and leave that to go over until Monday.

Mr. COPELAND. I thank the Senator.

Mr. GOODING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield.

PEND D'OREILLE RIVER BRIDGE, IDAHO

Mr. GOODING. Out of order, I ask unanimous consent for the immediate consideration of the bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Roard crossing, Idaho.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. BURSUM. Are there any amendments to it?

Mr. GOODING. No; it is a bridge bill from the House of Representatives without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. Without objection, the bill will be considered as having passed through the parliamentary stages.

Mr. REED of Pennsylvania. I ask similar action in the case of Calendar No. 1082, being the bill (H. R. 11367) granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania.

There is necessity for considerable haste in the construction of the bridge provided for in the bill.

Mr. JONES of Washington. Mr. President, I will inquire what is the bill that the Senator from Idaho asked to have considered.

Mr. McKELLAR. It is a bridge bill.

Mr. GOODING. It is House bill 11706.

Mr. JONES of Washington. To whom does the bill give permission to build a bridge?

Mr. GOODING. I do not know to whom the permission is granted, but it is merely a bridge bill which has passed the House of Representatives.

Mr. JONES of Washington. Is it the bill that grants the consent of Congress to a Mr. Beardmore to build the bridge?

Mr. GOODING. I think that is the bill.

Mr. JONES of Washington. Well, if the bill has been passed I shall have to ask that the votes by which the bill was read the third time and passed shall be reconsidered. I hope the Senator will not object to that. If he does, I will have to enter a motion to reconsider.

Mr. GOODING. I shall not object to that, of course, although I should like to have the bill passed.

Mr. JONES of Washington. If we may have the vote reconsidered, I will speak to the Senator about it. I did not know that the bill had passed.

Mr. FLETCHER. Let the bill remain on the calendar.

Mr. JONES of Washington. Yes; just let it remain on the calendar. I ask that the vote by which the bill was ordered to a third reading and passed may be reconsidered.

The PRESIDENT pro tempore. The bill has not been passed.

Mr. JONES of Washington. Then, I want to object to its consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Washington. I will speak to the Senator from Idaho with reference to the bill later.

LIMITS OF COST OF CERTAIN NAVAL VESSELS

Mr. HALE. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Maine.

Mr. HALE. I ask unanimous consent for the immediate consideration of the bill (H. R. 11282) to authorize an increase in the limits of costs of certain naval vessels.

Mr. JONES of Washington. Will the bill lead to debate?

Mr. HALE. I think it will not lead to debate.

Mr. OVERMAN. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the limits of cost for the construction of the United States ships *Lexington* and *Saratoga*, the conversion of which vessels into airplane carriers, in accordance with the terms of the treaty providing for the limitation of naval armament, was authorized by the act of July 1, 1922, is hereby increased to $34,000,000 each.

Mr. HALE. I can explain in a moment the purpose of the bill.

Mr. WADSWORTH. I do not think the Senator need explain the bill.

Mr. HALE. Very well.

Mr. KING. Mr. President, I merely wish to call attention to the fact that we have had a Limitation of Arms Conference which was presumed to limit the cost of our Navy. We will expend this year more than $300,000,000 for the Navy and a little less for the Army; we will expend substantially $600,000,000 for the Army and Navy in peace times; all of which demonstrates that the Limitation of Arms Conference effectuated very great reforms.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

EXECUTIVE SESSION

Mr. CURTIS. 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 five minutes spent in executive session the doors were reopened.

TERMS OF THE DISTRICT COURT OF MISSISSIPPI

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill (H. R. 466) to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi.

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

Be it enacted, etc., That section 90 of the Judicial Code be, and the same is hereby, amended to read as follows:

"SEC. 90. The State of Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalabusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the third Monday in April and the first Monday in December; and for the Delta division, at Clarksdale on the fourth Monday in January and the third Monday in October. The southern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson Davis, Lawrence, Leake, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, Pearl River, Stone, and Walthall, which shall constitute the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the third Mondays in May and November; for the eastern division, at Meridian on the third Mondays in March and September; and for the southern division, at Biloxi on the third Monday in February and the first Monday in June. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district."

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

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being under the previous order until noon to-morrow.

The motion was agreed; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 7, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 6 (legislative day of February 3), 1925

COLLECTOR OF CUSTOMS

Miner G. Norton, of Cleveland, Ohio, to be collector of customs for customs collection district No. 41, with headquarters at Cleveland, Ohio, in place of W. Burr Gongwer, whose term of office expired May 31, 1924.

UNITED STATES DISTRICT JUDGE

Thomas W. Slick, of Indiana, to be United States district judge, district of Indiana, under the provisions of an act approved January 16, 1925, providing for an additional United States district judge for the district of Indiana.

UNITED STATES MARSHAL

Millard M. Owens, of Florida, to be United States marshal, northern district of Florida, vice Peter H. Miller, resigned.

POSTMASTERS

ALABAMA

Rupert M. Bearden to be postmaster at West Blocton, Ala., in place of W. W. Perry. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Eugene L. Ely to be postmaster at Kentfield, Calif., in place of Henry DeSoto, resigned.

COLORADO

Burgis G. Coy to be postmaster at East Portal, Colo., in place of B. G. Coy. Office became third class October 1, 1924.

CONNECTICUT

Fred T. Koehler to be postmaster at Windsor Locks, Conn., in place of J. F. Oates. Incumbent's commission expired June 5, 1924.

FLORIDA

Helen Arbuthnot to be postmaster at Lake Alfred, Fla., in place of E. C. Garcia, resigned.

Herbert L. Eiland to be postmaster at Baker, Fla., in place of H. L. Eiland. Office became third class April 1, 1924.

GEORGIA

Lelia Morgan to be postmaster at Sycamore, Ga., in place of Marijo McMillan. Incumbent's commission expired February 4, 1924.

Helen B. Wiley to be postmaster at Rockmart, Ga., in place of J. F. Dever, deceased.

Josie M. Crawford to be postmaster at Dalton, Ga., in place of J. A. Crawford, deceased.

ILLINOIS

Myrtle L. Schroeder to be postmaster at Addieville, Ill., in place of L. P. Schroeder. Office became third class April 1, 1924.

IOWA

Arthur M. Michaelson to be postmaster at Roland, Iowa, in place of S. E. E. Thompson. Incumbent's commission expired June 5, 1924.

Leona M. Haffner to be postmaster at Donnellson, Iowa, in place of Chris Haffner, deceased.

LOUISIANA

Edward J. Templet to be postmaster at Pharr, La., in place of K. S. Foster, resigned.

Lola M. Hutchings to be postmaster at Bossier, La., in place of L. M. Hutchings. Office became third class April 1, 1924.

MARYLAND

Shadrach G. Sparks to be postmaster at Sparks, Md., in place of S. G. Sparks. Office became third class January 1, 1925.

MICHIGAN

Albert Steinen to be postmaster at Painesdale, Mich., in place of Albert Steinen. Incumbent's commission expired June 4, 1924.

Frank Leonard to be postmaster at Hubbell, Mich., in place of P. J. Scanlon. Incumbent's commission expired June 4, 1924.

Ronald H. Macdonald to be postmaster at Dollar Bay, Mich., in place of R. H. Macdonald. Incumbent's commission expired August 8, 1923.

Julius P. White to be postmaster at Kearsarge, Mich., in place of R. M. Smith, resigned.

MINNESOTA

Joseph A. Schoenhoff to be postmaster at Sauk Center, Minn., in place of J. A. Schoenhoff. Incumbent's commission expired June 5, 1924.

John Jacobs to be postmaster at Richmond, Minn., in place of P. P. Ruegemer. Incumbent's commission expired February 18, 1924.

Fred C. Nehring to be postmaster at Paynesville, Minn., in place of W. A. Huntington. Incumbent's commission expired June 5, 1924.

Alvin E. Comstock to be postmaster at Lakefield, Minn., in place of A. L. Eriksen. Incumbent's commission expired June 5, 1924.

MISSISSIPPI

James J. Hiller to be postmaster at Calhoun City, Miss., in place of J. J. Hiller. Incumbent's commission expired January 28, 1924.

MISSOURI

Gustav F. Duensing to be postmaster at Freeman, Mo., in place of Ellen Van Meter. Office became third class July 1, 1924.

NEW MEXICO

George A. Titsworth to be postmaster at Capitan, N. Mex., in place of C. J. Larsen. Incumbent's commission expired February 4, 1924.

NEW YORK

Bertha Howland to be postmaster at Lisle, N. Y., in place of F. P. Edmister. Office became third class October 1, 1924.

NORTH CAROLINA

Jesse L. Riggs to be postmaster at Bayboro, N. C., in place of F. C. Brinson, resigned.

NORTH DAKOTA

Katherine Ritchie to be postmaster at Valley City, N. Dak., in place of W. W. Smith. Incumbent's commission expired July 28, 1923.

OKLAHOMA

Joseph T. Dillard to be postmaster at Waurika, Okla., in place of C. D. Snider. Incumbent's commission expired November 8, 1923.

Oscar F. Fowler to be postmaster at Redrock, Okla., in place of H. E. Brinson, resigned.

PENNSYLVANIA

William M. Kelvington to be postmaster at Meadow Lands, Pa., in place of G. H. Kelvington. Office became third class April 1, 1924.

George C. Brown to be postmaster at Masontown, Pa., in place of C. H. Howard, resigned.

James W. McCurdy to be postmaster at Jackson Center, Pa., in place of G. R. Jones, resigned.

Hobart M. Lord to be postmaster at Hastings, Pa., in place of G. E. Baldwin, resigned.

Lucy Hawkins to be postmaster at Export, Pa., in place of J. D. Hart, failed to qualify.

SOUTH DAKOTA

Thomas R. Worsley to be postmaster at Witten, S. Dak., in place of T. R. Worsley. Office became third class January 1, 1925.

TEXAS

Malcolm Shaw to be postmaster at Carthage, Tex., in place of R. D. Tiller. Incumbent's commission expired January 31, 1924.

VIRGINIA

Edgar E. Rawlings to be postmaster at Capron, Va., in place of A. E. Drewry, resigned.

WASHINGTON

Ruth Randall to be postmaster at Prescott, Wash., in place of F. J. Fleischer, resigned.

WEST VIRGINIA

William H. Cheeks to be postmaster at Hollidays Cove, W. Va., in place of D. M. Shakley, resigned.

WYOMING

Carrie A. Scanlin to be postmaster at Megeath, Wyo., in place of T. A. Marshall. Office became third class July 1, 1923.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6 (legislative day of February 3), 1925

PUBLIC HEALTH SERVICE

TO BE SENIOR SURGEON

Taliaferro Clark.

TO BE SURGEONS

Robert W. Hart.
Clifford R. Eskey.
Walter T. Harrison.
Rolla E. Dyer.
Charles Armstrong.
Justin K. Fuller.
Vance B. Murray.

TO BE PASSED ASSISTANT SURGEONS

Lester C. Scully. Marion R. King.
Floyd C. Turner.

TO BE ASSISTANT SURGEONS

Edwin H. Carnes. Ernest E. Huber.
Lucius F. Badger. Albert E. Russell.
Adolph S. Rumreich. Alfred J. Aselmeyer.

DIRECTOR OF THE COAST AND GEODETIC SURVEY

TO BE DIRECTOR WITH RELATIVE RANK OF CAPTAIN IN THE NAVY

Ernest Lester Jones.

POSTMASTERS

ALABAMA

William M. Pugh, Red Bay.

ALASKA

Grace Brook, Fort Yukon.

ILLINOIS

John L. Lewandowski, Calumet City.
Paul R. Beebe, Forreston.
Jesse E. Meharry, Tolono.
Frank Z. Carstens, Woodriver.

IOWA

Matt Olson, Clear Lake.
Finley E. Dutton, Manchester.
Guy C. Wilhelm, Modale.
Ren S. Bosley, Newhall.
Arthur M. Foster, Storm Lake.

LOUISIANA

Louise L. Bass, Willetts.
Nellie M. Landrum, Woodsworth.

MASSACHUSETTS

Charles C. Starratt, Ocean Bluff.

MISSOURI

Lonnie W. Hoover, Princeton.
Ralph W. Day, Summersville.

NEW JERSEY

Charles Carter, Mount Ephraim.
Joseph Kish, Nixon.

VIRGINIA

Newton F. Smith, Berryville.
John M. B. Lewis, Lynchburg.

WEST VIRGINIA

Roscoe C. Damron, Branchland.
Blanche P. Reed, Clay.
Leonard S. Echols, Charleston.
Henry E. Crews, Edwight.
Albert A. Drinkard, Elbert.
James T. Keeney, Eskdale.
Lutie Vicars, Fort Gay.
Harry F. Cunningham, Grant Town.
Thomas O. Wash, Kayford.
Ora E. Gay, Libow.
Joseph W. Thornbury, Man.
William W. Wolfe, Mount Clare.
Andrew B. Canterbury, Pax.
Clifton M. Spangler, Peterstown.
J. Wade Bell, Quinwood.
Willard M. Mason, Seth.
John S. Walker, Sharples.
James H. Reid, Slab Fork.
Harry M. Slush, Whitesville.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 6, 1925*

The House met at 12 o'clock noon.

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

Lead on, O King eternal, and make plain the way of duty. As the days are big with responsibilities, may they be rich with results. Permit nothing to cloud our wisdom or to weaken our strength. May failures not depress or discouragements leave their marks. Let us accept them with patience as part of life's discipline. May we trust Thy unfailing love and unerring wisdom, for these shall far outlast the limitations of man. Establish hope eternal in all our breasts and allow nothing to obscure or hide Thy face from us. Guide us when the way is confused and the sky is overcast and be the lamp of life unto our pathways. 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, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5197. An act to amend section 71 of the Judicial Code as amended; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 1, 7, and 9 to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

That the Senate had receded from its amendment No. 42 to said bill.

The message also announced that the Senate had passed the following order:

Ordered, That the bill (S. 2693) entitled "An act in reference to writs of error" be returned to the House of Representatives in compliance with its request.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2694. An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties, or otherwise;

H. R. 3669. An act to provide for the inspection of the battle fields of the siege of Petersburg, Va.;

H. R. 8263. An act to authorize the General Accounting Office to pay to certain supply officers of the regular Navy and Naval Reserve Force the pay and allowances of their ranks for services performed prior to the approval of their bonds; and

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes.

THE FORDNEY-M'CUMBER TARIFF

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the tariff.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, after spirited debate we have voted to provide over $700,000 for the requirements of the Tariff Commission during the coming fiscal year. The matter is of great interest not only to Members of this body but to the entire country, because it again focuses attention on that bane of our people's existence, the tariff.

In the national election of last November the most important issue with which the country is concerned was practically lost sight of because of discussions pertaining to more spectacular and less intricate matters, such as dishonesty in public office and violation of public trusts. This was indeed unfortunate, because the most far-reaching line of demarcation between the two great political parties is still the tariff.

Since September, 1922, when the Fordney-McCumber Tariff Act became a law the country has struggled under a burden of $4,000,000,000 imposed annually in indirect taxes, of which only one-tenth has gone into the United States Treasury. The remaining $3,500,000,000 has gone into the pockets of the protected interests. At the time of its enactment the entire country became aroused at the iniquity of the measure, and the press and the leading publicists of the Nation, irrespective of their political affiliations, denounced the measure as the grossest injustice yet done to a people in the guise of raising revenue. By adroit political maneuvering the Republican administration since in power, however, has done absolutely nothing to remedy the situation or relieve the burden. The whole subject has been camouflaged by smoke screens of other issues, such as "tax reduction" and "economy"—all raised to divert attention from the greatest tax burden of all—the tariff.

Direct taxes, such as the income tax and excise taxes are paid by only about 6,000,000 people and are infinitesimal compared with the exactions of the present Republican tariff which are borne by every one of our 110,000,000 people. Likewise the much-mouthed proposals and preachings of "economy" in Government expenditures, even if sincerely carried out, mean little in savings to the entire population of the country as compared to an honest revision of the present tariff law.

The Tariff Commission as originally created under a Democratic administration, as part of the program of that man of vision, President Wilson, to relieve the burdens of the people, was designed as an impartial fact finding body with powers only to ascertain the real facts, such as the cost of production and differences in wages here and abroad. It was the first sincere effort ever made to "take the tariff out of politics," and, that there might be no partisanship reflected in its findings of facts, a Democratic Congress specifically provided that of the six members of the commission at no time should more than three be affiliated with the same political party. The safeguards contained in that act, however, have been deliberately destroyed by the Republican administration in Congress and its President.

In 1922 the Republicans inserted in the act what are known as the "flexible provisions." These authorize the President, upon findings of the commission submitted to him, to increase or decrease any of the tariff rates, but although that commission has made many findings of facts the President has seen fit to act in only one instance and that to increase the duty on wheat. For two years he has had before him the findings of the commission recommending a reduction in the duty on sugar, which now costs the American people the sum of $400,000,000 a year, a major portion of which goes to "sweeten the bowl" of the sugar interests.

These interests are represented by at least one member of the commission, who was appointed by the President after serving as a lobbyist for the sugar interests, and their cause was advocated before the commission by the treasurer of the Republican National Committee, and the Senator whose name appears in the title of the present tariff act. Every day the President delays action on a revision of the sugar schedule costs nearly a million dollars to the sugar-consuming public.

With no attempt to conceal his purpose the President is proceeding to fill all vacancies on this commission, and other bipartisan commissions, with men in complete sympathy with the policies of his party and in direct violation not alone of the spirit but of the very letter of the laws creating those commissions. There can only be one result of this action—a narrow partisan determination of the questions without regard to the public interest. A tariff commission composed entirely of high protectionists obviously will make no recommendations which are antagonistic to the very interests which are the favorites of the protective policy.

In carrying out its policy of "one-man control," the Republican Party and its President has usurped the powers of Congress, which alone directly represents the people, in dealing with this question so directly responsible for the high cost of living. The burdens and conditions of the people never enter into their considerations. The large contributors to their campaign funds dictate their policies.

In a studied effort to delude the American people the Republican Party has for years conducted a systematic propaganda that the Democratic Party is the party of "free trade"—that the Democratic Party believes in no tariff whatsoever. Nothing could be further from the truth.

The Democratic Party favors a tariff which will assure a proper revenue for the support of the Government, at the same time insuring reasonable competition without injury to any industry economically justifiable. The Democratic Party in framing a tariff has always taken into consideration the wage differences in this country and abroad and have always had in mind the maintenance of the high standard of American labor. The American workingman realizes that it is not a high protective tariff that keeps up his wages, but organization, superior workmanship, and the development of machinery. He also realizes that high wages profit him nothing if all his wages are immediately taken away from him by means of a high tariff on every article of clothing, food, or household use which he buys. To take only one instance, the specific duty of 31 cents per clean pound on wool operates to hold down the cost of the more expensive grades of clothing to the wealthier classes and to put up the cost of the less expensive grades to the poorer classes. Knowing this, the leaders of organized labor have always favored the Democratic tariff over the high Republican tariff.

For years the farmer was deceived into believing a high protective tariff on the products he produces was for his benefit, but his experiences of recent years has opened his eyes to the real situation. He now knows that such protection is worthless—that for every dollar he receives by virtue of a Republican tariff the same law takes away $5 by means of a tax on everything he buys for his farm or his family. No one knows this better than his wife. The American housewife is the one who comes into direct contact with the extortions of the tariff. On her purchases alone she contributes $3,000,000,000 to the profiteering high-protected interests.

The tariff policy of the Republican Party, if completely successful, would keep out all foreign importations, and there would be no revenue from that source whatsoever. Their real purpose and object, however, is to so diminish foreign importations that the supply of the article in this country will be so limited that the American manufacturer will receive such prices as he sees fit to charge, because foreign competition is entirely limited. This is "protection."

The Democratic Party believes that all taxes collected by a tariff or otherwise should go directly into the Treasury of the United States. The Republican Party delivers seven-eighths of the huge sum extorted from the public into the pockets of the protected profiteer. They make no bones about it. It is their admitted policy. They are proud of their direct descendancy from the original Tarif, an African pirate of the eighth century, whose name is the source of the present English word "tariff," the original meaning of which is "extortion from the many for the benefit of the few."

Can we hope for any relief from the Republican Congress which was just elected? All signs unmistakably point to the contrary. But other elections are coming. A new House of Representatives will be elected in less than two years, when truth must triumph over deceit, when a long-suffering and thoroughly aroused public should and will visit the inevitable retribution upon the heads of those who have failed to protect their interests but have exploited the many to enrich the few.

REFORESTATION

Mr. CLARKE of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech that I delivered on February 4, 1925, before the American Paper and Pulp Association at the Waldorf Astoria Hotel in New York City.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARKE of New York. Mr. Speaker, under leave granted me by the House, I extend my remarks by inserting in the RECORD the following:

SPEECH DELIVERED BEFORE THE AMERICAN PAPER AND PULP ASSOCIATION AT WALDORF-ASTORIA, NEW YORK CITY, FEBRUARY 4, 1925

Mr. CLARKE. I am grateful to this great wood-using organization for inviting me here to deliver a little talk. I do not come here as an orator, though, as a youngster, I had aspirations in that line. They lasted until I was sent to Kingston as a committee of one to bring into Delhi a very famous orator. As we journeyed back to my beloved hills, I sought to impress on the Senator the fact that there were two orators in that automobile. As we were passing through one of the smaller villages in my district, where they have the church and cemetery in the same plot, I called the Senator's attention to the church as the place where I had made my first great speech. The Senator, pointing to the cemetery, replied, "And there, by God, is the audience."

My language may lack the scientific nomenclature of you experts, but my history of interest in our forests began before that of many of you here, for I first touched elbow with pulp-wood operations over 30 years ago, when as a boy, I was in charge of a mining company store at Benson Mines, N. Y., and used to go out in the woods to sell the contractors cutting pulp wood their supplies, and my interest in our woods and streams antedates that employment, for in my heart I have always been a fisherman, and last summer achieved my greatest triumph in catching the largest trout caught in my town.

I also have a first-hand knowledge of many of your problems, because, as a member of the Agriculture Committee, we spent months listening to more than 57 varieties of opinion on the so-called Capper reforestation bill and its rival, the Snell bill. I was inevitably induced by these hearings to reach the conclusion that these United States in their forest policies were a good deal like the June bug—the light was all behind—and that our "hit-and-miss policy" regarding our forests, as States and a Nation, was speeding us to a treeless, Chinafied United States, a calamity to us as a Nation and a tragedy to our leadership in civilization itself.

A subcommittee of five was appointed from the Agriculture Committee to see if a bill could not be prepared that would eliminate many of the highly controversial features and constitutional questions of the Snell and Capper bills.

We used to meet at the University Club Secretary Wallace (as sincere a friend of reforestation as ever occupied a Cabinet position), and Col. "Bill" Greeley would meet with us to work on a bill incorporating essentials, omitting constitutional questions. I then evolved a statement of principles in what has since become a very famous recipe. I want to give this recipe to you.

PRESTO

A NATIONAL FOREST POLICY

A recipe for bringing about the continuous production of timber in the United States.

Take 96 United States Senators and 435 Members of Congress. Mix well with pictures of the denuded hills of China and its population with the lowest standards of living. Add a panoramic view of our now fast-disappearing forests, due to the absence of a national forest policy. Place into this mixture the leaven of an aroused public conscience, demanding a national forest policy adequate to the requirements of the United States. Knead into six loaves, embodying the following points based on reciprocal laws and the cooperation of each of the States with the Federal Government:

1. More funds for patrol and lookout stations to prevent and put out forest fires.

2. Just forest taxation laws to encourage private owners to grow trees.

3. Substantial additions to the already existing areas of public-owned forest lands.

4. More assistance to the private forest owner, both in aiding reforestation and in the proper management of existing woodland.

5. Adequate appropriations for investigation and research work in order to standardize, utilize, and get the most out of our forests.

6. Permission for owners of private forest land who actively cooperate with the Government to deduct a certain percentage from their income-tax returns, the same principle as is now followed where the individual makes charitable contributions.

Repeat the same process with the legislatures in each of the 48 States. Bake quickly.

Result: Forty-eight States cooperating with the National Government and the children of all the to-morrows singing the praises of all those who joined in accomplishing this long-desired end.

The Clarke-McNary bill is a step in that direction and embodies five out of the six policies of my recipe.

I take it we are all conservationists and I hope the kind that meets the spirit if not the letter of my handmade definition. "Conservation is the outlining of a policy, and the enacting of that policy into a law that will save God Almighty's endowments in this country from the profiteering of the plunderbund, the wastefulness of the ignorant and selfish, and the utilization of these endowments by the prudent and wise, so that all the children of all the to-morrows shall not seem forgotten."

When I try to visualize the United States and its forests, or lack of forests, I am reminded of the fat colored woman whose son George had bought a Ford, and that son was very dutifully giving his mother her first ride in his new car. Unfortunately, he had an accident, and when Mandy, his mother, regained her senses in the hospital, the doctor, seeking to comfort her, told her of the damages she would collect, when Mandy replied, "Mah Gawd, doctor, 'taint damages I want, its repairs I need."

Timber is to-day a national necessity. Over two-thirds of our 822,000,000 acres originally covered with forests have been culled, cut over, or burned and burned again, and there is left now in the United States only about 137,000,000 acres of virgin timber, 112,000,000 acres of culled and second growth, 133,000,000 acres part stocked, and 81,000,000 acres of devastated, practically waste land. Brother Kellogg estimates there is about two-fifths of our virgin timber still standing, and of the three-fifths which has disappeared as much has gone up in fire and smoke as has been utilized, or possibly more. It is, therefore, up to us to get busier than we have ever been before if we are to meet the obligation and duty that is resting upon us of this day, if treeless to-morrows is not our legacy to those who come after us.

The States as well have a definite and fixed responsibility that can not be shifted. That responsibility is the duty of going forward in each State, in its own way, with a cooperative policy and law, under the leadership of the Federal Government, yet recognizing the sovereignty of each State, and each State cooperating because of the fairness and practicability of Uncle Sam's program as a national program and the duty of each State to encourage and promote this larger policy. If you want a program for the States here is one, a real definite survey of the States to get out of the realm of glittering generalities and—

1. To ascertain the extent of its lands more suitable for reforestation than agriculture.

2. An exact, scientific determination of the kind of trees those lands will best grow in the light of that survey, and the needs of the State.

3. Proper protection from fire and the enemies of trees.

4. Fair tax laws that will make certain that our public-spirited citizens will not be penalized for making wood lots and idle lands grow trees.

5. Getting going with a plan of growing and distributing seeds and trees.

Private organizations, great corporations, municipalities, waterworks companies, and individuals have their part to play in a cooperative way.

I believe the single, most constructive meeting ever held in the United States, having to do with the products of our forests, was the national conference on the utilization of forest products, conceived by our late Secretary Wallace, carried out so successfully by Secretary Gore and Chief Forester Colonel Greeley November 19 and 20, 1924, in Washington.

Here was the voluntary coming together of every phase of the vast interests having to do with the manufacture of wood products as well as representatives whose objective was a complete study of preventable wastes from the cutting of the tree to the utilization of the last cubic foot of the wood that could be economically utilized. It takes just such a coming together, in the spirit of a national duty, with the President of the United States addressing the conference, to impress the importance of that national duty upon all of us. The statement was made by one authority that preventable decay in standing timber, stored logs, pulpwood, wood pulps, and lumber and of various wood products, as structurable lumber, railroad ties, pile and mine timbers, would probably, if prevented, furnish enough wood products to build a city for 1,000,000 people.

Let me give you examples:

1. Railroad crossties. Ties subjected to the zinc chloride or creosoting treatment find their average serviceable life lengthened from 6 to 13 years. Yet there are millions of railroad crossties being put under railroad tracks in the United States without treatment.

2. Look into your own pulp and paper business. Statements were made that there was a preventable loss being absorbed in your general business of $6,000,000, a loss that only a small added investment would stop. I mean the loss through decay of stored pulp and pulp wood by better storage methods and fungicide treatments.

3. Our own great State of New York with a constitutional prohibition preventing the cutting of matured timber, when it could and should be done under such regulations as we have in our national forests.

So it needs the getting together of all these interests, the directing of public attention on such wastes and the education of all.

The Federal Government in its proper field is doing splendid work in its laboratory at Madison, and otherwise. The allied timber manufacturing industries are going into these problems more carefully and progress is being made all along the line in preventable wastes.

There is a lot of loose thinking and still looser talking regarding our natural resources "overtopping all the world." Thus it seems a fitting occasion to dispel some popular illusions. While it is true that we embrace less than 6 per cent of the land area of the world and have about 6 per cent of the world population, we now have 50 per cent of its gold and about 40 per cent of the railroad mileage; yet in Europe alone is more iron and coal, in Russia (European and Asiatic) four times the forest area, and we possess a minority interest in the farm grazing and wheat lands of the world. Gold and silver have been produced in greater quantity abroad, elsewhere is more oil, and so we are in varying degree regarding other of God's benefactions. We are not endowed out of proportion to the rest of the world, nor is it true that our geographical situation gives us the advantage over the rest of the world, nor have we cornered all the brains. I will tell you wherein is the secret of our success; it is the form of government that has guaranteed to individual initiative the rewards that go with perseverance and ability.

I am an old-fashioned fundamentalist. I believe our wonderful achievement in government finds its explanation in a variety of causes, and that the outstanding features are—

1. An anchorage in the moral code of the Good Book that has shaped the quality of character of our people.

2. The Constitution that has guaranteed to our people, through our constitutional form of government, those rights of life, of liberty, of property, and shaped our ideals and citizenship.

That such a people, building on so firm foundations, have gone forward with nature's endowments, able to meet the world competition and give to our people more than any other form of government has given to any other people in all time, is not strange; but we can not much longer continue the wicked wastefulness with God's endowments, nor permit our constitutional system to be undermined so as to destroy individual initiative through undue interference of the Government with business without surrendering our leadership and ushering in the forces that will ultimately break down our standards in every phase of government and life.

In the New England States, largely in New Hampshire, is the White Mountain National Forest. Why a national forest instead of a State forest is the question that naturally propounds itself, and here is my explanation: It was my privilege to be invited by the select committee of the United States Senate to accompany it in its investigations that were carried on in 18 different States. We held our meeting in New York State and journeyed to Boston; from Boston our objective was this White Mountain National Forest.

As we journeyed toward it, we traveled for miles along the Merrimac River. We found community after community with their great manufacturing establishments dependent upon that stream for the employment offered to many thousands of people, dependent upon the evenness of the flow of that river for power that was harnessed, used,

then harnessed and used again. We found the increase in the flow of the water and the steadiness of the flow of the Merrimac, even to its lowest reaches in Massachusetts, was due to this national forest, way up in the New Hampshire hills. Looking to the west you could see the Vermont hills, and trickling down through the valleys were streams, feeders of the mighty Connecticut. With extreme fluctuation in the flow of the river largely eliminated because the run-off of the water was slower, due to the forests, with a greater amount of water in the river during the entire year, meaning increasing the depth of the flow by 5 or 6 inches, thanks to a national forest in the hills of New Hampshire. As we journeyed down the Androscoggin River into Maine, we found history again repeating itself, mills and more mills, water power after water power, employment and more employment to thousands of people.

We also learned that during the summer, in that national forest, well over 2,000,000 people spent their vacations. So it follows, as the day the night, that every New England State shared in the benefits of a national law that is gradually building up a greater White Mountain forest that will prove of immense service in every phase of the economic and industrial life of the New England States, as well as in the commerce of the Nation. We need such national forests established in and about this State, and in and about many of the other forest regions to the north, south and west. The first national forest has been created under the Clarke-McNary bill—when the President, by Executive order, took out of the War Department and placed under the Secretary of Agriculture about 79,000 acres of the Fort Bennings, Ga., military reservation, and we expect to dedicate it to growing more trees for our people, and there are other military reservations to follow (two in New York State). And it is up to the States to enlarge on and broaden out their State policy of reforestation and get it going so that they can join hands with the National Government in a program that shall tell the world of to-day that they are not falling down in their opportunity to bring back to our hills and dales the trees, to adorn and make more helpful the to-morrows, under that national leadership offered in the Clarke-McNary bill.

Theodore Roosevelt, that great American and pioneer conservationist, said:

> "A people without children would face a hopeless future. A country without trees is almost as helpless; forests which are so used that they can not renew themselves will soon vanish, and with them all their benefits. When you help to preserve our forests or plant new ones you are acting the part of good citizens."

"WHAT DO WE PLANT?"

What do we plant when we plant the tree?
We plant the ship which will cross the sea;
We plant the mast to carry the sails;
We plant the planks to withstand the gales—
The keel, the keelson, the beam, the knee—
We plant the ship when we plant the tree.
What do we plant when we plant the tree?
We plant the houses for you and me;
We plant the rafters, the shingles, the floors;
We plant the studding, the lath, the doors,
The beams, and siding, all parts that be;
We plant the house when we plant the tree.

What do we plant when we plant the tree?
A thousand things that we daily see.
We plant the spire that out-towers the crag;
We plant the staff for our country's flag;
We plant the shade, from the hot sun free;
We plant all these when we plant the tree.

(Henry Abbey, 1842–1911.)

BLATTMANN & CO.

Mr. EDMONDS. Mr. Speaker, I call up the conference report upon the bill S. 555, for the relief of Blattmann & Co.

Mr. BEGG. Mr. Speaker, I think there is a very important phase to this conference report, and I do not believe the members of the House can vote upon it intelligently unless they hear a discussion of the matter. Therefore, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is not.

Mr. EDMONDS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 52]

Anderson	Buckley	Collins	Davey
Bacharach	Burtness	Connolly, Pa.	Deal
Berger	Butler	Corning	Dempsey
Bloom	Carew	Croll	Denison
Bowling	Celler	Cummings	Dickstein
Boylan	Clark, Fla.	Curry	Dominick
Britten	Cole, Ohio	Dallinger	Evans, Iowa
Faust	Kent	Morin	Schall
Favrot	Kiess	Nolan	Schneider
Fenn	Kindred	O'Brien	Shallenberger
Fisher	King	O'Sullivan	Sproul, Kans.
Fitzgerald	Knutson	Oliver, N. Y.	Strong, Pa.
Foster	Kunz	Peavey	Sullivan
Gallivan	Lampert	Perkins	Sumners, Tex.
Gilbert	Langley	Perlman	Tague
Glatfelter	Larson, Minn.	Porter	Thomas, Ky.
Graham	Lea, Calif.	Prall	Thompson
Green	Leach	Quayle	Tinkham
Griest	Lee, Ga.	Rathbone	Treadway
Harrison	Lindsay	Rayburn	Tucker
Haugen	Logan	Reed, Ark.	Vaile
Hawes	McFadden	Reed, W. Va.	Vare
Hawley	McLaughlin, Nebr.	Roach	Ward, N. Y.
Hersey	McNulty	Rogers, Mass.	Ward, N. C.
Hoch	Mead	Rogers, N. H.	Weller
Hull, Tenn.	Michaelson	Rosenbloom	Wertz
Johnson, W. Va.	Miller, Ill.	Rouse	Wilson, Miss.
Jost	Mills	Sanders, Ind.	Winslow
Kendall	Montague	Schafer	Wolff

The SPEAKER. Three hundred and sixteen members have answered to their names—a quorum.

Mr. EDMONDS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 555) for the relief of Blattmann & Co. 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 disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$97,804.70"; and the House agree to the same.

G. W. EDMONDS,
J. D. FREDERICKS,
Managers on the part of the House.

GEORGE WHARTON PEPPER,
HENRIK SHIPSTEAD,
CLAUDE A. SWANSON,
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 House to the bill S. 555 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report: In lieu of the sum proposed insert "$97,804.70."

G. W. EDMONDS,
J. D. FREDERICKS,
Managers on the part of the House.

Mr. EDMONDS. Mr. Speaker, this is the case which was argued before the House a short time ago intended to relieve the losses of a citizen of Switzerland who had bought a lot of gluten in this country, the same being seized by the Alien Property Custodian and sold on account of the fact that information arrived to the Alien Property Custodian that the gluten was to be delivered in Germany. The case was argued in the House very thoroughly, and while I was not present that evening I was under the impression that the House had instructed the conferees to vote for the sum that was agreed to in the House. The bill was passed by unanimous consent, and the sum agreed to by the House was $64,000. The Senate bill calls for something over $124,000. When we arrived at the conference the Senators called our attention to the fact that there was no agreement in the House that the sum should be held at $64,000, and upon investigation of the records I came to the same conclusion as the Senators, namely, that there was no agreement in the House or by the House to that effect, nor was there any instruction to the conferees that they should stick to the sum of $64,000. We then took up the question of what would be the proper sum to reimburse Mr. Blattmann for his loss in connection with this gluten, and after going over the matter very thoroughly we arrived at the conclusion that in order to fulfill his obligations Mr. Blattmann was obliged to purchase back from the party who had purchased at auction sale from the Alien Property Custodian six hundred thousand and odd pounds of gluten, for which he paid

18 cents a pound, making his loss on that particular gluten 6 cents more per pound. The Senators agreed on their part to pay no attention to the loss of interest or of storage, but they put it upon the flat basis of what Mr. Blattmann lost on the gluten. The figures come out in this way: He bought back six hundred thousand and odd pounds at 18 cents, costing him $110,540.52. The amount remaining, which cost him 12 cents a pound, four hundred thousand and odd pounds, amounted to $53,158.32. The total outlay for the gluten was $163,698.84. Under orders from the Department of Justice the money received from the sale of the gluten originally was returned to Mr. Blattmann. That amounted to $65,894.14; that left a balance of loss on the part of Mr. Blattmann of $97,804.70. It seemed fair to your conferees that we should reimburse the actual loss of this concern. Mr. Hughes in his letter to the House, following the demand from the Swiss minister, stated that Mr. Blattmann's actual loss on the transaction was $61,000.

The sum added to it by the House, $3,000, was interest money, making $64,000. However, Mr. Hughes in his letter did not limit his ideas of damages to that actual sum. I have his letter here, in which he says:

> While not undertaking at this time to pass upon the precise amount of the loss suffered by Blattmann & Co., it would seem that, as pointed out in my letter of December 9, 1923, to Senator Lodge, a copy of which is inclosed, there is basis for the claim of that company that it suffered a loss in excess of the amount realized from the sale by the custodian of the devitalized gluten at a price of approximately 6¼ cents a pound.

The Secretary of State asked us to take action on the bill because it has been a matter of correspondence between the State Department and the Swiss Government, and it was felt by the conferees of the House that it would be fair at least to pay Mr. Blattmann his loss, and it was felt by the conferees that this loss was $97,804.70, which we have placed in the report.

I now desire to yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, when this bill was brought up for consideration in the House under the unanimous-consent Private Calendar process objection was raised to the amount carried in the bill as reported by the committee. At that time the bill could have been sidetracked or delayed or postponed by a single objection. The gentleman who had offered objection withheld his objection, with the distinct understanding—on his part, at least—that $64,000 was the amount that Secretary Hughes recommended in his letter to the committee. Representing the committee at that time, I accepted the amendment of the gentleman from Ohio, and accepted it, I think, on behalf of the committee. Perhaps I exceeded my authority at the time. So at the present time I am only speaking for myself when I declare that it would be a breach of faith on my part, a breach of faith to the Members of the House who were present that evening, and a particular breach of faith on my part to the gentleman from Ohio if I do not support the contention that $64,000 was the amount agreed upon that Mr. Blattmann should receive, and I intend to support it in spite of the report of the conferees. [Applause.] I think that the House has confidence in the Committee on Claims, realizing that we do the very best we can with the information we have, and I would dislike very much to excite any suspicion in the minds of any Member of the House that I, as one member of the committee, was not absolutely fair with them. Consequently I support the action of the House awarding $64,000 as the amount of damages sustained by the plaintiff. If they are not willing to accept that amount, let them come to another session of the Congress. [Applause.] I yield back whatever time may remain.

