100 other citizens of South Bend, Ind.; to the Committee on the District of Columbia.

3703. Also, petition signed by Mr. Victor Gilson, 127 Chapman Street, Elkhart, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3704. Also, petition signed by Mrs. Ida Hart, 108½ West Lexington Avenue, Elkhart, Ind., and others protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3705. By Mr. O'CONNELL of New York: Petition of the C. P. Putnam's Sons, of New York, opposing the proposal to increase third-class rates from 1 cent for 2 ounces to 1½ cents for 2 ounces in the Kelly-Moore bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3706. Also, petition of the C. Kenyon Co. (Inc.), of Brooklyn, N. Y., opposing the 50 per cent increase in third-class letter postage in the Kelly bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3707. Also, petition of the New York State Fish, Game, and Forest League, favoring the passage of H. R. 745, the migratory bird refuge act; to the Committee on Agriculture.

3708. By Mr. PEAVEY: Petition of Mr. A. W. Nelson and others, of Clear Lake, Wis., protesting against passage of the proposed compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

3709. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3710. By Mr. WILLIAMS of Michigan: Petition of Orme S. Thompson and 180 other residents of Branch and Hillsdale Counties, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3711. Also, petition of G. D. Cummings and 12 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3712. Also, petition of Mary J. Olmstead and 18 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

TUESDAY, *February 10, 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 has passed the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3722) to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (S. 555) for the relief of Blattmann & Co., and it was thereupon signed by the President pro tempore.

LEASES GRANTED BY THE SECRETARY OF WAR

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a list of leases granted during the calendar year 1924, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Agriculture and Forestry:

A concurrent resolution

Whereas Congress has through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples, and had so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets; and

Whereas Congress has through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples, and has so saved the American job for the American laborer and made possible the maintenance of the American standard of wages; and

Whereas the said special classes of legislation have afforded such ample and effective protection to the American laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people any time anywhere on earth have ever enjoyed";

Whereas the protection so afforded to American labor and American manufacturer, supporting for them an American standard of prices for their products, has forced upon the American farmer an American standard of prices for the things he must buy, the taxes he must pay, and the labor he must hire;

Whereas protective tariffs for agricultural products are almost wholly ineffective where the product is produced in excess of demand for home consumption;

Whereas American agriculture does produce an exportable surplus of all of the major products of agriculture, and the American farmer therefore finds himself almost wholly unprotected from that disastrous competition of foreign peoples;

Whereas the American farmer is therefore forced to sell his product on the low standard of world prices in open competition with the South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market at an American standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls;

Whereas this unbalanced condition is chiefly responsible for the distressed condition of agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime;

Whereas the present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed;

Whereas the direct cause of this unbalanced condition was and is the effect of the two protective measures above referred to, in that they have protected and made possible the maintenance of the high American standard of prices, of the products of American labor and of the American manufacturer, which constitute the necessities the farmer must buy, while he is afforded no effective protection from foreign competition, and therefore must accept the low world standard of prices for the things he has to sell;

Whereas this condition is unwarranted, unfair, and un-American, wherein two of the basic branches of American industry have and maintain through the direct effect of legislation an advantage over the third;

Whereas we believe the protective policy is sound in principle and if fairly administered destined to greatly increase the public welfare;

Whereas the farmer is forced, for the preservation of his home and his inalienable right to justice as an American citizen, to demand the abandonment of the policy or its adaptation to existing conditions: Be it

Resolved by the house of representatives (the senate concurring), That we respectfully urge that Congress during its present session pass and place upon our statute books such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor; and

Whereas the protective tariff does not protect agricultural products because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus or some means whereby the agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on and that the American market be saved for the product of the American farmer and an American standard of agricultural commodity prices made possible.

That the secretary of state transmit this memorial to the President of the United States, to both Houses of Congress, and to the South Dakota Senators and Representatives therein, and to the legislatures

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of all of the agricultural States, and to the Agricultural Commission appointed by President Coolidge to investigate agricultural problems in the United States.

A. C. FORNEY,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
CHAS. S. MCDONALD,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

The PRESIDENT pro tempore also laid before the Senate a copy of senate joint memorial No. 2 of the Legislature of the State of Idaho, which was referred the Committee on Finance:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 2, adopted by the eighteenth session of the Idaho Legislature, which was filed in this office on the 4th day of February, A. D. 1925, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 4th 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.] F. A. JETER,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
EIGHTEENTH SESSION.

In the senate. Senate joint memorial 2. By Hagan

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

Your memorialists, the Senate and House of Representatives of the State of Idaho, respectfully represent that—

Whereas those engaged in European countries in growing peas have an undue advantage over those engaged in that same industry in this country, and particularly in the western part thereof, due to difference in freight rates and cheap labor;

Whereas this industry is well suited to the soil and climate of Idaho and other parts of the West, but has had difficulty in getting a start because of the above disadvantages: Now, therefore, we,

The Senate of the State of Idaho (the House of Representatives concurring), Do earnestly request and recommend the passage by Congress of an act placing a duty of 3 cents per pound on peas, instead of the present inadequate duty; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 26th day of January, 1925.

H. C. BALDRIDGE,
President of the Senate.

This senate joint memorial passed the house of representatives on the 31st day of January, 1925.

W. D. GILLIS,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 2 originated in the senate during the eighteenth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Secretary of the Senate.

The PRESIDENT pro tempore also laid before the Senate house joint memorial No. 5, of the Legislature of the State of Idaho, which was referred to the Committee on Interstate Commerce, as follows:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 with the original thereof adopted by the Senate and House of Representatives of the Eighteenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of Idaho February 2, 1925, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 3d day of February, A. D. 1925.

[SEAL.] F. A. JETER, *Secretary of State.*

IN THE HOUSE OF REPRESENTATIVES.

House joint memorial 5, by Sanborn, Katerndahl, Elison, Hall, Anderson (Latah), Fenn, White, Egbert, Hull, Moody, and Coulter

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

Your memorialist, the Senate and House of Representatives of the State of Idaho, respectfully represent—

That whereas one E. M. Sweeley, of Twin Falls, Idaho, according to the press reports of January 27, in appearing before the Interstate Commerce Committee and pretending to speak for the people of the State of Idaho, as to their attitude toward the so-called "long and short haul bill" particularly described as Senate bill No. 2327, introduced by Senator FRANK R. GOODING, of Idaho, is reported to have declared that "with the exception of a very few, nobody in Idaho is paying any attention to the Gooding bill," and to have further stated that while the Legislature of the State of Idaho passed joint memorial No. 1, requesting enactment of the Gooding bill, "the senators who voted for it knew nothing about the merits of the bill, and that the house adopted it without debate"; and

Whereas your memorialist, the Senate and House of Representatives of the State of Idaho, deeply resent the imputations of this unauthorized spokesman for the State of Idaho as to the character of the consideration given by them to said joint memorial to you, and deplore the said misleading statements; and

Whereas said joint memorial No. 1, heretofore forwarded to you, was passed by the Senate of the State of Idaho by vote of 39 in favor, 4 against, and 1 absent, and in the house of representatives by a vote of 60 for, 1 against, and 1 absent; and

Whereas said vote accurately represents the carefully considered judgment of the Legislature of Idaho and in the opinion of your memorialists truly reflects the opinion of the citizens of Idaho concerning this important measure, in which your memorialists believe practically all the citizens of Idaho are taking a deep and intelligent interest: Now, therefore, we

The house of representatives (the senate concurring), Do earnestly renew our recommendation made in senate joint memorial No. 1 of this eighteenth session of the Idaho Legislature, that speedy and favorable action be taken on said Gooding bill in the House of Representatives; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This house joint memorial passed the house on the 29th day of January, 1925.

W. D. GILLIS,
Speaker of the House of Representatives

This house joint memorial passed the senate on the 30th day of January, 1925.

H. C. BALDRIDGE,
President of the Senate.

I hereby certify that the within house joint memorial No. 5 originated in the house of representatives during the eighteenth session of the Legislature of the State of Idaho.

C. A. BOTTOLFSEN,
Chief Clerk of the House of Representatives.

The PRESIDENT pro tempore also laid before the Senate House memorial No. 1 of the Legislative Assembly of the State of Montana, which was referred to the Committee on Foreign Relations, as follows:

House memorial 1. Introduced by McCarty. To the Congress of the United States, asking it to authorize the participation of the United States in the International Conference for Arbitration and Disarmament of Nations, to be held in Geneva on June 15, 1925

In the House

January 14, 1925: Read first and second times and referred to committee on Federal relations.

January 20, 1925: Amended, and as amended committee recommends bill do pass. Report adopted and referred to printing committee.

January 22, 1925: Reported correctly printed. Report adopted and referred to general orders.

January 28, 1925: Amended, and as amended recommended favorably by committee of whole. Report adopted and referred to engrossing committee.

January 30, 1925: Reported correctly engrossed. Report adopted and referred to calendar for third reading. Title agreed to. Read three several times and passed. Referred to enrolling committee.

January 31, 1925: Reported correctly enrolled.

Whereas the League of Nations has issued a protocol calling for an International Conference for Arbitration and Disarmament of Nations, to be held in Geneva, June 15, 1925, if prior to June 1, 1925, the majority of the permanent members of the council of the league, con-

sisting of Great Britain, France, Italy, and Japan, and at least 10 other countries, ratify the protocol; and

Whereas the United States of America and all other nonmember nations have been invited to ratify the protocol and participate in the conference; and

Whereas the League of Nations, though it may be crude in the making, is the greatest concerted effort yet made toward participation in carrying out the plan establishing world peace; and

Whereas it is only through friendly cooperation and participation in a conference among nations that the United States of America can point the way to universal peace; and

Whereas it should be the chief duty of all who wish to spare coming generations untold miseries and sufferings which a scientific and chemical warfare may bring to humanity: Therefore be it

Resolved by the Nineteenth Legislative Assembly of the State of Montana, That it is the sense of this legislature that the Congress of the United States authorize the participation of the United States as a nonmember in the conference for world disarmament to be held in Geneva, June 15, 1925, and to send a representation of America's greatest men to such conference; be it further

Resolved, That a copy of this memorial be forwarded to the Senate and the House of Representatives of the United States, and to each of the Senators and Representatives from Montana.

W. C. BRICKER,
Speaker of the House.

House memorial 1

Memorial to the Congress of the United States asking it to authorize the participation of the United States in the International Conference for Arbitration and Disarmament of Nations, to be held in Geneva on June 15, 1925.

I hereby certify that the within memorial originated in the house.

H. J. FAUST, *Chief Clerk.*

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

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 5th day of February, A. D. 1925.

[SEAL] MIKE HOLM,
Secretary of State.

A concurrent resolution protesting to the Congress and 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 curae 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 been 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 levels of the Great Lakes and the St. Clair, Detroit, Niagara, and St. Lawrence Rivers, and has greatly restricted and interfered with navigation thereon;

Whereas the Great Lakes constitute the greatest waterway in the world, carrying at the present time a tonnage equal to one-fourth of all the railroad tonnage of the United States at a cost of less than one-fifth that of railroad freight rates, and the diversion by the Sanitary District of Chicago has already increased lake freight rates by not less than $3,000,000 annually and has damaged lake harbors and other works fully $12,000,000: Therefore be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That the State of Minnesota hereby respectfully protests to the Congress of the United States and to the Secretary of War against any action by either recognizing or continuing any permit to the Sanitary District of Chicago to divert water from the Great Lakes through the Chicago drainage canal for any purpose other than the protection and improvement of navigation.

Resolved, That a copy of this resolution, properly attested by the proper officers of both houses, be sent to the President of the United States, the Secretary of War, the Presiding Officers of the Senate and the House of Representatives, and to each United States Senator and Member of Congress from the State of Minnesota.

W. I. NOLAN,
President of the Senate.

JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 4th day of February, 1925.

GEORGE W. PEACHEY,
Secretary of the Senate.

Passed the house of representatives the 4th day of February, 1925.

OSCAR ARNESON,
Chief Clerk of the House of Representatives.

Approved February 4, 1925.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 5, 1925.

MIKE HOLM, *Secretary of State.*

The PRESIDENT pro tempore also laid before the Senate the following resolution of the Legislature of the State of Wyoming, which was referred to the Committee on Irrigation and Reclamation:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of the enrolled joint memorial No. 1 of the Senate of Eighteenth Legislature of the State of Wyoming, being original senate joint memorial No. 1 as approved by the Governor of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming. Done at Cheyenne, the capital, this 7th day of February, A. D. 1925.

[SEAL.] F. E. LUCAS,
Secretary of State.
By H. M. SYMONS,
Deputy.

Enrolled joint memorial 1, Senate Eighteenth Legislature of the State of Wyoming

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas during the past few years the Salt Creek oil field, in Natrona County, Wyo., has proven to be one of the largest oil-producing areas in the United States, and has already yielded to the Government of the United States by way of royalties a sum in excess of $26,000,000, of which a sum in excess of $14,000,000 has gone into the reclamation fund, and of which only a comparatively small amount has been expended in the State of Wyoming, none of which has been expended in the county of Natrona; and

Whereas the city of Casper, with its population of approximately 30,000 people, with a property valuation of approximately $65,000,000, with its modern homes, schoolhouses, churches, office buildings, hotels, refineries, warehouses, railroad facilities, and its 33 miles of paved streets, has been built up for the purpose of serving, and incidental to the development of, the Salt Creek oil field; and

Whereas the recoverable oil in the Salt Creek field, however great in quantity, is limited, and in the natural course of events will at some time in the future be entirely exhausted, and it is of utmost importance, in the interest of the continued growth of the State, to maintain and to increase the taxable value of all resources of the State of Wyoming; and

Whereas for a long time past it has been the cherished purpose of the people of Natrona, Converse, and Platte Counties to build up and maintain a large irrigated farming area in the valley of the North

Platte River, from Alcova to the Wendover Canyon, which would be of great advantage to the sheep and cattle industry of central Wyoming, in that it would provide a source for forage crops now much needed, and thus double the possible production of livestock in central Wyoming; and

Whereas the people of central Wyoming, looking far into the future, are determined to avoid the depression that will ensue when the oil resources of the Salt Creek field are exhausted, if other resources are not found to take their place, and in that determination the legislature and the State of Wyoming stand back of them; and

Whereas it is the earnest conviction of the people of Wyoming that at least a part of the moneys paid into the United States reclamation fund from royalties on oil produced in this State—the production of which necessarily means the depletion of the natural resources of the State—should be expended in the vicinity of its source and in building up in such vicinity a permanent industry, so that money and time expended in the building of homes and other improvements incidental to the development of this industry shall not represent a permanent loss: Now, therefore, be it

Resolved, That we invoke the assistance of the Congress of the United States by the use of every means reasonably within its power to enable the people of central Wyoming to secure the agricultural development of the North Platte Valley by the construction and completion of the Casper-Alcova irrigation project.

CLARENCE GARDNER,
President of the Senate.
J. C. UNDERWOOD,
Speaker of the House.

Approved 4.53 p. m., February 4, 1925.

NELLIE TAYLOE ROSS, *Governor.*

Mr. SMOOT presented the following resolution of the Legislature of the State of Utah, which was ordered to lie on the table:

STATE OF UTAH,
EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of house concurrent memorial 6, by Mr. Whittaker, memorializing Congress to pass the Pittman bill relating to the purchase of 14,437,000 ounces of American-produced silver at $1 per ounce, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 6th day of February, 1925.

[SEAL.] H. E. CROCKETT,
Secretary of State.

House concurrent memorial 6 (by Mr. Whittaker) memorializing Congress to pass the Pittman bill relating to the purchase of 14,437,000 ounces of American-produced silver at $1 per ounce.

Whereas the Secretary of the Treasury of the United States failed to fully carry out the provisions of the so-called Pittman Act by refusing to purchase what is reported approximately 14,437,000 ounces of American-produced silver at $1 per ounce, thus depriving our Utah mines of the fullest benefit of the law: Therefore, be it

Resolved by the Legislature of the State of Utah, That the United States House of Representatives be and is hereby memorialized to pass the Pittman bill passed by the United States Senate at its last session whereby the requirements of the original Pittman silver purchasing act may be fully met, and that a copy of this memorial be sent to each individual Member of the Utah congressional delegation.

The foregoing house concurrent memorial 6 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 4th day of February, 1925.

A. B. IRVINE,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing house concurrent memorial 6 was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 4th day of February, 1925.

WM. B. MCKELL,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of the House.

Received from the house of representatives this 4th day of February, 1925. Approved February 5, 1925.

GEO. H. DERN, *Governor.*

Received from governor, and filed in the office of the secretary of state this 5th day of February, 1925.

CHAS. HEINER,
Deputy Secretary of State.

Mr. WARREN presented the petition of the Delphian Club, of Riverton, Wyo., praying for the adherence of the United States to the World Court as a means of advancing the cause of international peace, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a memorial numerously signed by sundry citizens of Brooklyn, N. Y., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. McLEAN presented a letter in the nature of a petition from Theodore Johnson, department commander United Spanish War Veterans, of New Britain, Conn., praying for the passage of Senate bill 3314, known as the Bursum bill, granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, which was referred to the Committee on Pensions.

He also presented petitions of citizens of Waterbury and Meriden, in the State of Connecticut, praying for the passage of Senate bill 3920, to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows, which were referred to the Committee on Pensions.

He also presented communications in the nature of petitions from the chamber of commerce and the Women's Club, both of Waterbury, Conn., praying for the participation of the United States in the World Court, etc., which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from members of the Woman's Christian Temperance Union of Naugatuck, Conn., praying for the passage of House bill 6645, the so-called Cramton bill, proposing to amend the national prohibition act, to establish a bureau of prohibition in the Treasury Department, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

Mr. BURSUM. I present resolutions adopted by the New Mexico Game Protective Association, in favor of the passage of the public shooting grounds bill, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolution on public shooting grounds bill of New Mexico Game Protective Association (March 13–14, 1924)

Be it resolved by the New Mexico Game Protective Association in convention assembled, That the following facts be called to the attention of our Senators and Representatives in Congress, our governor, State game warden, and game commission, and to the other game protective associations of New Mexico:

(1) Notwithstanding the purported increase of migratory waterfowl widely advertised throughout the United States since the passage of the present migratory bird law, it is the opinion of many members of this association that the flight of waterfowl in the Rio Grande Valley has not increased.

(2) There can be no doubt that a serious decrease would have taken place but for the prohibition of spring shooting and market hunting effected by the migratory bird law.

(3) No responsible authorities have taken exception to the estimate recently published that 1,000,000 ducks per year have died as a result of alkaline poisoning in the region of Great Salt Lake.

(4) The same "duck disease" is now spreading to other localities in the Western States.

(5) All authorities seem to agree that the loss of millions of ducks from duck disease could be overcome if funds were available to turn fresh water into the diseased area, or keep the ducks out of the diseased area by patrol, or to remove the diseased ducks from these areas and place them in fresh water for recovery. This work would only have to be done during certain seasons when the disease is active.

(6) The only practicable scheme thus far proposed for securing the necessary funds to do this is the public shooting grounds game

refuge bill now before Congress. We therefore renew our hearty indorsement of this bill and request our representatives in Congress not only to vote for it but to give it their active aid and support. We likewise request the active aid and support of the State game warden and game commission in furthering the passage of the bill.

Be it further resolved, That the following facts be called to the attention of the parties above mentioned:

(1) Due to the posting of private lands in the Rio Grande Valley against hunting and the leasing of hunting privileges by clubs, the waterfowl shooting grounds open to the general public have been steadily decreasing.

(2) As the demand for hunting grounds increases with the population and development of New Mexico, it is inevitable that this posting and leasing should take place. It is necessary, however, that the general public be not deprived of a place to shoot. A large number of citizens depend upon waterfowl shooting for health and recreation.

(3) The only practicable scheme thus far proposed to insure the perpetuation of shooting grounds open to the general public is the public shooting grounds game refuge bill. The license system proposed by this bill will provide a fund out of which suitable areas in the Rio Grande Valley can be purchased and perpetually maintained as public shooting grounds. For this additional reason we renew our hearty indorsement of the bill.

Be it further resolved, That the following facts be called to public attention:

(1) The area of breeding grounds available to waterfowl has greatly decreased through the drainage of lakes and marshes throughout the Western States.

(2) Part of this drainage was justifiable because of the agricultural values created, but a great deal of it was absolutely unwise because the lands were found unsuitable for agriculture and their value for waterfowl production was destroyed.

(3) It is absolutely imperative that there be available a Federal fund out of which lakes and marshes proposed for drainage can be purchased and perpetuated as breeding grounds whenever expert examination indicates that they are more valuable for waterfowl production than for agriculture. The pasage of the public shooting grounds game refuge bill would create such a fund and enable such action to be taken. For this additional reason we renew our emphatic indorsement of the bill.

Mr. BURSUM presented an editorial from the Boston Transcript of Saturday, February 7, 1925, in favor of the passage of the Lineberger bill, H. R. 6484, which is identical with the Bursum bill, and it was ordered to lie on the table and to be printed in the RECORD, as follows:

JUSTICE FOR THE DISABLED

With enough pledged votes in both branches to pass it, the Bursum-Lineberger bill providing for retirement at three-quarters pay of disabled reserve officers of the World War hangs fire in a manner which we can not regard as excusable. This bill would provide for emergency officers who suffered incapacitating injuries in the war only the simple justice of retirement upon the same footing as officers of the Regular Establishment. Pain is no discriminator, and neither should Congress be. It is no argument to say that these men, an estimated 2,000, are not entitled to retirement of this type because enlisted men are not, for all the organizations supported by the enlisted men, including the American Legion, favor the legislation. The Bursum bill, then Senate 1565, passed the Senate in 1922, Senators Lodge and WALSH both voting for it; but it died with the Congress, and now, as Senate bill 33, it is about to be put to a vote in the upper branch. Senator BUTLER is heartily in favor of it, as, of course, is Senator WALSH.

The Lineberger bill (H. R. 6484), which is identical with the Bursum bill, has yet to be reported out in the House, a year after the Senate Committee on Military Affairs had taken favorable action. Meantime 19 of the men who would have benefited by its provisions have died. The number of beneficiaries will, of course, grow fewer every year, for the officers on an average were 10 years older than the men they commanded and the lives of many will be shortened by their injuries. The emergency officers were by far the largest group facing the German fire, yet when officers of the Army, the Navy, and the Marine Corps are disabled they are entitled to retire with three-quarters pay while the emergency officers are left to get along as best they can. This is a discrimination which can not be defended, for it plays against a class of soldiers, the disabled, which the country unanimously desires to see treated with the utmost liberality, to say nothing of justice. The Massachusetts Legislature has gone upon official record in favor of this measure, and Speaker GILLETT may feel wholly warranted in recognizing Representative LINEBERGER to move a suspension of the rules that this proper and just recognition of the claims of the disabled may be voted by the House.

REPORTS OF COMMITTEES

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 1208) for the relief of Swend A. Swendson, reported it with an amendment and submitted a report (No. 1063) thereon.

Mr. KEYES, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3663) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, reported it with an amendment and submitted a report (No. 1064) thereon.

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

A bill (S. 3549) for the relief of Roy A. Darling (Rept. No. 1065); and

A bill (H. R. 8169) for the relief of John J. Dobbertin (Rept. No. 1066).

Mr. PEPPER also, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, reported it without amendment.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (H. R. 491) for the prevention of venereal diseases in the District of Columbia, and for other purposes, reported it with amendments.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (H. R. 11030) to revive and reenact the act entitled "An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.," approved May 31, 1921, reported it without amendment and submitted a report (No. 1068) thereon.

Mr. ERNST, from the Committee on Patents, to which was referred the bill (S. 2679) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, reported it with an amendment and submitted a report (No. 1067) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 1620) to amend section 5908, United States Compiled Statutes, 1916 (Rev. Stat., sec. 3186, as amended by act of March 1, 1879, ch. 125, sec. 3, and act of March 4, 1913, ch. 166), reported it with amendments and submitted a report (No. 1069) thereon.

DISPOSITION OF PATENT OFFICE MODELS

Mr. ERNST. Mr. President, from the Committee on Patents I report back favorably without amendment the bill (H. R. 8550) to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes; and I submit a report (No. 1062) thereon.

Mr. SMOOT. Mr. President, I ask unanimous consent for the present consideration of the bill. It merely authorizes the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to prepare a report on the same.

Mr. ROBINSON. Mr. President——

Mr. SMOOT. I want to say to Senators that we have had some of those models down there for 100 years.

Mr. ROBINSON. Perhaps if the Senator will answer the question in my mind he will get results more quickly. I ask the Senator whether the report of the committee is unanimous?

Mr. SMOOT. It is unanimous.

Mr. ROBINSON. I have no objection to the bill.

Mr. BURSUM. Will it lead to debate?

Mr. SMOOT. Oh, no; I think not.

Mr. FLETCHER. May I ask the Senator for what purpose the commission is to be appointed?

Mr. SMOOT. The commission is to be appointed for the purpose of selecting certain old models and disposing of them.

Mr. FLETCHER. Who appoints the commission?

Mr. SMOOT. The commission is to consist of the Commissioner of Patents, the Secretary of the Smithsonian Institution, and a patent attorney to be designated by the Commissioner of Patents with the approval of the Secretary of the Interior.

Mr. FLETCHER. And the commission selects those models which are to be disposed of?

Mr. SMOOT. Yes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a commission to consist of the Commissioner of Patents and the Secretary of the Smithsonian Institution, or their representatives, and a patent attorney duly registered as such in the Patent Office, the latter to be designated by the Commissioner of Patents, with the approval of the Secretary of the Interior, is hereby created to select such of the Patent Office models and exhibition exhibits as may be deemed to be of value and of historical interest, and thereafter store or place the same on exhibition in the Patent Office or the National Museum, and cause the remainder of the said models and exhibits to be disposed of by public auction, gift to Federal, State, or private museums or institutions, or returned without expense to the Government to the original depositors or their representatives, where demanded in writing by them, or destroyed, as the commission may determine.