Mr. EDMONDS. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I should not have wasted the time of the House this morning in contesting the adoption of this conference report if the only thing involved had been the mere matter of $33,000. I do believe that there is something more involved, and we might just as well decide it this morning as next year. Now, what are the circumstances surrounding this report? I am going to use the figures in my statement in round numbers—they all have odd hundreds. In 1918 Blattmann & Co. were importers and exporters of gluten. They bought over a million pounds of gluten in this country, and they paid a certain price for it. But before they could dispose of it the Government, through the Alien Property Custodian, seized that gluten, and the Government then followed that seizure by a sale, and then proceeded to make a settlement with Blattmann & Co. Now, I can not go back of the figures submitted by Blattmann & Co. themselves through the Swiss minister. And, Members of this House, if you will take this report and all the evidence, you will find that Blattmann & Co., through the Swiss minister, said that the loss to them on the gluten was $22,000. Now, get that. The actual loss on the gluten was $22,000. Now, there was added to it storage and insurance, which brought the total loss to Blattmann & Co. to $39,000 in round figures, and the Swiss minister, through the Department of State, offered Secretary Hughes to settle for $39,000 in 1918. Well, the settlement was not made, and in the interim between that time and this a certain attorney got hold of the case, and in this Congress there was passed through the Senate a bill to pay Blattmann & Co. $124,000.

Mr. CRISP. Would it interrupt my friend at that point if I asked a question?

Mr. BEGG. When I have completed the statement I will be glad to yield. Now, I want you to get that. The Swiss minister puts in a bill for $39,000. Do not take my word, take the evidence, and if you will find where Blattmann & Co., through the Swiss minister at that time, claimed any more than $39,000, in round numbers, I will withdraw my opposition and vote for the bill. But they did not do it. But, as I said, through the intervention of some other party a bill was passed in the Senate for $124,000.

It came to the House. I took my pencil and figured. You can take yours now, before you are called upon to vote; you can take your pencil and figure 6 per cent on $39,000 from May 1, 1918, down to this day. The best you can get is $53,000.

Now, then, gentlemen, I agreed with the proponents of the bill when this bill was on the Unanimous-Consent Calendar to let the bill go at $64,000, if we had any kind of assurance that they would be satisfied with $64,000 and the conferees would show some backbone. But what did we have? We sent our bill over for $64,000 to the United States Senate. That amount, gentlemen, $64,000, is $10,000 more, in round numbers, than the best mathematician in the world can figure as 6 per cent interest due Blattmann & Co. The Senate adds $33,000. What for? I do not know, but perhaps it was to pay the attorney for his efforts in passing the bill originally through the Senate for $124,000.

Now they add $33,000. I know that my friend from Georgia [Mr. CRISP] and my good friend from Georgia [Mr. WRIGHT] are not motivated by any improper considerations in their viewpoint, but I submit to you, gentlemen, whether or not I have given you a complete statement of the transaction.

Let us review it again for a moment. The Government seized the gluten and sold the gluten and paid over to Blattmann & Co. the receipts of the sale, less the expense, and when we grant Blattmann & Co. for losses $20,000 and $3,000 for storage, if we pay the storage, and interest and the amount of the deficit in the sale of the gluten, as compared with the cost to Blattmann & Co., I submit we have completed the transaction.

What are they now proposing to do after this transaction was completed with the United States? Mr. Blattmann did not quit the gluten business because this 1,000,000 pounds were seized. Oh, no. He was in the business of buying gluten and exporting it. He did not quit. He had his customers for gluten. He had to go into the market and buy some. Now, a long period of time after the original seizure was made and the transaction was completed Mr. Blattmann wanted 600,000 pounds of gluten, and he had to go into the market and buy it; and it so happened that Armour & Co., to whom the Government had sold the original Blattmann gluten, had gluten for sale at the lowest price obtainable at that time, and Mr. Blattmann went to Armour & Co. and bought 640,000 pounds of gluten, I believe, and he paid a higher price than he would originally have paid if the Government had not seized it, and then he sold it; and nobody to this day knows what he received on the resale. We do not know whether he made 5 cents or 25 cents a pound. But presumably he made a profit, because it was a distinct and new transaction, just as much as if Mr. Blattmann would go into the market to-day and buy the balance of his original purchase and then sell it at a profit. He would be just as much entitled to come before Congress and say that he should be compensated for any loss on the balance of the 500,000 pounds out of the million originally bought, if to-day he went into the market and had to pay 18 cents a pound for it—he would be just as much entitled to come in and ask compensation for this last 500,000 pounds as he is to come in and ask for com-

pensation for the difference between the original cost of the gluten and the price paid on the 640,000 pounds.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes; I shall be glad to yield.

Mr. BLANTON. When this bill was passed the chairman of the committee was present, and the gentleman from Massachusetts [Mr. UNDERHILL], outranking the gentleman from California [Mr. FREDERICKS] on the committee, was presumed to be able to speak for the conferees; and the gentleman from Massachusetts did intimate that no increase would be agreed upon in conference, and the gentleman from Ohio [Mr. BEGG] accepted that, and the House had a right to believe it. I take it that the conferees ought to carry out such an agreement as we had in the House on that day.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield there?

Mr. BEGG. Yes.

Mr. EDMONDS. I want to correct a statement that was made. The chairman of the committee was not present.

Mr. BLANTON. I beg the gentleman's pardon. I thought he was.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. BOX. Is it correct that there was a specific agreement entered into on the floor of the House with the gentleman from Massachusetts [Mr. UNDERHILL] to the effect that the amount would not be increased?

Mr. BLANTON. Not specific, but so understood. I will read it to the gentleman.

Mr. BEGG. That is my understanding that the gentleman from Massachusetts [Mr. UNDERHILL] said in substance, "If I am a conferee I will not agree to another nickel."

Mr. BLANTON. Here is what the gentleman from Massachusetts stated:

> If that is agreeable to Blattmann & Co., I am sure the committee will accept the compromise proposed.

Then a little later:

> Mr. BLANTON. Will the gentleman yield, with the permission of the gentleman from Georgia?
>
> Mr. CRISP. The gentleman has my permission.
>
> Mr. BEGG. And I yield.
>
> Mr. BLANTON. The gentleman from Ohio started to tell us what he was going to do if the conferees should bring back a larger sum.
>
> Mr. BEGG. I would object and fight it, and try to keep the conference report from being adopted by making a statement with regard to the figures and how I have arrived at them.
>
> Mr. BLANTON. And the gentleman thinks he can keep the smaller sum in the bill?
>
> Mr. BEGG. I do not believe the conferees on this bill will yield. I think they will be in a position to hold out indefinitely.

Now, let me show you what Mr. UNDERHILL agreed to do.

Mr. BEGG. I would like to have the gentleman hurry, because I do not want to lose all my time.

Mr. FREDERICKS. I want to call the gentleman's attention to the fact that so far there has been no instruction to the conferees, and none was intended. I was not present.

Mr. BEGG. I can not yield to the gentleman from Texas [Mr. BLANTON] further. My time is going.

Now there was a definite understanding, so far as the House goes, that $64,000 was to be the maximum amount. I do not charge bad faith on the part of any of the conferees, but I do think that after we passed the bill with that kind of an understanding, which nobody disputes, our conferees on the part of the House ought to say to the Senate, "Either you meet our agreement or there will be no conference report."

I am going to say to you gentlemen that there will be no more unanimous-consent agreements on this kind of a bill if after we have come to a fair understanding, with the interest fixed at 6 per cent, the Senate can add $35,000, and I can not find out what for. However, that much I do know, that there will be no more unanimous-consent agreements on that kind of a bill unless this House shows its backbone and notifies the other body that we are to be respected just as much as they, and I believe this House will do it.

Let me call your attention, in conclusion, to the thing I mentioned in the beginning: The completed transaction gives them $39,000; adding 6 per cent interest for six years to May 1, of this year, makes the amount $53,000, and then adding $10,000 more for added losses it makes it $64,000. That completes the transaction. Then months after that Blattmann goes into the open market and purchases 640,000 pounds of gluten, sells it and presumably makes a profit; then he comes in and presents a bill, and under the insinuations of the proponents of the bill this added $33,000 is to compensate Mr. Blattmann for the losses sustained on the 640,000 pounds of gluten he repurchased. [Applause.]

Mr. EDMONDS. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BOX], a member of the committee.

Mr. BOX. Mr. Chairman and gentlemen of the House, I was a member of this conference committee, but I have not signed the conference report. I did not understand that there was an explicit agreement on the floor of the House at the time the bill was considered that the House conferees should not agree to a greater amount, but I did understand that some sort of a general understanding to that effect existed in the minds of Members, and since Members who were giving attention to this state it as strongly as the gentleman from Ohio [Mr. BEGG], who gave special attention to it, states it, I am inclined to take that view. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. BOX. I will.

Mr. CRAMTON. Unless there is a general implied understanding to that effect the consideration of these private claims on an unobjected calendar would be an idle ceremony, and that fact has been recognized in this Congress by the Committee on Claims, which has recently brought in conference reports on two or three small claims in which they have kept faith with the House by refusing the Senate increases absolutely. In my judgment it is not necessary that there be an express agreement, because when a bill comes up on the Private Calendar and is allowed to pass by unanimous consent the custom and practice and circumstances are sufficient to create the implied agreement that faith is going to be kept with the House.

Mr. BOX. It is that general view which convinces me of the fact that the House conferees ought not to agree to an increase, and I am inclined to think that the House will have to insist on that procedure.

I want to say that the considerations in connection with this claim are not all on one side. I speak now of the claim on its merits. When it was first presented to the committee several things developed in connection with it which caused me to look on it with hostility, but I went into it with some care. I got all the hearings I could get, conducted by either the House or Senate committees, and went over it in detail. Some of the facts may have escaped me, but my judgment as a lawyer—bad, possibly—is that the United States is liable to Blattmann & Co. for about the amount named in the Senate bill, and, but for what seems to have been an understanding on the part of the House, I believe it would be right to pay that amount. I think that is the measure of damages expressed or implied in the letters of the President and Secretary Hughes.

Mr. FREDERICKS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. FREDERICKS. What amount is that?

Mr. BOX. About $124,000. I understand that the gentlemen who have agreed with the Senate just about halved the difference between the Senate's contention and that of the House. However, in view of what occurred between the gentleman from Ohio [Mr. BEGG] and the other gentlemen, not including the gentleman from Georgia [Mr. CRISP], who made no promise, I felt there was an implied obligation on the part of the House conferees to bring this question back to the House for its determination before agreeing to it. I shall vote accordingly, although, in good conscience and good judgment, if I as a lawyer had to pass on this question in the first instance I would have to award Blattmann & Co. a greater amount than the House bill or the conference report awards.

Mr. EDMONDS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. EDMONDS. I just want to say to the gentleman that the matter is before the House now for its consideration. I do not think there has been any breach of faith at all in the matter. The House has the final vote on these conference reports. If we pass a bill by unanimous consent and the conferees change it without any instructions, the House has a perfect right to do it when the conference report is brought back.

Mr. BOX. That is true; but the question as to the procedure to be followed by the House conferees ought to be settled in this connection.

Mr. EDMONDS. Of course, the fact that two or three gentlemen got together on the side and made a private agreement has no effect on the chairman of the committee.

Mr. BOX. The gentleman from Pennsylvania knows that if the House conferees agree to a greater amount than has been agreed on in the House under an agreement made with Members who are inclined to object to measures that are mixed in their nature, the difficulty of getting such bills considered at all will be greater. When gentlemen have pronounced views

such as the gentleman from Ohio held concerning this measure, and those views are met in order to get a bill considered, we ought to bring the question back here to the House for submission before agreeing to anything inconsistent with the terms on which consideration was obtained.

Mr. EDMONDS. Is not the question before the House now?

Mr. BOX. Yes; it is before the House.

Mr. CRAMTON. Will the gentleman yield?

Mr. BOX. Yes.

Mr. CRAMTON. In connection with what the gentleman from Pennsylvania has just suggested as to not being present, I want to ask the gentleman from Pennsylvania if he does not feel that when the chairman of the committee is absent, and a matter is up under unanimous consent and a member of his committee makes a statement that is made in effect in behalf of the committee and is not objected to by any member of the committee who is present, then does not the gentleman think that in order to secure expeditious consideration of bills hereafter from his committee it would be well to keep the agreement that is made in behalf of his committee?

Mr. EDMONDS. If the gentleman will show me the agreement in the RECORD——

Mr. CRAMTON. I accept the statement of the gentleman from Massachusetts.

Mr. EDMONDS. I went over there and said to the gentlemen of the Senate that we could not change our figure because of an agreement, but we found there was no agreement.

Mr. BOX. I yield the floor, Mr. Speaker.

Mr. EDMONDS. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. FREDERICKS]. [Applause.]

Mr. FREDERICKS. Mr. Speaker and gentlemen, I have not a particle of interest in the question of whether you allow Blattmann & Co. this claim or not. I have an interest in the matter of whether or not good faith has been maintained by your conferees in this matter. This matter was referred to me as a subcommittee of the Committee on Claims originally, and I decided, as my colleague the gentleman from Texas [Mr. Box] has stated he decided, that in all probability, and in fact, Blattmann & Co. were entitled to the amount which the Senate had given them, but that it was a matter of accounting and should be referred to the Court of Claims. I made that report to the Committee on Claims, and that committee adopted the report; and in that form, as I understand, the bill was reported to the House—that is, the whole question should be referred to the Court of Claims.

I was not present when the bill came up here in the House for discussion and passage. I know nothing of any promises or agreements or suggestions that were made at that time unless they appear in the RECORD. I went over the RECORD when I was appointed one of the conferees, and I found there no obligation that I considered an obligation binding me as a conferee to stick to the figure of $64,000. I therefore used my judgment in arriving at a compromise. No compromise is a scientific decision of any question under discussion. A scientific and correct decision of this question, in my judgment, would be to give Blattmann & Co. $124,000, as the Senate allowed that company; but in order to reach an agreement it was necessary to meet the Senate halfway, and we met them practically halfway by adopting this figure of $97,000.

So far as I have been able to read the record of the discussion in the House, there was no commitment which bound us in the matter, and I used my best judgment as one of your conferees. As to what you do with the claim itself, it is before you, you have thrashed it out, you have talked it over, you had it here before, and you can adopt this report or you can turn it down. The Congress has an investment in time expended in this matter, and it should be determined at this time.

Mr. EDMONDS. I yield 15 minutes to the gentleman from Georgia [Mr. CRISP]. [Applause.]

Mr. CRISP. Mr. Speaker and gentlemen of the House, I regret to have to talk to you again about this claim, because I have once trespassed upon your patience and indulgence in a discussion of it. Let me say at the outset, I know that everybody who has spoken on this floor of the House is acting in the utmost good faith. I have no fault to find or criticism to make of any of the gentlemen. I was frank with the House when I was seeking the unanimous consent of the House to consider this bill, as I am always frank with the House [applause], and I shall later read from the RECORD.

My good friend, the gentleman from California [Mr. FREDERICKS], says compromises are never scientific. I agree with him, as a general rule, but there are exceptions to all rules, and this is an exception, because this compromise is scientifically and equitably and justly correct, as I hope to show to this House in a few minutes.

I have no personal interest in this claim. The claimant is a citizen of Switzerland, a friendly country. The only interest I have is the same you have, to see our great Government do justice to a citizen of a foreign country which is at peace with us, when he has been injured and wronged by our great Government. That is all the interest I have in this case.

Let me say, further, that by inuendo, if not by direct statement, much has been said about the fee that the Government will have to pay in this case to ex-Senator Hoke Smith, of Georgia. Ex-Senator Smith is the counsel of Blattmann & Co. Smith came to me, asked me to read the report, requested that I take an interest in the claim to try to see that justice was done, and I agreed to do it. I knew he had a fee, but he has never told me what amount of fee he has, and it does not make one particle of difference what fee he receives, provided the Government is not mulcted in damages to pay that fee, and under this settlement the Government does not pay one single cent in excess of the actual damage sustained by Blattmann eliminating entirely all questions of profit. So whatever fee Blattmann & Co. may pay Senator Smith is a matter between those two, and every claimant or every litigant who has to go into court has to pay his counsel fees and his loss is simply increased to the amount of fee he pays; but in this case not one cent is being paid by the Government on account of attorney's fees.

Now, gentlemen, what is the history of this case? I dislike to thrash it over again. During the year 1914, before the German war started, Blattmann & Co. made a contract to purchase in this country gluten, and under the terms of the contract the gluten was to be delivered to a warehouse in New York, and paid for by the National City Bank. After the war broke out in 1914, shipping was driven from the seas and this gluten could not be shipped to Switzerland. So it accumulated during the years 1914, 1915, and 1916 in this warehouse in New York until 1,057,000 pounds were stored there. After we entered the war in the year 1918 the Alien Property Custodian seized this gluten on the ground that Blattmann & Co. were alien enemies.

When the Alien Property Custodian took over the gluten they sold it to Armour & Co. for 6¼ cents a pound when Blattmann & Co. had paid for it 12 cents a pound. The market price for it at that time was 20 cents per pound. Under the alien property law the National City Bank could not notify Blattmann that his property had been seized, and so it was months afterwards that he learned it. He came to the United States and took the case up with the Swiss minister. The Swiss minister took it up with the State Department and the Department of Justice, and upon an investigation the Alien Property Custodian and the Department of Justice decided that this seizure was unlawful; that the Government acted wrongfully in seizing the property; and that Blattmann & Co. was a citizen of a friendly, neutral nation and was not trading with the enemy at all.

Let me say in passing that Blattmann inherited the business from his father and that all during the war the French Government never forbade Blattmann to import and sell, and the French authorities have stated that there was never any question as to Blattmann's being a friendly neutral, who was not aiding or abetting the enemy.

When Blattmann arrived here the Swiss legation wrote a letter to Secretary Hughes, asking that Blattmann & Co. be reimbursed for their loss, and in that letter they estimated the loss at $61,000. I have never seen any figures like those my friend from Ohio speaks about, but that letter estimated the loss at $61,000, based on this: A million and fifty-seven thousand pounds of gluten cost Blattmann 12 cents a pound, or one hundred and twenty-seven-odd thousand dollars. The property was sold to Armour & Co. for about $65,000, and after the State Department took it up with the Alien Property Custodian they turned over to Blattmann the $65,000, less the costs of sale, which left the difference between what Blattmann originally paid for the gluten at 12 cents per pound and the amount paid him by the alien custodian, leaving a difference of $61,000.

Secretary Hughes sent this letter to the Committee on Claims, and he recommended under all the facts and circumstances that Blattmann & Co.'s damages should not be held down to the exact amount they originally paid for it, less the credit of what the Alien Property Custodian turned over to them, but that they should be paid the actual loss and damage sustained by the wrongful act of the Government.

Mr. BOX. Will the gentleman yield?

Mr. CRISP. I will.

Mr. BOX. As I understand, the Secretary of State insisted that the value of the gluten at the time it was taken to be the measure of damages, and that is the view of the gentleman?

Mr. CRISP. If you adopt that view, Mr. Blattmann is entitled to $124,000 instead of $97,000. Now, gentlemen, that is the history of the case. When Blattmann reached here they tried to get back from Armour & Co. their own gluten, but Armour & Co. refused to sell it, said it was worth 22 cents; they bought it for 6½ cents. Blattmann & Co. begged Armour & Co. to turn it back to them, upon their reimbursing them for all the expenses they had gone to, but Armour & Co. refused to do it. Later Blattmann bought back from Armour & Co. 614,000 pounds of the gluten at 18 cents a pound. Now, here is what the gluten in question cost Blattmann & Co., divorcing all question of profit from it, the actual dollars they paid for this gluten that was seized by the Government, what it cost them to get back their own property from the Government, which the Government had wrongfully seized.

There were 442,986 pounds that cost Blattmann & Co. 12 cents a pound. They bought back from Armour & Co. 614,114 pounds at 18 cents a pound. The actual amount in dollars and cents that Blattmann & Co. paid for their own gluten, this particular gluten, the gluten in controversy, is $163,698. They received a credit on it from the Alien Property Custodian, the net amount the Government received from Armour & Co., of $65,894, which made them sustain an actual loss in dollars and cents of $97,804, the amount which your conferees have agreed to. Therefore I say this is really a scientific compromise, for it does exact justice and fixes the amount of damage at the exact sum that the property cost Blattmann & Co. No profit or attorneys' fees are included.

Now, let me refer to what took place in the House. I had charge of this bill when it came up. It was called up under the Unanimous Consent Calendar. You know the rocky road that any private claim has to run when it comes up under unanimous consent. I knew my friend from Ohio [Mr. BEGG] was opposed to it. Let me say that he has kept "the faith." He said that if the conferees brought in any more than the House amendment he would fight the conference report. Did he anticipate the conferees might increase the amount? He is fighting it. He has kept the faith. My good friend, the gentleman from Massachusetts [Mr. UNDERHILL] kept the faith; and, gentlemen, I have kept the faith. [Applause.] I went to see the gentleman from Ohio [Mr. BEGG] and asked him if he would not withhold any objection if I offered an amendment fixing the amount at $97,000, reducing the Senate bill from $124,000 to $97,000, and let us fight the matter out on the floor. He declined to do so. But he did say that he would not object if I offered an amendment making it $64,000. I told him under the circumstances, to get the bill considered at all I would have to agree to offer an amendment on the floor of the House reducing the Senate bill from $124,000 to $64,000, but I did not think it the correct amount. This happened before unanimous consent was given to consider the bill. My object was plain—to get the bill in conference, where it would not require unanimous consent for the House to consider the measure on its merits. After I had discussed the bill my good friend from Texas [Mr. BLANTON] indicated that he was going to object. I appealed to him to let me make a statement. I made the statement. He was kind enough then to state when I got through that he was not going to object, because he believed the House ought to vote on it, but if it went to the Court of Claims under my statement they would give $124,000; and then, Mr. BLANTON asked, what will happen in conference? Bear in mind, gentlemen of the House, that this was before unanimous consent had ever been given. I read from the RECORD of January 2, 1925, at page 1132:

Mr. BLANTON. I will not object, because I believe the gentleman on his statement will get his amendment passed. But what kind of an assurance can the gentleman from Georgia give the House as to what will take place after this bill goes to conference? Will he be just as insistent on his amendment remaining in the bill in conference as he is in pressing it here in the House?

Mr. CRISP. I think the fair thing would be to pay the $97,804.70, not the $124,000, not the $64,312, but the $97,804.70, the difference between what the gluten actually cost at the original price and the price he bought it back for from Armour. I think that is an equitable and fair amount. I do not think we should go above that. I will not be on the conference committee and can not tell what the conferees may do.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. BLACK of Texas. It seems to me that the gentleman, of course, states correctly that the measure of damage should be the value of the property at the time it was seized. I do not think there is any question about that. What bothers me is, if this property had a value of $124,000 at the time it was seized, why it was that the Alien Property Custodian sold it to Armour & Co. for $64,000.

Mr. CRISP. I can not answer that.

Mr. BEGG. Does not the testimony also show that the 6¼ cents that was paid was the best price obtainable at the time of the sale?

Mr. CRISP. I have not seen any testimony to that effect.

Mr. WRIGHT. Is it not the fact that it brought only 6¼ cents a pound, because a million and odd pounds were offered in bulk for sale, and perhaps there was no other concern in the country able to pay for it.

Mr. BLANTON. When the gentleman indicated that he would offer an amendment reducing it to $64,000, the RECORD shows that I spoke as follows:

Mr. BLANTON. Here is what will happen:

The gentleman will offer his amendment, and his appeal—the appeal that he has just made—will go to the hearts of his various colleagues, and they will vote down his amendment to decrease the amount and leave the bill as it is, with $124,000 in it.

Mr. CRISP. I thank the gentleman for his compliment, but I shall ask the House, if I offer the amendment, to accept the $64,312.02.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Speaker, I ask the gentleman from Pennsylvania to give me some more time in order that I may answer what the gentleman has just said.

Mr. EDMONDS. I have no more time.

Mr. BLANTON. Mr. Speaker, I yield the gentleman half a minute of my time, if I may do so.

Mr. CRISP. I simply want to say in answer to the gentleman's question that the gentleman had suggested that the House, when they gave consideration to the bill, might immediately vote down my amendment for $64,000, and I then replied that I would ask the House to accept my amendment. I literally complied with my promise, as the RECORD will show. I said that when it got into conference what I thought would be the fair thing was the $97,000. I do not see how any gentleman can question my position regarding this controversy. Gentlemen of the House, this conference is a fair settlement of the differences existing between the House and the Senate on the bill, the Senate giving up about $27,000 and the House about $33,000; almost a 50–50 proposition.

The object of a conference between the House and the Senate on a legislative dispute between them is to reconcile the differences between the two Houses. This conference report is a reasonable and equitable adjustment of the differences between the two Houses of Congress, and the amount allowed in the conference report, in my judgment, is a just and correct one. Only two questions are involved in this controversy; first, whether the Government is liable to Blattmann & Co. This question has been answered in the affirmative by the United States Alien Property Custodian's office, by the United States Department of Justice, by the State Department, by the Senate Committee on Foreign Relations and by the Senate, by the House Committee on Claims and by the House itself, and by every gentleman except one who has participated in this debate. Therefore this is a closed question. The only remaining question is as to what amount of damages Blattmann & Co. sustained. I believe any court would allow at least $124,000 damages, but the conference report allows only $97,000. I am absolutely sure that Blattmann & Co., by all rules for measuring damages, is entitled to at least $97,000, and I shall vote for the conference report.

Mr. BLANTON. Mr. Speaker, no one in the House has a higher regard for the gentleman from Georgia [Mr. CRISP] and for the gentleman from California [Mr. FREDERICKS] than I. They are both my good personal friends; but here is what happened. This was unanimous-consent day, on January 2, 1925. This case was called up. Any man in the House could have blocked this bill by objecting to it. We would have objected to it and would have blocked it, but when we pinned down the gentleman from Georgia, who is always fair, he said that if we would let it come up he would offer an amendment to reduce the amount to $64,000. Then we asked him, suppose the House did not agree to his amendment and voted it down and gave the full amount; what then? And then he said that he would ask the House to accept the $64,000. We knew when he said that that he would do it. We had confi-

dence in him, and we knew that he would do it; and then I turned to the gentleman from Massachusetts [Mr. UNDERHILL]. I knew that he was the ranking member on this committee. I knew that he ought to be a conferee under the rules of the House, and I said, "But what if the gentleman does get it reduced in the House; how may we know what the conferees will do in conference?"

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In just a moment. And here is what Mr. UNDERHILL said:

So far as the committee is concerned, I think they would be disposed to kick out this proposition.

He meant to kick out the whole thing. But he says further on:

If that is agreeable to Blattmann & Co., I am sure the committee will accept the compromise proposed.

What was the compromise proposed? The amendment of the gentleman from Georgia. Who was representing Blattmann & Co.? Ex-Senator Hoke Smith, a friend of our friend from Georgia [Mr. CRISP]. That is the reason he took up the bill and represented it on the floor. He was doing just what we would do for one of our ex-Senators.

Senator Hoke Smith was his friend, and he was the attorney for Blattmann & Co., and we had reason to expect that when Blattmann & Co.'s representative, Senator Hoke Smith, would agree that our colleague, the gentleman from Georgia, would reduce this to $64,000 we could depend upon its not being raised above that sum. That was a kind of gentleman's agreement among us. Let me show you what the gentleman from Ohio [Mr. BEGG] then said when I asked him to suppose that these contingencies might happen and you will get just exactly what his trend of mind was, and which will show you beyond a doubt that he would have objected to this claim if it had been more than $64,000, by reading his statement, which shows that Mr. BEGG had this attitude, for here is what he said:

And if I thought the conferees would come back with anything like that, I would not let it go. But I do not believe the conferees on the side of the House will agree to more than $64,000 in the face of this statement as to how the $64,000 was arrived at.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. I certainly would have objected, I now say for the benefit of the House.

Mr. BLANTON. I would have also, and my colleague from Texas [Mr. BOX] would have objected. This bill would never have come up if we had not believed that the amount would be kept down to $64,000.

Now, I want to tell my colleagues something, just what the gentleman from Michigan [Mr. CRAMTON] said, that if we can not rely on a gentleman's agreement on the floor when taking up these bills, we who work hard on them, do you suppose we are going to let a bill come up in the future on assurances if we think it will be set aside afterwards in conference? We will not do it. Members of the House ought to have confidence in the action taken on the floor of the House.

Mr. FRENCH. Will the gentleman yield?

Mr. BLANTON. In just a moment. My friend from California [Mr. FREDERICKS] is a splendid gentleman, but he says he did not know anything about this agreement and says he was not here. We had almost as many Members on the floor at that time on the 2d of January as we have here now. It was an open discussion, the RECORD is full of it, and if you look on pages 1104 and 1105 you will see all this occurred before unanimous consent was given, and then, after all this argument, after all of these assurances, after we knew we could depend on the gentleman from Georgia [Mr. CRISP] offering his amendment reducing this to $64,000, the Speaker said, "Is there objection?" and nobody objected, and the bill came up, and the gentleman from Georgia [Mr. CRISP] kept his word, as he always does. We can always depend upon his keeping his word. He offered the amendment cutting the amount down to $64,000. It was accepted, and then, when the bill went to conference, instead of the gentleman from Massachusetts [Mr. UNDERHILL] being appointed, two men were appointed on the committee of conference who were absentees that day, who were not here. Our friend from California [Mr. FREDERICKS] was not here, and the chairman of the committee says he was not here, but two absentees were put on that conference committee, and they went out somewhere else and agreed to something to which we had not agreed.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. EDMONDS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the Chair was in doubt.

The House divided; and there were—ayes 65, noes 51.

Mr. BEGG. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and make that point of order.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors and the Clerk will call the roll.

The question was taken; and there were—yeas 170, nays 144, answered "present" 1, not voting 116, as follows:

[Roll No. 53]

YEAS—170

Abernethy	Drewry	Kincheloe	Ramseyer
Allen	Driver	Lankford	Rayburn
Almon	Dyer	Larsen, Ga.	Reece
Anderson	Eagan	Lazaro	Richards
Arnold	Edmonds	Lea, Calif.	Robsion, Ky.
Aswell	Elliott	Lineberger	Sanders, Ind.
Bacon	Evans, Mont.	Linthicum	Sanders, N. Y.
Bankhead	Fairchild	Lyon	Sanders, Tex.
Barkley	Favrot	McClintic	Sandlin
Bell	Fish	McDuffie	Schneider
Black, N. Y.	Fisher	McLaughlin, Mich.	Shallenberger
Black, Tex.	Fredericks	McLeod	Sherwood
Bland	Free	McReynolds	Shreve
Bowling	French	McSwain	Sinnott
Brand, Ga.	Fuller	Magee, Pa.	Smithwick
Britten	Gambrill	Major, Ill.	Snyder
Browne, N. J.	Gardner, Ind.	Major, Mo.	Speaks
Browne, Wis.	Garner, Tex.	Manlove	Spearing
Browning	Garrett, Tenn.	Mansfield	Stedman
Brumm	Gasque	Martin	Stengle
Burdick	Geran	Minahan	Stevenson
Burton	Gibson	Mooney	Swing
Byrnes, S. C.	Gifford	Moore, Ga.	Taylor, Colo.
Campbell	Green	Moore, Va.	Taylor, W. Va.
Canfield	Greenwood	Morehead	Temple
Casey	Griffin	Morris	Thompson
Clancy	Hall	Morrow	Tilson
Clarke, N. Y.	Harrison	Nelson, Me.	Timberlake
Cleary	Haugen	Newton, Mo.	Tucker
Collier	Hawes	Nolan	Tydings
Connery	Hayden	O'Connell, N. Y.	Upshaw
Cook	Hickey	O'Connell, R. I.	Vincent, Mich.
Cooper, Ohio	Hill, Ala.	Oldfield	Vinson, Ga.
Cooper, Wis.	Hill, Wash.	Oliver, Ala.	Vinson, Ky.
Crisp	Holaday	Park, Ga.	Weaver
Crosser	Hooker	Parks, Ark.	Williams, Mich.
Cullen	Howard, Nebr.	Peery	Wilson, Ind.
Darrow	Hudspeth	Pou	Wingo
Davis, Tenn.	Humphreys	Prall	Woodrum
Dempsey	Johnson, Ky.	Quin	Wright
Dickinson, Mo.	Johnson, Tex.	Ragon	Yates
Doughton	Kelly	Rainey	
Drane	Kerr	Raker	

NAYS—144

Ackerman	Fairfield	Leatherwood	Seger
Aldrich	Fleetwood	Leavitt	Simmons
Allgood	Foster	Lehlbach	Sinclair
Andrew	Freeman	Longworth	Sites
Ayres	Frothingham	Lowrey	Snell
Barbour	Fulbright	Lozier	Sproul, Ill.
Beck	Fulmer	McKenzie	Sproul, Kans.
Beedy	Funk	McKeown	Stalker
Beers	Garber	McSweeney	Steagall
Begg	Garrett, Tex.	MacGregor	Stephens
Bixler	Goldsborough	MacLafferty	Strong, Kans.
Blanton	Guyer	Magee, N. Y.	Summers, Wash.
Boies	Hadley	Mapes	Sumners, Tex.
Box	Hardy	Merritt	Swank
Boyce	Hastings	Michener	Swoope
Brand, Ohio	Hersey	Miller, Wash.	Thatcher
Briggs	Hill, Md.	Milligan	Thomas, Okla.
Buchanan	Howard, Okla.	Moore, Ohio	Tincher
Bulwinkle	Huddleston	Moores, Ind.	Underhill
Busby	Hudson	Morin	Underwood
Byrns, Tenn.	Hull, Iowa	Murphy	Vestal
Cable	Hull, Morton D.	Newton, Minn.	Wainwright
Carter	James	Paige	Watkins
Chindblom	Jeffers	Parker	Watres
Christopherson	Johnson, S. Dak.	Patterson	Watson
Clague	Johnson, Wash.	Perkins	Wefald
Cole, Iowa	Jones	Phillips	Welsh
Cole, Ohio	Kearns	Purnell	White, Kans.
Colton	Ketcham	Rankin	White, Me.
Connally, Tex.	Knutson	Ransley	Williams, Ill.
Cramton	Kopp	Reid, Ill.	Williams, Tex.
Crowther	Kurtz	Robinson, Iowa	Williamson
Davis, Minn.	Kvale	Romjue	Winter
Denison	LaGuardia	Rubey	Woodruff
Dickinson, Iowa	Lampert	Scott	Wurzbach
Dowell	Lanham	Sears, Fla.	Zihlman

ANSWERED "PRESENT"—1

Jacobstein

NOT VOTING—116

Anthony	Gallivan	McNulty	Salmon
Bacharach	Gilbert	Madden	Schafer
Berger	Glatfelter	Mead	Schall
Bloom	Graham	Michaelson	Sears, Nebr.
Boylan	Griest	Miller, Ill.	Smith
Buckley	Hammer	Mills	Strong, Pa.
Burtness	Hawley	Montague	Sullivan
Butler	Hoch	Moore, Ill.	Sweet
Cannon	Hull, Tenn.	Morgan	Taber
Carew	Hull, William E.	Nelson, Wis.	Tague
Celler	Johnson, W. Va.	O'Brien	Taylor, Tenn.
Clark, Fla.	Jost	O'Connor, La.	Thomas, Ky.
Collins	Keller	O'Connor, N. Y.	Tillman
Connolly, Pa.	Kendall	O'Sullivan	Tinkham
Corning	Kent	Oliver, N. Y.	Treadway
Croll	Kiess	Peavey	Vaile
Cummings	Kindred	Perlman	Vare
Curry	King	Porter	Voigt
Dallinger	Kunz	Quayle	Ward, N. Y.
Davey	Langley	Rathbone	Ward, N. C.
Deal	Larson, Minn.	Reed, Ark.	Wason
Dickstein	Leach	Reed, N. Y.	Weller
Dominick	Lee, Ga.	Reed, W. Va.	Wertz
Doyle	Lilly	Roach	Wilson, La.
Evans, Iowa	Lindsay	Rogers, Mass.	Wilson, Miss.
Faust	Logan	Rogers, N. H.	Winslow
Fenn	Luce	Rosenbloom	Wolff
Fitzgerald	McFadden	Rouse	Wood
Frear	McLaughlin, Nebr.	Sabath	Wyant

So the conference report was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Dallinger with Mr. Buckley.
Mr. Griest with Mr. Wilson of Mississippi.
Mr. Hull, William E., with Mr. Cannon.
Mr. King with Mr. O'Connor of Louisiana.
Mr. Larson of Minnesota with Mr. Cummings.
Mr. Tinkham with Mr. Clark of Florida.
Mr. McLaughlin of Nebraska with Mr. Oliver of New York.
Mr. Taber with Mr. Deal.
Mr. Roach with Mr. Sullivan.
Mr. Porter with Mr. Glatfelter.
Mr. Wyant with Mr. Thomas of Kentucky.
Mr. Reed of New York with Mr. Quayle.
Mr. Wood with Mr. Doyle.
Mr. Morgan with Mr. Johnson of West Virginia.
Mr. Ward of New York with Mr. Ward of North Carolina.
Mr. Michaelson with Mr. Reed of Arkansas.
Mr. Evans of Iowa with Mr. O'Sullivan.
Mr. Leach with Mr. Collins.
Mr. Fitzgerald with Mr. O'Brien.
Mr. Perlman with Mr. Sabath.
Mr. Moore of Illinois with Mr. Dickstein.
Mr. Reed of West Virginia with Mr. McNulty.
Mr. Frear with Mr. Celler.
Mr. Schall with Mr. Berger.
Mr. Miller of Illinois with Mr. Wolff.
Mr. Nelson of Wisconsin with Mr. Kent.
Mr. Faust with Mr. Gallivan.
Mr. Mills with Mr. Rogers of New Hampshire.
Mr. Butler with Mr. Lindsay.
Mr. Rathbone with Mr. Mead.
Mr. Fenn with Mr. Carew.
Mr. Graham with Mr. Davey.
Mr. Rogers of Massachusetts with Mr. Salmon.
Mr. Kendall with Mr. Hammer.
Mr. Sweet with Mr. Weller.
Mr. Luce with Mr. Kindred.
Mr. McFadden with Mr. Wilson of Louisiana.
Mr. Smith with Mr. Kunz.
Mr. Kiess with Mr. Lee of Georgia.
Mr. Hawley with Mr. Boylan.
Mr. Strong of Pennsylvania with Mr. Logan.
Mr. Taylor of Tennessee with Mr. Bloom.
Mr. Hoch with Mr. Lilly.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Bacharach with Mr. Corning.
Mr. Vare with Mr. O'Connor of New York.
Mr. Winslow with Mr. Dominick.
Mr. Treadway with Mr. Rouse.
Mr. Madden with Mr. Tague.
Mr. Burtness with Mr. Jost.
Mr. Anthony with Mr. Tillman.
Mr. Vaile with Mr. Hull of Tennessee.
Mr. Wertz with Mr. Gilbert.
Mr. Curry with Mr. Croll.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES. Mr. Speaker, I desire to prefer a unanimous-consent request. I ask unanimous consent that to-morrow after reading of the Journal the gentleman from Ohio, General SHERWOOD, be allowed 20 minutes in which to discuss reminiscences of his service in the House, which began 52 years ago.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow immediately after the reading of the Journal the gentleman from Ohio [Mr. SHERWOOD] be permitted to address the House for 20 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

DISPOSITION OF BONUSES, RENTALS, AND ROYALTIES, ETC.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 876, to disagree to the amendment of the Senate to the amendment of the House, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table, to disagree to the amendment of the Senate to the amendment of the House, and ask for a conference on the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands under Executive order Indian reservations, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk reported the following conferees:

Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN.