The Commissioner of Patents is authorized to pay necessary drayage and all other expenses incident to handling and removing the said models and exhibits and to employ per diem employees in such numbers and at such times as he may determine, and pay each of the said employees at a rate of compensation not to exceed $5 per day, such employees to be engaged upon the work of uncrating, removing, crating, storing, listing, sorting, and otherwise handling said models and exhibits.

In order to carry out the purposes of this act the sum of $10,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That all actions and expenditures herein authorized shall be subject to the approval of the Secretary of the Interior.

A report shall be made to Congress of the action of the commission hereunder.

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

ENROLLED JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 10, 1925, that committee presented to the President of the United States the enrolled 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.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. JOHNSON of California:

A bill (S. 4264) authorizing the Secretary of War to convey certain portions of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes; to the Committee on the Library.

By Mr. EDWARDS (for Mr. EDGE):

A bill (S. 4265) granting an increase of pension to Matilda Johnson; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 4266) to create a national police bureau, and for other purposes; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 4267) granting a pension to Mary Strong (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 4268) granting a pension to Joseph S. Bishop; and

A bill (S. 4269) granting a pension to Fannie Compton; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4270) granting an increase of pension to Betsy R. Ballard; and

A bill (S. 4271) granting an increase of pension to Belle S. Fleury; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4272) granting the victory medal to Vella Martin, Eva Mulford, Frances Dolan, Julia Meehan, Mary K. Ahner, Melvina H. Ryan, Anna M. Bridgett, and Alice Ida Mich; to the Committee on Military Affairs.

By Mr. REED of Missouri:

A bill (S. 4273) granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 4274) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 4275) granting a pension to Georgia Ann Fussell; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4276) to authorize the creation of game refuges in the Ozark National Forest, in the State of Arkansas; to the Committee on Agriculture and Forestry.

By Mr. SMITH:

A joint resolution (S. J. Res. 183) establishing a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes; to the Committee on Agriculture and Forestry.

STREET-CAR FARES IN THE DISTRICT OF COLUMBIA

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 4191) to permit the merger of street-railway corporations operating in the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

HEARINGS BEFORE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. FERNALD submitted the following resolution (S. Res. 335), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds or any subcommittee thereof be, and is hereby, authorized during the Sixty-eighth and Sixty-ninth Congresses to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions, recesses, or adjourned intervals of the Senate.

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 joint resolutions and an act of the following titles:

On February 9, 1925:

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.

On February 10, 1925:

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

HOUSE BILL REFERRED

The bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA—CONFEREES

The PRESIDENT pro tempore. The Senator from Kansas [Mr. CURTIS] asks to be relieved from service upon the conference committee on House bill 9343, authorizing the adjudication of claims of the Chippewa Indians of Minnesota. Without objection, he is relieved, and the Chair appoints the Senator from Oregon [Mr. McNARY] a conferee in his stead.

CHILD LABOR

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD a paper read by Francis E. Wood, Albuquerque attorney, before the New Mexico Gas Association, using as his subject "Should New Mexico ratify the proposed child labor amendment to the Federal Constitution?"

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

[From the Albuquerque Morning Journal, January 22, 1925]

SHOULD NEW MEXICO RATIFY PROPOSED CHILD LABOR AMENDMENT? "NO," SAYS F. E. WOOD, ALBUQUERQUE—IT IS FUNDAMENTAL CHANGE IN OUR FORM OF GOVERNMENT, TAKING FROM THE STATES AND TRANSFERRING TO WASHINGTON REGULATION OF MATTERS PROPERLY BELONGING TO THE STATES, HE DECLARES BEFORE STATE BAR ASSOCIATION

SANTA FE, January 21.—Francis E. Wood, Albuquerque attorney, in a paper read before the New Mexico Gas Association here Tuesday, using as his subject, "Should New Mexico ratify the proposed child

labor amendment to the Federal Constitution," took the position that it should not. Mr. Wood made it plain that he was not opposed to the restriction and regulation of child labor by States. "I fight merely to save our form of government and to preserve in our States the regulation and control of their local affairs," he declared.

The text of Mr. Wood's paper follows:

"Whenever the protection, health, or safety of children is under consideration, our natural tendency is to favor any measure apparently furthering that object without giving much consideration to the means proposed, and we are inclined to question both the motives and humanity of anyone opposing. At the risk of such imputed motives, therefore, I venture to oppose the present amendment, though I earnestly support laws suitable to our location for the protection of childhood.

"That there should be limitations upon the employment of young children in mines, factories, and hazardous occupations, or for long hours, or at the expense of proper education, all will admit. That such employment is generally conceded to require statutory regulations is shown by the fact that every State in the Union has some law limiting the right to thus employ children. Legislation is also necessary to secure and protect their education, morals, and health. Thus far there is little disagreement among us. In like class also are the subjects of marriage and divorce, public health and morals, labor regulations and the eight-hour day, primary and election regulations, and a multitude of similar subjects which in public interest transcend State lines and about which many well-meaning and enthusiastic devotees are dissatisfied with the attitude of their own States and anxious to appeal to Congress.

"This highly commendable desire for improvement in matters of large public interest seems, however, to have led us away, apparently made us forget the fundamental principles upon which our Nation was founded, which united our States and has kept them united for a century and a half.

CORNERSTONE OF THEIR PLAN

"The motives, the wisdom, the fears—the final product—of the men who made these United States into one Nation has drawn high praise from the greatest statesmen of the world as well as our own. The cornerstone of their plan—our Federal Constitution—the thing that has held our people together in harmony when others have broken into warring factions, the claimed departure from which gave even us the terrible Civil War, is the reservation and guaranty of the right of self-government in the individual States to the fullest extent that it can be left to them consistent with the welfare of the Nation as a whole.

"The settled convictions of the early statesmen, as well as of the clearest thinkers of the present, is that the dangers which threaten this Nation—and let us not deceive ourselves that human nature has reformed and our dangers are all past—come not from without, but from the very diversity of needs, desires, and customs necessarily incident to a people so polyglot and far flung as our own; we include the manufacturing and labor interest of the East, the negro problems of the South, the agricultural troubles of the prairie States, and the water, railroad, financial, and race questions of the West; the extreme liberalism, not to say radicalism, of one section and the equally extreme conservatism of other sections; the divergence of political and economic views; religious narrowness and intolerance of one section, seeking to impose its ideas and customs on other sections holding divergent views; all these exert a strong tendency to break us to pieces of our own weight. I believe that our safety, our solidarity as a Nation, our progress in the past, outstripping the older and greater civilization of Europe are largely the creature of the liberty, the freedom of independent action, the right of self-government which our Constitution left and guaranteed to the individual States and communities, free from the interference and control of other remote sections unfamiliar with the local problems and needs of their distant fellow citizen, and therefore not qualified to justly or intelligently regulate them. So jealous and fearful were the early fathers of those rights, so essential did they deem them to the safety of this Nation that they refused to form a union at all or accept the Constitution at all until it had been agreed, not alone that Congress should possess only certain limited specific powers for limited and specific purposes, but by the tenth amendment adopted at the same time—that—

"'The powers not delegated to the United States by this Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.'

WAR SETTLED QUESTION

"A large section of our people then understood that the rights of the people, of the individual States, were so far superior to the rights of the Nation that any State accepting the Constitution reserved the right to withdraw whenever, in its judgment, the conduct of the Union had become subversive to its welfare and best interests. The Civil War settled that question and started us on a reverse course on which the last half century seems to show we are losing sight of the fundamental principles upon which the Nation is founded and are drifting into an omnipotent, centralized Federal Government wherein Congress shall regulate everything and the people of the respective States retain and possess only such rights and powers as Congress shall see fit not to exercise. That greatest descriptive term applied to our Government—coined by the immortal Webster—'an indestructible Union of indestructible States,' is gradually fading away. We are turning from the counsels of Washington and Franklin, of Marshall and Hamilton, of Jefferson and Webster, of Clay, Lincoln, and Cleveland, and are following the rainbows of paternalism, socialism, and communism, masquerading under the wool mantle of 'progressivism,' and we gambol along oblivious of the precipice ahead which the united wisdom of the fathers so early foresaw and so earnestly builded to avoid. Almost every departure from these fundamental principles has worked much more evil than good.

MISTAKE CARRIED RUIN

"The amendments that followed the Civil War took a long step in centralizing the Government. By the fifteenth amendment we took from the States the right to say who should vote within their borders. The people of the North, their minds aflame with lofty ideals, but warped and embittered by hatreds born of war, without realizing the effect under conditions far removed and unfamiliar, decreed that the Negro, without capacity training or education, should govern the entire section of the country which his former masters had ruled. That mistake carried ruin wherever it was applied so long as it was permitted to operate. It necessarily drove the white men to band together and resist and violate its provisions, in order that a government worthy of the name should exist. Few, indeed, in the United States to-day do not know that the fifteenth amendment is ignored, violated, and a dead letter in all the States where Negro population is great enough to threaten; but the vengeful spirit of the Civil War has so far been obliterated that not many intelligent persons longer protest the right of the southern people to protect themselves against the results which would flow from a literal observance and enforcement of that amendment.

APPROVES PROHIBITION

"I approve and I believe the people of this State and of this Nation as a whole in large majority desire and approve prohibition. But there are large sections, including whole States, in which a great majority of the people do not desire or approve. By the prohibition amendment we took from those people the right of self-determination of their personal habits and conduct as it existed since this Nation was founded, and placed those matters in the hands of the Federal Government and bureaus at Washington. Whatever our view of the justice and desirability of national prohibition, the result is a spirit of resistance and contempt for law grown up in this country to-day shocking beyond belief as a possibility five years ago. Public officers of every class, legislative, executive, and judicial Members of Congress and State legislature, officers of the courts, and those whose duty it is to enforce the law and punish offenders, substantially all those who were accustomed to use intoxicating liquors before prohibition, now commonly, flagrantly, cynically, and quite openly violate letter and spirit of the prohibition statutes. And the worst of it is that no one taking part in these violations and defiance of law feels himself the less a good citizen as a result.

MORE DRASTIC STEP

"Now we are invited to take a more drastic and far-reaching step, not merely an amendment to the Constitution, but a fundamental departure from our system of Government. It is proposed to take from the people of the individual States and transfer to the Federal Congress and to bureaus seated in Washington the power to go into the homes and prescribe rules and penalties governing when, where, how, under what conditions, and after what time, kind, degree and detail of education and training, the children shall be permitted to do manual labor. Jurisdiction of alleged violations also is necessarily taken from local tribunals and lodged in the Federal courts, usually located at great distances, to try and punish infraction, and to which accused persons must attend and defend at crushing expenses.

REGULATION OF EDUCATION

"Every child labor act has, as a necessary accompaniment, the regulation of education. No act, so far as I am aware, omits to prescribe some specific education as necessary to permission to have children work at gainful occupations. It is well settled that every express grant of power to Congress includes the implied power to enact all legislation necessary to the proper exercise of the power conferred.

"I believe that such, to a large degree, will be the effect of the present amendment if adopted. Logically, at any rate, the next step is to transfer to Washington the entire educational question.

"I think it will be readily conceded, at least by those who still cling to the belief that the fundamental principles of our Government were and are right and should be departed from as little as possible consistent with the public welfare, that a change so drastic, so fundamental, so radical in its character is not to be made unless an overpowering need and condition demands it, not reasonably capable of solution or correction by the States themselves. Is such a condition presented? Its supporters have justified the amendment upon the grounds that some of the States are backward in this matter, and in addition to the resulting injury to the minds, health, and morals of the children, the product of their cheap labor comes into competition with the products of manufacturers in other States more progressive, and therefore general regulation applying to all the States alike is necessary. It is contended that large numbers of helpless children are kept in virtual slavery in the cotton mills of the South, the factories of the East, the cranberry bogs of New Jersey, the beet fields of Colorado, and mines in various sections of the country, doomed to grow up weakened in body, mind, and morals as a result, and that State legislatures, influenced or controlled by big business or local interest or prejudice, are unwilling to give proper relief. This indictment, if true, requires a drastic remedy. Is it true?

CHILDREN GAINFULLY EMPLOYED

"The regulation of child labor by statute is comparatively young in this country, and indeed in the world. It has grown up substantially within the last 20 years. The census of 1900 showed 7 per cent of all children between the ages of 10 and 15 were gainfully employed. In 1910 that number was reduced to 5 per cent, and by the last census in 1920, less than 3½ per cent were so employed. Of the children gainfully employed in 1900 only 3.7 per cent of those workers were engaged in labor classed as 'objectionable.' In 1910 this had fallen to 2.2 per cent, and in 1920 to 1.2 per cent. Remember also that the children classed as gainfully employed, as shown by the last census, included all those who worked in the fields and on their home farms, not steadily, but seasonally, during vacation, and other proper times. Twenty-five years ago children of 10 worked in the cotton mills of South Carolina, and sold papers wet, winter nights on the streets of Philadelphia and Chicago. That condition exists no longer.