ADJUDICATION OF CLAIMS, CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9343, to disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from New York asks to take from the Speaker's table the bill H. R. 9343, to disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians in Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SNYDER, Mr. LEAVITT, and Mr. HAYDEN.

INAUGURAL CEREMONIES

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 174 and agree to the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the joint resolution which the Clerk will report by title.

The Clerk read as follows:

S. J. Res. 174. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925—

And so forth.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, how much charge does this require of the Federal Treasury?

Mr. ELLIOTT. None at all.

Mr. BLANTON. Does it provide for any expenses on the part of the Government?

Mr. ELLIOTT. This resolution provides for the use of the grounds down here, under the direction of the Secretary of War, for parking purposes and places where they can put up stands. It allows them to put up electric wiring, and then it allows them to loan the use of flags and things of that kind from the War and Navy Departments for decorative purposes.

Mr. BLANTON. It will eventuate in taking no money out of the Public Treasury?

Mr. ELLIOTT. That is my understanding.

Mr. LANHAM. This is the resolution ordinarily passed for inaugural occasions, is it not?

Mr. ELLIOTT. Yes.

Mr. LANHAM. Does it not provide for indemnity to the War Department and Navy Department for any loss or damage in the parks or in the material used?

Mr. ELLIOTT. It does.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1925: *Provided*, That in his opinion no serious or permanent

injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the engineer commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further,* That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural Committee for said Inaugural Ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided,* That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further,* That the said conductors shall not be used for conveying electrical currents after March 8, 1925, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1925: *And provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further,* That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such ensigns, flags, and signal numbers, etc., belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the loan of the said ensigns, flags, signal numbers, etc., to said committee shall not take place prior to the 24th day of February, and they shall be returned by the 10th day of March, 1925: *Provided further,* That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

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

Mr. DOWELL. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 5558.

The SPEAKER. The gentleman from Iowa calls up from the Speaker's table the bill H. R. 5558. Is there any other bill that the gentleman desires to call up?

ELECTRIC CURRENT IN HAMAKUA, HAWAII

Mr. DOWELL. I also desire to call up the bill H. R. 6070, with Senate amendments.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 6070, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6070) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. DOWELL. Mr. Speaker, the amendments made by the Senate to this bill consist chiefly in the striking out of section 12, which exempts the utility from taxation. With that section out there is no exemption for taxes. Otherwise the bill is substantially as passed by the House. I move that the Senate amendments be agreed to.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

BOND ISSUE, JUNEAU, ALASKA

Mr. DOWELL. Mr. Speaker, I call up the bill H. R. 5558, with Senate amendments.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 5558, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5558) to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $200,000 for the purpose of improving the street and sewerage system of the town.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. DOWELL. Mr. Speaker, as the bill passed the House it provided for an issue of $200,000 bonds for the purpose of street improvements and for the establishment of a sewerage system in Juneau, Alaska. The Senate amended the bill by limiting it to $60,000, and cutting out the provision for street improvements. As the bill now stands with the amendments, it merely provides authority for a $60,000 bond issue for the purpose of establishing a sewerage system. I move that the House concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12033, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. When the committee rose yesterday the time remaining was as follows: The gentleman from Minnesota [Mr. DAVIS] had 49 minutes remaining and the gentleman from Kansas [Mr. AYRES] had 39 minutes remaining.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I want to speak very briefly to the committee about two matters affecting the fiscal relations of the District and the

Federal Government, and because I want to yield back some of my time, if I can, I am going to ask that I be not interrupted.

We recently passed a bill, called the surplus bill, authorizing the payment by the Federal Government to the District of something over $4,000,000, with certain other sums to be ascertained, making it probably above $5,000,000. No sooner had that become a law than the press of the District commenced a campaign to force us to pay $5,000,000 more along with it on the claim that because at the time that money was raised as taxes from the people we were on a 50–50 basis as to District expenditures and were bound to match their $5,000,000 with another $5,000,000 of ours. That theory was first put forth in an editorial in the Star, which I noted but do not now have at hand. A little later news reports appeared which seemed to indicate this grotesque theory was being taken seriously in official District quarters. The Washington Post, February 2, 1925, carried this news story:

DISTRICT TO OUTLINE PROGRAM FOR UNITED STATES TO EQUAL SURPLUS—COMMISSIONERS WOULD SPEND DOUBLE AMOUNT FIXED IN BILL RECENTLY PASSED—CLAIM IS MADE UNDER OLD 50–50 FISCAL PLAN—SCHEDULE CALLS FOR $10,500,000 OUTLAY FOR SCHOOLS, PARKS, AND PLAYGROUNDS

A program calling for expenditure of more than $10,500,000 for schools, parks, and playgrounds will be prepared by the District Commissioners for submission to Congress when it meets next December.

This program will be based on the District surplus bill passed by Congress recognizing the right of the District to a surplus which accumulated over several years amounting to more than $5,257,000. The commissioners' program will call for expenditure of just twice the amount fixed in the bill as belonging to the District.

Their claim to this amount is based on the fact that the surplus was accumulated under the old 50–50 fiscal arrangement between the Federal and District Governments, and now that Congress finally has recognized the right of the District to the surplus, it is in duty bound to recognize the obligation of the Federal Government to expend a similar amount in accordance with the fiscal arrangement which was in effect at the time the surplus was accumulated.

GREATEST FOR ANY YEAR

The expenditures for schools, parks, and playgrounds out of the surplus will be in addition to the regular appropriations for these works carried in the annual District appropriation bill for the next fiscal year, which begins July 1, and will make the amounts available for these items next year the greatest in any year in the District.

The intention of the District Commissioners to prepare a program calling for expenditure by the Federal Government of an amount equal to the District surplus was made known by Commissioner Rudolph.

All of the surplus, it was pointed out, was piled up from District taxes and revenues, the unexpended balance in past years going into the Federal Treasury, where it has remained, in spite of the fight carried on by the commissioners and Daniel J. Donovan, District auditor, to have recognized the right of the District to it.

DISTRICT OFFICIALS PLEASED

The action of the present Congress in recognizing the surplus was highly pleasing to District officials, Commissioners Rudolph, Oyster, and Bell expressing their gratification that congressional leaders had "considered the matter carefully and decided fairly."

Although the commissioners are hopeful that their contention that the Federal Government is obligated under the old 50–50 fiscal arrangement to spend a sum equal to the surplus, which was accumulated entirely out of the pockets of District taxpayers, it is not certain that they will be upheld by Congress.

Announcement by Mr. Rudolph is in line with the statements and arguments advanced by District officials in the past in the heat of the fight for recognition of the surplus, although there has been no particular attention paid to the question recently.

The same morning the Washington Herald had this story:

DISTRICT OF COLUMBIA TO SPEND TEN MILLIONS—COMMISSIONERS FRAMING PROGRAM FOR PURCHASING SCHOOL, PARK, AND PLAYGROUND SITES

Expenditures of $10,500,000 for schools, parks, and playground sites is planned by the District Commissioners in a program they are now preparing for submission to Congress.

The program is being drawn as a result of the action of Congress in recognizing the District rights to a surplus of $5,257,000 which has accumulated in the Treasury. The surplus bill is now before the President for his signature.

UNITED STATES TO SHARE COST

The sum returned by Congress was accumulated under the 50–50 plan. The increased amount which will be carried in the District's program will be estimated on the theory that the Federal Government will contribute its share to the amount accumulated from taxes by the local government.

Under the terms of the bill the surplus is to be spent only for schools, parks, and playground sites. The bill provided that the District's right to $4,438,000 of the money in the Treasury be recognized. Accountants found an additional item of $819,000 also carried in the bill on an amendment, bringing the total to $5,257,000.

TO GO TO NEXT CONGRESS

A comprehensive program calling for purchases of new sites, as provided in the bill, is now being drawn up by the commissioners. Preparation will take several months.

A bill calling for purchase of much-needed sites will be presented in December at the next session of Congress.

I want to challenge that proposition now before it goes any further. There is no basis in equity whatever for any such claim being made [applause], and I can not conceive that Congress would ever be misled or bludgeoned into anything of that kind.

I want to be very brief. Any equity there was for the payment of that surplus of $5,000,000 to the District by the Federal Government was founded on the fact that at the time we were matching dollar for dollar the contributions of the District to the expenses of the District they were obliged to raise their half of it by taxes and necessarily they could not each year raise exactly to a penny the amount necessary to pay their share and there would exist a little surplus carried over from time to time. So far their claim was equitable, but I have always believed that there were offsets more than enough to take care of that, but that is gone and past. I have before me the language of the law at the time that surplus was being created. I read this from the appropriation act for the fiscal year 1920, the last one under the 50–50 plan:

That one-half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, namely:

Now, what was this surplus? It was an accumulation of their money in our Treasury and, under their claim, an accumulation of the fruits of their taxation which we were holding in our Treasury and owed to them. Our agreement was not to match dollar for dollar all their taxes any more than to match their money in their pockets, but to match dollar for dollar appropriations for the District during that time, and we did match dollar for dollar when we were on the 50–50 basis, every penny that was taken from District taxes to be spent in the District. Every time a penny was taken from District taxes we took a penny out of the Federal Treasury to match it. We kept our agreement fully each year we were on the 50–50 basis and there was no obligation carried over. Then, when it was 60–40 we contributed $40 every time they contributed $60 in appropriations. Now, because they have some money that we were holding for them we have turned it back to them. They will now use it in paying their share of appropriations in accordance with the law existing during the year the money is spent and not in accordance with the law of the year when it was raised. There is no equity whatever for this new claim. It illustrates, gentlemen of the committee, that whatever the Congress of the United States may do and however far we may go in our effort to satisfy the sentiment of the District, there is a demand here, voiced by the press of this District, that is insatiable and impossible of conciliation. [Applause.]

I want also to discuss for a moment the view advanced by the gentleman from Virginia [Mr. MOORE] yesterday. The bill before us has been hailed by the press and people of the District as the most satisfactory bill that ever came to Congress as it left the Budget, and it has been hailed as it left the Appropriations Committee and came to this House as the best balanced and best appropriation bill for the District that has ever been framed, and I am surprised that under the very happy and auspicious conditions which now exist my friend from Virginia has come in with a proposition seeking, first, to have the preparation of the estimates for the District of Columbia taken away from the Budget Bureau that has done such a good job this year, and to have the preparation of the bill itself taken away from the Committee on Appropriations and turned over to some joint committee that he proposes to create. That proposition, on the face of it and under these happy conditions, is unnecessary. But it is more than that. It is unworkable and undesirable. It means that the Commissioners of the District of Columbia are to make up the budget.

The Commissioners of the District have nothing to do with the operations of the water supply for the District. The estimates for those appropriations come through the War Department. The commissioners have nothing to do with the maintenance of the Zoo. That is under the Smithsonian Institution, and the estimates must come from that body. The commissioners have nothing to do with the administration of the parks of the city—Potomac Park, Rock Creek Park, and all other parks. Those parks are administered by Colonel Sherrill, and the estimates originate with him. The commissioners have nothing to do with the parkway we are building from Potomac Park to the Zoo. That is under the Parkway Commission, which originates those estimates. The commissioners have nothing to do with the National Parks Commission that has been created and which, under a law passed last year, is securing more areas for a great park program. They originate their estimates. The commissioners now have charge of the estimates for the schools, but the Board of Education is demanding that that be taken away from the commissioners and the Board of Education be permitted to handle their own estimates.

Either the gentleman's theory is wrong and unworkable or else all of these things must be turned over to the District Commissioners. If you turn all of these other things over to the District Commissioners you will have a protest throughout the District. If you do not, then you have estimates coming to this Congress from this corner and that, from every different sort of organization, with nobody making up a balanced budget for the District. I have had a little experience in District matters on the subcommittee, although not for the last two or three years, and I know, as does every gentleman that has served in that capacity under the Budget, that the Budget can and does perform an invaluable service in scanning these proposed appropriations before they come to Congress. They have several months in which to examine the proposed sites for schools and all the other details that we do not have the time to attend to here, especially in a short session like this. So to me it is impossible to believe that Congress would ever discharge that very valuable agency that now scans the appropriations before they come to Congress; and beyond that, there is this to consider: The program proposed by the able gentleman from Virginia [Mr. MOORE] entirely forsakes the idea that the Federal Government has great interests here in the District.

The gentleman seems to have accepted the lump-sum theory, and to have gone far beyond it. The gentleman seems to be embarking upon the theory that it is purely a local matter, and if so, they ought to pay all the expenses of running the government.

The gentleman ordinarily maintains that our interests are so great that $9,000,000 a year contributed by us is a mere bagatelle in comparison with what we ought to contribute because of our vast interests here, but yesterday he seemed to consider the Federal interests here so negligible as to justify no Federal control. But we are vitally interested in the police and the firemen and all of the other agencies that keep order in and protect this Capital City. It was for the protection of the preeminent Federal interests here that this form of government was created, placing this District not in any State but directly under the control of the Congress, and that is where we must continue it.

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

Mr. CRAMTON. Very briefly.

Mr. BLANTON. What we ought to do is to take the estimates of District appropriations away from the Budget and put that exclusively in the hands of the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Virginia [Mr. MOORE].

Mr. CRAMTON. Well, there was a joint committee proposed and that may be the intention; I do not know. Such a membership would be a good start, from the standpoint of the District at least.

I yield back, Mr. Chairman, the balance of the time given me.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes additional to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. UNDERHILL. Mr. Chairman, I shall not take up that length of time, due to the fact that the gentleman from Michigan [Mr. CRAMTON] has covered so many of the points I wanted to cover regarding the financial situation of the District. I will supplement his remarks, however, with a few observations regarding the legislative program of the District and make one or two suggestions as to something constructive which the Congress might do regarding District affairs.

In the first place, I do not want to see Congress give up the controlling hand so far as the District appropriation is concerned. In spite of the neglect that has been charged to Congress—and I think some of it is justified—the District has the very best government in the world to-day. It calls upon the best minds of this whole Nation from every State in the Nation and upon men to administer its affairs who are not taken from any restricted area or population. Although an assignment to the District Committee is not altogether a pleasant assignment, I consider it one of the most important assignments in the House. The great difficulty has been in the past that Members too frequently, after serving one session on that committee, resign from the committee for something more attractive. Consequently new Members are constantly added to the committee, and they lack the experience and lack the knowledge of District affairs which I think they ought to have. If this is to be continued, every Member of this House should consider it a part of his obligation to his Nation's Capital to do everything he possibly can to further constructive legislation; not to hamper the committee—I will not say that—but not to discredit the committee by criticism but by helpful suggestions bring about legislation which will be beneficial not only to the people of the Capital but to the people of the whole Nation, so many of whom visit here, and we find that their impressions of the Capital are carried back home to many hundreds of thousands or millions of people.

One of the gravest difficulties with which the District has to contend is that lunatic fringe of society that is always and forever in evidence in Washington; not people particularly of the District, but people who come here from outside the District with hifalutin schemes for the betterment of humanity. They want to try them first on the dog, using the District as the dog. They ask for model legislation for the rest of the country, and everybody of red or pink tendencies, everybody that has some special, individual, one-track line of thought comes here to the District and urges ridiculous or half-baked schemes upon the District and upon the District Committee. You can see that such conditions or situations lead to the neglect of important legislation on the part of Congress for the real benefit of the District.

One other grave difficulty is that the District authorities—the commissioners and their subordinates or department chiefs—are not given enough leeway; I mean in the details, the minor details, of the government of a great city of half a million people. The closing of a street here, the giving up of an alley over there, the widening of some little passageway which does not involve a large expenditure of money, the development of traffic regulations; almost everything that would be left in a city of this size to some subordinate who might be hired for $1,500 to $1,800 a year—and that would be about all he would be worth—are brought in to Congress to be haggled over and adjudicated by a body of men who are being paid $7,500 a year and whose time could better be spent on the golf links than in passing upon such simple questions as rearrangement of alleys; changing the names of Abbey Place, Chevy Chase Drive, Jewett Street, or Military Road; closing, opening, or widening of Fourth Street, First Street, or Nichols Avenue; connecting sewers; correcting minor errors or mistakes of employees of the District; and the issuing of permits for the removal of a body to another cemetery.

Mr. GIBSON. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. GIBSON. Does not the gentleman think it would be possible to have a study made of the situation to which he has referred in respect to the limitation by a commission between this Congress and the assembling of the next and have recommendations made that would be helpful?

Mr. UNDERHILL. I am opposed to any special committee being appointed to sit through the recess for that purpose, but I hope that every Member of Congress will consider himself a committee of one to think over the matter and see if he can not bring in something constructive next session. One of the first steps is to make lump-sum appropriations permanent legislation. We come here each session of Congress, discuss a 40–60 proposition or a 50–50 proposition or a lump-sum proposition, and rehash the same old arguments. The newspapers excite the people in the District, telling the taxpayers that they are having their pockets picked and taxes are going beyond anything that is supposed to be the limit in other cities of the Nation. That ought to be stopped, and if we did not do another thing from now on until the session ended, if we would take the Cramton bill, enact that into the law, thus eliminating

all future discussions along this line, it would be a big thing for the Capital of the Nation.

Mr. AYRES. The gentleman understands that would have to be done by the proper committee and not by the Committee on Appropriations.

Mr. CRAMTON. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. CRAMTON. The gentleman knows that the bill has been before the District Committee for two years without a report. Does not the gentleman think that the rest of the committee ought to be brought around to think the way he does?

Mr. UNDERHILL. I certainly do, and I know the gentleman will give me a little credit for what support I bring to the bill. The trouble is we have had the rent bill, we have had power-development proposition, registration of District architects, plumbers, engineers, and so many other matters—I do not want to reflect on my colleagues, but it seems to me that membership on the Committee of the District of Columbia always results in one sure thing, and that is an insatiable desire on the part of the Members for publicity; and, believe me, they get it. The newspapers of the District are always ready to give pages of publicity, particularly to a man who will take up some of their crazy propositions and try and put them over. If we get down to real business in the committee, get rid of all these new ideas of eliminating business for profit, fixing of price of rentals, the price of light, the price of this and the price of that, let the people recover from the paternalistic pink rash with which they seem to be afflicted, stop scratching themselves, and scratch for themselves, I think they will find Congress more willing to do something constructive for them in the future. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

PRESIDENT COOLIDGE'S PROPOSED RENT CONTROL BILL

Mr. BLANTON. Mr. Chairman, on December 27, 1924, the following letter was sent by Mr. Coolidge, President of the United States, not to Congress but direct to the gentleman from West Virginia [Mr. REED], chairman of the Committee on the District of Columbia, to wit:

THE WHITE HOUSE, *December 27, 1924.*

Hon. STUART F. REED,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Inclosed is a copy of the bill that I have had prepared by the Rent Commission, or, more especially, by Mr. Whaley, undertaking to provide a law that would deal with the present difficulty in the District. I wish that you would submit it to the committee for their consideration. As you know, this matter is very important and has a very direct effect upon the employees of the Government resident in Washington.

Very truly yours,

CALVIN COOLIDGE.

PRESIDENT GOT PROMPT ACTION

Promptly after receiving said letter from the President, Chairman REED, of the Committee on the District of Columbia, introduced in the House the President's bill thus sent him, in the identical form sent by the President, same being H. R. 11078, introduced in the House on December 29, 1924, and a copy of this identical bill of the President's was on the same day likewise introduced in the Senate by the Senator from Delaware [Mr. BALL], being S. 3764.

MOST REMARKABLE PROVISIONS IN PRESIDENT'S BILL

Let me call attention to some of the provisions in this Calvin Coolidge bill, from which I quote:

SEC. 3. A commission is hereby created and established, as an independent establishment of the Federal Government, to be known as the Rent Commission of the District of Columbia. The commission shall be composed of five commissioners, one of whom shall be an attorney at law and all of whom shall devote their entire time to the duties of the office, who shall be appointed by the President by and with the advice and consent of the Senate. The commissioners appointed under the provisions of Title II of the food control and District of Columbia rents act, approved October 22, 1919, as amended, shall, after this act takes effect, continue to act as commissioners of the commission hereby created and established until their successors shall have been appointed by the President and shall have qualified. The terms of the five commissioners, who may be first appointed by the President, shall expire, respectively, in one, two, three, four, and five years from the 22d day of May, 1925, and the President shall designate the term of each appointee at the time of making each appointment.

SEC. 4. The term of each commissioner appointed after May 22, 1925, to take the place of any commissioner whose term is about to expire, shall be for a period of five years, dating from May 22 of each year. Any vacancy in the office of any such commissioner shall be filled in the same manner as the original appointment, except that the appointment of the commissioner shall be made only for the unexpired term of the commissioner whom he succeeds. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 5. No commissioner shall be appointed who is directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia.

SEC. 6. Each commissioner shall receive a salary of $6,000 per annum. The commission shall appoint an attorney at a salary not to exceed $5,000 per annum and two assistant attorneys, who shall give their time exclusively to the work, at salaries not to exceed $2,500 per annum, as the commission may deem proper and necessary to carry into effect the intent of this act. The commission shall also appoint a secretary-treasurer at a salary of not to exceed $3,500 per annum, who shall give bond in such sum, not exceeding $10,000, as shall be fixed by the commission; a field engineer at a salary not to exceed $3,500 per annum; and may appoint such stenographic reporters as the commission shall deem necessary, capable of taking testimony, verbatim, at all hearings of the commission at salaries to be fixed exclusively by the commission, but not to exceed $2,000 per annum; all such appointees shall be removable at the pleasure of the commission. Subject to the United States civil service laws, the commission may appoint and remove such other officers, employees, and agents as may be necessary to the administration of this act. All salaries shall be paid semimonthly.

LARGE RAISE IN SALARIES

Note that under the President's bill, the five commissioners have their salaries raised from $5,000 to $6,000, and not that in addition to their attorney at $5,000, they are given two assistant attorneys at $2,500 each per annum, and are given a new officer, a secretary-treasurer at $3,500 per annum, and are given another new officer, a field engineer at $3,500 per annum.

ARE GIVEN STENOGRAPHERS WITHOUT LIMIT

Also note that in the President's bill, this commission may appoint just as many stenographers as it desires without limit.

MAY ALSO APPOINT OFFICERS, EMPLOYEES, AND AGENTS WITHOUT RESTRICTION

Also note from the President's bill, that this commission is given the right to appoint and remove all officers, employees, and agents at will, without any restrictions whatever being placed over such appointments by Congress.

COMMISSION MAY SPEND MONEY AT WILL

Also note that the President's bill, in section 9, allows this commission to spend money without limitation. Let me quote his section 9:

SEC. 9. The commission may make such expenditures for rent, furniture, office equipment, law books, books of reference, periodicals, printing, telephone service, telegrams, stationery, and for such other supplies and expenses as may be necessary to the administration of this act. The commission shall have the exclusive right to determine the necessity for such supplies and expenditures, which shall be signified by the written approval of the chairman of the commission on all vouchers for such expenditures, and his signature shall be a sufficient warrant and authority to the Comptroller General of the United States and the purchasing officer, the auditor, and the disbursing officer of the District of Columbia to approve, audit, and pay the same. The commission shall not be limited in its expenditures to the purchase of items contracted for by the municipality of the District of Columbia.

Mr. WEFALD. That is in line with the economy program, I suppose.

Mr. BLANTON. Yes; but I have hardly begun yet. Let me show you, colleagues, what else is in this President's bill.

MEMBERS OF COMMISSION GIVEN FRANKING PRIVILEGE

Section 10 of the President's bill provides that the Rent Commission shall be accorded the use of penalty privilege envelopes by the Post Office Department, and free registration of mailable matter. No Senator and no Congressman can register mail free, but must pay for such registers.

PRESIDENT'S BILL ABSOLUTELY DESTROYS RIGHT OF PRIVATE CONTRACT

I now quote from the President's bill his section 13, to wit:

SEC. 13. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property or apartment and shall require their use by the owner thereof.

Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard forms; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

Hence after the passage of the President's bill, no persons in the District of Columbia will be permitted to enter into a private contract of lease, with terms different from those prescribed by this Rent Commission.

MAY NOSE INTO PEOPLE'S PRIVATE AFFAIRS

I quote from the President's bill his section 16:

SEC. 16. The commission, or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter.

PRESIDENT'S BILL FIXES RENTS

The following is quoted from section 17 of the President's bill:

The commission may, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such apartment; and the rates and charges when so fixed and stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such apartment.

MAY DISRUPT CONTRACTS ABSOLUTELY SATISFACTORY

Even where the property owner and the tenant are satisfied absolutely and neither has a complaint or grievance the President's bill gives this Rent Commission, on its own initiative, the right to interpose itself and to interfere with the peaceful tranquillity of the parties and determine itself just what rentals and service shall be maintained, regardless of the terms of the agreeable contract. To show that this is the case I quote from the President's bill his section 20:

SEC. 20. For the purpose of this act it is declared that all rental property and apartments are affected with a public interest and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable. The commission, or any member thereof or its duly authorized agent, shall have the right to inspect any and all such rental properties and apartments. Such complaints may be made and filed by or on behalf of any tenant and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner.

RENT COMMISSION MAY COMPEL OWNER TO FURNISH JUST WHAT REPAIRS AND SERVICE IT ORDERS

I quote the following from section 21 of the President's bill:

If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents or charges for the rental property or apartment under consideration, and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the rental property or apartment, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable.

PRESIDENT'S BILL WOULD WITHHOLD PROPERTY FROM OWNER FOREVER

No matter how distasteful, wasteful, destructive, objectionable, and abusive a tenant might be to the property owner, as long as the Rent Commission ordered it no property owner could get rid of the tenant, for I quote from the President's bill his section 31:

SEC. 31. The right of a tenant to the use or occupancy of any rental property or apartment existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy, or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto, and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission then as fixed by such modified lease or contract.

EVEN SALE OF PROPERTY WILL NOT GET RID OF UNDESIRABLE TENANT

I show this by quoting from the President's bill his section 32:

SEC. 32. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this act.

ORDERS FIXED AND ETERNAL AS THE LAW OF THE MEDES AND PERSIANS

When the commission once determines what service shall be given and what rent shall be paid, all future owners must abide by such decision until it is set aside by the Rent Commission itself. I show this by quoting from the President's bill his section 39:

SEC. 39. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

PRESIDENT'S BILL PROVIDES THREE DIFFERENT PUNISHMENTS

To show the first punishment, I quote from the President's bill, his section 40:

SEC. 40. If the owner of any rental property or apartment collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this act, he shall be liable for, and the commission is hereby authorized and directed to commence, an action in the municipal court of the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs.

To show the second punishment, I quote from the President's bill, his section 46:

SEC. 46. The commission shall make, publish, and promulgate such rules, regulations, and orders governing the maintenance and operation of rental property and apartments as will tend to promote the health, morals, peace, comfort, and welfare of the community, and any violation thereof which shall continue to exist after 10 days' notice in writing to remove the same, served upon the owner or his agent, either personally or by registered mail, shall be punished by a fine to be imposed by the commission of not exceeding $25 for each and every day after the service of said notice until such violation shall be removed.

To show the third punishment, I quote from the President's bill, his section 49:

SEC. 49. Any owner of any rental property or apartment in the District of Columbia, who, having knowledge that the commission has fixed and determined the fair and reasonable rent or compensation to be charged therefor, collects or demands from the tenant rent or compensation for the use or occupancy of any such rental property or apartment in an amount in excess of the rate previously fixed and determined by the commission, shall be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and shall, upon conviction, be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

ADDITIONAL FOURTH PUNISHMENT FOR GOOD MEASURE

To show that it is an awful crime to be a property owner in the District of Columbia, the President's bill has inflicted a fourth punishment, and to show this, I quote from the President's bill, his section 50:

SEC. 50. Any owner who after the passage of this act (1) willfully fails to furnish the tenants of any rental property or apartment such service (a) as has ordinarily been furnished the tenant of such rental property or apartment prior to such failure, or (b) as is required either expressly or impliedly to be furnished by the lease or other contract for the use or occupancy of the rental property or apartment, or any extension thereof by operation of law, or (2) who with intent to avoid the provisions of this act enters into any agreement or arrangement

for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, shall in either case be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

Mr. Chairman, would any sane American imagine that such a bill would come from Calvin Coolidge, President of the United States? It carries socialistic ideas further than many socialists you have in Minnesota and Wisconsin would be willing to hang as a millstone around the neck of this Republic.

Mr. SCHNEIDER. The gentleman does not mean to say that the President of the United States is a socialist, does he?

Mr. BLANTON. I mean to say that as soon as I read that bill I got on this floor and I said that the newspapers must be mistaken; that that could not be the President's bill; that the President certainly could never have sent such a socialistic bill as that to the committee to consider; that he certainly could not be behind such a bill as that. I had more confidence in the sane, conservative character and disposition of the President of the United States than to believe that he could propose such a bill.

Mr. WEFALD. Are we to understand that the President is getting this pink rash, of which the gentleman from Massachusetts [Mr. UNDERHILL] spoke about?

Mr. BLANTON. I am afraid so. I did not believe it at first. I got on this floor and I said the newspapers were mistaken; that the President would not own and back that bill; yet every day and every week since that time there has been appearing in the press of the city statements that it is the President's bill, that he is backing it, that he is insisting upon its being passed, and I am forced to the conclusion that he is getting this pink rash.

CHRONOLOGICAL HISTORY OF RENT-CONTROL LEGISLATION

During the war the Sixty-fifth Congress passed a resolution which became effective May 31, 1918, titled: "To prevent rent profiteering in the District of Columbia." It recited that it was a war emergency act and should terminate when a treaty of peace was signed between the United States and Germany, and it prevented a landlord from dispossessing a tenant. It was a war emergency. The Government had brought to Washington about 75,000 additional employees. Housing facilities were inadequate. Numerous business interests sent representatives to Washington. Some avaricious rent profiteers doubled and trebled their rents overnight. But the resolution did not stop profiteering. Tenants would sublet at big profits. Subtenants would in turn sublet at additional profits. On one occasion I found eight girls occupying a large room on a third floor, with four double beds and little else in the room, and all eight were paying $25 per month for such miserable accommodation. One died at a time when others in the room were sick. The poor girl, being from my district, brought this situation to my attention.

Then, after the armistice, Congress passed an act, becoming effective July 11, 1919, extending the life of said "antirent-profiteering resolution" for a period of 90 days following the definite conclusion of peace between us and Germany.

And then, becoming effective October 22, 1919, Congress passed the Ball Rent Act, as a continuing "war emergency," which was to terminate on October 22, 1921, which created a Rent Commission of three commissioners, at a salary of $5,000 per year, and a secretary, at $3,000 per year, and authorized it to pass on rentals and prevent owners from dispossessing tenants. To show that it was deemed merely a temporary war emergency, let me quote from it the following section:

SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of two years from the date of the passage of this act, unless sooner repealed.

Then Congress passed an extending act, becoming effective August 24, 1921, extending the Rent Commission until May 22, 1922, and allowing such commission an attorney at $5,000 per year.

I supported each and all of said laws as emergency measures made necessary by reason of the war and conditions following the war. When the chairman of the committee refused to have the bill considered, I joined certain members of the committee who forced its favorable report over the protests of the chairman. And when the chairman refused to call it up in the House I joined members of the committee who forced the bill to be taken up and passed, over the fight made against it by the chairman of the committee. I was willing to continue it the seven months from October 22, 1921, to May 22, 1922, for I knew that some heartless property owners would force tenants to vacate after the law expired on October 22, 1921, and I was afraid that with winter coming on some hardships might ensue.

Thus from May 31, 1918, until May 22, 1922, no landlord was permitted to increase the rent paid by his tenant unless permited to do so by the Rent Commission, and however distasteful and objectionable such tenant might be to the property owner, no evictions were permitted except for nonpayment of rent, and as long as such tenant paid the rent, the property owner could not evict him.

SITUATION IN MAY, 1922

Up to May, 1922, no beneficial results whatever had been effected by the Rent Commission. For four years property had been withheld from lawful owners by the rental laws, and owners were forced to keep in their property undesirable tenants, yet rents continued to advance. Tenants generally became abusive both of the owner and his property. Some tenants injured property at will, and if the owner made any protest he would be told to "Go to; you can't put me out, for the law protects me." Practically every owner was more or less harassed, threatened, and abused, and was forced to employ attorneys for protection. Many owners and real estate men became hard-boiled and sought to squeeze out of their tenants every dollar possible under the law. The Rent Commission was able to touch only one little edge of one side of the situation. Whenever it decided that certain rooms of certain specifications in a particular apartment house were worth so much per room, as a fair, reasonable rental, real estate speculators would immediately take advantage of it by raising the rent on like rooms in every similar apartment where the rental was not up to that standard set, and the Rent Commission, being bound by its own decisions, would be thus used as an instrumentality in raising rents instead of lowering them. And for every apartment that they would lower they would cause raises in a hundred others.

THEREFORE FOUGHT FURTHER EXTENSION IN MAY, 1922

This Rent Commission, which was purely an emergency of war and when first initiated was declared to be temporary, should have expired and gone out of existence on May 22, 1922. But "it is easier for a camel to go through the eye of a needle" than it is to jar loose even temporary employees from the pay roll of the Government.

So very naturally the new Ball Rent Act, extending its life two more years, to May 22, 1924, and increasing the commission to five commissioners, was passed by the Senate. It also provided that where the landlord collected more rent than was authorized by the commission the attorney furnished by the Government at $5,000 should recover same by suit for such tenant. I realized then that the next step would be to make this commission a permanent institution of the Government, and I then did everything within my power to defeat it, but the House passed it. And since 1918 property rented here in the District of Columbia has been kept from its lawful owners by law. Many owners have desired to occupy their own property, only to be accused by the tenant and the commission of "not wanting same in good faith," followed by a decision denying them such right. Tenants have abused property at will. Tenants have insulted the owners of property and told them that they would remain in the property as long as they desired, and that they could not be put out, as the law would not permit it; and they could stay there under the law, because the law did not permit the owner to put them out.

At all times during the past three years there have been several hundred desirable residences vacant in Washington because the owners did not want to take chances on getting in their property an undesirable tenant, which they would not be able to put out by law. These owners would have been glad to rent such properties had it not been for such Rent Commission. The owners of several thousand vacant lots would have been glad to erect substantial houses on same for rent

had it not been for such Rent Commission. Hundreds of new residences during the past five years have been built all over the city, and not one single one of them has been offered for rent, because the owner could not afford to take chances on getting on his hands for life an undesirable tenant, whom he could not put out by law. There have been numerous unlawful combines and monopolies formed for the purpose of taking advantage of decisions of the Rent Commission, through fictitious sales of property, pyramiding second, third, fourth, and fifth trusts upon same, through dummy transactions, made solely for the purpose of increasing rents. Where the Rent Commission has lowered one rental, at least 100 rentals have been raised in consequence of some decision of the Rent Commission.

SENATOR BALL PROPOSED A PERMANENT RENT COMMISSION

There was introduced in the United States Senate on January 21, 1924, by Senator BALL his then new rent bill, S. 2110, to establish a permanent Rent Commission, with salaries raised, new officers, an unlimited number of assistant attorneys at $3,000, and an unlimited number of stenographers at $2,000. I quote from such bill the following:

SEC. 6. Each commissioner shall receive a salary of $7,500 per annum. The commission shall appoint an attorney at a salary not to exceed $5,000 per annum, and such assistant attorneys at salaries not to exceed $3,000 per annum as the commission may deem proper and necessary to carry into effect the intent of this act. The commission shall also appoint a secretary who shall receive a salary of $4,000 per annum, a field engineer at a salary not to exceed $3,600 per annum, and may appoint such stenographic reporters, capable of taking testimony verbatim at all hearings of the commission, at salaries not to exceed $2,000 per annum. All such appointees shall be removable at the pleasure of the commission. Subject to the United States civil service laws, the commission may appoint and remove such other officers, employees, and agents as may be necessary to the administration of this act. All salaries shall be paid semimonthly.

And the bill provides that the Rent Commission shall determine not only the amount of rent that the tenant shall pay but also the kind of service that the owner shall furnish, and authorizes the owner to be fined $1,000 and imprisoned for one year if he disobeys the commission. I quote from the bill the following:

SEC. 55. Any person who after the passage of this act (1) willfully fails to furnish the tenants of any rental property or apartment such service (a) as has ordinarily been furnished the tenant of such rental property or apartment prior to such failure, or (b) as is required either expressly or impliedly to be furnished by the lease or other contract for the use or occupancy of the rental property or apartment, or any extension thereof by operation of law, or (2) who with intent to avoid the provisions of this act enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, shall in either case be guilty of a misdemeanor, shall be prosecuted in the same manner as prescribed for other misdemeanors in the District of Columbia, and upon conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

COMPANION LAMPERT BILL SIMILAR

Practically at the same time the gentleman from Wisconsin [Mr. LAMPERT] introduced the companion bill in the House, being H. R. 7962, which was almost identical with the Ball bill, except that instead of making the rent commission a permanent institution it extended its life only to August 1, 1926, and the increases in salary were not so large as in the Senate bill. But the Lampert bill had the following additional punishment:

SEC. 54. Any owner, lessor, landlord, or rental agent of any rental property or apartment in the District of Columbia, who, having knowledge that the commission had previously fixed and determined the fair and reasonable rent or compensation to be charged therefor, collects or demands from the tenant rent or compensation for the use or occupancy of the said rental property or apartment in an amount in excess of the rate previously fixed and determined by the commission shall, upon conviction, be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or by both.

HOUSE COMMITTEE THEN HELD EXTENSIVE HEARINGS

In the early spring of 1924 the House subcommittee held hearings on the Lampert bill. I want to repeat concerning that so-called hearing what I said on April 7, 1924, in my minority report, to wit: That such hearing was the most unjust, unfair, one-sided arrangement I ever attended. I have had a wide experience as an attorney at law for over a quarter of a century, eight years of which I presided as judge over a circuit court. I have tried hundreds of cases in courthouses involving almost every kind of a legal question imaginable. But never before have I seen any proceedings that matched for unfairness the hearing on that bill. In my judgment never had there appeared before Congress prior to that time a better organized, more determined lobby than that constituted by the five $5,000 a year Rent Commissioners, their attorney, and their friends, who made it miserable for any property owner who dared to testify before the committee. The few witnesses who did dare to testify in favor of the property owner's side and against extending the life of the commission were subjected to rigid and harsh cross-examination and even to insults; not only by the members of the committee favoring the bill but by the Rent Commissioners themselves, and especially by Chairman Whaley, Commissioner Metzerott, and Commissioner Taylor, and by tenants in the audience. To illustrate how these commissioners would interrupt and butt into the testimony of a witness, I quote from such House hearings the following excerpt:

Mr. WHALEY. I was the commissioner who said that I was not familiar with all of the tenant laws of the District of Columbia. I still say so, and I am not called on as a rent commissioner to know how to dispossess one of a house, or to know how to collect the rent for landlords.