STATES HAVE PROGRESSED

"Starting in 1900, with few and meager laws regulating the subject, the States have steadily progressed, and at the present time not one State in the Union but has some statutory regulation of the hours and classes of labor and educational requirements as conditions to child labor being permitted. I understand that Congress itself, with absolute jurisdiction and power of legislation over the District of Columbia, was one of the laggards in passing comprehensive laws upon that subject for the government of the District. In substantially all the States the minimum age limit of 14 is prescribed, three permitting a child of 12 to work at certain prescribed classes of employment under permission and regulation. In 35 of the States the 8-hour day and the 45-hour week is fixed as a limit for children. Five States permit 9 hours, or 54 hours a week; 8 States permit a 10-hour day. So, in substantially all the States compulsory education laws are in force and no child permitted to be kept from school and gainfully employed except under a license and regulatory provision to take care of exceptional cases. Statistics presented by the representatives of South Carolina, considered one of the most backward States, show that notwithstanding the absence of regulatory statute, less children proportionately are employed in the cotton mills and objectionable sources there than in New York, recognized as the most progressive State in statutory regulation. This situation is well illustrated by the fact that Utah, New Mexico, and Wyoming are scheduled as among the most backward States in child-labor regulation and making proper and necessary the resort to Federal rule. But each of these States has statutes prohibiting the employment of children in or about mines, which happens to be substantially the only objectionable employment there open to children.

"The absence of the other regulations so common to the great industrial centers of the East and Middle West is fully accounted for by the fact that our local conditions show no need, or purpose, for such laws to exist. These local conditions are unknown to or ignored by emotional people, seeking some wrong to right—in the other fellow. I believe we will all agree that if any abuse of child labor existed in New Mexico, any wrong in that respect here needing righting, our forward-looking people would promptly bring those matters to the attention of the legislature; and it would make prompt and efficient provisions to eradicate any such evil. We do not need the activities of nests of parlor-socialists from Chicago, New York, and Boston to protect child labor in New Mexico by taking from us the power and lodging it in the Federal Government. The same relative condition exists in Wyoming. Another 'horrible example' of the reformers is our sister State of Colorado in connection with the employment of children in the beet fields. It is common knowledge that a large part of the children so employed—by children I include, as does the proposed amendment, all under 18—go up annually from Old Mexico and from the pueblos, cabins, and rural ranches in our own State, to make liberal earnings during the growing season for beets. The privilege is a veritable God-send to these people, although there are doubtless instances of abuse and hardship incident to every employment and every walk of life.

COTTON GROWING

"Cotton growing is rapidly becoming an important industry in our State and is giving valuable and much-needed employment to our people. I am reliably informed that over 7,000 native New Mexico children under 18 are employed in cotton growing and picking, a light outdoor work well suited to children, during the season and are thus enabled to go comfortably and well fed to school during the winter. Is our State legislature or the Federal Congress, egged on by sentimental socialists and labor organizations, with their attention focused on conditions far removed from us, best qualified to regulate such conditions?

"Colorado has had women suffrage and some women with the legislature since 1876; was one of the two States first to pass comprehensive child labor statutes. They, at least, can be trusted to protect child welfare. Yet these exceptional instances wring tears of sympathy from the hearts and pens of well-meaning persons writing 2,000 miles away and feeding a vigorous propaganda against State self-government. Memory, not all unpleasant, takes me back to a stony hill farm in western New York where I labored as long hours, under as hot a sun, and with much less remuneration, from daylight until dark and beyond, during the busy season; and I did not and do not consider myself entitled to sympathy, physically stunted, unnecessarily abused, or needing protection as a result. More than 60 per cent of the children above classified as gainfully employed in the United States to-day are working in the open air on farms and fields; and while, of course, conditions are not always ideal or as good as they might be and as we would like to have them, the instances calling for sympathy or legislation are few and quite promptly corrected. They compare very favorably with the other incidents and burdens of life, evil things which we mortals can not escape nor any legislation banish.

"In South Carolina 25 per cent of all its children, about equally divided between black and white, between the ages of 10 and 15, are gainfully employed according to the census of 1920, all but about 3 per cent being engaged in seasonal cotton picking. In nine of the principal cotton States 18 per cent of those children are gainfully employed, all but 2 per cent being likewise in agriculture.

"What is true of New Mexico and Colorado is likewise true of substantially all the States. Their legislatures are made up of intelligent representative men from the different communities, human beings to whom the appeal of injured childhood is as resistless as to us.

ARGUMENT OF SUPPORTERS

"The fundamental argument of the supporters of this amendment is that the States are incompetent, their legislatures and governors corrupt, or incapable, and not to be trusted to act wisely, justly, or humanely. If such be true, if our people believe that, then our whole system of government is a failure and we are headed toward ruin. Make anyone cease to believe in himself and you have destroyed him. The practice of traducing its public officials is America's distinctive shame. I believe in the people—the people of New Mexico—the people of each of the States—of all of them—and I am fully justified by our history in that belief. All the States have made splendid progress, have accomplished wonders in this direction in the last 20 years, and are steadily improving as the need develops. Many of them have gone far beyond the Federal proposal. Nine-tenths of the way, at least, has been traversed. Surely we can trust them to carry on for the remainder.

"The arguments employed to drive us to Federal regulation find little or no support in census facts. No particular breadth of vision is required to see the difference in regulation appropriate to negro children in cotton fields of the South, foreign element in mill towns of the East, and workers in the beet fields of the West, or to our own local situation in New Mexico. A regulation necessary and efficient to protect child welfare in the State of Massachusetts would work ruin and destruction in South Carolina and would be illy fitted to our own needs; and yet Congress

can not make one act for South Carolina and another for Massachusetts. It must legislate uniformly for the whole people. The greatest friend the colored race has produced from its own numbers, the man who understood its characteristics and needs better than any other, Booker T. Washington, head of Tuskegee Institute, born a slave, once said in an address at Cornell University: 'You must educate the colored race in the South, but as a race educate his hands and make him a contented, industrious, self-respecting help to himself, his State, and his race. Confine your education to his head and you make him a slippery, tricky, shifty pest upon society, discontented with his lot and station, a nuisance and a menace to himself and his people.' There are, of course, many exceptions. He himself was such; but he was speaking of the colored people as a whole, as they exist in the South, and the illustration will well explain the reason for the larger number of children under 15 gainfully employed in that section of the country. Take from these colored children the right to work in mill or field and what alternative, substitute, or occupation will Congress provide for them?

DEBATES IN CONGRESS

"I have read with considerable care the debates in Congress on the resolution submitting this amendment to the States for action. The amazing thing about it was the lack of authentic facts or statistics demonstrating the necessity of congressional power, or the failure of State legislation to fairly cover the subject. The supporters of this amendment urged that certain powerful organizations, philanthropic women, and labor were back of the movement and supported it, and that the platforms of the chief political parties declared for it, and therefore Congress was morally bound to submit it to the States for action.

"One of the chief advocates before the committee was Owen R. Lovejoy, secretary of the Child Labor Bureau, and prolific writer on the subject, an avowed socialist who publicly sympathized with Eugene V. Debs, terming him 'comrade' in true Russian style, and denouncing our Government when it sent Debs to prison for conduct approaching treason. Pamphlets submitted by a patriotic organization of ladies showed that 90 per cent of the support and propaganda came from recognized socialists or union-labor sources. These socialists are honest enthusiasts. I do not condemn them or their work. They thoroughly believe in its merit and necessity. But they have no belief in, or reverence for, our system of government. They frankly and openly advocate its destruction or fundamental changes. They are not safe advisers or leaders to those who revere it and desire its perpetuation.

"It was reiterated and not denied in the debate in Congress that labor organizations were advocating its adoption, less for the protection of the children as to curtail and restrict the number of hands engaged in productive industry; on the same principle that these organizations uniformly endeavor to restrict the number of apprentices permitted to learn a trade or the number of laborers permitted to come into competition with their work; the same principle is back of their rules and practices designed to restrict and limit production.

FARMERS OBJECTED

"Strenuous objection in Congress came from the farmers on the ground that such legislation would prevent a farmer from using his children seasonally in his farm work. This was met with the reply, 'Why, you know very well that Congress will never interfere with the work of the children on the farms, and there is no purpose to do that.' Why not, I ask? Much was said by the supporters of the amendment about relieving the aching little back and tired brain of the mine and mill children. Did they ever work on a hill farm? Does the aching, perspiring little back on a farm suffer less? Does he miss his playtime less? Is he less entitled to sympathy than the boy in the factory? The fact is the farmer is a very numerous class, and each has a vote.

"Our youth needs not alone freedom from labor. Equally, at least, they need schools, morals, religion, health, strength. If we must go to Washington for the first, why not for the rest? Where will we stop? 'An idle mind is the devil's workshop.' 'Lead us not into temptation' is still an important precept in the rearing of children. Indolence, to my mind, is the chief curse of the age. I believe that one of the crying needs of to-day is for our youth to learn to do, to appreciate, to love work—hard earnest, conscientious work—and the sentiment and propaganda to the contrary now prevailing is giving our parents our most serious and almost insoluble problems.

"This amendment gives Congress the right to regulate and prohibit the labor of all persons under 18. In 1920 there were 25,000 boys under 18 and 41,000 girls under 16 in the United States already married. Who will support these if forbidden to work? Must Congress be given further power to regulate or forbid early marriages? Or to furnish public maintenance to such children and their indigent parents when the children are forbidden to work? These and a variety of other questions necessarily arise out of a transfer of power.

PEOPLE SHOULD BE HEARD

"But it is said that our party platforms both declared for this amendment, and our legislators are, therefore, bound in honor to pass it. We all understand how and why 'planks' are inserted in party platforms by conventions fishing for votes and striving to take no position that may offend any class. But, that aside, I believe party pledges should be kept when affirmed and ratified by the vote of the people at elections. In this instance the politicians in both party conventions, fearing to offend, inserted the same plank in their platform. Where, then, did those of us holding contrary views have the opportunity to express our preference? Have we no right to be heard, or the legislature no right to listen to us? If the parties had taken opposite positions upon this question, then it might be said that the successful party was bound by the pledge it made, ratified by the voters. In the State of Massachusetts, I am informed, both party platforms favored this amendment; yet the people of the great and progressive State of Massachusetts, voting on the question at the last election, rejected it by a vote of over three to one. A proposed amendment to the Federal Constitution offered by Senator WADSWORTH, of New York, is now before Congress requiring that future amendments must be ratified, not by the legislatures, but by the people of the States directly. This is an excellent move and in accordance with the tendency of the times. Should not our legislature, anticipating this situation, submit this question to the vote of the people of this State, and let the next legislature act on this amendment in the light that such instruction would give it? I think it but fair to the people of this State, especially to those who have not been heard on the question before political conventions, that such a course be followed.

THIS IS BUT ONE STEP

"And let us not deceive ourselves. This is but one step, though a serious one. A multitude of other changes and amendments, each with equally good reasons behind it, now are and will hereafter be urged from time to time, eating away little by little the power of the States and transferring it to the Federal Government. Who can foresee when the regulation of those peculiar rights and characteristics incident to the native people of New Mexico, and now left to our control, will be transferred to Congress, which will act as it has acted before, with little or no understanding or appreciation of or sympathy with our history and our local conditions and requirements.

"We are told that our State governments are controlled and influenced by outside pressure and motives, and therefore we must transfer this power to Washington. Is Congress free from such influence and such motives? Have we been blind to the 'blocs,' cliques, and combinations that recently or right now control that body? The average State legislator thinks little of his own reelection in casting his vote. Is it not common knowledge that the average Congressman thinks of little else? Is is not true that politics and the next election has entered, and does enter, vitally into every important measure considered by that body? Men high in the Nation's counsels vote on measures, do acts, and conduct 'investigations' in that body in a manner and with an abandon that makes them try as hard as possible after election to forget and obliterate their former acts. Comparison of motive and controlling influence between our bloc'd political Congress and the State legislatures will hardly prove superiority of the former upon the question of ulterior influences.

"Let me reiterate, I am not opposing the restriction and regulation of child labor by statute. I favor it. I will go as far as any in supporting it. I fight merely to save our form of government and to preserve in our States the regulation and control of their local affairs.

"To sum up, the child labor amendment is objectionable for the following reasons:

"1. It is a fundamental change in our form of government, taking from the States and transferring to Washington regulation of matters properly belonging to the States.

"2. It is a definite move in the direction that would change our plan of government from a Federal Union to a consolidated Republic, with power far removed from the people.

"3. Because the preservation of local self-government is of vital importance to the people of this country.

"4. Because the continued harmony, peacefulness, and contentment of our people is gravely threatened by any movement further centering the regulation of their domestic affairs in Washington.

"5. Because the States themselves have shown a willingness and a most remarkable advance in child labor protective measures, and there is no need for the amendment.