We have, time and again, requests that we collect rent for landlords and I tell them that the law provides that they go to the municipal court and collect. They have also the charge made here inferentially that the landlords never get any increase that the commission makes. I want to say that is not true.

Mr. MCKEEVER. Did I make that charge?

Mr. WHALEY. Well, I am not making any personal reference, but if you want to you can wear the cap.

Mr. BLANTON. I want to say that these real estate people are here with rights as much as anybody else and they have no right to be insulted by the chairman of the Rent Commission.

Mr. METZEROTT. Do you think the Rent Commission ought to be insulted?

Mr. BLANTON. I have not heard any improper personalities except the last one. There ought to be some order here before the committee. If we are going to have personal insults brought up that way, respectable people are not going to come before the congressional committee to testify. The Rent Commission has probably a little advantage of the witnesses here. I have a kindly feeling for our former colleague, Mr. Whaley, and he knows it; but I do not think he has the right to talk that way to a witness here. This man has his views. He has a right to state them, without being insulted by Chairman Whaley, and I submit that such matters should be kept out of the hearing.

WAS CHAIRMAN WHALEY PREJUDICED

Let me quote just one other excerpt from the House hearings to show that Chairman Whaley was called down as unfair:

Mr. BLANTON. With regard to interest on second-trust notes, you said that Mr. Wardman testified that on second-trust notes they were paying as high as 40 per cent.

Mr. WHALEY. That is his sworn testimony.

Mr. BLANTON. His sworn testimony?

Mr. WHALEY. Yes.

Mr. BLANTON. But the chairman can go to any bank in Washington and borrow money on his note for 6 per cent interest.

Mr. WHALEY. I have not done it, but I am glad to know that it can be done.

Mr. BLANTON. Well, I have done it. Sometimes I have had to borrow money.

Mr. WARDMAN. Mr. Whaley, I was not in the hearing room when you were speaking regarding these heavy rents.

Mr. WHALEY. But this is testimony given by you before the commission.

Mr. WARDMAN. That is not my testimony. My testimony is that I have never paid more than 10 per cent unless it was a long-time payment.

Mr. WHALEY. But you must remember that there are lots of properties that change hands time and time again.

Mr. WARDMAN. I want to say that that is not my testimony you referred to. That testimony must be stricken out, because I have never made an assertion of that kind.

Mr. WHALEY. It was taken down by a stenographer in the hearing room.

Mr. WARDMAN. I do not care; that is not my testimony.

Mr. WHALEY. My statement was made based on this testimony.

Mr. WARDMAN. It is not my testimony.

Mr. WHALEY. I heard you say it.

Mr. WARDMAN. It is not my testimony. You might go along and read further down.

Mr. BLANTON. When a man's signature is good at the bank he can go to the bank and get the money at 6 per cent, can he not?

Mr. WARDMAN. If he is good; yes. If he goes beyond his line, they stop him until he catches up again.

Mr. BLANTON. Where the man is good they will give him money at 6 per cent, will they not?

Mr. WARDMAN. Yes. They will give me a million dollars to-day.

And remember, previous to this colloquy Chairman Whaley had testified in the hearing before our committee that he had every confidence in Harry Wardman, who was one of the largest realtors in the city, and he had been before the commission time and again, and that they had found him absolutely honest and straightforward in his testimony.

KNOCKED OUT BY SUPREME COURT OF THE UNITED STATES

On April 21, 1924, the Supreme Court of the United States rendered a decision holding that they would take judicial knowledge of the fact that the emergency had passed and, while dicta, held that further extension of the life of the Rent Commission was unconstitutional.

CONGRESS IGNORED THE CONSTITUTION AND THE SUPREME COURT

Following such decision, the Committee on Rules granted a special rule for the consideration of the rental measure and allowed only one hour of debate against it, and on April 28, 1924, the House amended the Lampert bill so as to extend the life of said Rent Commission for one year more to May 22, 1925, and thus passed it.

RENT COMMISSION THEN ENJOINED FROM ACTING BY COURTS

Shortly thereafter numerous injunction suits were filed against said Rent Commission, based on said decision of the Supreme Court, and by decree the courts restrained said Rent Commission from functioning, all of which I predicted when trying to defeat said bill, and since May 22, 1924, without doing any work whatever or rendering anything in return therefor to the Government, these five rent commissioners have been drawing their $5,000 per year salaries each, their attorney has been drawing his $5,000 per year salary, their secretary has been drawing his $3,000 per year salary, and their stenographers and other employees have had nothing to do.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MOORE of Virginia. The gentleman is a good lawyer and he has been on the bench. Will he explain to the House, so far as the constitutional question is concerned, what is alleged to be the distinction between the bill to which he is now alluding and the legislation that he says was held unconstitutional?

Mr. BLANTON. There is not any distinction. With some additions, it is the same identical legislation except its provisions are even more repugnant to the Constitution. It changes its excuse from an "emergency" to a "public welfare" proposition based on the police powers of Congress. And instead of the five members of the Rent Commission getting $5,000 a year, in the President's bill they will get $6,000 a year. There is a raise of a thousand dollars a year. The attorney is to get $5,000, but the President's bill gives them two assistant attorneys, and the President's bill gives them a secretary and treasurer at $3,500 a year. The President's bill gives them another new officer, to be known as a field engineer, at $3,500 a year. The President's bill has a clause in it that the commission without any limitation whatever can appoint just as many stenographers and other employees as they desire. These very valuable provisions are the secret of the birth of this new bill which the rent commissioners have pushed over on the President.

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

Mr. BLANTON. Yes, certainly.

Mr. DENISON. Will the gentleman state briefly upon what grounds the court intimated that the present law was not valid, if it did so?

Mr. BLANTON. On the ground that the emergency of the war had passed.

Mr. DENISON. Does this bill remedy that situation?

Mr. BLANTON. Not at all.

Mr. DENISON. Did it attempt to?

Mr. BLANTON. Oh, they have zealously tried to get around the Constitution, but they can not do it.

Mr. DENISON. I have not read the bill and I am asking these questions for information. In what way did they try?

Mr. BLANTON. They put in a clause reciting—

That the provisions of this act are made necessary by reason of rental conditions in the District of Columbia, which are dangerous to the public health, comfort, morals, peace and welfare, and burdensome to public officers and employees of the Federal Government,

And they imagine that such simulated, unwarranted recitation will make the bill constitutional under the public welfare clause, and because this is the seat of Government.

Mr. DENISON. And they omitted all reference to the emergency proposition?

Mr. BLANTON. Yes.

Remember that since May 22, 1924, these five commissioners and all their employees have been idle, with nothing to do except to draw their fat salaries.

PRESIDENT SENDS US WHALEY BILL TO PAY THEM FOREVER

As heretofore mentioned, when the President sent this new bill, which he had Chairman Whaley prepare, to our committee, a copy of it was introduced both in the House and in the Senate, and our two subcommittees of the House and Senate have been holding joint hearings on the bill, presided over by Senator BALL, author of the original Ball Rent Act. Let me quote from these joint hearings a few excerpts from Chairman Whaley's testimony:

Mr. WHALEY. For the past six years landlords, as a general rule, have absolutely refused to make any repairs, to do any repairing, plastering, or papering. For the sake of squeezing the last dollar out of the property they have failed to furnish proper heat, and in many cases no heat at all. * * *

Representative BLANTON. Mr. Whaley, I believe you stated that for the past six years as a general rule landlords have not made improvements, they have not painted, they have not papered, they have not fixed up their plumbing, they have not put their buildings in good repair. I so understood you, as a general rule.

Mr. WHALEY. That is my own statement. I have no correction to make in it.

Representative BLANTON. I wish you would. The Rent Commission has been in existence for the past six years?

Mr. WHALEY. Since 1919.

Representative BLANTON. That is for the past six years. Do you not think your statement is the greatest indictment you could bring against the Rent Commission?

Mr. WHALEY. I do not consider it so.

Representative BLANTON. That for six years while we have had a rent commission there has been no improvement by landlords, showing that there must be some reason for the landlords not improving.

Mr. WHALEY. Mr. Blanton, I tried to explain to you and I have explained to the committee that there has been no power in the act allowing us to make them do anything.

Representative BLANTON. I understand that.

Mr. WHALEY. The act is faulty in that direction. The object of the present bill is to give us power to make them do things.

Representative BLANTON. With regard to a survey, when you appeared before our House committee in February, 1924, was not the first question I asked whether or not you had made a survey of rental houses in the District?

Mr. WHALEY. It was.

Representative BLANTON. And you stated that you had not done so?

Mr. WHALEY. That is correct.

Representative BLANTON. Did not I suggest then to you that the first thing that ought to be done was to make such a survey?

Mr. WHALEY. You did.

Representative BLANTON. Did you ever make it?

Mr. WHALEY. We did not.

Representative BLANTON. Since May, 1924, your commission has had very little to do since the 40 injunctions were brought against you?

Mr. WHALEY. You are right.

Representative BLANTON. Have you made a survey since that time?

Mr. WHALEY. We have not.

Representative BLANTON. Have you made a personal survey since then, yourself?

Mr. WHALEY. I have not.

Representative BLANTON. Why have you not done so?

Mr. WHALEY. I wanted you to ask me that question. Last year the commission went before Congress, before your committee and your subcommittee on which you sat, and recommended to you that this act should be made permanent—I did, at any rate. I told you why I thought it should be made permanent. I told you why we could not make the survey was because we had no money to do it.

Representative BLANTON. I made a survey and I have not had any money.

RENT COMMISSIONERS AND EMPLOYEES PREFERRED IDLENESS

Thus the chairman of this Rent Commission admitted that since May 22, 1924, the commission and its employees have all been idle with nothing to do, the five commissioners each drawing from the Government $5,000 per year, their attorney drawing $5,000 per year, and their secretary drawing $3,000 per year, yet none of them have turned a hand to make a survey of the property that is now available for rent in the District of Columbia.

YET PRESIDENT COOLIDGE IS MAKING SUCH A SURVEY

After President Coolidge sent his permanent rent control bill to the committee for action the press has since reported that the President is having the police force of Washington make a survey of all vacant rental property now in the District offered for rent in Washington. This is just what I tried to get the committee to do in February, 1924, before they took the farcical action in extending the life of the commission another year when the Supreme Court had already knocked the life out of it.

JOINT COMMITTEE HEARINGS OUTHERODED HEROD FOR UNFAIRNESS

If any unbiased, unprejudiced person will wade through the 663 pages of printed hearings recently had before the joint committee of the Senate and House, he will not be able to escape the conclusion that it was unfair, unjust, and unequitable to the property owners of the District of Columbia. Hearing after hearing was given to the organized tenants, whose interest was in charge of Mrs. Henry C. Brown, secretary of the Tenants' League. Mrs. Brown was permitted by the chairman to put witnesses on the stand, conduct the direct examinations, interrupt other witnesses, insult witnesses who dared to appear in behalf of property owners, and to make every kind and character of repetitions of hearsay that should have been given no probative force and effect whatever.

The Washington Real Estate Board, which represented only a small proportion of the realtors of Washington, was permitted to offer evidence, but much of their time was wasted with irrelevant interruptions, and their witnesses were subjected to abruptness and many discourtesies.

Former United States Senator Thomas P. Gore, as representative for the Association of Builders, Owners, and Managers of Washington, was permitted to offer evidence in hearings. His witnesses were interrupted.

But at no time were the property owners of Washington ever given an opportunity to be heard. And they are unorganized, and they constitute 95 per cent of the people whose interests from a property standpoint are involved. In their behalf, when I, as a member of the joint Senate and House committee, and a Representative in Congress, sought to ask witnesses questions to bring out all of the pertinent facts, I was interrupted by the chairman continually, and by his rulings prevented from asking many pertinent questions. And when I sought to have a night set apart for them to be heard, I was prevented from offering their testimony. Let me illustrate this point from quoting just a few excerpts from the hearings.

The CHAIRMAN. We will proceed to close the hearings so far as those opposed to the bill are concerned. * * *

Mr. GORE. Mr. Chairman, Congressman BLANTON the other day suggested that he desired property owners who were not organized to be heard. I want to ask the Congressman if he has some one of that sort present?

Representative BLANTON. Here is the situation: Knowing the attitude I have taken against this legislation, they have besieged me with letters wanting to be heard and wanting me to put their views into the record. I have no time to communicate with those people. That is not my business as a legislator. I think the committee ought to do that and ought to do the same by them as they have done by the others—indicate a certain time for them to be heard and let the daily papers notify them. My office is worked to death with my ordinary legislative work, without having to notify these people to be here. I can not notify them by letter or telephone. I am not that much interested in them. I am interested in them coming here and getting a fair, square deal, but what the committee ought to do, in my judgment, is to set a time for property owners who are not organized to be heard at a certain hour and let the newspapers publish it and notify them in that way.

These gentlemen who are here represent a certain band of realtors who are organized.

The CHAIRMAN. The property owners will have an hour and a half if we do not take up the time now in the discussion of something that has no real bearing on the question before the committee. If we take up the time now in that way, of course, they will not have the hour and a half.

Representative BLANTON. Yes; but the property owners that had no notice. The unorganized property owners have not had any notice of the meeting this morning.

Representative HAMMER. We promised Senator Gore that he could have a part of the time this morning.

Representative BLANTON. I have no objection to that. I am interested in the unorganized property owners, who constitute 90 per cent of the people interested in the bill, who are more interested than the realtors are. They should be given at least two hours, and they should be notified. They should be given an opportunity to come here and offer such evidence as they want to present. It is their rights that are jeopardized. If the committee is not willing to do it, that is the end of it. I have done my duty in presenting their request. I hope the committee will be fair enough to them to give them at least two hours, to set a certain time in order that the newspapers can notify them, and if the newspapers will not notify them through their columns, I will take it upon myself to notify enough of them so they can be heard. In some instances the bill would affect property that some of them have inherited. Some of them are helpless women. They ought to be heard in this matter.

Senator JONES of Washington. I want to say that I sympathize very much with what Representative BLANTON has said. I think we should give the people outside of these organizations an opportunity to be heard.

The CHAIRMAN. We have given them an hour and three-quarters to-day.

Senator JONES of Washington. But we have not notified the people outside of these organizations that they would be heard.

Representative BLANTON. No; that is just what I am complaining about.

Representative HAMMER. We gave so much time to both sides, and they have not really come and asked for it; but at the same time I would be mighty glad to give them a little while to be heard. I do not know whether they need that much time or not.

The CHAIRMAN. The question before the committee apparently is whether we shall reopen the hearings and continue them indefinitely.

Senator JONES of Washington. Oh, no; I beg your pardon; that is not the proposition at all.

The CHAIRMAN. We can not grant an indefinite extension to one side without granting a similar extension to the other side.

Senator JONES of Washington. We certainly have been very liberal with these people. We have given several hours to people from outside of the District, who, I think, are not interested in the proposition at all.

The CHAIRMAN. We have given more than eight hours now, and as I understand it you are asking for an extension of how many more hours?

Senator JONES of Washington. We can fix that among ourselves. I thought we ought to give a public meeting, just as we did to the people who were at the meeting the other night representing the tenants.

The CHAIRMAN. I am perfectly satisfied to do that, but that is for both sides of the question, as I understand it.

Representative BLANTON. I move that we give the same character of hearings to the unorganized property owners here in the District of Columbia, over in the Senate Office Building some evening in the caucus room, that we gave to the tenants—just such a meeting as that. We can set it ahead two or three days and they can all get their notice through the newspapers.

The CHAIRMAN. Do you mean such a meeting as we gave the landlords?

Representative BLANTON. No; such a meeting as we gave the tenants over in the Senate Office Building the other night. The unorganized property owners have never been heard. They have never been notified to appear.

The CHAIRMAN. I shall be glad to agree to your suggestion if you will provide in it that the other side shall have at least the same extension of time.

Mr. BLANTON. I do not care how many meetings you have for the other side, but I do want you to give the unorganized property owners a chance.

The CHAIRMAN. If you are willing to come here every night and every morning, we will proceed to give them as many hearings as they want, but I am not willing to give my time and attention to the matter unless the others Members will be here and assist.

Representative BLANTON. I am as busy as any Senator, and yet I have attended every meeting of the committee.

The CHAIRMAN. But you are always late getting here.

Representative BLANTON. Yes; but I get into action as soon as I get here. [Laughter.]

Representative HAMMER. Too much so, sometimes.

The CHAIRMAN. You may proceed, Mr. Gore.

Senator JONES of Washington. Should we not decide this question before we proceed further? I think we ought to do it, so that ample notice may be given in the papers.

Representative BLANTON. I insist on my motion being put to the committee.

Senator JONES of Washington. I think two hours' additional time for the unorganized people opposed to the bill would be ample, and I am perfectly willing to attend a night session of the committee to hear them.

The CHAIRMAN. Then why did you suggest at first giving eight hours to each side?

Senator JONES of Washington. Because I thought it would be enough. I never thought about your giving Chicago people a couple of hours.

Representative BLANTON. Yes; and the New York people two more hours.

Senator JONES of Washington. I thought the matter was to be confined to people from the District of Columbia.

The CHAIRMAN. We want to get people's ideas as to the effect this legislation may have elsewhere as well as in the District of Columbia.

Senator JONES of Washington. That is all right, but it ought to come out of their time and ought not to deprive the unorganized property owners of a hearing.

Representative HAMMER. Why not fix to-morrow night for those people and give them an opportunity to "blow off" then?

Representative BLANTON. That is all right.

The CHAIRMAN. To-night we are to have a meeting of the committee for the renters or tenants, who are to have three hours, from 8 to 11. That will make up their eight hours. If you are going to extend for four or four and a half hours the time of those opposed to the bill, you should certainly give the renters some additional time.

Representative BLANTON. But here is the situation. The tenants have had eight hours when they finish their meeting to-night. The unorganized property owners, as I said, representing 90 per cent of the people interested here upon the other side of the tenants' issue, have never had one single chance to be heard.

The CHAIRMAN. The organized tenants' association and the organized owners have controlled practically all of the time so far.

Representative BLANTON. We are going to be confronted with these questions on the floor of the House and Senate: Have we been fair to the unorganized property owners? You are going to have to meet that question on the floor, and you might just as well meet it here in committee. They are going to be heard some time or other.

The CHAIRMAN. Will the committee be satisfied with this suggestion, that the tenants have from 8 until 11 o'clock to-night and that the real estate people have from 8 until 11 o'clock to-morrow night?

Senator JONES of Washington. I am not in favor of giving the real estate people any more time.

Representative BLANTON. The unorganized property owners?

The CHAIRMAN. Those opposed to the bill.

Senator JONES of Washington. Outside of the organization.

Senator COPELAND. Why not have a sort of double meeting to-night? Let the outside landlords or unorganized property owners come in for a couple of hours, and then finish with the tenants.

Representative BLANTON. But I am talking about the unorganized property owners. Without knowing them, I represent them as a Representative in Congress and not in private life. I do not know one of them. I am representing that side of the bill.

The CHAIRMAN. Is it exactly fair for a member of the committee that he is representing a particular faction?

Representative BLANTON. I am representing the Constitution, which says you can not take a private property without giving a fair return.

The CHAIRMAN. Is that applicable only to a certain class of people or is it applicable to all?

Representative BLANTON. That is not applicable to the realtors to enable them to make money for these property owners. It is applicable to the property owners themselves, and they are the owners I am contending for. If they are given three hours to-morrow night, I do not care how much time you give the others. You can give them a week if you want to do so, but I call your attention to this fact—we know they will have had eight hours.

The CHAIRMAN. Five of which have been taken by the organized owners.

Representative BLANTON. Who is responsible for that except the committee? The committee is responsible for it.

The CHAIRMAN. The committee is responsible for taking up much of their time.

Representative BLANTON. I do not think we ought to exclude Washington people and let New York organizations and Chicago organizations come here and take up their time and our time. This legislation is not going to affect Chicago and New York. It affects Washington property owners. I submit that in all fairness to my colleagues, who I am sure are fair-minded men.

I submit to the members of the committee that every member here, whether he is an ordinary Member of the House or whether he is a Senator, has a right to put a motion and has a right to have that motion stated to the committee. Of course, they can amend the motion as they see fit, but let them amend it according to the rules and in the proper way. I do not want the chairman to state my motion in a different form from the way in which I proposed it, unless he sees fit to amend it in the proper way. I have made my motion.

The CHAIRMAN. But your motion was not seconded.

Representative BLANTON. A motion does not have to be seconded in committee or on the floor of Congress. I have made my motion and I now renew it that to-morrow night from 8 to 11 o'clock shall be given over to a general meeting in the Senate caucus room, in the Senate Office Building, to the unorganized property owners of the District. That is my motion.

Senator JONES of Washington. The chairman of the committee included that in his proposition.

Representative HAMMER. I suggest that you accept the amendment offered by the chairman.

Representative BLANTON. But I have no authority to keep amendments from being added to my motion. That is my motion and I make it.

Representative LAMPERT. I move to amend by covering the chairman's idea.

The CHAIRMAN. The question is on agreeing to my amendment to the motion of Representative Blanton. [Putting the question.] The amendment is agreed to. The motion now is on the amended motion that from 8 to 11 o'clock to-morrow night be given the property owners of the District of Columbia opposed to the bill who belong to no organization, and on Wednesday night from 8 to 11 be given to the tenants of the District of Columbia who belong to no organization.

Representative HAMMER. I do not like the idea of excluding anybody else if we run out of business.

Senator JONES of Washington. We can quit if we run out of business.

Representative HAMMER. Oh, no; we ought to put in all of the time.

Representative LAMPERT. I do not think there is any danger of running out of talk.

(The motion as amended was agreed to.)

And thus, Mr. Chairman, after insistence and perseverance, I finally succeeded in getting the chairman of the joint Senate and House committees to allow the property owners of Washington, who were more interested than anyone else in this bill, to be heard for a few hours. And it was understood that notice would be given by the committee secretary to the press about this meeting for such property owners.

BUT THEY WERE FLUKED OUT OF A HEARING AFTER ALL

On the next night, when the joint committees met in the Senate Office Building caucus room, I quote from the hearings as to what happened:

CONGRESS OF THE UNITED STATES,
JOINT SUBCOMMITTEE OF THE COMMITTEES
ON THE DISTRICT OF COLUMBIA,
Tuesday Evening, January 27, 1925.

The joint subcommittee met, pursuant to adjournment, at 8 o'clock p. m.

Present: Senators BALL (chairman) and JONES, and Representatives LAMPERT, STALKER, BLANTON, and HAMMER.

The CHAIRMAN. The committee will come to order.

Representative BLANTON. Mr. Chairman, this afternoon while I was very busy in my work several parties rang me up and said that they noticed in the papers that the hearing for unorganized property owners had been put off until to-morrow night. I told them they must be mistaken, that it was for to-night, and they said no, that it was in the Post and Times that it was for to-morrow night and that the unorganized tenants would be heard to-night.

Well, I told them I did not know anything about it and that I presumed that the chairman had had some reason for changing it, but I thought that they must be mistaken about what the papers stated.

From the Washington Herald, Tuesday morning, January 27, 1925:

"To-night a three-hour session, from 8 o'clock to 11 o'clock, will be held in the caucus room for the benefit of the tenants who are not affiliated with the Tenants' League. To-morrow night a three-hour session, from 8 o'clock to 11 o'clock, will be held in the caucus room for the purpose of hearing unorganized landlords"——

The CHAIRMAN (interposing). I would like to ask if the correspondent of the morning Post is here?

Mr. TAYLOR. I am on the Post. That was in the Times.

Mr. BLANTON. Now, here is the morning Post, the Washington Post for Tuesday, January 27, 1925, and I am reading from page 2, column 5, the following:

"Tenants"—

Note, now, that it says "tenants" instead of "property owners"—"who have no affiliations with the Tenants' League will be heard by the joint committee to-night. Another hearing will be held to-morrow night."

Then I got the Star this afternoon, for they kept calling my attention and the attention of my office to it, and in the Washington Star, from the first page to the last, there is not one word about any hearing to-night.

Then I got the green sheet of the Times, which is the last edition, and I read from this green sheet of the Times the following:

"To-night a three-hour session, from 8 to 11 o'clock, will be held in the caucus room for the benefit of the tenants who are not affiliated with the Tenants' League. To-morrow night a three-hour session, from 8 to 11 o'clock, in the caucus room in the Senate Office Building, will be held in the interest of the unorganized landlords desiring to voice individual opposition to the proposed Whaley rent bill."

The CHAIRMAN. I want to ask the assistant clerk of our committee if she authorized any such statement?

Miss PISER. I certainly did not. I have been answering our own phone continually to-day to contradict that announcement that was in the Post. I said that it was a typographical error, because no such information was given.

Representative BLANTON. I want to read from the only other paper in Washington, the News. Here is the News for Tuesday, January 27, 1925, and it says this:

"Tenants without organization or affiliation with the Tenants' League will be heard to-night."

Now, Mr. Chairman——

Senator JONES of Washington (interposing). If there are any landlords here, let us hear them. They can come to-morrow night.

Representative BLANTON. What I wanted to say is that the property owners who are unorganized have been misled by all these papers.

But there are several parties who found out in time that these were mistakes. I saw the Washington Post man this afternoon and asked him about it, and he told me it was a mistake, and I saw a Herald man and he told me it was a mistake in the paper, and there are two or three parties who have called me since then, and I have told them that that was an error and they are here. Now, I would like to ask the committee to hear them and then proceed with the tenants and let them be heard, and then hear the rest of the property owners to-morrow night.

The CHAIRMAN. I thought I made the matter perfectly clear in my statement last night. I certainly did not say, when I made that statement, that we would hear the tenants to-night. I certainly tried to say that those opposed, the individual property owners who are opposed to the bill, would be heard to-night. How the newspapers got it wrong I do not know. It must be because we kept them up so late and they got sleepy.

Under the circumstances, I think the proper thing to do is to hear those on both sides who are here to-night.

Representative BLANTON. I want to proceed and offer some evidence along some lines I have in mind from a constitutional standpoint, and since I have not been previously permitted to do that I want to do it now.

Mr. Chairman, Mr. Richards, the assessor, was called on the first day of the hearing by Senator JONES to check up some figures that Mr. Whaley had presented, and was asked to bring that in. Mr. Richards told me he had sent that statement to the chairman. I would like to have that read into the record.

The CHAIRMAN. Shall I read it?

Representative BLANTON. We may just consider that in the record without its being read.

The CHAIRMAN. I would like to have you state whether you want this to be put in for the tenants or for those opposed?

Representative BLANTON. For everybody; for the American public.

The CHAIRMAN. It is an independent statement. It shows that the valuations placed——

Representative BLANTON (interposing). I would not want the chairman to state his construction of it, because it speaks for itself. I would rather have Mr. Richards speak for himself. This is from Mr. Richards, the tax assessor of the District, and he will put the proper construction on it.

And this statement from Tax Assessor Richards, which I will quote in a few minutes from the hearings, did not support any of the testimony given concerning such properties by Chairman Whaley, but on the contrary, absolutely wiped out the force and effect of such data, yet the press reported just the contrary the next morning, and the presiding chairman attempted to place such a contrary interpretation upon it when I stopped him. Possibly this is the reason that he did not offer it until I asked for it myself. The following is such statement and it shows that Chairman Whaley was in error as to these properties:

STATEMENT BY MR. RICHARDS, ASSESSOR

The Randolph, in square 3524, lots 35 to 40, was sold in April, 1920, by Thomas Bradley and Harry L. Rust, trustees, to Ethel M. Rutty for $22,500 and transferred the same month to Julia M. Higgins for $14,500, subject to a trust of $14,500, or $29,000 in all. The property is assessed for $26,244 and the commission's figures overtops all the above in an estimate of $32,000. Did Mr. Bradley and Mr. Rust, who were expert appraisers of real estate, make a mistake in their sale? The chances are that they did not and that the commission's value is excessive.

No. 1490 Chapin Street is assessed for $7,635, and the commission places a value of $13,000 on the property. The house is next to the corner of Fifteenth and Chapin Streets and is less valuable than the corner. The corner sold to Mrs. Henderson in October, 1918, for $7,300.

The Oliver, square 234, lot 145, is assessed for $27,840. It sold for $30,000 in 1920. According to a court record, it sold for $18,000 in 1916 and in September, 1919, sold for $20,000. It remained for the Rent Commission to put it on a pedestal for $50,000. It rented for $2,610 gross in 1915 and is a walk-up apartment of three stories and basement and was built for $15,000.

The Prince Karl, square 85, lot 35, is placed on the new assessment roll at $61,500. The Rent Commission values it at $87,730. It has been built over a dozen years and sold in 1912 for $40,000 and in 1920 for $60,000. Seven times the gross rental in 1915 ($6,500) indicated a value then of $45,000. Allowing 2 per cent a year depreciation, has it doubled? Hardly!

The Fairmont, square 525, lot 29, 318 New York Avenue, was formerly the Melton, and was built by Thomas H. Melton over 20 years ago. In May, 1914, the owner appealed against the assessment, saying that the building was 12 or 14 years old and the taxes should be reduced. It was then assessed at two-thirds of $55,000. According to court record, it was sold September, 1915, for $33,800 and some kind of sale was reported in 1919 at $55,000. The present assessment is $65,170 and the commission fixes its value at $100,000, or three times the court record of 1915.

The Chesterfield, square 2595, lot 806, is located on Mount Pleasant Street, above Irving Street, in a row of similar apartments. In 1914 the then owner of 3141 Mount Pleasant Street, the Chesterfield, made an appeal in which he stated that the property had been acquired in trade for $50,000 and was worth between $45,000 and $50,000. The assessors now place $68,925 on this property and the commission put it at $104,600, or more than twice the owner's value of 10 years ago, although it is a lightly built structure subject to considerable depreciation.

But consider this in connection with the Chesterfield. The apartment houses Bloomfield, Winston, and Chesterfield, standing side by side, were built by Bates Warren at a cost of about 15 cents per cubic foot or less. They were worth about $45,000 in the year 1914. Permit for construction of the Bloomfield in September, 1909, gave an estimate of $35,000, which seems about right, as it was sold in trade for $50,000 in April, 1914. In January, 1917, the Bloomfield brought $55,000, and in November, 1920, Irvin B. Linton paid $65,000 for it and changed the name to Lynton. Apartments Winston and Chesterfield are duplicates in every way, the assessors now placing $68,874 on the Winston and $68,925 on the Bloomfield. The Rent Commission have adopted the following values: The Chesterfield, $104,600; the Winston, $73,040, for buildings alike. Please examine them.

The Audoun is in square 215, lot G (1102 Fourteenth Street). The Hermitage is in the same square, 215, lot 11, 1117 Vermont Avenue. Both are valued the same in the assessor's new appraisal at $100,000 each. The Audoun contains 125,100 cubic feet and is on the corner. The Hermitage contains 154,320 cubic feet and stands in the middle of the square with two fronts. The assessors believe there is little or no difference in the values of the two properties. The Rent Commission placed $90,000 on the Audoun and $150,000 on the Hermitage.

Comparisons between the assessment values of 1924, as just prepared by the assistant assessors, the values of the Rent Commission as published, the sale values of 1919 to the present time and the year of sale

Name of apartment	Assessor's value of 1924	Rent Commission value	Sale	Year
Temple	$17,778	$23,000	$17,500	1921
Geneva	35,774	41,475	37,500	1922
Newport	56,828	70,000	75,000	1921
Hawarden	96,100	90,000	175,000	1921
Gladstone	92,093	90,000		
Randolph	26,244	32,000	22,500	1920
Oliver	27,840	50,000	30,000	1920
Prince Karl	61,500	87,730	60,000	1920
Lonsdale	165,692	189,000	175,000	1920
Fairmont	65,160	100,000	77,000	1920
Park	29,508	35,000	30,000	1920
Seville	57,251	78,000	60,000	1921
Arden	62,355	90,500	67,500	1922
Hoffman	45,047	52,000	50,000	1922
Turin	52,680	70,000	62,500	1921
1708 Newton Street	57,250	70,000	75,000	1922
Total	949,100	1,168,205	973,500	

Comparisons between the assessment values of 1924, as just prepared by the assistant assessors, the values of the Rent Commission as published, the sale values of 1919 to the present time and the year of sale—Continued

Commission's value	Gross rents 1915	Value in 1915 taken 7 times the gross rents	Commission's value	Gross rents 1915	Value in 1915 taken 7 times the gross rents
$23,000	$2,600	$18,200	$90,000	$5,040	$35,280
41,475	3,250	22,750	35,000	3,900	27,300
70,000	6,180	43,260	27,500	2,600	18,200
90,000	9,750	68,250	96,000	8,484	59,388
50,000	2,610	18,270	55,000	5,214	36,498
37,500	3,000	21,000	150,000	7,296	51,072
250,000	21,000	147,000	78,000	7,152	50,064
75,000	5,300	37,100	74,600	7,590	53,130
87,730	6,480	45,360	135,000	10,049	70,343
96,500	7,666	53,662	90,500	7,100	49,700
85,000	7,100	49,700	104,600	7,700	53,900
60,000	4,866	34,062	70,000	5,874	41,118
65,000	6,800	47,600	73,000	7,928	55,496
189,000	18,180	127,260	87,000	10,000	70,000
70,000	6,240	43,680	57,500	5,900	41,300
36,000	2,772	19,404	30,000	2,400	16,800
100,000	10,800	75,600	72,000	5,500	38,500
82,000	7,836	54,852	80,000	6,120	42,840
25,000	2,256	15,792			
60,000	6,360	44,520	3,050,985	262,093	1,854,651
52,500	5,200	36,400			

In 1915 prices were of a stable and easily determined character and apartments were selling uniformly at seven times the gross yearly rental. The above prices in 1915 indicates that the Rent Commission followed no uniform and scientific method in determining their prices as they run from 20 per cent to 200 per cent above pre-war values.

And then, for a few minutes only, I was permitted to offer some evidence. I quote from the hearings the following:

TESTIMONY OF MR. STACY M. REED

(The witness was sworn by the chairman.)

Mr. REED. Mr. Chairman and gentlemen, I have a statement which I would like to make, and if there is no objection I would like to complete it entirely and then be subject to questions.

Representative BLANTON. First, I want to ask these two questions. Are those [handing paper to witness] copies of various advertisements for the apartment which Mr. Colby rented from you?

Mr. REED. They are.

Representative BLANTON. State whether all of them are correctly put in, or whether there was any error.

Mr. REED. There is an error in the advertisement of December 26, December 27, December 28, December 29, December 30, and December 31, which shows a rental of $70.

Representative BLANTON. Was that ever corrected?

Mr. REED. That was corrected in subsequent advertisements.

Representative BLANTON. On what days?

Mr. REED. On January 10, January 11, and January 12 that was corrected to $42.50.

Representative BLANTON. Now, state whether this statement of rents of the various apartments in that building is true and correct.

Mr. REED. That is a correct statement of the existing rentals.

Representative BLANTON. That statement I will offer in evidence.

The statement in question is as follows:

The Susquehanna, 1430 W Street NW.

Apartment No.	Size	Rental
1	4 rooms and bath	$35.00
2	do	29.00
3	do	35.00
4	5 rooms and bath	42.50
5	3 rooms and bath	25.00
6	4 rooms and bath	32.50
20	5 rooms and bath	45.00
21	4 rooms and bath	35.00
22	do	37.50
23	do	37.50
24	do	35.00
25	do	37.50
30	5 rooms and bath	40.00
31	4 rooms and bath	35.00
32	do	37.50
33	do	37.50
34	do	35.00
35	do	37.50
40	5 rooms and bath	42.50
41	4 rooms and bath	32.50
42	do	35.00
43	5 rooms and bath	42.50
44	3 rooms and bath	25.00
45	4 rooms and bath	35.00

The above is a list of the apartments in the Susquehanna, together with the monthly prices. Rents in this building have not been increased for the past two years.

STACY M. REED.

Representative BLANTON. And all those apartments are rented for those amounts now?

Mr. REED. Yes, sir; they are.

Representative BLANTON. If the committee has no objection, he can now read the statement.

The CHAIRMAN. I have no objection.

Mr. REED. The C. A. Snow Co. does not engage in brokerage business. The C. A. Snow Co. owns and manages 13 apartment houses and some miscellaneous properties, containing a total of approximately 526 dwelling units.

These buildings are located in all sections, except the southwest section of the city, and range in price from $6.50 per month for a 4-room alley house to $200 per month for 6-room, 2-bath apartments in the northwest.

We have not raised the rent of a single tenant during the past two years, though on November 12, 1924, we secured an injunction against the Rent Commission.

It has been shown beyond a doubt by more experienced men than myself that the Whaley bill is unconstitutional and that rent legislation is unsound economically; but I would like to approach the matter from a different point of view and show why rent control is particularly odious to the owner.

We take pride in our buildings and their maintenance. We like to see them well kept and in good condition. We like to feel about them as one likes to feel about a new automobile or a suit of clothes. We enjoy the prestige that a satisfied and contented group of occupants can give our buildings. We have buildings in which the Rent Commission has never interfered, filled with occupants, all of whom have nothing but words of praise for our management. This would be possible in all of our buildings except for Rent Commission interference; but with rent control the condition is far different. Rent control has encouraged Washington to become a city of contract breakers. No law can be fair except when fairly applied, and Rent Commission inquisitions have served more to fan the flame of discontent and unrest than anything except the present hearings.

Much has been said of evictions during the past few weeks, and surely the most heart-rending examples have been brought here as exhibits, but in few cases has the other side of the question been exposed. Our company has sued for possession in seven cases. We have done so not only to protect the walls, the plumbing, and the fixtures of our buildings which have been subjected in the past to wanton depredation, but have sued for possession to protect other occupants of the building from undesirable and trouble-making neighbors. In each case we have rerented the vacated apartment at the previous rental. We still maintain our right to select the people who occupy our buildings and shall do so until the last scrap of our constitutional right has been destroyed. In the language of Justice McKenna's famous dissenting opinion in Hirsh *v.* Block "a tenant out is a tenant in," and we assume that this committee is more interested in improving the general situation than in protecting a few undesirable individuals. We believe that in ridding our properties of these undesirables we will not only increase the prestige of our buildings but will benefit the general situation by increasing the peace and contentment of those who remain. The fact that we have rerented in every case at the same rate, though under no legal obligation to do so, is proof that these suits for possession were entered into for no pecuniary gain.

In concluding I submit to the committee copies of advertisements relating to the apartment—those are the copies you referred to, Mr. Blanton—referred to in the testimony of Mr. Colby, together with the dates of their mention in the Evening Star. Mrs. Brown is correct in that this apartment was advertised at $70.

The fact remains, however, that after six insertions of the corrected advertisement we were able to rent the apartment to Mr. Colby as he has previously testified. Mrs. Brown, in her testimony, intimated that we had misstated the facts in advertising this apartment as consisting of five rooms, bath, and reception hall. However anxious we may have been to secure a tenant for this apartment, the fact remains that, including the kitchen, the apartment contains five rooms. This is a very usual way of advertising and not meant to deceive, it being presumed that an individual of ordinary intelligence, seeing such an advertisement with no kitchen mentioned, will assume one of the rooms to be a kitchen.