"6. Because the amendment rests upon the proposition that the States are either corruptly, or ignorantly, unwilling to protect their children from exploitation, which I denounce as viciously false.

"7. Because the varying conditions in different sections of the country make a uniform child labor act applying to all States alike practically impossible without causing great damage in some localities.

"8. Because I believe in America, both State and Federal, and in her people."

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed 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, the pending question being on the amendment of the Committee on Appropriations in the items for the Bureau of Naturalization, page 91, line 12, after the word "buildings," to strike out the semicolon and the following language: "carrying into effect section 13 of the act of June 29, 1906 (34 Stat. p. 600), as amended by the act approved June 25, 1910 (36 Stat. p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available."

Mr. COPELAND. Mr. President, so much sophistry was indulged in in opposition to the bill yesterday that I feel the Senate should have some further facts before it attempts to vote. It was stated that 8 clerks and 6 judges can do just as much work and put just as many persons through the process of naturalization as 35 clerks and 35 judges.

Mr. WADSWORTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to his colleague?

Mr. COPELAND. Certainly.

Mr. WADSWORTH. I think no mention was made of the number of judges. It is well understood that both the Federal judges and State judges would work on the matter.

Mr. COPELAND. It stands to reason, in spite of the suggestion of my colleague, that unless the State courts have aid in the way of clerical help they can not do an important work in this matter. Without the aid of the State courts little can be accomplished. It is utter'y beyond the range of possibility to expect to have a limited number of Federal courts do the necessary work to take care of the great number of persons seeking naturalization.

I send to the desk and ask to have read the statement of Mr. Donegan, county clerk of New York County, beginning on page 35 of the hearings held on the 8th day of January before the House Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The reading clerk read as follows:

STATEMENT OF MR. JAMES A. DONEGAN, COUNTY CLERK NEW YORK COUNTY, N. Y.

APPROPRIATION REQUESTED FOR NATURALIZATION WORK

Mr. SHREVE. Will you tell us how you are getting along in New York with your naturalization work?

Mr. DONEGAN. We are not doing any work. The Department of Naturalization stopped us.

Mr. SHREVE. Tell us what the situation is.

Mr. DONEGAN. The situation now is, that we are ready to handle all the naturalization work in the county of New York if you will give us what the statute says—50 per cent of the amount of money that we take in. We will handle it all and keep up to date.

The 31 supreme court judges of New York will stand behind it. They will work overtime, as they did when we had a little congestion there a short time ago. We had 6 judges sitting constantly every afternoon for a week from 4 o'clock until 7 and 8 o'clock at night, until they cleared up the calendar.

Mr. SHREVE. As I recall, you had about 1,200 or 1,400 cases last year.

Mr. DONEGAN. We had 1,200 ready to go on the calendar; that is, cases in which the 90 days had not expired.

Mr. SHREVE. Is your calendar all clear now?

Mr. DONEGAN. I have my calendar here and can show it to you.

Mr. OLIVER. Just before you came in a statement was made to us by one of the clerks of one of the courts in New York, that he was authorized to say that if the department left this work to them, if $100,000 was taken in, it would represent $75,000 to the Government and $25,000 for the work.

Mr. DONEGAN. That may be in one of the counties where they use county clerks for the purpose of carrying on the naturalization work. In New York County that is not done.

The naturalization bureau in New York County is distinct from the county clerk's office. It is a bureau in itself.

The city of New York does not spend a dollar on the naturalization bureau. The expenditures made in the naturalization bureau, the money expended for supplies, such as letterheads, die stamps, post cards, expenses for a trip to Washington to see the commissioner, towel supplies, office supplies, inks, typewriters, and everything in that line are not met by the city. The city does not give us a penny. Neither does the Government. The Government allows $1 for first papers and $4 for second papers. Every dollar of that fund comes to Washington. We have been receiving, I should say, 45 per cent of that, and did receive it up to the 15th day of March last year, when it was cut off.

Of course, that meant that we had to discharge all the help we had; and whatever little money we had from the issuance of tickets, a copy of which I have here, we used for the purpose of clearing up the calendar and for the purpose of indexing, making entries in our books, and reporting to Washington.

We do not even receive a penny from Washington for the purpose of mailing our report. The $5 that we get comes here. We did deduct the money to pay the salaries, and we get the checks from the department, payable to the individual clerk, and we send the pay roll here.

Mr. GRIFFIN. How are these expenditures met?

Mr. DONEGAN. We get them from the fees for certified copies and certificates. During this reconstruction period people have come in with claims against Germany. They must have some kind of a certificate to show that they are American citizens. One firm will come in and ask for four or five certificates, and we issue those to them and charge them $2 apiece. That is where we get our money for postage. That is where we get our money for a new typewriter machine, for carbon paper, and everything connected with the office.

In the year January to December, 1922, those fees amounted to $1,491.40. In 1924, for January, February, and March, it amounted to $867.24. In 1923 it amounted to $3,244.81. We had to get new typewriters. We had to get a safe, because somebody stole some of the papers out of the office. We had to have some secure place to keep them.

That money does not come from the Government. It comes from, as I say, the fees that are collected for the issuance of certificates.

Mr. GRIFFIN. The fees for certificates?

Mr. DONEGAN. Fees for the issuance of these papers.

Mr. GRIFFIN. And none of that money is turned over to the Government?

Mr. DONEGAN. Neither the Government nor the city; no. In addition to that, we can not issue a duplicate certificate of naturalization without permission of the department. The department would send us a notice to issue a certificate to a certain person. We would charge $2 for it. That is how we get the money that supplies us with the supplies in the department.

Mr. ACKERMAN. Does the court make a charge of $2 for each certificate?

Mr. DONEGAN. The bureau does.

Mr. GRIFFIN. And that charge is provided by the statutes of New York?

Mr. DONEGAN. It has been so since 1906. It is a usage. Since the naturalization law first went into existence that has been the charge.

Referring to my calendar, what I have in my hand is my last calendar. You see how it is marked up. Some of the people were sick. Some of them were admitted. Some of the cases were adjourned. A couple of cases were adjourned because the people had consumption and were in the Adirondacks. Some cases were dismissed for lack of prosecution; the people did not appear. We had to clear up the calendar.

These are the cases which were admitted, and those who did not have a valid excuse for not appearing were dismissed.

Mr. GRIFFIN. What is the sum total embraced in the statements from which you are quoting?

Mr. DONEGAN. On the page I have in my hand nine were admitted. Others did not appear for some reason or another. They gave different reasons or did not appear at all.

Mr. ACKERMAN. Those still remain on an unfinished calendar?

Mr. DONEGAN. These do, but those who have been notified three times—we notify each applicant three times—and do not appear have their applications dismissed.

Mr. SHREVE. What do they do then?

Mr. DONEGAN. Then they have to renew proceedings.

Mr. ACKERMAN. And pay a new fee of $1?

Mr. DONEGAN. Four dollars.

Mr. ACKERMAN. Those are for second papers?

Mr. DONEGAN. Yes.

Mr. ACKERMAN. They would not have to pay an additional fee of $1?

Mr. DONEGAN. No. Under the present system they go over to No. 154 Nassau Street, file their first papers with their application for second papers. Then when the time comes for examination they go over there again, and they may be told that their first papers are lost. Then they go over to our office and get new first papers. That is the only time that is done, except when they want to bring somebody over from the other side and the immigration authorities require it or when they want to get a license of some kind. Then they will come in and ask for a duplicate.

Mr. ACKERMAN. What kind of a license?

Mr. DONEGAN. Peddler's license, or something of that kind.

Mr. ACKERMAN. A local license?

Mr. DONEGAN. Yes.

Mr. OLIVER. Are you in a position to handle the business very promptly?

Mr. DONEGAN. I can handle everything in New York if I receive 50 per cent of the amount I take in, and it does not cost the Government one cent for supplies.

Mr. GRIFFIN. There is no charge for rent?

Mr. DONEGAN. No. If you have to hire the portion of the Hall of Records which we use, you would have to pay at least $30,000 or $40,000 for it.

Mr. COPELAND. Let me call the attention of Senators to the statement just read from the desk, that if the Government were to have ample quarters and a decent place in which to do this naturalization work it would have to pay, as Mr. Donegan says, $30,000 or $40,000 rent. At present a whole floor of the Hall of Records is given over without charge to the Government for this work.

The reading clerk resumed the reading, as follows:

Mr. SHREVE. Is the provision to pay 50 per cent of the fees statutory?

Mr. DONEGAN. It is statutory.

Mr. O'CONNOR of New York. They are entitled under the law to 50 per cent if appropriated.

Mr. CRIST. May I explain the statute? The statute allows him to retain one-half of the first $6,000 that he has collected in naturalization fees. After that, what he is referring to as being entitled to under the statute is an allowance not exceeding one-half of the total of naturalization fees that he collects. That allowance is an allowance that can be made out of the appropriation.

Mr. GRIFFIN. That is within the discretion of the Commissioner of Naturalization?

Mr. CRIST. It is within the discretion of the Secretary of Labor.

Mr. OLIVER. Any amount that was expended out of the appropriation to pay for that would be refunded with the amounts that they send from the office?

Mr. CRIST. It would be offset. It would mean to refund the appropriation.

Mr. DONEGAN. I have a tabulated statement here showing the amounts expended.

Mr. OLIVER. Do I understand that this amount that he pays in goes directly to the Federal Treasury and you have no other control over that?

Mr. CRIST. It goes into the Treasury of the United States as miscellaneous receipts.

Mr. DONEGAN. During 1922 the Naturalization Bureau, my office, had 14,022 petitions. There were 29,484 declarations of intention.

In 1923 they had 12,288 petitions for second papers, and there were 41,060 declarations.

During January, 1924, they had 1,060 petitions and 5,785 declarations.

During that same period the United States court had 9,000 petitions and 20,000 declarations. So we had three or four times as many as the United States court.

Mr. COPELAND. I wish Senators to notice the statement of Mr. Donegan that the State courts disposed of three or four times as many cases as the United States courts.

The reading clerk resumed the reading, as follows:

We turned into the United States Treasury $100,241 during that period. We got back something like $42,000 or $43,000.

Mr. OLIVER. That involved no expense whatever on the part of the United States Government?

Mr. DONEGAN. The Government has no expense whatever. The Government gets $100,000, and they allowed us $43,000 or $44,000.

I think there are 31 supreme court judges, and every one of them has told me that they will do anything I desire to help the matter along. During one week the appellate division designated six supreme court judges to handle this work, and after their day's work, at 4 o'clock, they turned to naturalization and sat as late as 8 o'clock. I have the number of applicants that were admitted.

I have a list of the judges, the dates, the parts of the court in which they sat during that period. Would you like to have that inserted?

Mr. SHREVE. Yes.

Mr. COPELAND. Mr. President, what follows is detailed information as to the judges and the number of hours they sat. There is no need of going into that matter, because a summary has already been given in Mr. Donegan's statement. Mr. Donegan inserted in the hearings at this point a statement regarding the situation in New York of the naturalization matter, and I should like to have the Secretary read on page 43, beginning with section (h), the reasons given by the Labor Department for discontinuing the work in the State courts. One of the reasons given was—

That the change is made wholly in the interests of the thousands of citizens and aliens.

I should like to have read the answer made by Mr. Donegan to that statement. It is found on page 43 of the hearings of January 8, 1925.

The reading clerk resumed the reading, as follows:

(h) That the change is made wholly in the interests of the thousands of citizens and aliens. Nothing could be further from actual experience and statistics than this glib statement. Less than two weeks have elapsed since the change went into effect, and during this short period I have received dozens of complaints from citizens and aliens about the lack of attention, the great amount of time they are compelled to wait, and general dissatisfaction with the way business is conducted in the naturalization examiner's office. I have the case of a woman whose papers were "mislaid" in the examiner's office and who was compelled to pay an additional fee for new papers. I have had a sergeant of the United States Regular Army, recruiting service, call at my office and beg me to do something to help them get attention when appearing in the examiner's office with recruits who must declare their intention before being enrolled in the Army. Assuming for the moment that the naturalization examiner will take care of all business within this district, what provision has been made by the secretary for the placing of cases on the calendar of the United States district court for final hearing? Does the secretary know that there are nearly 25,000 cases pending in the United States court for the southern district of New York in addition to about 10,000 cases on the motion calendar? That this court handled but 5,661 naturalization cases in 1923? My court handled nearly 5,000 naturalization cases in one week! Did the secretary read House Report No. 234 accompanying H. R. 3318, wherein Charles M. Weiser, deputy clerk of the southern district court, plainly indicates that the throwing of all naturalization cases into that court would bring about chaos and that by so doing would work to the detriment of the alien, and would be, in effect, a denial of the rights to citizenship as may be inferred from Mr. Weiser's statement that "to extend to aliens by statute the privilege of naturalization and at the same time withhold the means of accomplishing it, is surely a stultifying attitude"? Further, still quoting Mr. Weiser, it takes not less than 16 months to reach a case on the equity calendar, 2 years and 4 months on the law calendar, and 2 years and 6 months on the admiralty calendar of his court. Question: If it takes the several times above quoted to reach the calendar of the various cases, how long will it take to reach the naturalization case of an alien who applies for final papers to-day? Please bear in mind that nearly 35,000 additional naturalization cases will be thrown into that court under the present "arrangement" each year. In the case of these facts, figures, and quotations from an authoritative source, how does the secretary justify his statement that the change was made wholly in the interests of the citizen and alien?