This incident relates to one of some 20,000 apartments in Washington. It is in itself too trivial to have consumed your time. In that respect it is similar to almost all of the testimony so far submitted by the proponents of this bill. We have introduced it simply to illustrate to what extremes Mrs. Brown has been forced to go, even in incorrect testimony, to make her case.

The CHAIRMAN. I just want to ask one question. Did you price that apartment to the applicant at $70?

Mr. REED. I did not; no. I do not think that any information of that kind was given out of our office, either. I would not have given it, but I am not in the front office.

The CHAIRMAN. I would like to have somebody submit to the committee a list of vacant apartments with their rentals. So many ten-

ants have written to me and asked me to supply them with a list of vacant apartments of $50 and under, that they were wanting such a place, and that they thought it should be brought out at this hearing.

Representative BLANTON. I want to proceed, Mr. Chairman.

And then a Mr. Low, who represented a realtor, insisted on testifying, when I was insisting on giving the few property owners who had not been misled by the incorrect newspaper notices a chance to be heard. But I was never permitted to place a single one of them on the stand. I quote from the hearings to show what occurred.

Representative BLANTON. I prefer to have Mr. Low stand aside.

The CHAIRMAN. I have a lot of questions I would like to ask of Mr. Low.

Representative BLANTON. I would like to have the property owners who are here to have an opportunity to be heard, even though they have not had a fair statement of the situation in the papers. There are a few here, but go ahead.

Mr. LOW. I am not here to defend Mr. Baskin or any landlord, but I have followed these proceedings pretty closely; I have listened to the testimony and I have heard statements made by these Tenants' League people which were so exaggerated in many cases, so absolutely untrue and, more especially, which were so calculated to keep the real facts from coming out, that I have felt——

Representative BLANTON (interposing). If you want to give some facts, get down to them.

The CHAIRMAN. I think we could bring out what we want by questions.

Representative BLANTON. I would not want the chairman to take up all the time that has been given. Some knowledge that I have has made me fundamentally against the rent law, and I want to show what is in my mind and what is making me take a stand against this bill. It is my knowledge of conditions here that does not agree with the chairman's knowledge of them.

The CHAIRMAN. I would like to ask if the Chair is not permitted to ask any questions?

Representative BLANTON. The Chair led these other witnesses; couldn't I lead a few of them? If this is the Chair's time, though the newspapers said it was the tenant's night, I will turn it over to him. I would rather go home with my family than waste my time. If the Chair is as unfair as that, I will go home.

(Mr. BLANTON thereupon left the room.)

And thus not a single individual property owner in the District of Columbia was ever permitted to appear and be heard against a bill that will continue to withhold from owners their property, which the law has already withheld from them nearly seven years.

TENANTS' LEAGUE

Now, Mr. Chairman, let me mention the testimony that was offered by witnesses in behalf of this bill. I do not believe that it impressed a single member of the joint committee. Practically all of it that was first hand, and not hearsay, was introduced under the direction of the Tenants' League, in charge of its secretary, Mrs. Brown, and its president, Mr. Edward H. Schirmer. Concerning same, let me quote the following from the hearings:

Mr. MCKEEVER. I now submit a contract between E. H. Schirmer and Frances M. Butts, together with a copy of the declaration in suit No. 111819 in the Municipal Court of the District of Columbia. I wish you to understand that I am not introducing this evidence for the purpose of bringing Mr. Schirmer's financial difficulties to the attention of the committee, but in order to disclose to the committee the purposes and objectives back of the forming of the Tenants' League, who are now so actively working before this committee in support of the Whaley bill. The contract to which I refer is as follows:

"WASHINGTON, D. C., ——, ——.

"This contract, made and entered into this 4th day of September, 1924, for and between Edward H. Schirmer, party of the first part, and Frances M. Butts, party of the second part, witnesseth that:

"For and in consideration of $150 cash in hand, paid by the party of the second part to the party of the first part, the party of the first part, Edward H. Schirmer, agrees and promises to meet the note given by him this day to the party of the second part for $150 in 30 days if by that time the party of the second part is not fully satisfied to become a partner with him in a tenants' league of Washington, which he is now forming and for the expenses of which he wishes to use this money. If Frances M. Butts, party of the second part, is within 30 days fully satisfied to become a partner in said tenants' league, she is to pay to Edward H. Schirmer, at such time as shall be agreed between them, the balance of the sum of $500, for which she is to have one-third interest in said tenants' league, with all the rights pertaining thereto.

Signed this 4th day of September, 1924, in the city of Washington, D. C.

E. H. SCHIRMER.
FRANCES M. BUTTS.

In the Municipal Court of the District of Columbia. Frances M. Butts, plaintiff, *v.* Edward H. Schirmer, defendant. No. 111819.

PLAINTIFF'S DECLARATION

"The plaintiff sues the defendant for:

"1. That heretofore, to wit, on the 4th day of September, 1924, the plaintiff and defendant entered into a contract, a photographic copy of which is hereto annexed and marked 'A' on the bill of particulars hereto annexed. That in accordance with the said contract, the plaintiff loaned the defendant the sum of $150 for 30 days from the said date; that there has been paid on account the sum of $30, leaving a balance of $120, which sum, with $1.60 interest, is now due the plaintiff.

"2. That the defendant, Edward H. Schirmer, on the 5th day of November, 1924, by his promissory note, now overdue, promised to pay C. S. Butts or order at the Riggs National Bank of Washington, D. C., $120 one month after date, and the said C. S. Butts indorsed the same to the plaintiff; but the defendant did not pay the same.

"3. That heretofore, to wit, on the 4th day of September, 1924, the defendant represented that he was about to organize a certain organization to be known as the tenants' league; that the said tenants' league would be extremely profitable to its promoters and organizers, and would result in large revenues to the original promoters and organizers by dues and other collections; that a great number of persons in the city of Washington would become members of such organization, if properly promoted, and that the said organization or similar organizations would be extended to other cities throughout the United States, thereby further increasing the revenues and profits to be derived by its original promoters and organizers, and that the said defendant would, in consideration of the payment to him of $500, assign, transfer, and set over to the plaintiff a one-third interest in the said organization and to the dues, proceeds, and revenues therefrom.

"That the plaintiff did advance the sum of $150 on the said date to the defendant as a loan and did agree with the defendant that the plaintiff would have an option running for 30 days, during which to pay the additional sum of $350 if the plaintiff would elect to become an owner and partner of one-third interest in the said tenants' league, and did further agree that in the event the plaintiff did not exercise such option of becoming a partner in the same organization, the defendant would return to her the sum of $150 with interest within 30 days from the said date. That in accordance with the said arrangement, a contract was executed between the parties in writing, a copy of which is hereto anexed, marked 'A' on the bill of particulars hereto annexed, and that the defendant did execute his promissory note in the said amount as security for the advance of $150. That the plaintiff has become cognizant of the true aims and purposes of the aforesaid organization, and has upon the maturity of the said note demanded payment thereof, which payment was refused, all this in accordance with her rights in and under the agreement herein set forth. That after much difficulty the plaintiff was enabled to obtain and secure two payments each in the sum of $15 upon the entire debt hereof, together with a note for the balance in the sum of $120, a copy of which note is hereto annexed and marked 'B' on the said bill of particulars, which note has since become due; that payment thereof was not made, and that she has been unable to obtain payment of said note; that she has made repeated demands for the payment of said note, but payment has been refused.

"That above three counts are for the same cause of action.

"And the plaintiff claims $121.60, with interest thereon from the 5th day of December, 1924, besides costs."

Representative HAMMER. That note has been paid now.

Mr. MCKEEVER. I understand it has been settled; yes, sir.

Mr. GORE. Have you a copy of the order entered in the case?

Mr. MCKEEVER. I have sent for a photographic copy of it, but I have not received it yet. I was to get it here this morning.

This contract was entered into on September 4, 1924, and the Tenants' League was organized on September 17, 1924.

Representative BLANTON. Mr. McKeever, has this Mr. Schirmer had anything to do with these hearings?

Mr. MCKEEVER. I have seen him around here, and I understood that the secretary of the Tenants' League and he together were directing the proponents' side.

Representative BLANTON. Was he the one who was with Mrs. Brown?

Mr. MCKEEVER. Yes.

Representative BLANTON. I just wanted to show his connection.

Mr. MCKEEVER. I was told it was he. I do not know him. I am told now that he has just this moment left the hearing room.

Representative BLANTON. Just gone out of this room?

Mr. MCKEEVER. Yes. This contract was entered into on September 4, 1924, and the Tenants' League was organized on September 17, 1924, and it was, you notice, proposed in the contract that I have just read to organize the Tenants' League. Gentlemen, it needs no further comment from me to convince you that the real purpose in forming the Tenants' League was not to help the tenants.

It will be remembered that on February 28, 1924, the Senate passed Senate Resolution 158, appropriating $2,500 for its Dis-

trict Committee to make a survey of rental property. On April 7, 1924, there was distributed to each Member on the floor of the House a seven-paged printed pamphlet, signed by one whose name we know, dated April 3, 1924, addressed to the Senate Committee on the District of Columbia, purporting to be his report made for the Senate on said rental conditions. And it will be remembered that this party had just recently served a sentence in the Delaware penitentiary for embezzlement by bailee. Then it will be remembered that on said April 7, 1924, the Senate passed Senate Resolution 203, providing the Senate committee with an additional $5,000 to make a further investigation, and this was conducted by Edward H. Schirmer, who is president of the Tenants' League, and who, when procuring the $150 from Frances M. Butts, represented to her as an inducement to her joining him in organizing said league that—

the said Tenants' League would be extremely profitable to its promoters and organizers, and would result in large revenues to the original promoters and organizers by dues and other collections, that a great number of persons in the city of Washington would become members of such organization, if properly promoted, and that the said organization or similar organizations would be extended to other cities throughout the United States, thereby further increasing the revenues and profits to be derived by its original promoters and organizers, and that the said defendant would in consideration of the payment to him of $500 assign, transfer, and set over to the plaintiff a one-third interest in the said organization and to the dues, proceeds, and revenues therefrom.

CHARACTER OF TESTIMONY AND MANNER OF CONDUCTING HEARING

The testimony of Mrs. J. A. Tschipke well illustrates the above. She had testified that her rent was raised; that she was evicted without cause; that she was sick in bed and unable to move; that in a heartless manner her things were thrown out into the cold, and she had put in the record newspaper reports of the transaction with pictures in the press of her and her things when being thrown out. The following is my cross-examination:

Representative BLANTON. You are not an employee of the Government?

Mrs. TSCHIPKE. No.

Representative BLANTON. And your husband is not?

Mrs. TSCHIPKE. No.

Representative BLANTON. Your husband is conducting a private business here for profit in Washington?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. A novelty store?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. How many men does he work?

Mrs. TSCHIPKE. Nobody.

Representative BLANTON. You mentioned a while ago that you went to the man who was working for him.

Mrs. TSCHIPKE. We had a watchmaker working in the place and we gave him free space.

Representative BLANTON. That is the reason what I asked about. You went to him?

Mrs. TSCHIPKE. Yes. He was not working for us. He was working for himself. He is a watchmaker.

Representative BLANTON. He does the watchmaking business and repairs for your husband's business?

Mrs. TSCHIPKE. Yes.

Senator COPELAND. Let us be clear about that. Does this man work for your husband?

Mrs. TSCHIPKE. No.

Representative BLANTON. I prefer to have the Senator let me ask my own questions.

Senator COPELAND. I prefer also to have the record correct.

Representative BLANTON. I want to be perfectly fair. I am fair to the Senator. If we are not going to conduct a fair hearing I do not care to participate in it.

Representative HAMMER. But you assume things that are not correct. That is the trouble, Mr. BLANTON.

Representative BLANTON. The man who repairs watches in your husband's place of business, you spoke of a while ago voluntarily as a man who was working for you.

Mrs. TSCHIPKE. No; he is not working for us. He is working with us.

Representative BLANTON. Then you made a mistake when you said that?

Mrs. TSCHIPKE. Yes; if I said that.

Representative BLANTON. Did you get any profit from the work he does in your place of business? Do you get a profit from his work?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. From the repair work?

Mrs. TSCHIPKE. Yes.

Representative BLANTON. If I bring my watch there to be repaired I would turn it over to you and you would have this man repair it and you would get part of what I pay and he gets part?

Mrs. TSCHIPKE. That is it.

Representative BLANTON. You have lived in Washington how long?

Mrs. TSCHIPKE. Eight years.

Representative BLANTON. You have paid this owner, since September, how much rent?

Mrs. TSCHIPKE. I have not figured out the whole amount.

Representative BLANTON. Have you paid him any amount since last September? Have you actually paid him any rent since September?

Mrs. TSCHIPKE. I have paid him everything, and here is this month's rent which he has sent back.

Representative BLANTON. I mean, how much money have you paid him since September that he has kept?

Mrs. TSCHIPKE. The same rent what the Rent Commission fixed, $47.50.

Representative BLANTON. When was the last $47.50 you paid him?

Mrs. TSCHIPKE. That was returned?

Representative BLANTON. No; he did not take that check which you show me.

Mrs. TSCHIPKE. That was November.

Representative BLANTON. So it was not a payment?

Mrs. TSCHIPKE. No.

TURNED OUT TO BE FRAME-UP

Representative BLANTON. I do not know who has charge or who is going to present the evidence, but before they begin I want to say to the committee that one of the deputy marshals is here concerning whose action with reference to an eviction there was some testimony the other day. I would like to have him heard at this time. I have not talked with him about his testimony, but I would like to hear his side of the eviction story.

Mr. BRANDENBURG. Mr. Callahan is here and ready to testify.

TESTIMONY OF STEPHEN B. CALLAHAN

(The witness was duly sworn by the chairman.)

Representative BLANTON. You are a deputy United States marshal?

Mr. CALLAHAN. I am chief deputy United States marshal.

Representative BLANTON. There was some evidence here either yesterday or the day before by a lady with reference to an eviction with which you had some connection. Will you just tell exactly what connection there was of your office or yourself officially with that matter?

Mr. CALLAHAN. On Saturday, the 3d day of January, gentlemen of the committee, a lady came into my office at the courthouse and opened an envelope and showed me a letter which she had received from one of my deputies, in which he stated she was to be put out on the 3d day of January. She wanted to know what time the eviction would take place. I told her that it was sort of a courtesy notice that we sent to tenants notifying them we would have to evict them and that we did not evict people on Saturday. "But I want to be evicted. I don't want this to go over."

Representative BLANTON. She said that?

Mr. CALLAHAN. This is the conversation I am giving you. She said, "I want this thing published." I said, "Madam, we do not want any publicity in these matters ourselves. We want no write-up. They generally jump on the marshal's office and his deputies. I am going to take the liberty of extending this time myself, but I will first talk to the agent." I got him on the phone and asked him to extend the time for three or four days, anyhow, until Thursday at least, on account of the weather conditions. "No; now wait a minute. Don't you go any further now. I want this stuff put out on the street because I have already arranged with the newspapers to take a picture and write this matter." I said, "You are not going to write my office up. I am going to hold you off on it." Then I had Mr. Tribby to let her stay until Thursday, all day Thursday, and if she didn't get out I would put her out on Friday. So Wednesday the lady came into my office again.

Representative BLANTON. The lady is in the room.

Mr. CALLAHAN. That [indicating] is the lady. On Wednesday she came back to my office again. She said, "I can't get out, Mr. Callahan, on Thursday. Can't you extend the time?" I said, "I can not do any more for you. I passed my word about it. You had better move or go some place else and get your stuff out. They insist on us putting you out."

On Thursday about noontime my deputy who has charge of the division from which this lady came was in my office discussing matters. He comes over every day and reports to me. While he was there a reporter from the Herald wanted to know when we were going to put Mrs. Tschipke out. I said, "I don't know. I guess she has moved." I said, "Call up the other office and find out if those people have moved out." That was on Friday. I was wrong about it being Thursday. It was at noontime on Friday. He called up, and Mr. Tribby said, "No," and that he wanted possession. I said, "You will have to give Mr.

Tribby possession of his apartment." I said, "Send somebody up there; if you haven't got the regular man, get somebody else, but go up there and give possession, otherwise they will come back on the marshal." That is all I know of the case.

Representative BLANTON. This is a short agreed judgment between the parties in this case, and it is a very material matter that I want to go in the record, with the permission of the committee. This is an agreed judgment in the municipal court of the District of Columbia in the case of C. E. Tribby, plaintiff, against J. K. Tschipke, defendant. It is marked "Filed, municipal court, November 8, 1924," and reads as follows:

"Now come the parties hereto by their counsel and agree as follows:

"First, that judgment in the above-entitled cause for possession of the premises therein described be rendered forthwith in favor of plaintiff.

"Second, that stay of execution be had until December 31, 1924, provided the rental due for the months of October and November be paid forthwith and provided that the rental for the month of December be paid on or before November 25, 1924. In the event of a failure on the part of the defendant to keep and perform any or all of the above conditions execution shall issue forthwith."

This is signed by the attorney for the plaintiff and signed also by attorney for the defendant. The writ was not issued until after that day. You served the writ on either January 6 or January 7?

Mr. CALLAHAN. It was issued on the 2d day of January and was executed, I believe, on the 9th.

Representative BLANTON. You served it finally?

Mr. CALLAHAN. Notice was served first.

Representative BLANTON. When did you put the goods out on the street?

Mr. CALLAHAN. The deputy marshal put her out on the 9th, Friday.

Representative BLANTON. And the judgment provided they were to go out on December 31?

Mr. CALLAHAN. That is a judgment by confession of the parties. They agreed to vacate by the 31st of December, "Costs as per stipulated herein." There is the docket entry right on the paper.

TESTIMONY OF G. C. TOUHEY

Mr. TOUHEY. On Friday, the 9th, I received orders from the chief deputy of the municipal court to execute a restitution at apartment No. 4, 1300 Massachusetts Avenue. I went up there and was met at the door by a couple of photographers and some newspaper men. I told them I did not have anything to say, that they could talk to the lady. I rang the bell and waited about two minutes, and then Mrs. Tschipke came to the door. She looked as though she had just gotten up or had slept late that morning. She, of course, was a little bit nervous. I read the writ of restitution to her and told her I would have to execute it. I had four men there to carry out the actual work. She said something about not feeling well. I told her I was very sorry, but she had expected us to come up to execute the writ, as notice had been mailed to her and the landlord had spoken to her and all that sort of thing, and that I would have to go ahead.

A good many things in the apartment were all packed up. Evidently she expected the marshal up during the last day or so to put things out, because nearly all of the small articles were all packed up and ready to go. She stated that she would have to call an ambulance to go to the hospital. Of course, I did not know anything about that side of it. She went back in her bedroom, and I started the men moving out some of the furniture in the front part of the apartment, and she immediately came out there and started to tell them what not to take out right away and what to take out and took some pretty good-sized bundles out of their hands. If she was ill I do not imagine she should have lifted as much as she did or rushed around the way she did.

I went on, as our instructions are to execute the writ in a quiet way and with the least amount of embarrassment I could to the lady. Her husband arrived shortly before the furniture was all out, and I had them both look over the apartment to see that everything was out, and he gave me his key and she gave me hers, and the reporters were there getting a story from them, and I immediately left.

Mr. BRANDENBURG. What papers were represented there, do you recall, or how many?

Mr. TOUHEY. I know that the News and, I think, the Times.

Mr. BRANDENBURG. The photographers were also there?

Mr. TOUHEY. The two photographers; yes.

Mr. BRANDENBURG. Did you notify those papers that you were about to serve this writ of restitution?

Mr. TOUHEY. No, sir.

Mr. BRANDENBURG. Had any notice, directly or indirectly, been conveyed by you to the newspapers that you were about to serve the writ of restitution Did you give any notice in any way?

Mr. TOUHEY. No, sir.

Mr. BRANDENBURG. You do not know who did notify the papers?

Mr. TOUHEY. No; I do not.

And later on it developed that Mrs. Brown, of the Tenants' League, was the prime mover in this newspaper photographic notoriety.

IS CHAIRMAN WHALEY AN UNPREJUDICED RENT COMMISSIONER

Within a few minutes after the joint hearings opened Chairman Whaley testified to the following:

For the past six years landlords as a general rule have absolutely refused to make any repairs, to do any repairing, plastering, or papering. For the sake of squeezing the last dollar out of the property they have failed to furnish proper heat and in many cases no heat at all. * * *

Another instance of it is like this: There may be a leak in the bathroom. That leak continues until after a while the ceiling begins to fall. It is neglected for one or two or three months. I know of one instance where it was neglected for four months and the ceiling began to fall. The landlord paid no attention to it at all, and the tenant's property was being damaged in the bathroom.

Senator JONES of Washington. Had notice been given to the landlord?

Mr. WHALEY. Yes, sir; repeatedly given to the landlord, and nothing was done. All we would say is, "Where you have accepted the money in advance and you have agreed to render the service you must either render it or we will penalize you for not rendering it." I do not think there is anything drastic in that section.

Senator JONES of Washington. I would like your list to include the landlords covered by those various incidents.

Mr. WHALEY. That last instance I gave about the bathroom is my own case in my own apartment.

Senator JONES of Washington. I do not know where that is, nor do I know the name of the landlord.

Mr. WHALEY. I am just giving that as an illustration.

Senator JONES of Washington. Give the name of the landlord.

Mr. WHALEY. H. L. Rust & Co. I have been there eight years in the apartment.

Representative BLANTON. I take for granted the President will retain the present board. With regard to the present chairman I offer this, not reflectively, but just as a question of fact. The chairman of the commission has testified that he has suffered for four months with his own landlord, H. L. Rust & Co., who left a leaking roof going on until the plaster was dropping down. Feeling a grievance against a landlord like that——

Mr. WHALEY. I do not feel any grievance. I have been on both sides of the fence.

Representative BLANTON. Would a person be able to sit impartially with that feeling?

Mr. WHALEY. Yes.

Representative BLANTON. In a case against H. L. Rust & Co.?

Mr. WHALEY. H. L. Rust & Co. are among the best friends I have in town. I like both of them, H. L. Rust and his son. I think the world of all of them.

Representative BLANTON. H. L. Rust, of which Mr. John Bowie is a member——

Mr. WHALEY. Yes; and I know him well, too.

Representative BLANTON. They are two of the highest-class citizens in Washington, are they not?

Mr. WHALEY. Yes.

Representative BLANTON. High classed in every respect?

Mr. WHALEY. I think so.

Representative BLANTON. And the most honorable real-estate men you find anywhere?

Mr. WHALEY. I think so. I do not think you will find better men in Washington than H. L. Rust and sons.

TESTIMONY OF JOHN F. M. BOWIE

(The witness was duly sworn by the chairman.)

Mr. BOWIE. I understand from reports that the chairman of the Rent Commission in his testimony before the committee made a statement that the property owners were not furnishing service nor were they making repairs, very much to the discomfort of the tenants, and when asked for specific instances he cited his own landlord as one who had failed to keep his obligations.

I represent the landlord of the chairman of the Rent Commission and I think he did his landlord an injustice in that he did not state the whole case. I would like to get into your record the whole facts in connection with it.

Mr. Whaley rented this apartment in the Iroquois Apartment, 1410 M Street, in August, 1916. He paid for a four-room and bath apartment, with elevator service, $40 a month. He is still occupying that apartment and paying $60 a month. I have gone over our books, and for the period of 18 months beginning July 18, 1923, and ending February 1, 1924, the following improvements were made upon his apartment and the following amounts paid for those improvements:

July 18, 1923, repairing waste pipe in the kitchen, $21.50.

September 26, 1923, new medicine cabinet and other carpenter work, $22.

October 10, 1923, new window shades, $8.95.

November 21, 1923, new electric fixtures, $45.27.

November 19, 1923, painting and papering throughout, $150.

December 17, 1923, new flush tank, $30.

February 9, 1924, glass shelf in bathroom, $2.

February 1, 1924, repairing shelves, $3.50.

This made a total of $283.22 spent upon Mr. Whaley's apartment in a period of approximately 18 months, showing that he was given approximately 5 months' rent or that 5 months' rent was expended in his apartment out of those 18 months.

He made some reference to a leak which I understood he said came from the roof and that he called it to our attention and it was not promptly attended to. It was his custom as a rule to call my attention to things that he wanted when I appeared before the Rent Commission. It is possible that he may have spoken to me about that leak and I overlooked it. However, when he called our office and reported it, it was attended to right away. It has been fixed. Mr. Whaley knew that that leak was not intentionally neglected.

That is all I wish to say.

The officers of the Washington Real Estate Board, representing only about one-fourth of the realtors of the city, testified to the following vacant properties now offered for rent in Washington:

Survey of vacant properties based on reports of 85 rental offices affiliated with the Washington Real Estate Board

Unfurnished heated apartments	969
Unfurnished apartments not heated	69
Unfurnished houses	524
Total unfurnished properties	1,562
Furnished apartments	54
Furnished houses	108
Total furnished properties	162

Rentals of the above mentioned unfurnished apartments range as follows:

Up to $35 per month	64
From $36 to $50 per month	246
From $51 to $75 per month	486
From $76 to $100 per month	160
From $101 to $125 per month	62
From $126 to $150 per month	6
Over $150 per month	14

A total of 310 listed at $50 or less and 486 listed at from $51 to $75, or a total of 796 listed for $75 or less and 242 listed at over $75.

Rentals of the above unfurnished houses range as follows:

Up to $35 per month	38
From $36 to $50 per month	64
From $51 to $75 per month	145
From $76 to $100 per month	135
From $101 to $125 per month	56
From $126 to $150 per month	36
Over $150 per month	66

A total of 248 houses at $75 or less and 293 at over $75.

The sizes of the unfurnished apartments listed range as follows:

1 room and bath	30
2 rooms and bath	155
3 rooms and bath	433
4 rooms and bath	230
5 rooms and bath	131
6 rooms and bath	44
Over 6 rooms and bath	55

The sizes of the unfurnished houses listed range as follows:

4 rooms and bath	19
5 rooms and bath	27
6 rooms and bath	164
7 rooms and bath	64
8 rooms and bath	71
9 rooms and bath	68
10 rooms and bath	43
Over 10 rooms	68

The apartments and houses reported are located in the four sections of the city as follows:

Northwest	1,501
Northeast	99
Southwest	35
Southeast	89

In addition to the above, the following apartments under construction were also reported:

Available Feb. 15	115
Available Mar. 1	384
Available Apr. 1	134
Available May 1	119
Date of completion not given	16

Showing a total of 768 additional apartments coming on the market approximately within 90 days.

And each specific piece was then fully described in detail, giving the number of rooms, baths, and garage, and the price and location.

Illustrating some of the interruptions of witnesses, I quote from the hearings the following:

Mr. MCKEEVER. In the case of Knoxville *v.* Water Company (212 U. S. 1) it was said:

"Our social system rests largely upon the sanctity of private property, and that State or community which seeks to invade it will soon discover the error in the disaster which follows. The slight gain to the consumer which he would obtain from a reduction in the rates charged * * * is as nothing compared with his share in the ruin which would be brought about by denying to private property its just reward, thus unsettling values and destroying confidence."

In Kennedy Bros. *v.* Sinclair, decided by the Court of Appeals of the District of Columbia, and reported in Two hundred and eighty-seventh Federal Reporter, pages 972, 977, it was said——

Representative HAMMER. When was that? The Federal Reporter has not been issued for two years. It was eliminated. It must be an old case.

Mr. MCKEEVER. This is the case of Kennedy Bros. *v.* Sinclair. Sinclair was a rent commissioner.

Representative HAMMER. That was several years ago.

Mr. MCKEEVER. The fact that it was makes it all the more important. It was, I think, a little while back.

Representative HAMMER. Are you not aware that you can find authority for anything in the Federal Reporter?

Mr. MCKEEVER. I think this case in the Court of Appeals of the District of Columbia may have a particular bearing on it in view of the fact that that is the court to which your act is going to go.

Representative HAMMER. Yes; that is true.

Representative BLANTON. Right there, let me suggest that the court must have converted former Rent Commissioner Sinclair, because now he says this law is uneconomic and ought not to be passed.

Mr. MCKEEVER. I think they must have.

Representative BLANTON. I got a strong letter from him the other day urging that view of the matter.

Mr. MCKEEVER. I know he is very much opposed to the necessity for any bill of this kind.

Representative HAMMER. They were just as much against him as they are against Whaley now, and more so, I guess, when he was in.

Mr. MCKEEVER. That is right.

Representative BLANTON. That indicates that when they are in they want to stay in, and when they are out they do not believe in the law. [Laughter.]

Mr. MCKEEVER. That, Mr. BLANTON, is the reason why we say that if you let this law die for one year, and there are no rent commissioners to urge the passage of it or lobby for it, there will be no further extensions of the law and no necessity or request for the law.

Representative HAMMER. I thought you said last night that you wanted to change the date six months.

Mr. MCKEEVER. No; we want you to kill it now.

May I finish this case?

The CHAIRMAN. Go ahead.

Mr. MCKEEVER. In this case of Kennedy Bros. *v.* Sinclair (287 Fed. Rep. 972, 977) the court said:

"Price fixing and rate regulation of purely private enterprises necessarily interfere with the law of supply and demand, and even when most carefully, prudently, and justly done generally result in economic complications and social disorders worse than the evil sought to be remedied. That must always follow if the arbitrament of prices or rates breeds distrust, discourages capital, or diverts it to less beneficial although safer investments."

That is exactly what is being done here.

I quote further from the hearings the following position of a woman's organization in Washington:

2506 CLIFFBOURNE PLACE,
Washington, D. C., January 10, 1925.

Hon. T. L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: Will you permit me please to bring to your attention how the rent bill before Congress assails the most cherished interests of women?

This bill would establish a commission to control rents and fix the value of all housing property in the District of Columbia. It is based on the assumption made by its backers that Federal employees are a permanent tenant class and stands on the argument that to diminish alleged ills of this assumed unfortunate class, to destroy constitutional rights of owners of housing property is justified. Such legislation with the rest would destroy the economic basis of home making.

The rent bill before Congress is not a mere matter of business affecting only real estate dealers on the one hand and tenants on the other. It involves all property held as homes in the District of Columbia.

In no particular is the proposed rent bill so faulty in its construction of economic relations as when it arbitrarily distinguishes between property used for business and property used for housing, and applies its terms to the latter with no regard to value operating in the conduct of family affairs. Not only property rented for housing but property occupied as home is as much a matter of business as property occupied for stores and factories. It figures in household economy and cost of living and thus affects the purchasing power of salary and of price.

That the proposed rent law now before Congress destroying constitutional rights of property owners would likewise destroy the economic basis of home making is not a subject for sentimental consideration. It is an important consideration of business, and the rent bill, making no account of this, does injury alike to business interests and to home makers who are logically inseparable allies to oppose the bill.

Justice Field in the Munn case has said, "There is indeed no protection of any kind under constitutional provision which does not extend to the use and income of the property as well as to its title and possession." Commenting on the foregoing, Prof. John R. Commons, in "Legal Foundations of Capitalism," says, "The title of ownership or the possession of physical property is empty as a business asset if the owner is deprived of his liberty to fix a price on the value of the product of that property." The sale of the product of home ownership is rent. Depriving householders of liberty in this regard, backers of the proposed legislation evoke the police power of Congress. As to that, Justice Blatch, Minnesota Rate case, for the majority wrote, "The power to regulate [police power] is not the power to destroy, and limitation is not the equivalent of confiscation."

The proposed rent bill for all business purposes confiscates the property acquired in a home of one's own. The profits of the wageless work of wives and the economies of homemakers normally find an ideal investment in home ownership. In the past Federal employees no less than others of moderate income have been able to raise families in the enjoyment of means economically adjusted to acquiring homes of their own. But investment in home ownership to be sound must be negotiable on terms of equality with other investments or persons of small means, least of all women, dare not touch it. The home maker whose life energy has gone into the ownership of a home, for the protection of herself and family in need, on occasion of illness or death of the husband, must be able freely to contract as to the disposition of her home property which must be valued like other economic goods according to market conditions or home ownership becomes a liability that only the wealthy may safely assume. The rent bill now before Congress proposes to create a commission empowered arbitrarily to fix the value of the widow's home property and to fix the income she may derive from it regardless of her necessities. Moreover, the aged widow dependent on the rent of her home to live, by the terms of the proposed rent law virtually loses possession of her property, for the tenant is empowered to occupy rental property as long as he likes, also to make all the trouble he likes, the proposed rent law being ingeniously devised to stimulate endless demands on the part of tenants which the owner must meet or suffer endless expense going into the courts for protection.

The proposed rent law aiming to fix Federal employees in the economically degraded category of a permanent tenant class would legislate a large increase of that class by making individual home ownership an investment that no person of moderate means reasonably could undertake. Eliminate the reasonable aim of home ownership and the main screw of American household economy is gone. The proposed rent law tends also to frighten persons of small means from investing their economics in small income-producing rental property which in the past has been a favorite investment of honest men and women in Washington. This class of property owners has even now greatly diminished under the operation of the existing rent law to the increased hardship of tenants. The very ills of tenants which the rent law before Congress is advertised to remedy largely result from the existing rent law which has so hampered individual ownership of housing property as to clear the real estate investment field of individual small owners for the wider operation of powerful corporate interests that promote extensive building operations not for housing purposes but to the end of the profits to be realized in the pyramiding of loans. This matter was reported to the last session of Congress and no remedial action has since been taken. The anomaly of many vacant apartments existing at the same time that tenants desperately seek shelter for their heads is explained in that wealthy corporations speculating in the Washington housing field find it to their profit to figure loss on these intentionally vacant apartments in making their income-tax returns. Some one has said, "The greatest discovery in modern times is that debts may be bought and sold." But that was before income-tax laws revealed the profit to be derived from losses.

The ills which tenants in Washington suffer under present conditions admit of no uncertain remedy. Congress in the past found means to rescue families and homes from the avarice of chattel mortgage sharks. Honest intention in regard to the existing housing situation would stir Congress to deal directly with the real estate loan shark. For the relief of the particular housing difficulties of Federal employees the obvious remedy is for Congress to vote increase of salaries adjusted to prevailing cost of living. Not only have prices of the necessaries of life vastly increased the past 10 years, but increased employment of married women in wage earning compelled by inadequate salaries such as many Federal employees receive (an average of $1,500 per year) unquestionably increases cost of living in consequence of a disordered household economy resulting in such case. President Coolidge is reported in the press as backing the proposed rent bill "for the protection of Government employees against the need of increased salaries." What is meant no doubt is that the President views with alarm the reaction upon taxpayers of any proposed increased cost of Government. But what of the cost of the projected rent law? Taxpayers should know that it provides nearly $50,000 annually in specified salaries with additional salaries unspecified, and besides carries an omnibus provision that the Comptroller General of the United States shall pay any and all vouchers for expenditures for the Rent Commission on the approval of the chairman of the commission, whose signature "shall be a sufficient warrant and authority." However, the cost, perhaps, most to be dreaded by the taxpayer in his rôle of maintaining American institutions and liberties is the intangible cost resulting from the death blow that the rent bill before Congress would deliver against the American ideal of home ownership, for home ownership is the economic guarantee of the home maker's activities and the sustaining principle of American family life, in which connection also must be taken into account the reduced purchasing power of salary that the proposed rent law would effect by the confusion of household economy to result from destroying the economic basis of home making.

There are over 35,000,000 women in the country by profession home makers. These women want a law which will put the real estate loan shark out of business in the National Capital, they want the ownership of homes removed from the incubus of a rent law that is destructive of constitutional rights, they want Federal employees redeemed from the enforced inferiority of a permanent tenant class and assured the reasonable hope of achieving the American ideal of home ownership.

The majority leader of the House, Representative LONGWORTH, after conferring with the President is reported to have pledged a vote on the rent law in Congress. That vote will be carefully studied with regard to the economic interests of home makers, and Congressmen looking ahead two years to their own interests may wisely now reflect that after all the vote of 35,000,000 women counts.

Very truly yours,

FLORA MCDONALD THOMPSON,
Chairman Fact Finding Committee on Women's Economic Relations.

VOLUNTARY REDUCEMENTS IN RENTS WITHOUT COMMISSION

For months we have had no commission functioning in Washington because restrained by the courts. Yet during this time, pages 556 to 590, inclusive, of the hearings embrace solid printed lists after lists, duly sworn to, of many, many properties rented in the District upon which the owners have voluntarily reduced the rents.

Mr. DENISON. Has the committee reported this bill?

Mr. BLANTON. I am glad to say that even the committee could not agree with the President, and they have just reported a simple resolution here extending the life of the Rent Commission over for another year. Of course, that meets the main bone of contention, because the main bone of contention for these five commissioners and their employees is to still draw their salaries, and when you extend the life of the commission and its employees for another year they will still be on the pay roll, so that their trouble is ended, and they have not said one word against the action of the committee. That is Title I of the bill that comes in here next Monday.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHNEIDER. Now, the President will be required to veto that bill if economy is the thing desired to be carried out.

Mr. BLANTON. I hope he will, but he will not have to do it to make it inoperative, for as soon as the Rent Commission is extended by this bill another year the courts are going to restrain them again. Whenever the Supreme Court of the United States speaks you can just bet your life that the people are going to hear its decision. I want to say this, that no poor person ought ever to criticize a decision of the Supreme Court of the United States or any other court. The Supreme Court of the United States and the courts of this country are the only safety that the poor people of this country have. The rich can protect themselves. It takes a decision of court to protect the poor.

Mr. WEFALD. Does not the gentleman know that the President was elected upon a program of protecting the court?

Mr. BLANTON. Yes; and if he had not promised to do that he could not have gotten one-third of the votes that he did get. If he had gone off on a fool idea such as was proposed by Mr. LA FOLLETTE, that the Congress should set aside a decision of the Supreme Court, he could never have gotten a corporal's guard to support him.

Mr. WEFALD. Does not the gentleman think that if we pass the bill here that the President tells us to pass, and if it goes to the Supreme Court they will find the bill constitutional

when the man who made us pass it was the man elected on the program of protecting the courts?

Mr. BLANTON. I think a great deal of my friend from Minnesota [Mr. WEFALD], although I differ with him on economic questions as much as any men can differ, and yet personally I like him immensely. He and I differ on fundamentals in an economic way, but personally I think that he is a fine, splendid gentleman, and I am glad that he honors this House here with his presence, but I will tell you what is now the matter with the President on this bill; so many gentlemen who occupy positions on this Rent Commission had been deviling the life out of the President, and for the last eight months they have been afraid they will lose their positions and salaries, and they made his life miserable through the press. They are claiming that the poor tenants are imposed upon; they are claiming that they are about to be evicted. They have overimportuned him. You can not get a statement over his signature that the President wants this bill passed; not one. I want to say to you gentlemen that I am not a tearer down but a builder up. I proposed the only constructive features of this bill, which has been reported to-day by the committee. Read titles 2 and 3. They ought to be passed. I am going to ask you gentlemen to strike out title 1, that has been held unconstitutional. Let this Rent Commission die, and then pass titles 2 and 3 of the reported bill, for they are good. That will meet the situation. I wrote both of those titles, every word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. The gentleman from Kansas promised me 10 minutes.

Mr. AYRES. I yield the gentleman 10 minutes.

Mr. BLANTON. Let me quote Title II of the bill, and it is good and should pass:

TITLE II.—TO PREVENT FRAUDULENT TRANSACTIONS RESPECTING REAL ESTATE

SEC. 4. The real consideration shall be stated in every deed, deed of trust, or other conveyance of real property situated within the District of Columbia, and it shall be unlawful for any grantor, whether an individual, copartnership, association, or corporation, to execute any deed, deed of trust, or other conveyance of real property situated within the District of Columbia, that does not state the real and true consideration. And it shall likewise be unlawful for any lessor, whether an individual, copartnership, association, or corporation, to execute any lease or rental contract concerning any building or part thereof or land appurtenant thereto in the District of Columbia, unless the real and true consideration therefor is stated in such contract.

SEC. 5. It shall be unlawful for any person, copartnership, association, or corporation, to enter into or become a party to any contract, agreement, or understanding, or in any manner whatsoever to confederate, combine, or act with another, or others, for the purpose and with the design of lessening or preventing, or tending to lessen or prevent, full and free competition in the renting of real estate, or any building or part thereof or land appurtenant thereto, in the District of Columbia, or to fix rents within the District of Columbia.

SEC. 6. When placing trust liens upon real property in the District of Columbia, such trusts shall be numbered consecutively in the instrument creating same as the first trust, the second trust, or the third trust, etc.; and each of such trust instruments shall recite the full amount of indebtedness against the property that is secured by prior trust instruments; and all notes and bonds covering deferred payments on real estate in the District of Columbia shall be numbered *consecutively, and* shall recite the number and amount, respectively, of all such notes or bonds given as deferred payments in that transaction, and the number and amount, respectively, of all notes or bonds, if any, outstanding and unpaid, that were given as deferred payments in prior transactions; and each trust shall retain its so specified priority of lien until the indebtedness which it secures is fully paid. And when any trust indebtedness matures, and the owner of such indebtedness refuses to renew same, any other lender of money, by paying to the owner of such trust indebtedness the amount due, may at the instance of the owner of the property, renew such trust indebtedness for any new term agreed upon by the owner of the property, and be inured to the same priority of lien and all other rights held by the holder of such matured trust indebtedness, as fixed by the priority specified in his deed of trust. And as each trust indebtedness is fully paid and satisfied by the owner of the property, the trust indebtedness next below it in priority will then inure to the priority of the trust indebtedness so paid off and satisfied. And it shall be unlawful for any person, copartnership, association, or corporation (a) to execute any deed of trust that fails to specify therein its true priority, or (b) to enter into or become a party to any agrement or understanding, or in any manner whatsoever to confederate, combine, or act with another, or others, for the purpose and with the design of influencing or hindering some other lender of money from taking up and extending maturing trust indebtedness, or (c) to execute, or to cause another to execute any note or bond that fails to state the number and amount of all notes and bonds given in that transaction, and the number and amount, respectively, of all notes or bonds, if any, that are outstanding and unpaid, which constitute deferred payments against the property involved.

SEC. 7. It shall be unlawful for any person, copartnership, association, or corporation to enter into or become a party to any contract, agreement, or understanding, or in any manner whatsoever to confederate, combine, or act with another or others in (a) executing a deed conveying real property in the District of Columbia that is not a bona fide sale, but is a simulated sale of such property, executed for the purpose and with the intent of increasing the value of such property, and designed to mislead and defraud others; or (b) executing a deed of trust upon real property situated in the District of Columbia that does not represent a bona fide indebtedness, but is a simulated transaction, executed for the purpose and with the intent of fraudulently selling to others securities that are not bona fide, in that the said trust has been pyramided upon others when the real value of the property known to such conspirators did not warrant same.

SEC. 8. Any person or corporation violating any provision of sections 4 or 5 or 6 or 7 of this act shall, upon conviction thereof, if a person, be punished by a fine of not more than $1,000 or by imprisonment for a term of not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; and if a corporation, be punished by a fine of not more than $10,000. Any officer or agent of a corporation, or member or agent of a copartnership or association, who shall personally participate in or be accessory to any violation of this act by such copartnership, association, or corporation, shall be subject to the penalties herein prescribed for individuals.

The foregoing Title II was approved by every member of the joint Senate and House committees. It was not objected to by any member of our House committee. It is good and should be adopted.

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. WINGO. Does the gentleman mean to say the mortgage instrument itself shall show prior indebtedness, or the note?

Mr. BLANTON. The note and mortgage both shall show it.

Mr. WINGO. Does the gentleman think that is necessary on the note?

Mr. BLANTON. I think so.

Mr. WINGO. Here is the thought that I had in mind: the gentleman understands that the note itself is a negotiable instrument and every time you add some technical provision to the note you reduce to a certain extent its negotiability.

Mr. BLANTON. Every time you let the owner understand what is ahead of it you add to its value if it is a good note. If it is a bad note it ought not to have any value.

Mr. WINGO. I understand.

Mr. BLANTON. I am speaking of protecting the rights of innocent purchasers.

Mr. WINGO. I agree with the purposes the gentleman is seeking to carry out. I think it will add to the saleability of securities in the District if you will remove any suspicion that they are not sound securities; and then again you may go to the other extreme of having the provisions of the note so technical, with so many things entering into it, that the purchasers of the security may say, taking this as an illustration, if there happens to be an error, "Does that vitiate the validity of the note"?

Mr. BLANTON. The most reputable and honorable real estate men in this city agree to Title II and Title III. They say it will militate in favor of honorable transactions.

Now, I also wrote Title III of the bill and I know it is good. Title III provides that there shall be a licensing board here in the District of Columbia, which will not cost the Government one penny. I have modeled it after Gen. Nathan W. MacChesney's model license law. It will be financed out of the license fees paid by the realtors. There are nearly 600 of them in the District. It provides that the licensing board shall be appointed by the President of the United States, and that they shall issue licenses, and every realtor and realty salesman in business in this District must secure a license.

Then the board is to have the power to annul licenses for false practices. If they find a man engaged in dishonest practices they can annul his license, and he can not engage in the business any more. The fees are down so that it will not militate against the smaller men in this district. In other words, General MacChesney, who is an expert on the subject of license boards in the States, framed the skeleton of this bill as a standard act, which is in force in many of the States. It

was proposed to make the license fee $100, but it was thought that that would impose too great a burden on the small realtor, and we reduced it to $30, which would provide funds for the board and would not be harsh on the small realtor.

These are constructive provisions which if enacted into law in this District will protect the people from dishonest realtors, and allow the old law of supply and demand to come back and operate.

I want to say this to you: The evidence before our joint hearings showed that for six years there has not been a single residence built in the District of Columbia for residential purposes; not one. Think of it! There has not been a single residence built in the District of Columbia for residential purposes in six years! The president of this commission testified before our joint hearing that not a piece of rental property in this District had been repaired except in isolated cases.

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

Mr. BLANTON. Yes.

Mr. DENISON. If Congress has the power to pass all this regulatory legislation, why could it not pass a law to allow the commission to fix rents?

Mr. BLANTON. The fifth amendment to the Constitution says you shall not take a man's property away from him without rendering a fair return.

Mr. DENISON. I doubt very seriously if I shall vote for anything in the bill; but does not the gentleman make a clear distinction under the fifth amendment between proper regulations and the inhibition that is in the fifth amendment? For instance, for illustration, I know that at the beginning, in the discussions incident to the passage of usury laws, many of the bankers said this—that that was in violation of the right of contract. In one legislature I know there was a very drastic act proposed to prevent the construction of buildings to be used as bawdy houses.

Mr. BLANTON. I am sorry that I can not discuss this bill further. I hope my colleagues will eliminate Title I in the bill, and let this worthless Rent Commission die, and then pass both Titles II and III, which are constructive and will be of great benefit. I want you to take the time to read these facts. I will include excerpts from our hearings which will give you light on this transaction, and if you will study those facts you will never vote for the President's bill extending this Rent Commission.

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

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, at this time I desire to register my unalterable opposition to Senate Bill 3173, known as the "Arlington Memorial Bridge bill," and which authorizes the construction of a bridge across the Potomac River between the Lincoln Memorial and the Arlington Cemetery. This bill authorizes the expenditure of fourteen and three-quarter million dollars, and if past experience furnishes any correct criterion for the future, the ultimate expenditure will probably reach twenty million dollars, as the cost of projects of this character is usually largely in excess of the estimate.

On April 22, 1924, the Arlington Memorial Bridge Commission transmitted to the Congress a report recommending the construction of this bridge by the Government. This report was signed by President Coolidge and by the President pro tempore of the Senate, the Speaker of the House, the chairman of the Senate Committee on Public Buildings and Grounds, and the chairman of the House Committee on Public Buildings and Grounds. The vital part of this report is as follows:

> The commission, having carefully analyzed the various features of the bridge and having given due consideration to the requirements of economy, now recommend that the Arlington Memorial Bridge project be authorized for immediate execution at a total cost not exceeding $14,750,000.

During the recent presidential campaign I do not recall having heard any of the President's followers pointing with pride to this Arlington bridge project as a shining illustration of the Coolidge brand of economy.

Notwithstanding the economic distress that now prevails in many portions of our Nation, and the exceedingly heavy burden of taxation under which our people groan, in view of the President's approval of this bill, I might stand mute, or look with complacency on this lavish expenditure of public funds; but when I consider that this is but one of a large number of measures, either already framed or soon to be formulated by the inhabitants and civic organizations of the District of Columbia, that will, in the next 10 or 20 years, take from the United States Treasury probably $200,000,000, largely for the adornment and beautification of the city of Washington, I feel that I should not remain silent, but vigorously protest against this raid on the Public Treasury.

The program to make Washington the model city of the world from an architectural standpoint includes the following skillfully formulated projects:

(1) The memorial bridge to cost at least fourteen and three-quarter million dollars.

(2) The enlargement and development of the Botanic Gardens, with new buildings.

(3) Transformation of the area between the Capitol and the Union Station into superb plaza or beautifully embellished garden, skirted by new public buildings of monumental proportions.

(4) Development and embellishment of the large area known as the Mall, the destruction of the public buildings thereon, the construction of broad roadways and graceful promenades from the Capitol to the Lincoln Memorial, and the erection of public buildings of the most impressive type and colossal proportions along the outer edges of the flanking drives.

(5) The discard and consequent destruction of numerous public buildings that now house departments and bureaus, and afford reasonably efficient facilities for the transaction of public business, in lieu of which it is proposed to erect new structures of striking magnitude and artistic concord. The President, in his message to Congress, suggests the expenditure of $50,000,000 in the next few years for new public buildings in the city of Washington, and Senate bill 2284 has been introduced to carry out this program, and the House has already passed the $150,000,000 public building bill, $50,000,000 of which will be expended in the city of Washington in the next six years for Government buildings.

(6) The acquisition of large areas for public parks for the District of Columbia.

(7) The acquisition and improvement of a garden suburb around the city of Washington as residential districts for Government employees.

(8) A stadium with immense seating capacity, one that would "attract the Olympic games and the big American athletic events."

(9) "A system of aqueducts to serve as a model for municipalities everywhere."

(10) A national peace carillon, or a system of chimes and bells (the largest in the world, they say), to commemorate the sacrifices and ideals of the American people in the World War.

(11) The Potomac power development or Great Falls power project, recently reported favorably by the District committee, the estimated cost of which is $44,421,000, but which some engineers claim will ultimately cost double that sum.

(12) An imposing monument of Col. Theodore Roosevelt, to cost probably $2,000,000, but thank Providence the cost of constructing the memorial to this great exemplar of virile and lofty Americanism is to be paid by private subscription, the only one of these 12 projects that will not be consummated at the expense of the United States Treasury, if the people of the District have their way.

I grant you that all of these projects have not been presented to the Congress, but who will deny that they are all being incubated and will be presented as rapidly as their proponents think Congress will digest and approve them. I am willing at all times for Congress to appropriate such sums as may be reasonably necessary to properly house our departments and bureaus and to maintain the civic institutions of the city of Washington in a manner worthy and befitting the Capital of our great Nation, but I am not willing to grant every demand the District may make, nor will I, by my vote, commit the Congress to a legislative program that will result in extravagant appropriations for the architectural adornment of the city of Washington at a cost of probably $200,000,000 in the next 10 or 20 years. Such of these projects as relate exclusively to Federal matters merit the candid consideration of Congress, but even these should be approached from a standpoint of economy and not from the angle of extravagance. Such of these proposals as do not relate to governmental activities the people of the District are seeking to nationalize and have consummated at the expense of the Federal Government.

This memorial bridge, with nine segmental arches, faced with white granite, to cost at least $14,750,000, is but the opening wedge; the first course in a wild and wanton orgy of wasteful expenditures; the first of a series of appropriations of such amazing prodigality that they will invite corruption and shock the public conscience. These raids on the Nation's strong box are sought to be justified on the specious ground

that we should make Washington the most beautiful and magnificent capital city in the world. London, Berlin, Paris, Rome, Vienna, and Buenos Aires must give up the race for architectural primacy.

The other great cities—New York, Chicago, Boston, Philadelphia, St. Louis, San Francisco, Los Angeles, Naples, Brussels, Venice, and Madrid—great centers of wealth, population, commerce, and industry, shall henceforth be remote corners in a world of which the city of Washington shall be the center. And the expense incident to this marvelous transformation must be met by the American people, who are already groaning under an almost unbearable burden of taxation.

Judging from the commission's description and from the tremendous cost of this memorial bridge, it is to be an architectural marvel, the wonder of the ages, the "summum bonum" and last word in gorgeous detail, graceful arches, and stately columns, in grandeur challenging the Gothic temples whose somber type "bespeak the abode of feudal power, and the pageantry of barbaric magnificence"; in combination of magnitude, stability, and beauty, in structural balance, in artistic refinement, and in chaste ornamentation unexcelled by any previous creation of human genius; more impressive than Westminster Abbey, where England's gifted poets, philosophers, philanthropists, and statesmen "sleep with her kings and dignify the scene"; more symmetrical than the far-famed temple of Diana of the Ephesians; more imposing than the Roman Colosseum, that stupendous creation of human genius which, though now "bereft of marble and gilding, once formed the arena in which the early Christians contended with ferocious beasts"; in harmonious proportions surpassing the Parthenon on the Acropolis at Athens, peopled and embellished by the almost breathing forms created by the magic chisel of Phidias. More magnificent than the temple of Jupiter Olympius, "at which the Athenians toiled seven centuries, which all the kings of Asia labored to finish, which Hadrian, the ruler of the world, had first the honor and glory to complete."

I understand this bridge is to be an architectural epic, that may boldly challenge the classic edifices and other creations of human genius in the ages of Pericles and Augustus; a symphony of graceful arches and towering shafts; a mosaic of concrete, granite, and marble, combining all that is noblest in all schools and systems of architecture, Greek, Roman, Gothic, Tuscan, Byzantine, Moorish, Moslem, Norman, and Renaissance; Ionian columns, with capital scrool ornaments; Doric columns, of great strength and chastened severity but unadorned; slender, fragile, fluted Corinthian columns, with ornate entablatures and capitals; deep far-flung arches and massive masonry, characteristic of the Romanesque type; columns of porphyry, perhaps patterned after those from the tomb of Hadrian; a congruous commingling of rich sculpture in arabesque order, with interlaced lines and curves; tablets, basreliefs, triglyphs, and friezes, perchance duplicates of ornaments stripped by vandals from pagan temples of antiquity. In view of the enormous cost, we are justified in expecting that this structure will reflect the rare refinement, delicate contour, and exquisite grace of the Phidiac art, and the expression Praxiteles gave to his statues of Venus, Hermes, Bacchus, and other marvelous creations of his transcendent genius. Each of the three gateways of this superb structure will be marked by two sturdy pylons, perchance of Carrara, Elgin, Parian, or Pentalic marble, 40 feet high, "adorned with sculptured groups and appropriate inscriptions, and surrounded by eagles, symbolic of the United States of America." And behold two other lofty columns on the Virginia side, 166 feet high, rising from lavishly decorated stylobates, and surmounted by gigantic statues of Victory, all patterned after the Collonne de Juillet in Paris. I am justified in assuming that this bridge is designed to "remind us of the perfection of human greatness and of the perfection of human taste," and is intended to commemorate the superb achievements of our Nation in the past, its present stability and greatness, its manifest destiny, and its future glory.

Considering the cost, is it unreasonable for us to expect that this bridge will be more stately and awe inspiring than the age-old Cathedral of Notre Dame, the mother structure from whose rugged lines and sturdy walls were patterned the cathedrals of Rheims, Amiens, Rouen, Milan, York, Lincoln, Canterbury, and a brood of other cathedrals that were centuries in building, and that inspire finite men with a sublime faith in the Infinite.

Yes, Mr. Chairman, the American people, under the so-called economical administration of President Coolidge, and on his recommendation and approval, are to be taxed $14,750,000 to build a bridge that will far surpass all other historic bridges built by other nations since the curtain went up on human history, and since primeval man began the age-long and wearisome march toward social order and stable government. It is a long, long trail from this superb structure back to the crude bridges erected by the ancient Chinese who originated and first utilized the masonry arch to support roadways over streams.

Compared with the proposed memorial bridge, how petty and provincial were the structures built by the Romans at Vulci, Bieda, and Cora 700 years before the advent of the Man of Galilee, and how insignificant the rugged bridges and lofty viaducts in the Appian Way, over which the invincible Roman legions marched in triumph with the spoils of victory, and along which the great Apostle to the Gentiles, a prisoner, chained to his guards, footsore and weary, but unafraid, walked to martyrdom in imperial Rome, the city of the Cæsars and the capital of the world. How unpretentious the Sublician bridge built by Ancus Martius over the Tiber, six centuries before the Christian era, and on which Horatius Cocles so valiantly defended "the ashes of his fathers and the temples of his gods" when the arrogant hosts of Lars Porsena besieged and menaced the Roman state.

And the Aemelian, the first stone bridge over the Tiber; the Ponte Fabrico, a portion of which has resisted the insidious and relentless ravages of time and decay; and the Ponte Sant Angelo, reared by Emperor Hadrian; all these were plebian and provincial structures when compared with the ornate and classic creation that "Careful Cal" and his economical administration are getting ready to present to the city of Washington, at an expense to the taxpayers of the Nation of fourteen and three-quarter million dollars.

Madame de Stael, in Corinne, has graphically delineated the splendors of St. Peters and the Appian Way in a manner unsurpassed by pen or human tongue. If I had her genius and descriptive powers, I might faintly hope to portray the esthetic and artistic magnificence of this $14,000,000 bridge, in a way that would inspire voiceless lips to break forth in pæans of triumphant exultation. But limited as I am, my endeavor so to do would be as futile as an effort to obtain the golden apples of the sunset, hanging on golden branches and half hid by golden leaves in the garden of the Hesperides; as disappointing as a description of the joys of the supremely blessed in the Elysian fields; as impossible as to awaken Endymion from his age-long slumber in his Carian cave, "perpetual youth united with perpetual sleep"; as difficult as the quest of Jason and his Argonauts for the golden fleece:

> Led by golden stars, as Chrion's art
> Had marked the sphere celestial.

When I read the President's description of this awe-inspiring, age-astounding, soul-uplifting structure, so singularly pleasing to the taste, and fascinating to the imagination, I must confess my inability to describe its splendor or express its praise, because of the paucity of my vocabulary and the poverty of language.

According to a Norse myth, in the great Hall of Odin the boar Serimner was cooked every morning, consumed at the feasts during the day, and became whole again each night, thus affording an unfailing source of supply. But Government funds can not be thus magically replenished, and when once expended, can never be reclaimed. Hence the supreme folly of investing fourteen and three-quarters million dollars in a bridge for which there is no pressing need. Fortunately or unfortunately, the President does not possess the magic power of Midas to turn all things he touches into gold. He should stop, look, and listen, right about face, and withdraw his approval of this project. Only by so doing can he demonstrate the sincerity of his oft-repeated promises of economy in public expenditures.

Would the President and his advisers have us believe that this $14,000,000 expenditure can be reconciled with a policy of economy? Does the transcendent beauty, artistic excellence, and outstanding magnificence of this bridge justify the President in breaking his pledge to the American people to reduce taxes and eliminate extravagance from the administration of governmental affairs? At the bar of the public conscience, what excuse can he offer for this unnecessary, and therefore wasteful, expenditure of public funds? In what way will this prodigal outlay lighten the tax burdens, restore prosperity to the agricultural classes, stimulate economy, remedy existing economic ills, or prevent mischievous care and social injustice from mingling with the fleeting pleasure of mortals?

I regret that the powers that be in the city of Washington and the present occupant of the White House are backing this grossly extravagant proposal, this rape of the United States Treasury, this indefensible waste of public funds collected from the people, already overburdened by taxation.

And why this lavish expenditure? The bridge is not needed to accommodate traffic. The expenditure can not be justified on economic or utilitarian grounds. It is not demanded by the business, industrial, or commercial activities of the city; but is being promoted primarily for decorative or ornamental purposes by the people of the District, who do not seem to realize that this Government is maintained for the use and benefit of all the people of the United States, and not primarily, as many seem to think, to provide funds for the support of the District government and for the ornamentation of the city of Washington.

If we concede for the sake of argument that another bridge across the Potomac is needed to accommodate the traffic—which no one seriously contends—then a bridge that will meet every public need for a generation can be built for one-third or one-fourth of the amount proposed to be expended on the memorial bridge project.

If President Coolidge favors real economy in governmental affairs, here is the place and now is the time to demonstrate it. How can he reconcile his approval of this wasteful expenditure with his oft-repeated declarations in favor of rigid economy in the fiscal affairs of the Nation? I stand with him on a platform that will carry professions into practice. It may be embarrassing for the President to withdraw his approval of this project, but nevertheless, that is the manly and proper thing to do, and such action will invoke the commendation of an overwhelming majority of the American people.

Back of this memorial bridge proposition are extravagance, pride, and vain glory; a consuming passion on the part of some people in Washington to erect another show place with stately abutments, symmetrical shafts, and graceful arches; an inordinate craving for pomp and splendor at the expense of an orderly and economical administration of public affairs.

If this bridge is constructed at the proposed cost, it will mutely but eloquently proclaim to the present generation, and to men and women yet unborn, that this administration, while professing devotion to the policy of economy, sanctioned this, one of the most excessive and extravagant expenditures of public funds in a generation. It will indeed be a memorial bridge, but it will commemorate a frolic of extravagance, a carousal of prodigality, and mark the abandonment by President Coolidge of his professed policy of economy.

I hope no Democratic Member of this House will vote for this bill, which in essence is antagonistic to the great principles that underlie, permeate, and vitalize our party, and I trust no Republican Member will sanction this raid on the Treasury. Democrats and Republicans should be a unit in opposing this measure. How can any Member justify his support of this bill? Its passage will shock the public conscience and justify the rapidly growing belief that extravagance in public expenditures is too strongly entrenched to be uprooted.

And why this enormous expenditure? To satisfy a morbid passion for display; satiate a perverted appetite for ostentation, and glut a consuming ambition for luxury and prodigality; to surpass all mankind in the art and science of bridge building; to eclipse the 12 superb bridges over the Thames at London; to outclass the 9 Berlin bridges over the Spree; to excel the 33 magnificent structures over the Seine at Paris.

Here between the Potomac flats and the Arlington bluffs we are asked to invest fourteen and three-quarter million dollars in a structure of concrete, granite, and marble, more imposing than the Anteuil Bridge at Paris, a structure of exceptional beauty, with its 234 cross arches of solid masonry; excelling the Pont Neuf, built 850 years ago, from the center of which rises the majestic statue of Henry IV, and which bridge, with the possible exception of the London Bridge, accommodates more traffic than any other in the world. Compared with our proposed memorial bridge, how unpretentious the Port Alexander III, with its single steel span, stretching from shore to shore, over which the gay Parisian revelers strut, like peacocks, between the Palace of the Elysee to the Hotel des Invalides; and how grotesque and inartistic is the Pont de la Concorde, paved in part with stones from the Bastile, the ancient prison fortress, in the dark and noisome cells of which the unhappy victims of royal displeasure rotted.

The very liberal appropriation for the construction of this bridge would make possible its ornamentation with fountains surrounded by bronze tritons, nereids, and nymphs, supporting dolphins spouting water into marble basins. If so, I assume one will be a counterpart of the majestic fountain nestling in the shadow of the famous obelisk of Luxor, in Paris, where in revolutionary times stood the guillotine on which perished Danton, Robespierre, Madam Roland, Vergniaud, Marie Antoinette, Louis XVI, and thousands of other men and women, who were victims of the unspeakable ferocity and bloody processes by which France emerged from regal despotism. And perhaps at each end of the memorial bridge may be placed a replica of St. Michael and the dragon, carved from white marble, flanked by bronze griffins of heroic size.

On the old London Bridge stood the chapel of St. Thomas of Canterbury and a tower on which the heads of traitors were exposed. I am wondering if on the so-called memorial bridge there will be erected a chapel for the worship of mammon, an altar where an extravagant people may offer oblations to pride and prodigality; an arch on which may be emblazoned our contempt for economy and our indifference to the reckless misuse of public funds and the shameless dissipation of our national resources. And perhaps the builders of this memorial bridge may find room somewhere for a modest tablet to express their derision and ridicule for those of us who oppose this prodigal expenditure and who are to the extent of our limited ability trying to call our Government back to the old paths of efficiency and rigid economy in the administration of public affairs.

In Berlin stands a triumphal arch of classic proportions, known as Brandenburg Gate, erected in honor of Frederick William II. Thereon is a bronze statue of Victory driving a four-horse chariot. If this bill passes and this bridge is built, how appropriate it would be to erect thereon, midway between the District and Virginia shores, a bronze statute of the Goddess of Liberty chained to the Gorgon of Extravagance.

When fully advised of the facts your constituents will not approve your action in voting for this extravagant expenditure of public funds. And careful, calculating, cautious Cal can not cleverly consummate this rape of the Public Treasury and thereafter constantly and consistently crow and cackle about economy.

I trust this measure may suffer the overwhelming defeat it deserves. [Applause.]

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

Mr. AYRES. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, House bill 10690, introduced by the gentleman from Missouri [Mr. HAWES], has been favorably reported by the Committee on Interstate and Foreign Commerce and is on the calendar. Upon motion of Mr. HAWES it has been placed on the Unanimous Consent Calendar and will possibly be before the House for action on our next unanimous-consent day.

The purpose of that bill, according to its title, is "to regulate the interstate transportation of black bass." The bill proposes to make a Federal crime out of the act of transporting black bass across a State line when the fish has been taken in violation of a State law. As explained by Mr. HAWES in his extension of remarks appearing in the RECORD a few days ago, the bill is intended to aid the States in enforcing any laws they may have against the taking of black bass by nets or for commercial purposes. It is not intended to prevent the taking of black bass where they may be taken consistently with the laws of the State in which taken.

It seems to me that the bill involves a matter of important principle and of policy, and for that reason is worthy of the consideration of the House. I am opposed to the bill, and I wish to state briefly some of my grounds of objection.

To the making of laws there is no end. We are the most law-ridden people on earth. There is a law to cover every human activity, and almost every day a new law is passed converting into a crime what was previously an innocent act. Among these new and useless laws are those which unload on the Federal Government matters within the jurisdiction of the States. There is a strong disposition to put the Federal Government to discharging the police functions of the States and to put the Federal Government to helping the States to enforce their own laws. It is time to call a halt.

No sooner is a man elected to Congress or to a State legislature than he seeks to "immortalize" himself by passing some new and useless law. Some Congressmen seem to think that this is the only way to be reelected, so they try to connect their names with some measure, useless and foolish though it may be. This is why we have 30,000 bills introduced in a single Congress and why we find the books cluttered up with foolish laws of so many varieties.

There is a strong tendency for Congress to assume extraordinary powers under the clause of the Constitution which gives Congress the right to regulate interstate commerce. There is almost no limit to the senseless extremes to which Congress may go under this clause. It is so broad that practically every detail of the police powers of the State may be occupied and

the States made mere geographical divisions instead of self-governing communities.

At the outset of this tendency Congress passed the Mann Act, which was intended to deal with "white-slavery" conditions, but it was made so broad by the interpretation of the courts that under the present practice its chief use is to punish interstate adultery. Next we had the car breaking act, under which men are prosecuted in the Federal courts for burglarizing a car when they would have to be prosecuted in a State court for burglarizing a house. This, of course, is a senseless distinction. The car breaking act was passed to suit the convenience of the great railroad companies engaged in interstate commerce.

Next we had the Webb-Kenyon Act and the Reed amendment, dealing with the interstate shipment of liquor. These were proper laws, for their purpose was to enable the States to enforce their own laws. Their purpose was to enable the Federal Government to take over prohibition enforcement.

Two years ago the Dyer Act, dealing with automobile thefts, was passed. This was another law inspired by the desire for convenience in prosecution, and had no justification in principle. It provides for a Federal prosecution for carrying a stolen automobile across a State line, whereas Federal courts have no jurisdiction to punish for carrying other kinds of stolen property across State lines.

By passing the automobile theft law Congress entered a new field, and the next thing in line would have been to pass a law giving Federal courts jurisdiction of all interstate thefts. However, the gentleman from Missouri [Mr. DYER], vying with his colleague from Missouri [Mr. HAWES], who is the author of the black bass bill, made a long jump and caused his committee to report his bill, the Dyer bill, prohibiting interstate commerce in gambling machines and pistols. Some other gentleman—I forget who—presented to the House a few days ago a bill forbidding sending pistols through the mails. The House promptly passed the bill, as it seems disposed to pass any kind of bill that is offered which invades the powers of the States. Everything is to be unloaded on the Federal Government. The Dyer pistol bill is still on the calendar, but as yet remains unpassed.

In line with this disposition of Congress we have the Denison "blue sky" bill, regulating the sale of stocks and bonds in interstate commerce. That bill was passed by the House at last session, but has not been adopted by the Senate.

The excuse for all these bills is the regulation of interstate commerce. As recently remarked by the witty chairman of the Committee on Interstate and Foreign Commerce, Mr. WINSLOW, the color scheme is now complete—with the Mann Act, the Denison blue sky bill and the Hawes black bass bill, as we have dealt with *white* slavery, the *red* light, the *blue* sky, and the *black* bass.

With all the subjects covered by these bills, the States have ample powers to deal. These subjects lie peculiarly within the exercise of the police powers reserved to the States. Federal assumption of such powers is a usurpation. The regulation of interstate commerce is merely their excuse. Their real reason is to put the Federal Government to the duty of preserving order and enforcing laws which lie within the province of the States. The whole purpose of these measures is to allow the States to neglect the enforcement of their own laws and to leave everything to "Uncle Sam."

I am wondering where this matter is going to stop. It need never stop, gentlemen, if you propose to go to the extreme limit of Federal jurisdiction under the interstate commerce clause. You can regulate every detail of a man's life, and you can correct every delinquency of which men may be guilty, and you can pass laws fixing things just exactly like you would like to have them, if you will do everything that the interstate clause of the Constitution permits Congress to do.

I have an idea that we passed beyond the safe limits some time ago. The business men of the country are complaining of governmental interference with business. Well, the business elements do not expect me to defend their interests here, so I will not presume to speak for them, but I would like to say to some that the plain people who have some small vestige of liberties left would like for Congress to leave them alone awhile just as much as the men who are interested in property only. And there are also some other people in this country who hold to their faith in the principle to self-government, and who believe that not only in principle, but as a matter of wisdom and of good, sound policy that each community should be left to govern itself so far as possible.

I do not know any way that we can apply the principle better than to strike at some of the legislation which is taking up the time of Congress.

Along comes some organization such as the Izaak Walton League, which is fathering Mr. HAWES, black bass bill, or some other bunch of fellows with hired propagandists who are anxious to give an account of themselves and to show that they are well hired and are worth the money being paid them, and propose some quibbling new law, fan up a lot of interest in it by agitation, and get the folks at home who have not studied the principle involved, and so do not realize what we are driving into, to write us to do this, that, and the other foolish thing.

We had a lot of these bugs who claimed an interest in "migratory birds," they called them, and they got Congress to pass a foolish bill requiring a Federal hunter's license and so on, which the courts very properly struck down as unconstitutional. Then these gentlemen belonging to a class which have a great and profound respect for the Constitution, in its letter and its spirit as well, proceeded to wriggle around the Constitution by getting the Government to negotiate a treaty relating to migratory birds, and under the excuse of enforcing this treaty passed the same bill which the Supreme Court had previously declared unconstitutional. Thereby they accomplished their foolish purpose, though they ravished the spirit of the Constitution to do it. It was not really a bird bill, it was a "bird hunters" bill.

It is time to stop creating new Federal crimes. It is time to stop doing the things that the States ought to do. It is time to stop trying to correct every little evil by a statute. Let the Federal Government attend to its own business and leave the States to attend to theirs.

The CHAIRMAN. The time of the gentleman from Alabama has expired. If there is no further general debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely:

Mr. CRAMTON. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: At the end of the paragraph just read, page 2, line 8, insert: "*Provided*, That in order to defray the expenses of the District of Columbia for each fiscal year after the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived, shall be credited wholly to the District of Columbia; and, in addition, $9,000,000 shall each such fiscal year be appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923."

Mr. CHINDBLOM. Mr. Chairman, I rise to reserve a point of order on the amendment. This, of course, is going to make this present arrangement permanent for all time. I do not think that should be done without pretty mature consideration.

Mr. CRAMTON. Mr. Chairman, I will make this statement and then if the gentleman desires to make a point of order I would be glad to have it made and over with.

The amendment just read simply proposes to perpetuate as permanent law the arrangement that is in existence this year and that the bill proposes to continue for 1926. That was the agreement secured by the two Houses in the last session. It is proposed to be continued, but for its best operation and most beneficial effect to all it should be in permanent form, so that when the Budget makes their estimates they know just the system under which the appropriations shall be made, and

hence I have offered this amendment and I hope the gentleman will not press the point of order. If the gentleman does, of course, I have some argument in support of the amendment being in order.

Mr. CHINDBLOM. I will ask the gentleman whether he thinks that without regard to the future needs of this District, without regard to the population of the District, without regard to the relations between the District and the Federal Government, which may be enlarged or diminished from time to time, an arbitrary amount of $9,000,000 as the contribution of the Federal Government should now be fixed in permanent law.

Mr. CRAMTON. I will say to the gentleman that there is no such thing strictly as permanent law. Whatever action one Congress takes in legislation is subject to change even by that same Congress at a subsequent session; but what we term "permanent" is legislation that governs until there is some change made by Congress, and I do believe that that amount having been arrived at, and apparently being satisfactory to both the District and the Congress under present conditions, should be put in what we call permanant form until at some future time Congress should see fit to change it, if it does reach that point, so that when the Budget Commissioner sends in the estimates he may know just the system of appropriations that is to be followed.

The gentleman will recognize that when the Budget commissioner is asked to send in estimates totaling $32,000,000 for the District of Columbia, it is highly important to the Budget commissioner to know whether the Federal contribution is to be $9,000,000 under the lump-sum proposition or is to be some $13,000,000 under the 40 per cent proposition or $16,000,000 under the 50 per cent system of contribution. The effect upon the whole Budget total of the Federal Treasury is very important, and therefore we ought to have this in shape so that the Budget will know when they send in the estimates.

Mr. CHINDBLOM. Mr. Chairman, if I may be permitted to say a word under the reservation, I have been hoping, as I have no doubt a large number of the Members of the House have been hoping, that some time the fiscal relations between the District and the Federal Government would be more or less definitely settled and determined, and it seems to me that the Committee on the District of Columbia certainly should have some interest in this matter. I would like to know whether the Committee on the District of Columbia has in mind the preparation or the proposal of some permanent arrangement as between the Federal Government and the District of Columbia. Let me say in this connection that I know there has been criticism of some of us who assume to make points of order upon legislation in these appropriation bills.

Only recently the present occupant of the chair and the gentleman from Illinois, now speaking, were subjected to rather unfair criticism because matters of legislation had been ruled out on a point of order. I insist that Members of the House have parliamentary rights to make points of order—I am not directing my remarks to the gentleman from Michigan—but, generally speaking, it should not be assumed that there is any hostility on the part of those who make points of order to legislation that may be more or less meritorious; but I think we are going pretty far adrift in passing legislation on appropriation bills when we settle once for all, or as long as may be and finally, the relations between the District of Columbia and the Federal Government on an appropriation bill.

I have no greater responsibility than any other Member of the House. I am not a member of the Committee on the District of Columbia, and there may be men in this House who have given the subject more thought than has been possible for myself, but generally speaking I want to submit that this matter of legislating permanently upon an appropriation bill should not be used, unless absolutely necessary in some great public emergency.

Mr. CRAMTON. Mr. Chairman, in response to the gentleman's suggestion, I have not the slightest disposition to criticize the gentleman for making a point of order under the rules of the House, for I know that he would be guided only by his best judgment, and I would expect him in a matter of this kind to do as he thinks desirable, but as is well known for two years I have had pending before the Committee on the District of Columbia this lump-sum proposition. It was indorsed by both Houses in the 1925 appropriation act. I have been before the District Committee and have sought to have the bill reported. The committee has not reported it; notwithstanding the House has expressed its indorsement of the program, the committee has failed to give the House any opportunity for consideration of this matter among the flood of bills that have come from that committee. I have my responsibilities as a Member of the House, and it seems to me that it is my duty to the House to offer this amendment, and if a point of order that is good is made against it I have performed my duty and I have no further responsibility. If the point of order is not made the House will determine the matter as it sees fit. I do not admit that it is subject to a point of order, but if the gentleman makes the point I do not desire to take much time of the House.

Mr. ZIHLMAN. Mr. Chairman, I will say in reply to the gentleman from Michigan that while it is true the gentleman has had a bill before the legislative committee dealing with the affairs of the District of Columbia for some time, he only asked for a hearing before the committee 10 days ago. I called a special meeting of the committee and gave the gentleman an opportunity to present the case and present the facts on the lump-sum contributions to the expenditures of the District of Columbia. The committee has not seen fit as yet to take any action. There is a wide difference of opinion among the members of the committee and Members of the House. Some contend that the lump sum is too liberal, and others that it is not enough. In addition, Members of the other legislative branch of Congress have widely different views on the subject. I might say that it has been suggested by the leaders of the majority side that the committee take up for consideration and study during the recess amendments to the present organic act of the District of Columbia. I feel that this permanent legislation on an appropriation bill is indefensible at this time, and therefore I make the point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. ZIHLMAN. The point of order is that this is legislation on an appropriation bill; that it does not come within the province of the Holman rule, because the language which the gentleman seeks to strike out or add to carries out the purpose and intent of the Holman rule in saving the money to the Federal Government. I make the point that this is legislation on an appropriation bill and does not come within the purview of the Holman rule.

Mr. CHINDBLOM. Mr. Chairman, as I made the reservation of the point of order, may I say that, in my opinion, the language already in the bill, to which this language is added as amendment, for the present fiscal year might be subject to the point of order, but I had no intention to raise that question. I think for the present year it has been settled, and I have no objection personally to that arrangement being continued during the present fiscal year. I have nothing to propose instead of it, unless we should go back to the 40-60 proposition, which would be entirely satisfactory to me; but when it is proposed to make this arrangement permanent until Congress in its wisdom sees fit to change it, I think the point of order should be made. I therefore support the point of order made by the gentleman from Maryland.