Mr. COPELAND. Mr. President, I do not think the reading need to continue any further.

I wish to make an appeal to Senators in the interest of the work we are undertaking in New York to make citizens of our great cosmopolitan population. We have there 100,000 men and women who have gone to our schools of Americanization and are now ready to take on citizenship. They are a proud and a sensitive group. They will be hurt; they will be offended; and they will lose their patriotic impulses, I fear, if they are not permitted the opportunity to take on citizenship.

Under the system which is proposed by the committee amendment and under the only system which can be carried out in New York under it, I doubt if more than 10,000 persons per year can be naturalized in the city. It will take 10 years to take care of those who are now ready for naturalization.

Ah, Mr. President, I wish you could see these people; I wish you could know something of their desire to become American citizens. As the heart panteth after the clear waters, these people yearn for citizenship. I went into one of our courts in New York where 75 men and women were to be naturalized on that day. As they came before the judge—people of various nationalities, Irish, English, Spanish, French, Belgian, German, Turk, Armenian, Greek, and of almost every other country in the world—and I saw the look of determination and interest they had, betokening their willingness to devote themselves to this great country, and how

eager they were for our citizenship, I thought, Mr. President, that it would be a wonderful thing if on the twenty-first birthday of every boy and girl in America there could be some solemn celebration when there could be impressed upon their young minds what it means to be an American citizen.

The foreigners who have come to our shores desire to become citizens. We have greatly restricted immigration, and in the future the numbers must be very small, but those who are here now must be assimilated; they must be taken into our body politic.

I appeal to my colleague. He knows how sensitive and proud these people are. I do not want them to feel that my colleague has any lack of desire in his heart to let these aliens come into the possession of our citizenship. I do not want them to say of him that he is rich, that he has all the things which long-time residence and a fine family can contribute to make up happiness in this world, and that he would deny to them the privilege of citizenship. I appeal to him that they may not feel that there is in his heart any desire to clog the wheels of naturalization. He has presented to us, and I know he is sincere in it, the thought that somehow or other 8 clerks and a half dozen judges can do the same work that 37 clerks and 31 judges have done in the past. It can not be done, Mr. President.

So I appeal to my colleague, and I appeal to all Senators not to adopt the committee amendment, but to let the State courts of New York go forward with this work. I know the time will come when Senators will say that it was a good work that we did to-day, because if we can bring these men and women from foreign shores into full citizenship, if we can have them interested in our institutions, our laws, and our customs, we will make a better country. So I appeal to Senators to vote down the amendment and let us go on with the work as we have done during the past 140 years.

Mr. SPENCER. Mr. President, anything that the junior Senator from New York [Mr. COPELAND] says is always interesting and always eloquent and always appealing; but the facts in this case as they came out from the hearing before the Committee on Appropriations are simple and to my mind are unanswerable. Here is what they are:

The amendment that is now proposed—the striking out of this language as the committee agreed upon it—does not change the existing procedure. It continues the existing procedure. It has nothing whatever to do with the final act of naturalization. When an applicant for naturalization appears he has a long list of questions which he must answer and a list of questions which he must fill out. Last year the Department of Naturalization thought it would be more economical if that application were made directly to the Federal naturalization officers, and the applicant for naturalization, therefore, went to the Federal naturalization officers and made out his blank, and when it was all made out then it was sent to the State courts of New York for final action. All the appeal of the Senator from New York still remains in force so far as the State courts are concerned. They handle the great bulk of naturalization, and nothing is changed; but what the Senator from New York wants is that the applicant for naturalization shall first come to the clerk of the State court, make out all his answers to questions, then go from the office of the clerk of the State court, as he must do under the law, over to the Federal naturalization officer for investigation, for review, and then come back again to the State court for final action.

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

Mr. SPENCER. I yield; certainly.

Mr. KING. The Senator has just made a statement that is very interesting to me; and I ask, for information, if the law does compel the applicant for naturalization to proceed to the office of the Federal Naturalization Department or Bureau and there be interrogated by the officer in charge? My recollection of the law—I have not read it for some time—is not quite as the Senator has stated it, but is to the effect that the State court may have full cognizance of the case from its inception to the end and that the applicant for naturalization is not compelled to go and be interviewed by the Department of Labor and the immigration inspectors and officials; but they have the right, of course, to make such inquiry as they may deem necessary.

Mr. SPENCER. I think the Senator will find the fact to be this: When the applicant for naturalization fills out the long list of questions they must be reviewed by the Federal department of naturalization before they are presented to the court. That is obviously necessary, for many reasons. Under the old practice the applicant filled out the answers to all of these questions, largely clerical, before the clerk of the State court, and then he went over to the Federal department and had it reviewed and looked at, and then it went back to the State court for final action.

Under this plan, which has been in operation for the last year, the filling out of those blanks—thousands of them, employing a number of clerks and assistants—is done in the Federal naturalization office in the first place, and the blanks go from the Federal naturalization office directly to the State court which is to consider them. Of course, the Senator knows that either the State courts, being courts of record, or the United States courts, can naturalize. In New York City the majority of the naturalization, I think, is through the State courts.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. SPENCER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Do I understand the Senator to state that an applicant for naturalization in a State court must, while his petition is pending, at some time visit a Federal court?

Mr. SPENCER. No; I do not make that statement.

Mr. WALSH of Massachusetts. Is it not the practice that the applicant who files his application in a State court remains from the beginning to the end in the State court, but an investigator of the Immigration Bureau visits him or sends persons to examine into his qualifications in order to make recommendations to the State court? Is not that the practice?

Mr. SPENCER. No; Mr. President, the Senator is not quite right. The Federal court does not come into the question at all.

Mr. WALSH of Massachusetts. I have not said "the Federal court"; I have said that the investigators look up the applicants in the State courts.

Mr. SPENCER. Yes; every applicant.

Mr. WALSH of Massachusetts. And they go into the State courts when petitions are being heard and make recommendations to the State courts.

Mr. SPENCER. Quite right.

Mr. WALSH of Massachusetts. So that no applicant who begins his petition in a State court has to go to a Federal court.

Mr. SPENCER. Quite right.

Mr. WALSH of Massachusetts. I understood the Senator to say, and the Senator from Utah understood him to say, that it was necessary for an applicant at some time in the proceeding to go to a Federal court as well as the State court.

Mr. SPENCER. The Senator misunderstood me. I made no such statement.

What we are dealing with, if I may say so to the Senator from Massachusetts, is entirely clerical work, the answering of the long list of questions in the application for naturalization. Shall those answers be made clerically before the clerks of the State court, and then go over to the Federal office for review and investigation, and then come back to the State court for the court to pass upon the naturalization, or shall we do as we have done for the past year—let that clerical work be done in the Department of Naturalization, which has to do with the review and investigation, and then have the matter sent directly from the Department of Naturalization to the State court for action?

The latter is the economical way to do; and, may I say, what has been the result of the last year's experience? The cost per capita of every applicant for naturalization in the city of New York has been reduced from 55 cents to 20 cents because of the obvious economy of management; and what more? Before that plan was in operation, 41,500 applications were on file waiting for action, and it took from 18 months to three years to secure action. What has been the result of last year's trial? That number on file has been reduced to 29,000, and every application has been acted upon within 11 months. Every argument in behalf of efficiency is for it.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New York?

Mr. SPENCER. I yield.

Mr. COPELAND. I know the Senator wants to be perfectly fair. The applications have been acted upon because they were limited in number. It is not reasonable—I know the Senator agrees to that—to state that 8 clerks and 6 judges can do as much work as 35 clerks and 31 judges. It can not be done. Those who are permitted, with the limited staff, to make applications, can be acted upon; but the great group that I am pleading for can not be.

I know the Senator wants to be fair. I have said all I care to say about it, but that is the situation. We are striving to assimilate this great foreign mass.

Mr. SPENCER. And I sympathize with the Senator, indeed; but the Senator and I can not disagree about the fact that where the detail work is done in one office, rather than in two, there is an economy both of time and of money.

Mr. SIMMONS. Mr. President, I must confess that I am not quite sure, both as to the facts and as to the machinery applied in New York with reference to naturalization; and I should like to have the attention of the junior Senator from New York. There seems to be a misunderstanding between the junior Senator from New York [Mr. COPELAND] and the senior Senator from New York [Mr. WADSWORTH] with reference to the facts, and I should like to get those straight in my own mind to guide me in voting upon this question.

If I understand the Senator from New York—and I am asking the questions that I propose to ask to see if I do understand him—there are two processes employed in connection with naturalization. First, the alien files his papers, and after those papers are filed the petition is then heard and determined by the court.

The Senator stated that there were 100,000 aliens waiting to file their applications, and that by reason of a failure of the United States Government to furnish adequate facilities for their doing it they were indefinitely held back. The Senator is referring only to the filing of applications. After the application is filed, then, under this amendment, as I understand it, the petition may be heard or tried either before one of the 9 Federal judges or before one of the 35 State judges. The Senator, therefore, in making his statement was speaking only with reference to the applications, and he insists that they are behind to the extent of nearly 100,000.

Mr. WADSWORTH. Mr. President, may I interrupt there? Do I understand that my colleague answered the last question in the affirmative?

Mr. COPELAND. That there are 100,000 waiting?

Mr. WADSWORTH. No; the last question of the Senator from North Carolina, that they were 100,000 behind.

Mr. COPELAND. Not 100,000 behind in the sense that 100,000 have made applications which can not be heard. I do not think the Senate misunderstands me. I have said that the Federal system is so imperfect that 100,000 persons in New York City, who sometime will be voters there, are unable to get any attention because of the conditions which prevail.

Mr. SIMMONS. I understood the Senator to mean that there were 100,000 who were ready to make out their papers, but they were not able to do so because of lack of assistance. That is what I understood the Senator to say.

Mr. COPELAND. That is correct.

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

Mr. SIMMONS. Pardon me until I get through with this, and then I will yield. The junior Senator from New York is speaking, then, with reference to the original applications.

On yesterday the senior Senator from New York, when he was recounting the fact that under the new system the number of petitions had been reduced very considerably as compared with the progress under the old system, was talking, as I understood him then, and as I understand his remarks as they are incorporated in the RECORD, not with reference to the original applications but with reference to the hearings on the petitions after the applications had been filed.

Mr. WADSWORTH. I was referring to both. The facts are that they have received and acted upon more applications than ever before in the history of naturalization in the city. They have passed upon more cases and given citizenship to more people this last year than they ever had done before.

Mr. SIMMONS. Then the Senator from New York now contends, as I did not understand him to contend yesterday, that these eight officials under the control of the Department of Labor, appointed by that department, deal not only with the applications but with the preparation of the hearings before the court?

Mr. WADSWORTH. Yes.

Mr. SIMMONS. And that these eight men have been able to dispose of more applications and prepare more petitions for hearing before the court than the 35 who were employed under the old system?

Mr. WADSWORTH. That is true; the records show it. There have been more applications passed upon, more petitions completed, and more people admitted to citizenship, since the Federal Government took over the task of helping the applicant to make out his papers than ever before.

Mr. SIMMONS. In the figures which the senior Senator gave yesterday, I find this——

Mr. COPELAND. Mr. President——

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

Mr. SIMMONS. I yield.

Mr. COPELAND. I read into the RECORD this morning the statement of Mr. Donegan showing that the State courts have been working overtime this year to bring the dockets up, so that there might be no ground for such criticism as has been made in the past because of delay. When my colleague says that more cases have been acted upon this year, it is not because the Federal judges have done it, but because the State courts have done it.

Mr. WADSWORTH. We were talking about the applications, I thought.

Mr. SIMMONS. The senior Senator from New York gave us some figures yesterday, but I do not think those figures apply to applications at all. They apply only to petitions.

Mr. WADSWORTH. Yes; but citizenship can not be conferred upon a man until after he has applied.

Mr. SIMMONS. I understand that.

Mr. WADSWORTH. More have gone through the hopper, if I may use that expression, than ever before, including the consideration of the applications.

Mr. SIMMONS. I understand that contention of the Senator, but I did not understand that the Senator controverted the statement of his colleague from New York to the effect that there was a large number of aliens who were ready and prepared to make their applications, but who were prevented from making the applications because of a lack of machinery. I did not understand yesterday that he questioned that; but he says to-day that he does.

Mr. WADSWORTH. Certainly; there have been more applications prepared and put through than ever before. They have reduced the time from a period of a year and a half to three years, down to 11 months, and there are fewer cases pending to-day than there were a year ago.