Mr. CRAMTON. Mr. Chairman, under ordinary conditions the point of order would be good, in that it does constitute legislation on an appropriation bill. It is, however, to be noted that my amendment is offered as an amendment to a paragraph which itself, if the point of order had been made in time, would have been subject to a point of order. The paragraph itself contains matter that is in the nature of legislation on an appropriation bill. It was so held by the Chairman of the Committee of the Whole when this same appropriation bill was before the House a year ago. The portion of the paragraph appropriating $9,000,000 as the contribution would not have been subject to a point of order, for that would have been taken care of under the Holman rule, and Chairman GRAHAM so held a year ago. But the other part of it, the change of law as to the disposition of certain revenues, was legislation, is legislation in this paragraph, and would have been subject to a point of order if the point of order had been made in time. It is now too late to make it.

Under existing law the revenues coming from fines and license taxes and various fees are to be divided between the Federal Treasury and the District treasury in the proportion that the appropriation was made. If the appropriation was made 40 per cent from the Federal Treasury, then these returns of fines, and so forth, shall return 40 per cent of them to the Federal Treasury and the balance to the District. The way it has been running the returns on the 40 per cent basis would amount to some seven or eight hundred thousand dollars, and under existing law that seven or eight hundred thousand dollars would go into the Federal Treasury, but this paragraph before us provides a change in that law for the current year and provides that instead of their being returned as 40 per cent to the Federal Treasury no part of those fees or revenues shall go into the Federal Treasury. Of course, that could not have

been sustained under the Holman rule, because it is a diminution of revenues of the Federal Government to that extent.

It was legislation, and as a change of law it would have been subject to the point of order. The point of order, however, was not made, and so the paragraph is now before us, and any amendment that is germane to the pending paragraph is in order. The mere fact that it is of a legislative character does not destroy its right to be offered, and now the only question is as to whether it is germane. The situation is this: The paragraph before us provides a certain proportion of the expense of government to be borne by the Federal Treasury, and a certain disposition of returns from the fines and licenses for the fiscal year 1926; and the amendment that I have offered takes exactly that same disposition of expenses and returns and carries it forward into the future. It deals with exactly the same subject, deals with it in exactly the same way. It is as germane as it could be made. It is legislation just as the paragraph is legislation, but it continues it for a longer period, and I submit, therefore, that the point of order is not well taken.

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

Mr. CRAMTON. Yes.

Mr. ZIHLMAN. As I understand the rules of the House, it is necessary for an amendment of this kind, in order to be in order, to come within the provisions of the Holman rule. I wish the gentleman would point out wherein this saves any money for the Federal Government. What is to prevent the gentleman's committee from making the lump-sum contribution $7,000,000?

Mr. CRAMTON. There is nothing to prevent it. That would come under the Holman rule.

Mr. ZIHLMAN. The gentleman does not contend that this is not legislation of a permanent character?

Mr. CRAMTON. I admit that it is legislation, but I am urging that the paragraph itself contains legislation which would have been subject to the point of order if the point of order had been made, but the point of order was not made, and now any amendment carrying legislation is in order if it is germane to the paragraph. Its legislative character no longer injures it.

Mr. ZIHLMAN. Does the gentleman contend that because no point of order was raised against the balance of this paragraph any matter of legislation can now be offered?

Mr. CRAMTON. That is germane to the language before it, as I have tried to emphasize.

Mr. ZIHLMAN. I do not agree with the gentleman at all.

The CHAIRMAN. The Chair is ready to rule. The paragraph which this amendment seeks to amend clearly embodies legislation and would have been repugnant to the rule unless taken out by some exception to the rule. Doubtless, it would have been claimed that the Holman rule makes it an order. The present occupant of the chair, not now being called upon to decide it, can say that as the paragraph stood, if a point of order had been made against it, he would have ruled it out of order as not coming under the Holman rule, because of the indefinite, uncertain nature of the refund provision. If the uncertainty had been removed by some provision making it readily demonstrable that the amount appropriated in the paragraph is less than the 40 per cent of the total amount of the bill to be paid jointly from the General Treasury and from District funds, then the Chair would have held it in order, because the existing law authorizes a contribution of 40 per cent from the Treasury.

No point of order was made, however. Now, the gentleman from Michigan [Mr. CRAMTON] offers to amend by inserting a new paragraph, making permanent substantially the same provision carried in the original paragraph as applicable only to the year for which the appropriation is carried in the bill.

The new paragraph would make permanent law, so far as we can make a law permanent, whereas the paragraph in the bill relates only to the year for which the appropriation is made. The gentleman from Michigan claims that because the original paragraph is legislation, therefore, it opens up the paragraph to amendment by anything that is germane. The Chair agrees to this proposition as a general statement of the rule. The amendment, however, must be germane in fact. The paragraph as it stands deals with temporary legislation only, its force and effect being limited to the year for which the bill appropriates. The gentleman's amendment would make it permanent law. It seems to the Chair that this introduces an entirely new element that is in fact "a subject different from that under consideration" and, therefore, repugnant to the rule relating to germane amendments.

The Chair cites one precedent only, and that was by Mr. Speaker GILLETT in the Sixty-seventh Congress, fourth session, on December 19, 1922. A bill was returned from the Senate carrying an amendment providing for an Undersecretary of the Treasury, but for the current year only. The gentleman from Illinois [Mr. MADDEN] moved that the House recede and concur with an amendment adding the word "hereafter," which would have had the effect of making it permanent law. On this the Speaker indicated that the word "hereafter," changing a temporary provision to a permanent one, made the amendment offered by the gentleman from Illinois [Mr. MADDEN] subject to a point of order as not germane to the amendment as it came from the Senate. The Chair sustains the point of order.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. I wish to make clear, as one of the members of the legislative committee, that I am not so unalterably opposed to the substitution of a lump-sum provision for the present language of the organic act as the point of order made by me would indicate, and I am hopeful we may soon work out a plan which will be acceptable to Congress and the citizens of the District.

The House has gone on record several times overwhelmingly in favor of a lump-sum contribution, and I am in favor of the legislative committee of the District of Columbia taking up this matter and disposing of the bill introduced by the gentleman from Michigan [Mr. CRAMTON]. It is apparent to those of us who are interested in the growth and development of the National Capital that the actual needs, the necessary needs of the Capital are only going to be met by adopting a plan such as this or some similar plan and then providing for a fair rate of taxation in order to meet the actual and growing needs of the District of Columbia. I want to take advantage of this opportunity to commend the subcommittee of the Committee on Appropriations, who framed this bill, for the care and untiring effort that they have put into it. I have pointed out several times to representative groups of business men of this city, that these emergency needs of the District were only going to be obtained by imposing the burden of raising the money upon the citizens of the District, and that there was a growing sentiment in the Congress toward a curtailment of the amount we have been contributing first under the 50-50 plan and then under the 40-60 plan. And I am in full accord with the gentleman from Virginia [Mr. MOORE] that the present system of submitting estimates by the Commissioners of the District of Columbia to the Director of the Budget for his approval or disapproval and then submitting them to the Congress is wrong, and that it never was the intent of the framers of the Budget law or the men who drew the organic law for the District of Columbia that the officials of the Budget Bureau, charged with the responsibility of going over and of curtailing and of balancing the needs of all the various activities of the Federal Government, that they should be called upon to pass upon the question of street improvements, the number of policemen, the number of firemen, school buildings, school sites, extension of water mains, extension of sewer mains, and matters of that kind, and I contend that if this system is to continue that the Budget Bureau should set up machinery for actually considering the needs of the District of Columbia and of giving the citizens of this municipality, the men and women who pay the taxes, an opportunity of presenting their needs to the Director of the Budget.

When the Budget law was first adopted and the estimates for the District of Columbia were sent there the matter was referred to an ex-United States Senator, a splendid and learned man, and he was given the responsibility and the power of recommending what streets should be extended, what streets should be paved, what water lines and water mains should be extended, and all the various activities of the Government were passed upon by this distinguished gentleman, then approved by the Bureau of the Budget and sent to the Congress as he prepared it, and immediately the Committee on Appropriations met and solemnly resolved for that year they would not raise a single item submitted by the Director of the Budget. I am glad to see in the preparation of this bill that after investigation and after ascertaining what the actual needs of the District are that the committee bringing in this bill have not been bound by all the estimates submitted to them by the Bureau of the Budget. I called the committee's attention yesterday to the fact that when we had this recent snowstorm that the Commissioner of the District of Columbia who is charged with the responsibility of keeping the streets and alleys clean had gone to the Director of the Budget to get some assurance from him that if he spent the money remaining in the Treasury for street

cleaning and for the removal of waste, refuse, and so forth, that the Director of the Budget would recommend a deficiency; and then after he had gotten that assurance he came here, as stated by the gentleman from Illinois, chairman of the Committee on Appropriations, and asked his advice about this matter, and the gentleman from Illinois [Mr. MADDEN] told him that if he was the official charged with the responsibility of keeping the streets clean he would go ahead and spend the remaining surplus in the Treasury to the credit of the District of Columbia for this purpose and take the chances on getting a deficiency appropriation. I regret that this committee did not give more consideration to this matter of snow removal. I find nothing in the hearings; I find merely an increase of $20,000 in the lump sum allowed them for the removal of dirt, waste, refuse, and so forth, in the city.

Mr. MURPHY rose.

Mr. ZIHLMAN. And I actually believe that this recent snowstorm will cost in street improvements fully $100,000 in repair to the surface of the streets. The gentleman from Texas [Mr. BLANTON], who may not be entirely accurate in his estimate, said he had investigated and it would cost a million dollars. I do not agree with that statement, but I do believe as a layman that the damage done to the streets——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes. I have not taken up any time in general debate and I will take very little on the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. I now yield to Mr. MURPHY, a member of the committee, or to the gentleman from Texas.

Mr. BRIGGS. How much more does the gentleman think will be necessary to care for the situation, to get the streets cleared of snow in Washington when there is a heavy snowstorm, and keep the streets in a fair condition of repair?

Mr. ZIHLMAN. I will say to the gentleman that an auxiliary committee of citizens has met with the officials of the District of Columbia and they have made a request for equipment and for funds which, as I recall, amount to some $300,000; probably a little more than that. It is my purpose to offer in good faith an amendment asking an increase in this sum of $100,000. I desire to answer the gentleman further by saying that according to the statement made by the distinguished gentleman from Kansas [Mr. AYRES] upon the floor during the first six months of the fiscal year they expended in cleaning and removing dirt, and so forth, from the streets more than one-half of their allowance for that purpose.

Mr. BRIGGS. Can the gentleman explain why it is that the District officials seem so slow in undertaking any step to remove snow from the streets when it does fall here, but let it cake and harden and become ice and then undertake to remove it when it costs about three times as much as it would originally cost if they had undertaken the work sooner?

Mr. ZIHLMAN. Well, I will say to the gentleman that I agree with the gentleman from Illinois [Mr. MADDEN], in that if I had been the official charged with that responsibility I would have removed the snow and spent every cent to the credit of the District for such purposes, and would then have taken my chances on creating a deficiency that could be used later for the removal of dirt. Nor do I believe the estimate which appeared in the newspapers is correct of $1,000 a mile to clear the snow off the streets. Our State of Maryland has 2,000 miles of improved highways, and we kept them clean last year at a total expense of $79 per mile.

Mr. BRIGGS. Why is it necessary to try to require all the property owners to remove the snow and ice from their sidewalks and at the same time allow the street-car companies to allow the snow and ice to lie on the space between the tracks?

Mr. ZIHLMAN. It is a question as to whom the streets belong. The matter has gone to the Supreme Court as to who owns the streets and the sidewalks.

Mr. BRIGGS. The owners decline to assume the responsibility, and the city government does not assume it, and between the two the streets are left in a condition that makes them impassable.

Mr. ZIHLMAN. Our committee has several times attempted to frame laws to give the Commissioners of the District the power to penalize owners for not removing the snow from the sidewalks. They have carried the matter into the courts, and they have been unable to obtain convictions.

Mr. BRIGGS. Why not place the responsibility definitely somewhere and impose that responsibility on them, and in that way get their cooperation?

Mr. ZIHLMAN. Yes; that might be done.

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

Mr. ZIHLMAN. I would prefer to finish this statement first. I do not want my entire five minutes to be occupied in answering questions. But let the gentleman go ahead.

Mr. MURPHY. The gentleman knows that something over $400,000 was appropriated for street-cleaning purposes, of which $108,000 was still on hand, and he knows that the ordinary snow removal would not require the expenditure of that entire sum. The gentleman could not help knowing that if the officers here had used some of that money for the removal of snow it would not have accumulated as it did; and if a deficiency had been incurred, he knows that the members of the Committee on Appropriations look with favorable eyes on requests for money from the District.

Mr. ZIHLMAN. That is true as a broad, general rule, but I would have to take exception to that statement and some of the details of this bill.

Mr. MURPHY. You had that $108,000 to work with, and you did not use it. I did not think the city authorities should have lain down as they did until they were instructed just how to spend it.

Mr. ZIHLMAN. The gentleman should remember that when this snowstorm came upon us there were six months of the fiscal year yet remaining.

Mr. MURPHY. But the city authorities did not use the money they had on hand.

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

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland may proceed for five minutes more.

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

There was no objection.

Mr. MURPHY. Will the gentleman yield again?

Mr. ZIHLMAN. Yes.

Mr. MURPHY. I just want to call attention to the fact that the word "snow" appears here in the appropriation, and you do not clean snow off the streets of the District of Columbia in the month of April. It was a national disgrace in the city of Washington.

Mr. ZIHLMAN. There was not sufficient money to remove it from the streets.

Mr. MURPHY. You had sufficient money to do it with.

Mr. ZIHLMAN. In the first six months of the fiscal year they spent $230,000 for the removal of dirt, and they had only $180,000 in all remaining for the removal of dirt, waste, refuse, and snow.

Mr. MURPHY. You knew how to come back here and get more money in the deficiency bill to take care of the situation, and you have not done it; and it is a disgrace to thousands of people who come to the Capital every day.

Mr. ZIHLMAN. I think the official charged with that responsibility had the right to be apprehensive as to whether he would get money to keep the dirt off the streets for the remainder of the fiscal year.

Mr. MURPHY. The gentleman knows quite well that the attitude of the Committee on Appropriations toward District expenditures has been liberal.

Mr. ZIHLMAN. In some particulars they have been liberal. I call the attention of the committee to the insert in the RECORD by the gentleman from Virginia [Mr. MOORE], in which he has set forth an estimate of the actual needs for the future development of the city. I will call the gentleman's attention to the fact that the aggregate sum set forth in that statement of the actual needs of the District is $55,000,000.

There are hundreds and thousands of homes here that do not have sewer service, and there are hundreds and thousands of homes here who do not have water service; so that while I am not stating that the Committee on Appropriations has been parsimonious, and while I have commended them for their well-balanced and more or less liberal bill, yet it must not be assumed that the committee has met all the needs of the municipality. Many of the one-time luxuries have now become necessities in our modern life, and they affect a class of people who have no very great influence in this city, and those needs should be met by adequate appropriations. And I will say this to the gentleman in conclusion, that when you adopt a lump sum and provide that every dollar you spend over that sum is to be collected from the taxpayers of the District, the people of this city will have the right to expect more or less liberal treatment at the hands of Congress and at the hands of this committee.

Mr. MURPHY. I quite agree with the gentleman that if we go on to the lump sum in a permanent way in financing the District the people of the District may then be allowed to add to their taxes as they may desire.

Mr. ZIHLMAN. You have the authority to compel them to do that.

Mr. MURPHY. I will go this far with the gentleman and say that the Budget officer, after Congress establishes the plan of the lump sum, might say we do not need to raise the tax rate of this District to meet the estimates by the Budget Bureau. Let the commissioners attend to that. If they get the tax rate moved above the satisfaction of their needs, then you could come back to Congress and ask for a lowering of the rate; and if more money is needed, the rate can be raised and you can ask Congress for an additional appropriation.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. GARNER of Texas. Realizing that the gentleman from Maryland [Mr. ZIHLMAN] and the gentleman from Virginia [Mr. MOORE] know the needs of the people of the District of Columbia better than any other two men in the House of Representatives, would the gentleman from Maryland and the gentleman from Virginia, speaking for the people of the District of Columbia, be willing to say that they are willing to tax them sufficiently to carry out the program that they have in mind?

Mr. ZIHLMAN. I have never heard a dissenting voice from the taxpayers of this city as to the necessary improvements. We were asked for $1,000,000 for park purposes not long ago, and not a citizen of the District raised his voice against the appropriation of that large sum for the beautification of the Capital. I could cite the gentleman examples without end as to the fact that the people here have been entirely satisfied to pay for these improvements.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. CHINDBLOM and Mr. AYRES rose.

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

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. AYRES. Mr. Chairman, I want to make the suggestion that we have spent 45 minutes on this section, and I move that all debate on the pending paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas moves that all debate on the pending paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, I have seldom taken part in the debate upon the appropriation bill for the District of Columbia. I have been a Member of the House for six years and I have been watching the proceedings with reference to the District from the point of view of one who has lived in a large city all of his life.

A moment ago I undertook to reserve a point of order and would have made a point of order against the proposed permanent legislation with reference to the financial relations between the District and the Federal Government. I want to say, however, that I did not intend in so doing to find any fault whatever with the gentleman from Michigan [Mr. CRAMTON], who has taken the initiative and had the energy to propose something in the way of a permanent arrangement for the fiscal relations between the District and the Federal Government. It is time that somebody undertook that task and presented a concrete plan. Speaking for myself, and I think for many other Members of the House, I want to say that the members of the District Committee and the people of the District themselves had better see to it that some permanent arrangement is soon proposed to Congress or they are very likely to have legislation which will be prepared by some one who has sufficien interest and sufficient energy to propose a plan, and it may be adopted upon very short notice.

Mr. AYRES. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. AYRES. I will ask the gentleman whether that was not proposed a few moments ago, and did not the gentleman make a point of order against it?

Mr. CHINDBLOM. I did; and I did that because I did not think it had received the consideration it should receive by the legislative committee. I do not think the Appropriations Committee itself or the subcommittee of the Appropriations Committee have considered this plan of permanent legislation as fully as it should be considered.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TAYLOR of Colorado. Does not the gentleman think he is doing a great injustice to the District of Columbia by making a point of order against the attempt to settle this matter, because, as was intimated by the gentleman from Maryland [Mr. ZIHLMAN], if we had a definite lump sum, I think the sentiment of Congress would be to give the District $50,000,000, if they wanted it; but what most of us object to is having our people at home charged with it.

Mr. CHINDBLOM. I will say to the gentleman that I would like a more liberal provision for the District than was contained in the proposal to which I suggested a point of order. I have been supporting the 40-60 proposal, and I am willing to go back to it; but I can see very well that the sentiment of the House is so overwhelmingly against that proposition that sooner or later permanent legislation along the lines of the present proposal will be adopted. For that reason I am saying that the people of the District should cooperate with Congress, and particularly with the District of Columbia Committee, in working out a plan for the permanent solution of the fiscal relations between the District and the Federal Government.

Mr. TAYLOR of Colorado. Has not that been under consideration constantly for years?

Mr. CHINDBLOM. I know it has; but we are not getting anywhere.

Mr. TAYLOR of Colorado. And we can not if gentlemen object.

Mr. CHINDBLOM. The only way we are getting any action is by legislation upon an appropriation bill. The Appropriations Committee must come in year after year and propose legislation rather than appropriations, and finally an energetic and wide-awake member of the Appropriations Committee has proposed permanent legislation when, after two years, he has failed to obtain action upon the proposal. I am not finding any fault with him, but I do think there is a growing sentiment among the Members of the House that this matter should soon receive such consideration that we may have permanent legislation upon the subject.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, Executive Office, $200,760.

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

Mr. Chairman and gentlemen of the committee, I appreciate your desire to hurry along with the pending measure and I feel I should apologize for asking your indulgence at this late hour and at this particular time even for a few moments in order that I may set out in the RECORD certain figures relative to the expenses of the Emergency Fleet Corporation. On Wednesday, in a colloquy on the floor between my colleague from Alabama [Mr. BANKHEAD], the gentleman from New Jersey [Mr. LEHLBACH], and myself, Mr. LEHLBACH had the following to say:

These figures are incorporated in a letter dated January 31, 1925, which shows that the general overhead of the Emergency Fleet Corporation, including pay roll, salaries, rents, cables, traveling expenses, telegrams, etc., is $5,600,000.

The gentleman from Alabama [Mr. BANKHEAD] had previously stated that his information was to the effect that the personnel was more than 3,000, at an annual expense of more than $7,000,000.

On yesterday I secured a copy of the "Pay roll and personnel statement of per annum employees (including foreign and weekly pay rolls), United States Shipping Board and Emergency Fleet Corporation, December 31, 1924, to January 15, 1925." This table is prepared, according to the language contained on the front of the statement, by the "personnel division." I will insert the table in this statement for the benefit of those who may be interested in the figures:

Summary

EMERGENCY FLEET CORPORATION

Detail page		Dec. 31		Jan. 15		Increase		Decrease	
		Number	Annual salaries	Number	Annual salaries	Number	Annual salaries	Number	Annual salaries
1	Chairman's office	19	$59,880	19	$59,880				
1	Commissioner's offices	10	24,640	10	24,640				
1	Office of the president	8	54,920	8	54,920				
1-2	Secretary's office	98	146,460	97	145,620			1	$840
2	Investigation department	24	65,700	21	54,900			3	10,800
2	Field offices—Executive	217	388,089	213	392,689		$4,600	4	
2	Bureau of research	34	56,840	34	57,620		780		
3	Legal department	157	542,260	157	554,080		11,820		
4	Recruiting service	49	101,160	49	101,040				120
4	Departments, Vice President Sidney Henry	84	213,240	84	213,240				
5	Comptroller's department	480	1,013,690	475	999,490			5	14,200
6	Treasurer's office	135	337,040	130	323,460			5	13,580
7	Ship sales department	31	87,780	32	93,180	1	5,400		
7-8	Departments, Vice President W. B. Keene	178	454,300	180	461,440	2	7,140		
9-10	Departments, operations	1,317	2,629,907	1,305	2,582,367			12	47,540
	Total, Emergency Fleet Corporation	2,841	6,175,906	2,814	6,118,566	3	29,740	30	87,080
	Net decrease							27	57,340

SUMMARY OF TOTALS

Emergency Fleet Corporation:								
Exclusive of weekly	2,468	$5,621,244	2,436	$5,559,770			32	$61,474
Weekly	373	554,662	378	558,796	5	$4,134		
Total, Emergency Fleet Corporation	2,841	6,175,906	2,814	6,118,566	5	4,134	32	61,474
United States lines	677	1,108,382	679	1,122,238	2	13,856		
Total	3,518	7,284,288	3,493	7,240,804	7	17,990	32	61,474
United States Shipping Board	88	267,540	88	267,540				
Grand total	3,606	7,551,828	3,581	7,508,344	7	17,990	32	61,474
Net decrease							25	43,484

It will be noted that the annual pay roll as of January 15, 1925, for salaries alone, mark you, without the inclusion of any charges of rents, cables, and so forth, as suggested by my friend from New Jersey, and without including the weekly pay roll or temporary pay roll of the Emergency Fleet Corporation, amounts to $5,559,770. To this amount must be added the weekly pay roll, which must be a part of the overhead of the corporation, the sum of $558,796, making a total annual and weekly pay roll of $6,118,566. The gentleman from New Jersey stated that in the month of January Admiral Palmer had reduced the annual pay roll of the corporation a hundred thousand dollars. The admiral is to be commended for this, yet even granting that this was done, the figures quoted by the gentleman from New Jersey can not be reconciled with the figures of the table and those quoted above.

A glance at the table will further show that the gentleman did not take into account the salaries paid for the operation of the United States lines which are operated directly by the Government. These salaries amount to $1,122,238 and if added to the annual and weekly personnel and pay roll statement or figures for the Emergency Fleet Corporation, make a total of $7,240,804. If to this amount we add the items for the Shipping Board proper, we have a grand total of expenses for pay roll and personnel of the Emergency Fleet Corporation and the Shipping Board of $7,508,344, of which amount there is chargeable to the board proper the sum of $267,540. I am sure the gentleman from New Jersey had not seen these figures when he received the letter from which he took the figures quoted by him. I expect to call his attention to these figures, for I am sure he did not mean to say that the figures he quoted, namely, $5,600,000, included rents, cables, traveling expenses, telegrams, and so forth. I am informed that these latter items alone are said to amount to something like $3,000,000 per annum. Of course I mean rents paid all over the country and abroad, as well as here in Washington, together with cables and other incidentals that are properly chargeable as a part of the administrative expenses. So if we add the amount paid for such expenses—and I should think they are a part of the overhead expenses—we would find that the total would be more than ten millions.

The gentleman further stated that there had been some "loose talk" about the percentage of losses chargeable to overhead. He stated that the overhead, meaning the salaries and other administrative expenses of the Emergency Fleet Corporation, compared with the entire cost of our ship operations, is but 4½ per cent. Figuring as he does the cost of operation to be $36,000,000, the $5,600,000 which he claims to be the administrative expenses is more than 4½ per cent and nearer 14½ per cent. I am advised, and I think by very good authority, that during the month of December for the operation involving 117 terminations by freight vessels there was a loss of $2,119,488.72. The amount of administrative expense charged to these voyages was $412,576.02, which is close to 20 per cent of the actual loss in operation for the month of December. The committee may not be interested in this particular subject at the present moment, yet I am submitting this statement in order that the RECORD may contain the statement upon this subject made by the division personnel itself.

May I again call to your attention the matter of reduction in the number of ships upon the established trade routes. During the month of January it seems that nine ships were taken out of the service. Understand, I am not criticizing Admiral Palmer for this reduction. He told the subcommittee that further reduction would have to be made.

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

Mr. McDUFFIE. Mr. Chairman, I ask to proceed for just two additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. McDUFFIE. Admiral Palmer told the Committee on Appropriations that, using his language, on page 490 of the hearings, on January 2, 1925:

Mr. PALMER. During the fiscal year 1924 we operated an average of about 338 cargo vessels to all ports of the world. We are now actually operating about 320 cargo vessels, but this is a very much greater number than is authorized by the appropriation under which we are operating, and the average, as laid down by the Shipping Board, was about 297 cargo vessels throughout the year, though the Fleet Corporation estimate to live within the congressional appropriation was 275 cargo vessels. The additional vessels that are on now are due to a special grain situation along the Gulf, and they are being taken off; they have all been ordered off; but as the voyages are extended over several months, the ships are not actually off now. The appropriation for the last fiscal year was $50,000,000, and we are now operating under the new appropriation of $30,000,000 for operations and $6,000,000 for liquidation and laid-up vessels.

The general result is that we are now working toward a basis of expenditures of about $14,000,000 less than we were last year. We are $1,300,000 above it at the end of five months, as we have had to operate more than the estimated number of cargo vessels, but we are making every effort to reduce the losses.

You will note the admiral says that he was about $1,300,000 above the amount that was estimated would be expended dur-

ing the last five months by reason of the fact that he had to operate more than the estimated number of cargo vessels. The question that presents itself to me is, How will Admiral Palmer be able to operate more than 200 cargo vessels on the amount appropriated in the bill just passed? If he is operating on a basis of $36,000,000 now and feels that only 275 vessels can be operated on that amount, how many vessels will he be able to operate and keep up efficient service on all the trade routes established on the amount we have just provided? Of course, neither the admiral nor the board can be blamed if we do not furnish money enough to operate the ships. Therefore, let me again suggest to this committee that in cutting down the amount for the operation of our merchant marine we are likely to bring about a greater reduction of the number of vessels than we wish and prevent the Emergency Fleet Corporation from functioning for the welfare of the whole country as the country expects it to do. I thank you gentlemen for your kindness in permitting me to proceed out of order.

The pro forma amendment was withdrawn.

The CHAIRMAN. Without objection, the spelling of the word "buildings," in line 18, on page 8, will be corrected.

There was no objection.

The Clerk read as follows:

Northeast: For grading Evarts Street, Fourth Street to Central Avenue, $4,400.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment at this point.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: On page 19, at the end of line 6, insert the following: "For grading, including necessary culverts, drains, and retaining walls, the following:

"Northwest: Sixteenth Street, Alaska Avenue to Kalmia Street, $40,500.

"Northwest: Western Avenue, Massachusetts Avenue to Forty-first Street, $30,000."

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, I wish to say that this appropriation for street improvements last year was $605,650, and this year the committee has recommended $298,750. I take no exception to the judgment of the committee. The two items which I have offered were approved by the Director of the Budget. In all they only involve $70,500. One provides for the grading of a part of Sixteenth Street beyond Alaska Avenue, where Sixteenth Street ends just north of the Walter Reed Hospital, and the other provides for the grading of a street between the District line and the State of Maryland. The latter item is asked for and approved by the officials of the American University. I have here a letter from the chancellor of the university pointing out the need and the necessity for this item, and in view of the very considerable sum that the committee has saved in the matter of street improvements I ask the committee to accept this amendment.

Mr. MURPHY. We will accept the amendment.

Mr. DAVIS of Minnesota. I am willing to accept the amendment.

Mr. AYRES. Just a moment, Mr. Chairman. As one member of the committee I am unwilling to accept the amendment.

Mr. ZIHLMAN. If the gentleman is going to speak against the amendment, I would like to use the balance of my five minutes.

I want to say that this is payable by law entirely from District funds.

Even though you did not adopt the lump-sum plan it would be paid for by the property owners of the District. The only objection I have heard is that it is paid by the District as a whole and not by the adjoining property owners. But that is the present law and it is applicable to this improvement, and if the people of the District want to put the cost of street improvements on the entire District I can see no reason why they should not do so.

Mr. AYRES. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. AYRES. I do not intend to take up the gentleman's time, but this item of $70,500 is paid exclusively out of the gasoline tax, and no part of this is charged to the property owners of the locality in which the projects are situated. I think it is very unfair at this time to come in and undertake to put $70,500 of the gasoline funds into the cost of these gradings. One of these propositions is a mile beyond the resident portion of the District.

Mr. ZIHLMAN. It renders it possible to use Sixteenth Street.

Mr. AYRES. There are only about six or seven residences there, and it is not needed at this particular time. If it were needed I would make no objection. The Alaska Avenue proposition is for the purpose of straightening Sixteenth Street, and while I think it would be a good proposition later on, it is not necessary at this time. There are other projects in the city for repaving and widening streets that are much more necessary. Furthermore, if a portion of these items were paid for by the property owners I would feel differently about it, but the entire amount comes out of the gasoline tax.

Mr. ZIHLMAN. I wish the gentleman would point out where this comes out of the gasoline tax. I had a conversation with the clerk of the committee and he said that this was paid for by the residents of the District of Columbia. The next paragraph is the gasoline tax fund. Page 19, line 6 is the paragraph that provides for the gasoline tax fund.

Mr. AYRES. Well, with that understanding I have no objection, but I certainly would oppose the amendment offered by the gentleman from Maryland if the expense was borne by the gasoline fund.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word. I do that in order to ask unanimous consent to proceed a minute out of order on the subject of the ratification or rejection of amendments to the Constitution.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed a minute out of order on the subject of the ratification or rejection of amendments to the Constitution. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, on January 3 I introduced a bill, H. R. 11283, which proposes an amendment to section 205 of the Revised Statutes. I will incorporate the bill, which is very brief, as a part of my remarks:

A bill (H. R. 11283) to amend section 205 of the Revised Statutes

Be it enacted, etc., That section 205 of the Revised Statutes be, and the same is hereby, repealed and reenacted with an amendment so as to read as follows:

"SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid to all intents and purposes as a part of the Constitution of the United States; and whenever official notice is received at the Department of State that any amendment proposed to said Constitution has been rejected by the legislatures or the conventions, respectively, of more than one-fourth of the States, the Secretary of State shall forthwith issue a proclamation specifying the States by which the same may have been rejected and shall cause the said promulgation to be published in the newspapers authorized to promulgate the laws."

The proposed amendment would require the Secretary of State to certify when one more than one quarter of the States had rejected a proposed amendment to the Constitution, and would give the other side of his present duty, which is to certify when three-quarters have agreed to sanction an amendment to the Constitution. The uncertainty which exists at the present time as to the status of an amendment, is very interesting and well expressed in a brief article by Mr. J. F. Essary, in the Baltimore Sun of this morning, which I ask unanimous consent to incorporate in my remarks.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

[From the Baltimore Sun, February 6, 1925]

(By J. F. Essary)

WASHINGTON, February 5.—Rejection of the child labor amendment to the Constitution by more than one-third of the States, which action seems to have defeated the measure decisively, has raised a series of questions that profoundly perplex Government officials.

Is the Department of State called upon to proclaim the defeat of an amendment in the same manner that it proclaims ratification of such a measure?

QUESTIONS THAT ARISE

"If such proclamation is issued and if a sufficient number of States should reverse themselves to change the result what would happen?

"Are the States required to notify the State Department of their adverse action on a proposed amendment?

"If a State votes to ratify an amendment, then changes its mind, as Arkansas has just done, and votes against it, which action holds?

"How long may the States take to vote one way or the other, or both ways, on an amendment?

"If the legislature of a given State votes one way on an amendment and a subsequent legislature votes another way, which action shall the State Department recognize and record?"

MAY END IN LEGAL BATTLE

Some of these questions, which have come up in connection with the unprecedented action on the proposed amendment, may have to be submitted to judicial determination, administration officials say, if the amendment fight goes on, as is predicted.

Both sides in the contest insist the fight is not over, although more than enough States to kill the amendment have voted against it. The group of organizations lobbying for the proposal say they will continue in their course until enough States vote to ratify by direct action or by reversing themselves.

Only yesterday opponents of the amendment, speaking through their Washington lobby, admitted that the fight would have to go on indefinitely in view of the refusal of the proponents to give up. This group claims a victory so far as the 1925 legislatures are concerned, but foresees renewal of the contest all along the line.

WITHOUT PARALLEL

The situation with regard to the child labor amendment, authorities here say, is without parallel. Other amendments, once they received a two-thirds vote of the House and Senate, necessary for submission to the States, have had powerful support throughout the country. No other measure of this kind, it is declared, has been turned upon immediately and voted down by the legislatures.

Nor in any other case has there been a widespread and concerted movement to induce legislatures to change their votes or to elect new legislatures pledged to reverse the action taken, as in this instance.

In the process of ratification of a constitutional amendment the States, once they have voted in favor of the measure, formally certify the fact to the Secretary of State. The States which vote against it may or may not do so. In the past some have failed to certify their action, regarding it as unnecessary.

OFFICIALS PUZZLE OVER CASE

Three-fourths of the States are necessary to ratify an amendment and one more than one-fourth may reject it. State Department officials do not know what they should do if 13 or more States certify their rejection, action which, on its face, would amount to defeat.

Some officials in that branch are of the opinion that the department is not obligated to proclaim the defeat of an amendment. It must proclaim ratification once three-fourths of the States have approved, but it is doubtful that negative action must be announced formally.

It was pointed out to-day in this connection that the State Department is the recording office for all laws passed by Congress. The originals of such laws are deposited in the department's archives. The department, on the other hand, is not required to take any notice of bills or resolutions which fail of enactment.

State Department officials refuse to give an opinion on the length of time the States had in which to decide, once for all, what their position on an amendment would be or whether a State could change its vote, either before or after certification of action may have been sent to the department.

OBSTACLES EXPECTED

The officials emphasize that the department, being merely a recording office, the courts must be resorted to if a question on the legality of any State's action is raised.

It is by no means certain that the advocates of the child labor amendment will succeed in their effort to bring about ratification of the measures, however long they may work to that end.

The opponents of the organic change have the better of the fight. Only three States have voted in favor of the proposal, while more than the required number have voted against it, this among fewer than half the States that have acted.

That it will require tremendous pull to bring about a general reversal of action on the amendment is well understood, but if that should come, it is highly probable, State Department officials admit, that some issues never before raised would have to be submitted to the courts for settlement.

Mr. HILL of Maryland. I feel that what I am proposing will help clear up the situation until the Wadsworth-Garrett amendment is passed. [Applause.]

The Clerk read the paragraph on page 19, beginning at line 7.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to change all the totals.

The CHAIRMAN. Without objection, the Clerk will be instructed to change the totals.

There was no objection.

The Clerk read as follows:

GASOLINE-TAX ROAD AND STREET IMPROVEMENTS

For paving, repaving, grading, and otherwise improving streets, avenues, suburban roads, and suburban streets, respectively, including personal services and the maintenance of nonpassenger-carrying motor vehicles used in this work, as follows, to be paid from the special fund created by section 1 of the act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," approved April 23, 1924, and accretions by repayment of assessments.

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

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 19, line 21, strike out the words "nonpassenger-carrying."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Northwest: For widening to 55 feet and repairing the roadway of E Street from Fifth Street to Thirteenth Street, $95,000.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that the Clerk be directed to correct the spelling on line 9, page 20. It should be "repaving" instead of "repairing."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Northwest: For widening to 60 feet and repairing the roadway of Thirteenth Street from E Street to Pennsylvania Avenue, $5,000.

Mr. FUNK. Mr. Chairman, on line 6, page 22, the word "repairing" should be "repaving," and I ask that the Clerk be authorized to make the correction.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

Northwest: Thirty-fourth Street, Massachusetts Avenue to Cleveland Avenue, 30 feet wide, $20,000.

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

The Clerk read as follows:

Amendment offered by Mr. AYRES: Line 4, page 23, after the word "thirty," insert the words "and forty."

Mr. AYRES. Mr. Chairman, Thirty-fourth Street above Cleveland Avenue, both blocks, is 30 feet wide. The Government owns all of the property south of Cleveland Avenue, and it will be no extra expense to make the street 40 feet wide, and it is absolutely necessary that it be that wide in order to provide for parking space later on. The engineer commissioner asks that it be made 40 feet wide. There will be no condemnation of property or added expense.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

Repairs: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and including the maintenance of nonpassenger-carrying motor vehicles used in this work, $600,000. This appropriation shall be available for repairing pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad companies as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

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

The Clerk read as follows:

Amendment offered by Mr. AYRES: Page 26, line 8, after the figures "$600,000" strike out the period, insert a comma, and add the words "to be immediately available."

Mr. DAVIS of Minnesota. Mr. Chairman, did the gentleman get any letter from the commissioners concerning this matter?

Mr. AYRES. No; but some of them saw me and said that they wanted it done, and they gave very plausible reasons. I thought I had spoken to the gentleman from Minnesota about it.

Mr. DAVIS of Minnesota. No; but I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage room; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; maintenance and repair of nonpassenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $430,000.

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

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 30, line 5, strike out the figures "$430,000" and insert in lieu thereof the figures "$530,000," and the following: "*Provided*, That $100,000 shall be available for emergency use in removing snow and ice from street crossings and gutters."

Mr. ZIHLMAN. Mr. Chairman, I offer this amendment because I believe sincerely that the sum allowed for this purpose is inadequate to meet an emergency of this kind. This would simply create an emergency fund of $100,000 for the removal of snow. The speeches made here by gentlemen who are members of the committee demonstrate the fact that $430,000 which is made available is actually needed in the removal of dust and dirt, of waste paper from the streets of the city, and I believe there should be an emergency fund of this kind. I do not think that the sum which we have asked for is entirely adequate, but I am hoping that some such sum will be made available for this purpose. I shall not further take up the time of the committee, but submit the amendment. In my opinion the recent snowstorm caused a great deal of damage to the surface of the streets of the city and according to the Washington branch of the American Automobile Association a great deal of this damage could have been prevented by an appropriation such as this if it had been available.