Mr. SIMMONS. On yesterday the Senator certainly did not give any figures showing the operation of the new law with reference to applications. He gave figures with reference to the preparation of petitions after the applications had been made.

Mr. WADSWORTH. It seems to me the two are inseparable.

Mr. SIMMONS. I do not think they are inseparable, because in the first instance under the old system an application was made to any one of these 35 persons. Under the new system that application must be made to these 8 persons, as I understand it. The 8 persons not only receive the applications but the 8 persons prepare the papers for presentation to the court. So that these 8 people are now doing the work of the 35 persons.

Mr. WADSWORTH. The 35 persons want to be put back on the job—that is the point.

Mr. SIMMONS. In the figures which the Senator gave he had reference to the presentation of petitions for naturalization. I read from his remarks as follows:

> This is testimony given before the Senate Committee on Appropriations about 10 days ago:
>
> "Whereas there were pending at this time last year 19,500 petitions—"

Not applications, but petitions—

> "in the supreme court and the district court in Kings County—"
>
> That is Brooklyn—
>
> "to-day there are only 11,000—"
>
> They have gained 8,500 in that one county in less than one year—
>
> "that whereas there were pending in New York County—"
>
> Which is Manhattan—
>
> "in the Federal and supreme courts 21,000, to-day there are pending only 18,000—"
>
> They have gained 3,000 in one year.

I understood that to have reference to petitions that were ready for action by the court, and I understood that the junior Senator from New York was referring, in his statement with reference to 100,000 people waiting, to the applications, and I wanted to know if there was really any conflict between the two Senators as to that; but I understand the senior Senator now to controvert the statement of the junior Senator.

Mr. WADSWORTH. I am relying upon the records of the Department of Labor. They give all the figures and facts.

Mr. SIMMONS. Mr. President, it is inconceivable to me that 8 persons, whose duty it is not only to receive the applications but to prepare the petitions for the courts, can accomplish as much work as 35 people receiving them and preparing them for the courts; but of course I do not know. There may have been some laxity in the enforcement under the old law. But

conceding that the 8 men who now must do this work of receiving applications and preparing petitions for the 100,000 aliens who are ready for naturalization——

Mr. WADSWORTH. That is an estimate, the Senator understands.

Mr. SIMMONS. Well, suppose it was very much less. Conceding that they are doing this work quite as rapidly, with the same dispatch, that the 35 were doing it before, the fact remains that these 8 men, cooperating, receiving these applications and preparing these petitions, have not been adequate to do the work that is imposed upon them, because, beginning with last year, in Kings County there were 19,500 petitions awaiting action. Today there are only 11,000, showing that 8,000 have been acted upon and that 11,000 have not been acted upon. In New York there were 21,000 and only 3,000 of those have been acted upon.

Mr. WADSWORTH. The Senator reads that incorrectly.

Mr. SIMMONS. They have gained 3,000. Yes; I see that. That is, they have cut the 21,000 down to 18,000.

Mr. WADSWORTH. They are catching up.

Mr. SIMMONS. They are catching up. The question in my mind is, why should we, merely for the purpose of saving a little money, if we would save any—and, as I understand the junior Senator from New York, the Public Treasury gets more money from these applicants than it expends in hearing their petitions—conceding that it all comes out of the Treasury, and that none goes back into the Treasury, would it be in the interest of economy, with this number of cases behind, of aliens anxious to become citizens of the United States, to cut this appropriation down so as to confine this work to eight men, in view of the admitted fact that these eight men have succeeded in one year in reducing 21,000 petitions to 18,000 petitions? Why should we not provide an adequate force to deal with all of these applications?

Mr. WADSWORTH. The appropriation is not cut down. The appropriation is increased by the terms of this bill.

Mr. SIMMONS. Should it not be increased sufficiently to make possible the employment of more than eight men——

Mr. WADSWORTH. Perhaps so.

Mr. SIMMONS. To the end that the courts might speedily catch up on this work, and these expectant citizens might become citizens?

Mr. WADSWORTH. I am not contending that the appropriation itself should not be made larger. I am contending, however, that the Federal Government has justified the change it made a year ago, in that it has done the work faster than it has ever been done before, and at a less cost per citizen.

Mr. SIMMONS. If the Senator will pardon me, take the case of Manhattan. In one year they caught up 3,000 of the 21,000 behind. It will require six more years, at that rate, to catch up. I do not know anything about the machinery there, but does not the Senator think there should be some increase in that force so as to provide for the speeding up of this work, to bring it up to date? What is the reason this work can not be brought up to date?

Mr. WADSWORTH. It is being brought up to date. If the Senator will read the rest of the testimony——

Mr. SIMMONS. Slightly so, reducing the waiting list of 21,000 in one year by 3,000.

Mr. WADSWORTH. If the Senator had read all the testimony, he would have seen that they are catching up very rapidly. Let me read what the Commissioner of Naturalization said about it.

Mr. SIMMONS. The point I want to make to the Senator—and I want him to understand that I am not captious about it at all—is that I can not see why we should not now make provision for a larger force than eight to do this work, in order that we may catch up without waiting six years to do so.

Mr. WADSWORTH. I have no objection to that. The appropriation will be found on the bottom of page 91, $680,000, for this work all over the country. That is $42,000 more than the appropriation for the present fiscal year.

The Commissioner of Naturalization, upon being asked about the matter before the Committee on Appropriations, admitted that that sum, spread over the country, treating the different centers of population as fairly and equally as possible, is not enough immediately to enable him to catch up, but he is forbidden by law to ask the Appropriations Committee for a larger appropriation. He did prove to the committee, however, that the system now in vogue in New York City has worked better than any prior system did, and the Secretary of Labor sent him up to the committee to say that very thing. He was sent at the request of the committee to find out the truth, and the Secretary of Labor sent his own Commissioner of Naturalization.

The system now in vogue in New York City was installed by the Secretary of Labor a year ago, after an exhaustive examination of the machinery of naturalization. It has proved a distinct improvement over the old system, which my colleague, the junior Senator from New York, wants to have restored. That is the truth about the matter.

The commissioner said in the hearing before the Appropriations Committee of the Senate:

> The naturalization dockets of the United States district courts in New York and Brooklyn are virtually clear.

That is as of approximately the day he was testifying. They are catching up all the time. Even though the appropriation for the whole United States is not adequate to permit them to catch up in one fiscal year, they will, at this rate, catch up in New York City very rapidly. They have already decreased the period of time necessary for the accomplishment of naturalization from 2½ years down to 11 months, and it is a fact, if I may have the continued attention of the Senator from North Carolina, that as they are working to-day, an application for citizenship made last October is granted and completed to-day. They have broken all records. My colleague wants to overturn the whole system and go back to the old one. The committee decided after hearing the testimony that the present system is the best.

Mr. SIMMONS. The Senator stated that we were forbidden by law to make an adequate appropriation?

Mr. WADSWORTH. No; I said the Commissioner of Naturalization was forbidden by law from asking any increase in appropriations.

Mr. SIMMONS. Why can we not now confer upon him authority to do that?

Mr. WADSWORTH. The Budget law forbids any executive officer or representative of an executive department asking the Congress or any standing committee to increase an item over the Budget figures.

Mr. SIMMONS. Then when the Senator said "forbidden by law" he had reference to the Budget law?

Mr. WADSWORTH. Yes. Mr. Crist is forbidden by law.

Mr. JONES of Washington. Mr. President, I call the attention of the Senator from North Carolina to the fact that we propose to raise the appropriation in the pending bill for naturalization purposes from $638,000 for the current year to $680,000.

Mr. SIMMONS. I want to ask the Senator if that will lead to or justify an increase in the number of men who are engaged in this work in New York?

Mr. JONES of Washington. I do not understand the question of the Senator.

Mr. SIMMONS. Will that increase permit the Secretary of Labor or the Commissioner General of Immigration or whoever appoints these men to assign more than eight men to the work of receiving and preparing petitions?

Mr. JONES of Washington. Just how far that will go I do not know. Of course, the $680,000 applies to this service all over the country. I take it that it will probably allow them to make some increase in New York, but as the senior Senator from New York [Mr. WADSWORTH] said, whether they will employ 6 or 7 or 8 or 10 or 15 the facts are, according to the testimony of the representatives of the Bureau of Naturalization of the United States, that they are doing this work much faster than it was done heretofore and bringing it more nearly up to date. They have not brought it clear up to date, that is true.

Mr. SIMMONS. If that be true, even if they are doing it faster than they were before, they are doing it so slowly that it will take six years to catch up.

It does not help a situation of this sort, when we are behind in this way under a certain régime, to say that that régime is functioning better than some other régime. The question is, Are we not in duty bound to these people to prepare and put in operation machinery which will function and accomplish the object of admitting these people within a reasonable length of time instead of having some of them wait six years for action upon their petitions?

Mr. JONES of Washington. They do not have to wait six years. They have to wait now no longer than 11 months instead of 2 or 3 years, as they did before.

Mr. SIMMONS. But if there are 21,000 petitions pending and we only gained 3,000 in one year, will it not take six years at that rate of progress to eliminate all of those applications?

Mr. JONES of Washington. Granting the premise that the Senator supposes, of course, that is probably true. But that is not the fact. Let me give the Senator the facts.

Mr. SIMMONS. I wish the Senator would do so, but I am quoting the figures of the senior Senator from New York [Mr. WADSWORTH].

Mr. JONES of Washington. Of course, I base this upon the statement of the representative of the bureau. I do not know anything about the facts myself except as I get them from those representatives.

Mr. SIMMONS. It seems to me inevitable, if there were 21,000 cases pending a year ago and there are still 18,000 pending, 18,000 cases not acted upon, and with the petitioners in those cases having to wait until they are acted upon before they accomplish their naturalization, that we are not making very much progress.

Mr. JONES of Washington. Let me read to the Senator what the representative of the Bureau of Naturalization of the United States, who has charge of this work, said about it. If we can not depend upon him, I do not know who we can depend upon. What the Senator from New York [Mr. COPELAND] had read at the desk comes not from a representative of the United States but from some representative of the county clerk of New York City.

Mr. COPELAND. Even so, he might be an honest man.

Mr. JONES of Washington. I am not questioning his honesty; but I want to say that when there is a controversy here I think we have more right to rely upon the representatives of the United States Government who have to deal with these things than some local county man, however honest he may be in his opinion, and I do not question his honesty at all. But here is what Mr. Crist said, who is at the head of the Bureau of Naturalization, who has charge of this work, and who ought to know about it if anybody can know about it. Here is what he said:

Last year at this time in Brooklyn there were approximately 12,000 petitions for naturalization on the supreme court docket in Brooklyn, representing an arrearage of anywhere from four months to two and a half years. In New York City, exclusive of Brooklyn, there was a congestion of 11,000 petitions in the supreme court last year, ranging the same as in Brooklyn as to pendency. To-day petitions that were filed in October were heard this month—petitions that were filed last October. It takes now, from the initial step of the alien, just 11 months to have his petition set for a hearing, and that includes the hearing date.

Senator JONES of Washington. Whereas it took how long before?

Commissioner CRIST. Whereas it took an indeterminate time, anywhere from about a year to two years and a half.

Senator SMOOT. You agree, then, with Congressman MILLS, do you?

Congressman MILLS had made a statement with reference to the effect of the work.

Commissioner CRIST. He is in support of the practice that was inaugurated a year ago, and that was inaugurated at my recommendation and was approved by the department and was under consideration for nearly a year before it was undertaken.

Senator JONES of Washington. So that the department considers that the plan they are following now is not only more economical but more efficient?

Commissioner CRIST. The department approved the plan originally, and has supported it every since.

It may be that this agency does not do the work as fast as it ought to be done. If that is true, of course we should increase the appropriation. But that is not the point here. The point involved in this issue is as to whether or not we are going to change the agency by which this work is done. The record seems to show that the agency which we have had since last year is far more efficient, as well as more economical, than the agency that was in operation before.

Mr. SIMMONS. I am not so particularly concerned about the change in the agency as I am in providing agencies that are adequate for the work. I can very well conceive that an application filed last October may be acted upon before October of this year; but what about those applications that have been pending there and accumulating to the extent of 12,000 in one case and 18,000 in another case A new application may receive speedy action, but the old applications that are pending and not acted upon may have to wait.

Mr. JONES of Washington. I understand they take them in their order as soon as they are completed. They do not delay an application that is all finished in order to take up new applications. That is the regular order and course that they have gotten into now.

Mr. SIMMONS. If they keep up their work, as is implied from the statement of the Senator, how did this accumulation occur?

Mr. JONES of Washington. That occurred under the old system. Under the present system they are catching up with the work and cleaning up that accumulation.

Mr. SIMMONS. Then there is no provision in the bill introducing a new system for clearing it up?

Mr. JONES of Washington. They are taking up the old applications and acting upon them in their order. They have been doing that and have brought the whole system up to where there is a delay of only 11 months.

Mr. SIMMONS. They have done it under the new system, but since last year they have only reduced 21,000 on the waiting list to 18,000 on the waiting list.