I insert herewith as a part of my remarks a letter signed by Mr. George W. Offutt, secretary of the association, and by the advisory board of same:

AMERICAN AUTOMOBILE ASSOCIATION,
Washington, D. C., January 3, 1925.

HON. FREDERICK N. ZIHLMAN,
Committee on the District of Columbia,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIHLMAN: In behalf of the motorists of Washington, we desire to call your attention to the deplorable condition of our city streets and roads as a result of the recent snowfall. We understand that all snow-removed funds heretofore appropriated by Congress for the use of the District Commissioners are exhausted and that no funds are now available for this work.

Our association has recently made an exhaustive study of the question of snow removal and as a result of this work we are convinced that in the end it is much more economical to appropriate money to remove snow than to provide funds with which to repair the damage to our streets and roads which is caused by allowing the snow to remain on the streets until it disappears as a result of natural causes.

A copy of our Snow Removal Book, which will give you an idea of what is being done along this line throughout the snow belt in various parts of the United States, is inclosed herewith for your information.

The pounding and grinding action of the traffic in the snow ruts and holes causes the street and road surfaces to rapidly disintegrate. For instance, a truck which under normal conditions exerts a pressure on the road surface of 5,000 pounds per wheel will, when dropping 2 or 3 inches into these holes and ruts, produce a blow equivalent to 35,000 to 40,000 pounds per wheel; in other words, an impact amounting to three and one-half to four times the static load. The damage caused by this pounding action on the roads and streets is further accentuated by the grinding effects of the chains which must be used by passenger cars and trucks when the streets are covered with snow.

Two years ago, during the winter of 1922, the damage to our streets and roads caused by one heavy snow amounted to several hundred thousand dollars. The effect of the present snowfall will probably damage our streets and roads to the extent of at least $100,000. This could have been obviated by an appropriation of a few thousand dollars for the removal of the snow before the damage was done.

The economic loss to the business interests of the city and to the Federal Government as a result of our lack of organization preparedness probably amounts to hundreds of thousands of dollars. That this loss is irrecoverable is shown by surveys made in other great centers of population.

In view of these facts, we respectfully urge that an adequate appropriation be made at once by Congress to remove the snow from the principal highways and streets of the city and that funds be provided now for an ample snow-removal program for the balance of the year, including the purchase of suitable snow-removal machinery.

The motorists of Washington, through personal property taxation, registration fees, and gasoline taxes, are contributing their fair share of taxes and we believe they are entitled to reasonable and just consideration in this matter.

Respectfully submitted.

DISTRICT OF COLUMBIA ADVISORY BOARD
AMERICAN AUTOMOBILE ASSOCIATION.
DR. FRED V. COVILLE, *Chairman.*
EDWARD S. BRASHEARS.
ISAAC GANS.
WALTER B. GUY.
STANLEY H. HORNER.
PYKE JOHNSON.
RUDOLPH JOSE.
A. M. LOOMIS.
DR. E. G. SEIBERT.
GEO. W. OFFUTT, *Secretary.*

Mr. AYRES. Mr. Chairman, I am not very much of a parliamentarian, but I am going to make the point of order.

The CHAIRMAN. The gentleman is too late; the gentleman has debated the amendment.

Mr. AYRES. All right. I would like to hear the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not like to do so, but I believe I shall have to oppose that amendment. I do not think they need it. Congress has always been prompt to respond in the matter of emergency funds. I dislike to oppose the amendment of the gentleman from Maryland [Mr. ZIHLMAN], but this is absolutely unnecessary, because we can take care of emergencies as they arise. That is all there is to it.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. ZIHLMAN. I appreciate very much the courtesy of the gentleman and I do not wish to be unreasonable in this matter, but I call the attention of the gentleman to the fact that the sum you have allowed for this purpose of removing dirt and waste is barely sufficient to meet the requirements of that work, and the committee has on this floor here criticized the District Commissioners because they do not take the money remaining in the Treasury, $180,000, which remained at the time of this last storm, and use it for this purpose, and do so under the promise that Congress would come forward and give them a deficiency appropriation.

Mr. DAVIS of Minnesota. But the law provides in any emergency like that that a deficiency may be incurred. The law actually provides that. We have added twenty-odd thousand to the current appropriation, and if they should need additional money because of an unusual snowfall they can ask for a deficiency.

Mr. ZIHLMAN. Will not the gentleman be called upon to make a deficiency appropriation if all of this money available has been expended for this purpose?

Mr. DAVIS of Minnesota. The law provides in case of any emergency along this line that a deficiency may be incurred.

Mr. ZIHLMAN. The question as to what constitutes an emergency would certainly arise, and the engineer commissioner took the position that he did not feel justified in expending this balance because——

Mr. DAVIS of Minnesota. I do not think he read the law.

Mr. ZIHLMAN. I do not think still—although I want to commend the committee for the liberality of their bill—I do

not think they have provided enough money for the actual cleaning needs.

Mr. CHINDBLOM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield the floor?

Mr. MURPHY rose.

Mr. DAVIS of Minnesota. Yes, sir.

Mr. CHINDBLOM. Will the gentleman from Ohio yield?

Mr. MURPHY. I will.

Mr. CHINDBLOM. Since there is provision here for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, what would be an emergency in the way of a snowfall?

Mr. DAVIS of Minnesota. If the unexpended balance of the appropriation were no more than adequate to meet ordinary demands and an unusually heavy fall of snow should occur.

Mr. CHINDBLOM. Is the lack of funds an emergency?

Mr. DAVIS of Minnesota. No. The lack of funds would not enter into it at all. I have been on this committee for a good many years, and we have provided whatever they have asked for—$20,000 or $30,000, or any reasonable sum necessary properly to free the streets of snow and ice.

Mr. BRIGGS. What did it cost to clear these streets of snow in the city of Washington recently?

Mr. DAVIS of Minnesota. It depends a great deal on when they started in and how they did it.

Mr. BRIGGS. I mean how much was it in this last storm?

Mr. DAVIS of Minnesota. I do not know. They had a balance of $180,000 available for all purposes.

Mr. BRIGGS. I understand that was practically all allotted to other purposes, such as maintaining streets generally, and they could not utilize it for another purpose.

Mr. DAVIS of Minnesota. The law provides that they could use it all for removing snow if necessary.

Mr. BRIGGS. What about the repair and cleaning of the streets when Congress is not in session?

Mr. DAVIS of Minnesota. It was a situation where a legal deficiency, you might term it, properly could be incurred.

Mr. BRIGGS. How does it happen that they are not cognizant of what is a legal deficiency? Do they have authority to go ahead and clean the streets and come to Congress afterwards, and have a deficiency already approved by the Budget Bureau and which Congress is bound to respect and pass?

Mr. DAVIS of Minnesota. Suppose a certain appropriation was made to remove the dust and dirt and snow from the streets. When an emergency came along they could use it all up for snow, if necessary, and if they lacked for money later on, that is construed to be a legal emergency under the law, and they are entitled to a deficiency.

Mr. BRIGGS. And the Budget Bureau and the Congress are bound to respect it?

Mr. DAVIS of Minnesota. We always have.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

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

There was no objection.

Mr. BRIGGS. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. BRIGGS. I want to know whether the District Commissioners now understand that they can create a legal deficiency to carry on the necessary work of street cleaning, whether snow or something else, when it is really and actually necessary?

Mr. DAVIS of Minnesota. We have made it very clear in our report, if they did not understand it before.

Mr. BRIGGS. They agree with the committee in that matter?

Mr. DAVIS of Minnesota. I do not know as to that.

Mr. MURPHY. Perhaps the gentleman from Maryland [Mr. ZIHLMAN] could answer the question.

Mr. ZIHLMAN. The engineer commissioner went to the Director of the Budget to get assurance that he could get a deficiency appropriation, and then when that assurance was received, as I understand it, he came to this committee and asked this committee of Congress to assure him that the committee would recommend a deficiency appropriation; and the chairman of the committee told him that if he were in his place he would clean the streets and later on take his chances of getting the money.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For supplies, installing electric lights, repairs, maintenance, and necessary expenses of operating three swimming pools, $3,000.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Minnesota if he does not think it about time we were rising?

Mr. DAVIS of Minnesota. Well, we are progressing so rapidly now, and it has taken us so long to get to a position where we could make progress at all that it seems to me 10 or 15 minutes would not make much difference, and we could get over quite a number of pages. As there is no one apparently here who is a principal objector to these items, we are making good progress. I would like to run on until half past 5. It is now 5.15. I would be glad to run for 15 minutes longer, and then I will move to rise.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Bathing beach: For personal services in accordance with the classification act of 1923, $1,320; for temporary services, supplies, and maintenance, $4,500; for repairs to buildings, pools, and upkeep of grounds, $1,780; in all, $7,600.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the paragraph for the bathing beach. I will ask the gentleman from Minnesota if it will not be agreeable to pass over this paragraph and let it be taken up later.

Mr. DAVIS of Minnesota. I do not think this is the paragraph the gentleman has in mind.

Mr. GARRETT of Tennessee. This is the one on the Tidal Basin?

Mr. DAVIS of Minnesota. No.

Mr. GARRETT of Tennessee. What beach is this?

Mr. DAVIS of Minnesota. It is down on the Monument Grounds, and it is for little children.

Mr. CHINDBLOM. It is a pool, not a bathing beach.

Mr. DAVIS of Minnesota. I think the item the gentleman is talking about is on page 73.

Mr. GARRETT of Tennessee. Mr. Chairman, with that assurance, I will withdraw the amendment.

The Clerk read as follows:

For care of smaller buildings and rented rooms, including cooking and manual-training schools, wherever located, at a rate not to exceed $96 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed $120 per annum may be allowed, $8,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee whether they employ any janitors at the District Supreme Court building or whether any money is provided for the employment of janitors at that building.

Mr. DAVIS of Minnesota. Yes.

Mr. BRIGGS. It certainly has a most unsightly appearance, especially around the pillars and out in front. It looks as though it has not been cleaned in years, and it looks as though it is the nesting place and roosting place for all the pigeons and birds in the District.

Mr. DAVIS of Minnesota. I do not think they employ them out of this paragraph, but that they are carried in another paragraph.

Mr. BRIGGS. They are certainly not employed in front of the building, though they may be used on the inside.

Mr. DAVIS of Minnesota. I can not answer the gentleman as to that. We provide for them.

Mr. BRIGGS. I happened to pass there to-day, and that building struck me as having a most disgraceful appearance—I refer to the exterior of the building—and its appearance indicates that they have no money with which to clean it. I was wondering whether they had any janitor service there or whether money was provided for securing janitor service.

Mr. DAVIS of Minnesota. I will say that Congress is not to blame for it; they have plenty of money to employ them if they want to.

Mr. BRIGGS. I am not talking about that; but if they are not using the money which Congress provides for the employment of janitor service, why not reduce the appropriation and find some other way of dealing with the situation?

Mr. DAVIS of Minnesota. I agree with the gentleman that that would be the right thing to do if conditions are such as he indicates.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, pay of cabinetmaker, stationery, printing, ice, and other necessary items not otherwise provided for, and including not exceeding $3,000 for books of reference and periodicals, $77,000: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve a point of order against the proviso:

That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

May I ask the gentleman from Minnesota why a bond should not be required?

Mr. DAVIS of Minnesota. I will say to the gentleman that that proviso was inserted in last year's bill and it was inserted in order to save a premium of $600. That is why we did it. I think the question was raised before and it was held in order and put in the bill.

Mr. GARRETT of Tennessee. I do not understand that a point of order was made against it and that it was held in order, but even with the statement made by the gentleman from Minnesota, that the proviso was inserted for the purpose of saving a premium, why should not a bond be required?

Mr. DAVIS of Minnesota. All I can say to the gentleman is that it is a question of saving $600; that is all.

Mr. GARRETT of Tennessee. The Government is loaning this property and it looks to me as though there ought to be some security given for its return.

Mr. DAVIS of Minnesota. In a sense we are loaning it to ourselves.

Mr. CHINDBLOM. If the gentleman will yield, it seems that this property is loaned by the War Department to the District for use in the high schools and, as I understand, it is believed that the cost of the premium on such a bond should be saved to the District. I presume it would be possible for the Congress, and probably for the officials of the War Department, to collect damages from the District or reimburse the Government in some way without exacting a bond.

Mr. GARRETT of Tennessee. I do not know about that. I do not know how they would go about collecting it.

Mr. CHINDBLOM. We might take it out of some appropriation.

Mr. GARRETT of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. It is clearly legislation and the saving, if any, which might be claimed, in the opinion of the Chair, is entirely too contingent to bring it within the Holman rule. Therefore the Chair sustains the point of order.

The Clerk read as follows:

The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Mr. ALLEN. Mr. Chairman, I think this is an interesting place to stop, now, and I make the point of no quorum.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise.

Mr. ALLEN. I withdraw the point of no quorum, Mr. Chairman.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 12033, the District of Columbia appropriation bill, had come to no resolution thereon.

DISPOSITION OF BONUSES, RENTALS, AND ROYALTIES FROM INDIAN LANDS

Mr. SNYDER. Mr. Speaker, in relation to the bill S. 876, upon which I requested a conference earlier in the day, I am informed the Senate has attempted to amend a portion of the bill, which had already passed both Houses. I therefore ask unanimous consent that the Clerk respectfully inform the Senate that the House can not act on such an amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object.

Mr. SNYDER. Mr. Speaker, the bill S. 876 passed the Senate and the House passed the first section of the bill without an amendment, but with an amendment to another section, and sent it to the Senate. The Senate sends it back to the House, having amended the first section, which had passed both Houses without amendment, and we desire to send it back to them and have it corrected.

Mr. TILSON. As I understand it, both Houses have agreed on the first section of the bill.

Mr. SNYDER. That is it exactly.

Mr. TILSON. And having sent it back with another amendment, the Senate has now amended the original paragraph, which had passed both Houses without amendment.

Mr. SNYDER. Yes.

The SPEAKER. Is there objection?

There was no objection.

SAVE AMERICAN AGRICULTURE FROM RUIN

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks by including an article in the Sunday Star of December 14, 1924, on agricultural conditions.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, under leave granted to extend my remarks I insert an article on agricultural conditions, which is as follows:

B. F. YOAKUM, RAILROAD FINANCIER, DISCUSSES PLAN TO SAVE AMERICAN AGRICULTURE FROM RUIN

(By B. F. Yoakum)

I believe I am safe in saying that no country in the civilized world has permitted its agricultural industry to sink into as low estate as has the United States.

Although in the matter of production we are still the world's greatest agricultural country, at the same time our agricultural industry is harder pressed financially than can be asserted of the agricultural industry of any other country.

I know I am on sound ground when I add that because of this paradoxical condition the United States to-day is faced by the gravest economical problem that is vexing the statesmanship of any other country.

NEGLECTED BY STATESMEN

The cause is wholly due to the fact that our statesmanship has for more than a generation neglected agriculture while fostering carefully every other of our great industries. It has failed utterly to respond with constructive legislation and administration to the constantly growing demands of agriculture to be kept abreast of modern economic and commercial progress and methods.

Because of this neglect American agriculture to-day presents the grotesque spectacle of a great industry being pauperized at the production end while piling up huge profits at the distribution end. Production and distribution are twin factors of commerce. They are the Siamese twins of modern business. The death of one involves the death of the other. In our agriculture one of the twins is sick and rapidly wasting away. If the disease is not speedily cured it soon will be communicated to its mate. So intimately interwoven are all the factors of our huge business structure that every one of them will be sure to suffer with the completion of the processes of bankruptcy that are bringing the agriculture industry to ruin.

DENIES BEING AN ALARMIST

I am aware that I am using strong language. A horde of intelligent and well-meaning American doubtless will say I am employing the language of the alarmist. But I am certain that if they will only give this vitally important subject careful thought they will agree with what I have said.

I am not an alarmist; neither am I a pessimist. Conservatism and optimism constitute my creed as an American. I believe I appreciate as fully as any one else what America has done for the world spiritually as well as materially. World leadership has gravitated to us, whether we want to accept this responsibility or not, because of our free and progressive institutions. Our forefathers founded a government based upon what was then a startling declaration of principles, the chief of which was that "all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

Upon this basic declaration the Government was founded and was unique among the governments of the world at its birth, because it pledged a rule under which equal justice was to be extended to all, with special privileges to none.

CALLS FARMER OPPRESSED

But the American farmer to-day is not enjoying the blessings of "equal justice to all." Through sheer neglect by the Federal Government he is actually being oppressed. He is being driven into bankruptcy. He is losing his property, his home, his family ties. He

is being forced to abandon an industry he knows how to conduct and driven into the crowded centers through the dire necessity of earning a livelihood for himself and those of his family who still are of too tender age to shift for themselves.

Senator WILLIAM E. BORAH, among the comparatively few Members of Congress who apparently have given this subject close study, recently pointed out that—

"Homes are being deserted. Thousands of farmers are passing into bankruptcy. Men and women who have been reared on farms, who have given their youth and mature years to farm life, and now, at a time when little fitted to cope with a new situation, are crowding to the overpopulated centers, where men and women hive and where ignorance and want foster and spread."

Representative JAMES B. ASWELL of Louisiana, ranking Democratic member of the House Committee on Agriculture, not long ago gave utterance to this serious statement:

"The distressed farmer is not alone in his anxiety over the deplorable situation confronting him. Business is beginning to feel the pang of agricultural bankruptcy. Delay is unfortunate and dangerous."

The Department of Agriculture at Washington estimates that the minimum number of farmers who have been driven out of business since the census of 1920 was taken is 1,200,000.

520 FORECLOSURES

A few weeks ago I embraced an opportunity to visit the great agricultural belt of States in the Northwest to talk to large assemblies of farmers. At one place I was told that from the courthouse steps of the county seat in which I happened to be stopping there recently had been 520 farm foreclosure sales. I also was told that in the execution of the foreclosure sales not only the farmers involved lost their lands and homes, but in many cases chattel mortgages on their furniture and household effects had been sold at the same time. Everything was taken from them when their homes were sold; then the keys were turned, locking them out, forcing the women to leave stooped in sorrow, with their children going they knew not where. The children were not allowed to take their toys or other playthings. All were turned out upon the world penniless and hopeless.

It goes without saying that when men and women lose their homes they go out into the world embittered. Deep into their souls there sinks the conviction that there is something wrong in a governmental system which fails to throw better protection around them in their "pursuit of happiness."

The total farm wealth of the country is placed by the satisticians at $78,000,000,000. At a recent national convention of the Farmers' Grange, held in Atlantic City, Mr. Tabor, head of that great farm organization, stated that against this total farm wealth there is now a mortgage indebtedness of $14,000,000,000. The total mortgage indebtedness reported in the census taken in 1920 was only $4,000,000,000. Thus, if Mr. Tabor's figures are reliable, it is shown that within the last five years the mortgage indebtedness piled up on the farmers of the United States has grown $10,000,000,000, or at the rate of $2,000,000,000 a year. This ruinous process will continue and perhaps at an arithmetic ratio until the cause is removed. And the Congress of the United States is the sole abiding place of the power to remove the cause.

PRESIDENT KNOWS FACTS

Happily for the country and its perpetuity President Coolidge seems thoroughly familiar with the cause and is determined to stimulate Congress speedily to exercise its power of removal. Although he has appointed a select commission to study the grave situation from all its angles and report its findings with all possible haste, it is known that Mr. Coolidge favors application of the one remedy which the best students of the subject are agreed is the surest, safest, and speediest. This remedy is to be found in a measure now upon the Senate Calendar awaiting the immediate attention of the lawmakers whose tenures closes March 4.

It is known as the Curtis-Aswell bill and was reported out of the Senate Committee on Agriculture and Forestry unanimously only a few hours before the last session of Congress adjourned prior to the meeting of the national political conventions. No more thoroughly nonpartisan piece of legislation was ever presented to the United States Congress. Its authorship was nonpartisan, consisting of Senator CHARLES CURTIS, of Kansas, successor of the late Senator Henry Cabot Lodge as the Republican leader of the Senate, and Representative JAMES B. ASWELL, of Louisiana, the ranking Democratic member of the House Committee on Agriculture.

The Curtis-Aswell bill deals with the actual conditions in the American agricultural industry and presents no theories. It takes note of the salient fact that in our farming industry there is no economic or commercial organization as there is in every other great industry, and accordingly provides a way to remedy this fatal deficiency.

TOO MUCH FOR DISTRIBUTION

Its joint authors studied with meticulous care every detail of the existing deplorable condition. When they discovered that the factor of greatest weakness is that at present the consumer of farm products has to pay twice as much chargeable against the cost of distribution as he pays to the farmer for his necessary foodstuffs, they realized keenly and immediately that the factor of distribution and not of production was the one of the greatest importance to legislate upon.

Consequently they drew a bill whose chief purpose is to authorize a closely knit economic and commercial organization of American farmers to be formed under a Federal charter and to function as a national organization without any interference from the Government or any of its agencies. In other words, they perceived that the pressing necessity was for a national marketing system to be officered, managed, and controlled by the farmers themselves, just as the United Steel Corporation, the American Sugar Co., etc., are officered, managed, and controlled by men who have learned the respective industries with which they are connected through long practical experience.

Until this is done under the authorization of Congress our agricultural industry will continue to gravitate toward bankruptcy. It is perilously near that abyss now. Hence no time should be lost through investigating committees or querulous debates in Congress. The condition of the patient is known, the seat of the disease is located, and nothing remains for the attending physicians to do but apply the necessary remedy.

We hear a surfeit of talk about "the farmer's dollar" and the part it plays in American commerce, but we hear very little said concerning the part the farmer gets of that dollar. For none of his products does the farmer get more than one-third of that much-vaunted dollar. Some authorities contend that he averages considerably less than a third. Senator WALSH of Massachusetts, for example, after an exhaustive study, estimates that the farmer's share of the dollar paid by the consumer is only one-fourth instead of one-third. The other two-thirds—or probably three-fourths—go to the multiplied interests which now have a throttling grip on the present loose, unscientific, uneconomic and wickedly wasteful marketing system.

Only through a national cooperative marketing system can the reversal of the present division of "the farmer's dollar" be brought about—that is, two-thirds to the farmer and one-third to the dealer or distributor. The Curtis-Aswell bill provides specifically for this division. It takes notice of the amazing fact that there is a dealer or distributing population of more than 19,000,000 living—not only living but inordinately profiting—at the expense of the country's farming population of 34,000,000.

CRUSHED BY DEALER BURDEN

Stated in another way, this means that on the back of every one and three-fourths of the farming population of the Nation there is one dealer or distributor of the farmer's products. It has not been long since every citizen or subject in Europe had a soldier on his back. It took a World War to relieve Europe of this crushing burden. Let us hope that the American farmer will be relieved of his crushing burden before a frightful financial debacle falls upon America!

Here are some undeniable figures that prove my main postulate:

In 1922, as shown by reports of the Department of Agriculture, the farm value of standard crops produced in the United States, exclusive of livestock, products of animals, cotton, and tobacco, totaled $7,500,000,000. Under careful and conservative investigations made by myself and trustworthy agents it has been shown that for the part of the 1922 crops consumed by the American people $22,500,000,000 was expended. Of course, a considerable part of the 1922 crops were exported, but the exports brought no money to their American producers.

The profits of our agricultural exports were gathered in exclusively by the American dealers, or distributors. Hold in mind the fact that these figures take no account of the farm value, or consumer's cost of livestock, products of animals, including our meats, cotton, and tobacco produced and consumed in 1922. The $22,500,000,000 represent only what American consumers paid for the other farm products necessary to their living. If account in these investigations had been taken of the cost of all agricultural products consumed in 1922 by the American people the figure would largely exceed the $22,500,000,000 accounted for.

COST OUTWEIGHS WORTH

But simply for purposes of illustration let us assume that the total cost of our food in 1922 was only $22,500,000,000. We know that the farm value of the farm products enumerated that passed through our kitchens to our dining tables was only $7,500,000,000 and that we paid for them $22,500,000,000. I hold that this cost of distribution goes enormously beyond what that service is worth and is imposing an unnecessary burden upon the consuming public.

It is not the farmer who runs up the cost to the consumer; it is the dealer or distributor. The farmer gets no share of this unnecessary cost to the consumer. The dealer gets it. I hold further that just as efficient service of distribution can be provided for half of its present cost, or $7,500,000,000 annually instead of $15,000,000,000 under the present system of marketing. This would leave $7,500,000,000 to be divided equitably with the farmer to the profit both of the producer and consumer.

It is upon this foundation that the new structure the Curtis-Aswell bill seeks to erect is based. For this reason it may be expected that the Curtis-Aswell bill will encounter determined and resourceful opposition in Congress this winter. Special interests have been built up under the existing system of distribution or marketing. It can not be expected, or even hoped, that these interests will supinely submit to the revolutionary change that would be made in our marketing system by the Curtis-Aswell bill.

If the 6,000,000 population of Greater New York enjoy three meals a day, it means 18,000,000 meals daily. Estimating the cost a day at 50 cents for the three meals per capita, or, say, 17 cents a meal per capita, the daily food cost of the city is shown to be $3,000,000, or over $1,000,000,000 a year.

Two-thirds, or more than $650,000,000 of this gigantic sum, is incurred by distribution, leaving only about $350,000,000 for the farming interest and charged against production. I do not present these figures as accurate. I believe they are even higher on the side of distribution than is here stated, because there is good reason to suspect that Senator WALSH'S estimate of only one-fourth going to the producer instead of the one-third generally accepted as representing the division of "the farmer's dollars" is nearer the fact.

When the control of distribution is brought under the management of the farmers, just as now production is under their control, the dealer no longer will have the farmer at his mercy in the vitally important matter of fixing prices. It is known, of course, that at present the farmer has absolutely no voice in determining the price he gets for his products. He has to accept whatever the distribution element offers him. Then, in turn, the distribution element determines what the consumer must pay.

FREIGHT BILL ALL HE GOT

To illustrate—the commissioner of markets of New York not long ago cited a case where a farmer shipped 10 carloads of onions to that market, expecting to get the then prevailing price, which would have brought him about $1,000 a car and relieve his financial embarrassment; but instead, the whole shipment was dumped by the consignee in the Jersey meadows because, at the time, the market was threatened with a glut. The shipper received a freight bill from the consignee instead of the expected check in payment for his year's toil and investment.

This sort of thing happens constantly at every big market center in the United States. It would be stopped under the dispensation of the Curtis-Aswell bill. The national cooperative marketing system, provided for in this bill, would authorize and empower the farming industry so to organize as to control shipments to market. Through such a system producers would be kept fully informed of marketing conditions all over the world. Its agents would keep the proposed national board of directors, composed exclusively of farmers, closely informed of every change in market conditions at every big distributing center.

ASKS NO APPROPRIATION

The Curtis-Aswell bill differs radically in another important aspect from any other similar measure ever introduced in Congress. It calls for no appropriation. All it asks in the way of financial assistance from the Government is a loan of $10,000,000 in the form of a revolving fund at the rate of 4½ per cent, payable in full on or before 10 years. As long as the loan is pending a fiduciary officer of the Government is to be a member of the national board of directors to exercise supervision over the allocation of the revolving fund, and all allocations are to be used only to defray the expenses of organization of the system.

As soon as the loan is paid the Government's representative ipso facto is dropped from the board and the Federal Government will no longer have authority to interfere or meddle in any way with the control, management, and conduct of the National Farm Marketing Association. The loan is to be secured through a system of assessments levied by the various boards upon all commodities whose producers become members of the association.

ADJOURNMENT

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, February 7, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

849. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriations in the sum of $1,091.36 to pay claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

850. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year ending June 30, 1925, amounting to $260,000 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

851. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, in the amount of $909,100 (H. Doc. No. 604); to the Committee on Appropriations and ordered to be printed.

852. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $1,535.43 to pay claims which have been adjusted and which require an appropriation for their payment (H. Doc. No. 605); to the Committee on Appropriations and ordered to be printed.

853. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the office of the superintendent State, War, and Navy Department Buildings for the fiscal year June 30, 1925, to remain available until June 30, 1926, for rebuilding elevators, $50,000 (H. Doc. No. 606); to the Committee on Appropriations and ordered to be printed.

854. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1924, $500, and a supplemental estimate of appropriation for the fiscal year 1925, $1,500, for the United States Employees' Compensation Commission, amounting in all to $2,000 (H. Doc. No. 607); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. S. 3818. An act authorizing the construction of additional facilities at Walter Reed General Hospital, in the District of Columbia; without amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. S. 3977. An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 11079. A bill to authorize a five-year building program for the public school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; with amendments (Rept. No. 1400). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. S. 4015. An act to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 11636. A bill authorizing and directing the Postmaster General to grant permission to use special canceling stamps or postmarking dies in the Chicago post office; with amendments (Rept. No. 1401). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Merchant Marine and Fisheries. S. 2399. An act to provide and adjust penalties for violation of the navigation laws, and for other purposes; without amendment (Rept. No. 1402). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on Indian Affairs. H. R. 12005. A bill authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses; without amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 12086. A bill to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations; without amendment (Rept. No. 1405). Re-

ferred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. H. R. 12154. A bill to extend the provisions of Title II of the food control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof; and for other purposes; without amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 11921. A bill to authorize the permanent appointment of any acting chaplain in the Navy to the temporary grade and rank in the Navy held by him during the World War; without amendment (Rept. No. 1407). Referred to the Committee of the Whole House on the state of the Union.

Mr. GASQUE: Committee on the District of Columbia. H. R. 11701. A bill to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887; without amendment (Rept. No. 1408). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FREE: A bill (H. R. 12191) to amend paragraph 737 of schedule 7 of that certain act entitled "An act to provide revenue, to regulate commerce with foreign counries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. RAGON: A bill (H. R. 12192) to authorize the creation of game refuges on the Ozark National Forest, in the State of Arkansas; to the Committee on Agriculture.

By Mr. SUMMERS of Washington: A bill (H. R. 12193) to authorize the withdrawal of national forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes; to the Committee on Agriculture.

By Mr. WOOD: A bill (H. R. 12194) granting the consent of Congress to the Secretary of War to authorize the modification of the act of March 2, 1919, relative to the improvement of Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

By Mr. HILL of Maryland: A bill (H. R. 12195) granting to alien veterans of the World War who seek citizenship certain exemptions from the requirements of the naturalization law; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12196) granting a military status to members of the LaFayette Escadrille; to the Committee on Military Affairs.

Also, a bill (H. R. 12197) granting a good-conduct medal to all men in the Army; to the Committee on Military Affairs.

By Mr. MOONEY: Joint resolution (H. J. Res. 344) to provide for the erection at Washington, D. C., of a monument to the memory of Haym Salomon; to the Committee on the Library.

By Mr. HAYDEN: Joint resolution (H. J. Res. 345) extending appropriation in connection with the Yuma project, Arizona-California; to the Committee on Appropriations.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 346) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the one hundredth anniversary of the founding of Fort Vancouver, Wash., and in recognition of the Fort Vancouver centennial celebration in 1925; to the Committee on the Post Office and Post Roads.

By the SPEAKER (by request): Memorial of the Legislature of the State of Wisconsin, protesting against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By Mr. MacGREGOR: Memorial of the senate of the State of New York, not to advance to passage any bills or measure which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 feet per second, as such withdrawal is damaging to navigation interests on the Great Lakes in addition to damage to other interests; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLEN: Memorial of the senate of the State of New York, not to advance to passage any bills or measures which would authorize the withdrawal of any quantity of water from Lake Michigan through the Chicago Sanitary Canal in excess of 1,000 cubic feet per second, as such withdrawal is damaging to navigation interests on the Great Lakes in addition to the damage to other interests; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of New York: Resolutions of the senate and assembly of the State of New York, memorializing the Congress of the United States not to advance the passage of Senate bill 4428 or House of Representatives bill 3933; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the senate of the New York State Legislature, opposing the passage of Senate bill 4428 and House bill 3933; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Resolution of the Legislature of the State of Minnesota, passed concurrently, asking that there be allocated to the State of Minnesota a 500-bed tubercular hospital for the care of disabled tubercular veterans, by the President of the United States and the Director of the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. RICHARDS: Resolution of the Legislature of the State of Nevada, memorializing the Congress of the United States to take favorable action on the Pittman Act; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 12198) for the relief of John T. Conway; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 12199) for the relief of Capt. Adelbert Althouse, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 12200) for the relief of Capt. Martin E. Trench, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 12201) for the relief of Capt. Waldo Evans, United States Navy; to the Committee on Naval Affairs.

By Mr. FAIRCHILD: A bill (H. R. 12202) granting a pension to William Nussbaum; to the Committee on Invalid Pensions

By Mr. HILL of Maryland: A bill (H. R. 12203) granting a military status to Herman L. Chatkoff; to the Committee on Military Affairs.

By Mr. HUDSON: A bill (H. R. 12204) granting a pension to Martha E. Hodges; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 12205) for the relief of Thomas Parker; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12206) for the relief of Thomas W. Thompson; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 12207) authorizing the payment of an indemnity to John Williamson on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; to the Committee on Foreign Affairs.

By Mr. WILSON of Indiana: A bill (H. R. 12208) granting an increase of pension to Maria M. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12209) granting an increase of pension to Florinda McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12210) granting an increase of pension to Louisa S. Miller; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 12211) granting an increase of pension to Helen L. Huff; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: Resolution (H. Res. 432) providing for emergency clerks during the illness of the present incumbents; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3669. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the enactment of the Butler rate bill (S. 3927); to the Committee on Interstate and Foreign Commerce.

3670. By Mr. GARBER: Copy of transportation program of the Associated Traffic Clubs of America, at Atlanta, Ga., October 15 and 16, 1924, asking that the transportation act be left as it is; to the Committee on Interstate and Foreign Commerce.

3671. Also, petition of Central Labor Union of Ponca City, Okla., asking that an investigation be secured to determine rights of lessees on school lands; to the Committee on the Public Lands.

3672. By Mr. HUDSON: Petition protesting against the passage of the compulsory Sunday observance bill (S. 3218) and all other religious legislation, from the citizens of Oxford, Mich.; to the Committee on the District of Columbia.

3673. By Mr. O'CONNELL of New York: Petition of Mr. Karl T. Frederick, of New York, favoring the passage of House bill 745, the game refuge-public shooting ground bill; to the Committee on Agriculture.

3674. Also, petition of William B. Greeley, of New York, favoring the passage of House bill 745, the game refuge-public shooting ground bill; to the Committee on Agriculture.

3675. By Mr. PHILLIPS: Affidavits to accompany House bill 12184, granting a pension to Luther Leroy Funkhouser; to the Committee on Invalid Pensions.

3676. Also, affidavits to accompany House bill 12139, granting a pension to Maude S. Hays; to the Committee on Invalid Pensions.

3677. By Mr. RICHARDS: Memorial of Nevada Legislature, memorializing Congress to expedite action on the Pittman act; to the Committee on Banking and Currency.

3678. By Mr. WELSH: Petition in opposition to compulsory Sunday observance bill (S. 3218) and other religious legislation which may be pending; to the Committee on the District of Columbia.

SENATE

SATURDAY, *February 7, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the amendment of the House to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. DALLINGER, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also communicated to the Senate the following action of the House relative to Senate bill 876:

That in respect to the proposed amendment of the Senate to the original text of the Senate bill, not in disagreement between the two Houses, having already been agreed upon, the House can not now act, and the Clerk is directed respectfully so to inform the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7144) to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewerage system of the town;

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

NATIONAL FOREST RESERVE COMMISSION

The PRESIDENT pro tempore. The Chair announces the receipt of the resignation of the Senator from Tennessee [Mr. SHIELDS] as a member of the National Forest Reserve Commission, and that he has appointed the Senator from North Carolina [Mr. OVERMAN] to fill the vacancy caused by the resignation.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of the Navy, submitted pursuant to law, asking permission for the destruction of certain obsolete papers in the files of the department. The Chair appoints as a committee on the part of the Senate to consider the advisability of granting the request the Senator from Maine [Mr. HALE] and the Senator from Virginia [Mr. SWANSON]. The Secretary will notify the House of Representatives of this action.

PARLIAMENTARY PROCEDURE ON BILL

Mr. ASHURST. Mr. President, regarding the message which has just come from the House, I am sure that if Senators will give their attention to the message they will perceive that it raises one of the most important questions that could be raised in a parliamentary body. I think before formal action is taken on the message some discussion should be had. It so happens that the bill relates to matters pertaining to my State and various other Western States, but it is a parliamentary question that is raised that the Senate ought to consider. I ask that the message may be read.

Mr. CURTIS. Why not merely print the message in the RECORD and let those interested have an opportunity to consider it?

Mr. ASHURST. It is very short. Let it be read at the desk so that Senators may see that it is of great importance and that they may reflect upon it. They will see at once that it is a novel question; it is new to me; and it is a question which ought to be settled. I ask that the message be read at the desk.

The PRESIDENT pro tempore. The message will be read by the Clerk.

The reading clerk read as follows:

That in respect to the proposed amendment of the Senate to the original text of the Senate bill not in disagreement between the two Houses, having already been agreed upon, the House can not now act, and the Clerk is directed respectfully so to inform the Senate.

Mr. ASHURST. Mr. President, just a word further. I will ask the parliamentarians of the Senate to give the subject their consideration, and I ask those who do not claim to be parliamentarians to study it also. The Senate passed a bill. The House of Representatives added amendments to the bill and returned the bill to the Senate, whereupon the Senate made an amendment to the original text of the bill. I have not before in my experience encountered a similar procedure. I think there is no doubt that the Senate has a right to do what it did, but I shall not pursue the matter further at this time. It raises a very serious question which ought to be considered and we ought to take it up on Monday or Tuesday for some discussion. I shall not say anything more on the subject now.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution 1, protesting to the Congress and to the Secretary of War of the United States against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal

Whereas actions were instituted by the United States in 1908 and 1913 against the Sanitary District of Chicago praying an injunction to restrain the diversion of water from the Great Lakes through the Chicago Drainage Canal in excess of 4,167 cubic feet per second, and over the protest of the Government a decision was delayed until, after the resignation of Judge Landis, on June 18, 1923, Judge Carpenter decided the case in favor of the Government and ordered that the injunction be granted;

Whereas the States of Wisconsin, Minnesota, Michigan, Indiana, Ohio, Pennsylvania, and New York joined in appearing as amici curiae with the United States against the Sanitary District of Chicago in said action on appeal before the Supreme Court of the United States;

Whereas the United States Supreme Court on January 5, 1925, affirmed the decision of Judge Carpenter, holding that the Sanitary District of Chicago has violated the laws of the United States, that its action is in violation of our treaty with Great Britain, and enjoining any abstraction of water in excess of 4,167 cubic feet per second;

Whereas the Legislature of Wisconsin in 1921 ordered and directed the beginning of a suit in the Supreme Court of the United States by the State of Wisconsin against the State of Illinois and the Sanitary District of Chicago to restrain the taking of water from the Great Lakes by the Sanitary District of Chicago, and such action has begun and is still pending, no proceedings therein having been had awaiting the final decision in the case just decided;

Whereas the present illegal abstraction of water from the Great Lakes now, and for many years past, has reached the enormous amount of upward of 10,000 cubic feet per second and has seriously lowered the