Mr. JONES of Washington. Yes; but that took in the whole situation. It does not mean that 18,000 or 20,000 have had no consideration given to their claims, but that all of the claims that were pending when the new system started and all of the claims that have been presented since have been given consideration, and instead of being 21,000 behind they are now no more than 18,000 behind. It may be that they need more money; that might be true, but the record and the testimony of our officials show that they are doing the work that is to be done there much more economically and much more effectively.

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

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

Mr. JONES of Washington. Certainly.

Mr. WADSWORTH. Since this discussion has taken place, and since the point has been raised by the Senator from North Carolina about the sufficiency of the appropriation—and it should be noticed that the appropriation is $42,000 above the current year—I have had an inquiry made of Mr. Crist, the Commissioner of Naturalization, as to what can be done in the way of further expediting the work with an appropriation of $680,000 for the whole country. He tells me that with the increase of $42,000 in the whole appropriation, he will put on additional clerks in New York, additional to the eight that are employed there up to the present time, and that, given the additional clerks, he will wind up this work and make it current by the end of the next fiscal year.

Mr. COPELAND. Of course he can not do that without the action of the judges. We have to go into the State courts and we have to have clerical help there to complete the work.

Mr. WADSWORTH. There is no clerical hire by the Federal Government in the Supreme Court of the State of New York to-day, and I have read two letters from supreme court judges, both of which said that the system is working to their entire satisfaction.

Mr. COPELAND. Will my colleague listen to a 10-line letter?

Mr. WADSWORTH. Certainly.

Mr. COPELAND. All of us who are interested in social welfare in New York City have been very much hurt by the action of Mr. Crist, whose pet scheme this is. Mr. Crist is an example of what all of us have seen in Government departments, State and municipal—a bureaucrat. He has certain ideas about what ought to be done, and this is his pet scheme. Here is a letter from a man in Brooklyn who is interested in social welfare, and anxious to bring these people into citizenship:

There are but three Federal judges performing this work in this district, whereas there are 15 supreme court justices, any of whom could be assigned to this duty, and 200 cases per day could be disposed of, as against 200 weekly in the Federal court.

For the fiscal year ending June 30, 1923, the county clerk of Kings County turned over to the Government $54,000, with an appropriation of $12,000, making a net profit to the Government of $42,000.

In this county there are upward of 50,000 people awaiting an opportunity of filing their applications for citizenship, and are prevented from so doing by reason of the lack of facilities in the Federal court.

That is exactly the situation. We can use all the language in the world to hide it or cover it up or evade it, but the fact remains.

Mr. WADSWORTH. Is the Senator free to say who the letter is from?

Mr. COPELAND. I would not care to say.

Mr. WADSWORTH. I shall not press the question.

Mr. COPELAND. Many of us are interested in social welfare and in the advancement and the assimiliation and Americanization of the foreign groups to make more fine citizens, as we have made so many in the past in New York. Senators should vote to strike out the amendment and permit us to go forward.

Mr. JONES of Washington. The very purpose of the amendment is to do exactly what the junior Senator from New York desires to accomplish—in other words, to hasten the work of naturalization—and the testimony all shows that that is being done. According to the letter the Senator has read, apparently they seem to think that only the Federal courts attend

to this business now. That is not correct. The Supreme Court of the State of New York is dealing with the matter, just as it did under the old system. The only difference is that the naturalization officials, who are fairly familiar with the preparation of these papers, prepare the papers and file them with the clerks of the Supreme Court of the State of New York, just as they were filed before, and they are dealt with by the judges of the courts in New York just the same as before. In other words, both the State courts and the United States courts deal with the matter.

The real vice of the old system was that when those papers were made up by the deputies of the county clerks they had to be then referred to the naturalization people, and they were found in many cases to be imperfectly filled out. The papers had to be gone over again and checked up. But now the men who are thoroughly familiar with the work, who are trained in it, make out the papers in the first instance; and as they will make them out correctly, the papers do not have to be examined again. They do not have to come back or anything of that sort. In other words, one examination and one activity puts the papers in proper shape. Then, when they get them all ready, they file them with the clerks of the State courts as well as the Federal courts. Then they go on to the judge and are acted upon.

Mr. President, I have the very highest regard for both the Senators from New York. I do not pass especially upon the difference between them as to method, except I take the facts and the testimony from the representative of the National Government who has to do with this matter. I enjoyed the eloquence of the junior Senator fom New York [Mr. COPELAND] in making his appeal for the aliens who seek naturalization, but as I see it the very purpose of the committee amendment is to accomplish what he has so eloquently stated that he desired accomplished. Whatever my personal views may be in regard to what should be done, this proposed legislation, if enacted, will hasten the naturalization of the people of New York who desire to be naturalized, but it will do it at far less expense to the Government of the United States under the provision that the committee proposes than under the system to which it is desired to revert.

Mr. President, Mr. Crist came before the committee at the request of the committee, on the insistence of the committee, because we wanted to get at the facts in this matter. He reluctantly stated the facts because of the limitation, of course, of the law. When he had concluded and had explained the situation, had stated what had been done and how they were doing it, the committee was unanimously of the opinion that this provision should be stricken out.

Mr. SIMMONS. Mr. President, I merely wish to say—and I shall not then interfere in this matter any further—that I do not think any question of small economy should figure in the effort to facilitate in every way in which we possibly can the admission into the body of American citizenship of foreigners who are in this country. Nothing to my mind is more important than the speedy assimilation of that population and to get these people to the point where they are ready under the law to file their applications, and when their application shall be filed to insure for them a speedy determination. We want those aliens to become citizens. They are already here in the United States. The filing of their papers is the best evidence that they have come here to make themselves one with us and to become coworkers in building up this great country of ours.

The junior Senator from New York [Mr. COPELAND] stated on yesterday that practically 60 per cent of the population of New York are foreign born. That is undoubtedly the greatest concentration of aliens at any point in this country. Out of a population of 5,000,000 or 6,000,000 people more than half are alien born. It is, therefore, of the utmost importance that this Government should throw no obstacle in the way of permitting as many of them as will becoming citizens of this country. If it is our duty to facilitate naturalization and not to retard naturalization, the instrumentalities that we provide for the accomplishment of that purpose ought at all times be adequate for the discharge of the functions imposed upon our naturalization officers.

With this large percentage of population of foreign birth in that great city, it is incredible to me that eight persons upon whom devolves the entire work of receiving applications and preparing those applications for final hearing by the courts can possibly keep up with the task. In that situation it seems to me that the duty of Congress is clear, and that that duty is that we shall increase the number of employees so that the work may not be delayed.

I can not believe that Senators on the other side of the Chamber can possibly think that eight men are adequate to perform this work. When, therefore, the junior Senator from New York says they are behind and that 100,000 aliens are prepared to file their papers, but are prevented from doing so because they have no opportunity to file them under the law, I am prepared to accept his statement. I do not think it an exaggerated statement, but, on the contrary, judging from the number of aliens in that city, I think it is a conservative statement. With that number probably applying, Mr. President, or ready to apply if they could get the opportunity, eight men can not do the work. It does not require any argument to prove that they can not do it. It is contended by some Senators that they are doing it more effectively than the old force did it, but that is not the question. The question is, Can they do the work, and are we properly preparing to facilitate naturalization in the city of New York, or are we deliberately continuing a system that has resulted in congestion and in a jam in that work?

Mr. SHORTRIDGE. Mr. President——

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

Mr. SIMMONS. In just one moment, when I finish the thought, I shall be glad to yield.

Mr. President, I do not discredit the statements of Senators on the other side, but I have a very strong suspicion that somewhere, not disclosed to the Senate, there is an influence operating for the purpose of preventing speedy naturalization in the city of New York. For what purpose I do not intimate. My interest in this matter is to see, if I can, that this question is dealt with in such a way by the Senate that that condition of congestion in the naturalization of aliens in this great center of alien population shall not be continued.

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

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

Mr. SIMMONS. Yes.

Mr. SHORTRIDGE. The Senator from North Carolina has stated that it seems incredible that 8 men should perform more work of this character than 35 men.

Mr. SIMMONS. I did not say that. I said it seemed incredible to me that eight men could perform the duties incident to the receipt of applications and the preparation of those applications for hearing by the court in a city where in a population of five or six million 60 per cent are alien born.

Mr. SHORTRIDGE. I quite agree with the Senator that it does seem utterly incredible——

Mr. SIMMONS. It is apparent upon the face of the situation, upon the admitted facts, that we have an utterly inadequate force there.

I do not know whether or not there is any purpose here to eliminate indirectly the State courts from the hearing of naturalization petitions or from participation in the processes of naturalization. I do not charge that there is; but all I am charging is that the very fact of the situation indicates that somewhere there is a disposition to retard rather than to facilitate naturalization of aliens in the city of New York.

Mr. SHORTRIDGE. Will the Senator now permit me to follow up my interruption by a suggestion?

Mr. SIMMONS. Yes.

Mr. SHORTRIDGE. I repeat, that to me it seemed utterly incredible, as it did to the Senator from North Carolina, that 8 men could perform the work of 35 men; but are we not confronted with a state of facts, incredible as it may seem, as to what has been the result of the new system? If I may be permitted to trespass upon the Senator's time for a moment, I understand that the Secretary of Labor favors this new system.

Mr. SIMMONS. Then let him increase the number of men who are to perform the duties of the office.

Mr. SHORTRIDGE. I will come to that in a moment. I also understand that Mr. Crist favors this new procedure. Now, we know these two public officials. As to the Secretary of Labor, it is not necessary to pay any tribute to him. We know where his sympathies lie; we know his high character, his manifest fitness, and we also know that his heart goes out to those who come to America thirsting for freedom and seeking American citizenship.

Mr. Crist, at the head of the Naturalization Bureau, is a very competent official. His views are in entire harmony with those of Secretary of Labor Davis.

I have been concerned with the result of this new order of procedure. From all I have heard, from statements that have been presented, it appears that there has been more expeditious handling of naturalization cases under the new than under the former system. If that be so, why multiply words? Why not approve of and continue the new procedure?

I think I would agree with the Senator from North Carolina, if I understand his suggestion, that, granted that the new system has speeded up the work, it might be well to provide additional clerks in order more rapidly to dispose of pending cases. I am assuming that those who have applied, whose applications have been filed, are eligible to citizenship under our law; and if that be so, then manifestly they should be disposed of within a reasonable time. There should be no unnecessary delay.

Mr. KING. Mr. President, I was interested in the observation made by the Senator from Missouri [Mr. SPENCER]. I understood him to interpret the law differently from what I conceive a proper interpretation to be.

The Senator stated that after applications were filed by those seeking citizenship with the county clerks of the respective State courts, the applications then had to be carried to a Federal official connected with the Naturalization Bureau and reexamined by him, and then transmitted back to the State court or transmitted to the Federal court where the final procedure is had which results in citizenship being granted.

Mr. President, the law as I interpret it is different from the statement made by the Senator from Missouri. A person seeking naturalization may go either to the Federal official—whose office is usually in a Government building, sometimes in the same building where the Federal court is being held—or to the office of the county clerk of the county where he seeks his citizenship. The county clerk receives and examines his application, and the necessary steps are then taken for advertising and setting the case for hearing. The Federal official representing the Bureau of Naturalization is then brought into contact with this application and he is advised, of course, of the witnesses who are to be tendered, and makes what inquiries as to the character of the individual, and his worthiness for citizenship, as he deems necessary.

Mr. President, it looks to me as though the committee's action is the beginning of a plan to deny the State courts the right to grant citizenship. It looks as though there is a purpose to drive applicants into the Federal courts, to take them away from the State courts, to make them feel that they are under the control of Federal officials, and may not obtain their naturalization papers through the State courts. Such a policy as that I should regard to be unwise and harmful.

In the first place, in many of the States the Federal courts are held in but two places, usually in large cities. If applicants for citizenship were compelled to go to the Federal courts only for their citizenship papers, it is clear that the costs would be great, in many instances prohibitive, and in the case of many poor persons who want citizenship it would amount to a denial of the opportunity.

I am in favor of opening the doors of the State courts and utilizing their machinery to aid worthy persons in being naturalized. I am not in favor of directing their attention so emphatically as this amendment does to the fact that they must go to the Federal courts and that they are amenable only to the Federal agencies in securing naturalization. So this amendment, aside from the question of the economies which it is alleged are involved, is to me a rather dangerous one, and seems to me to be a step in the wrong direction.

A statement was made by a Senator concerning the inclination of Federal officials to increase their authority and extend their jurisdiction. In so doing they are only acting as the ordinary human being acts. If a man holds a position he is anxious to have that position exaggerated and to have its importance made manifest to the world; and we know that many of the Federal agencies and Federal bureaus, starting out in a modest way, grow and expand, and become powerful to the extent of oftentimes being autocratic. So, Mr. President, I regard with apprehension any amendment that looks toward the disuse of the State machinery and closing the doors of the State courts to those who are seeking naturalization.

Though I attempted to follow the statements of Senators supporting the amendment, I have not been able to comprehend the argument for economies made by them. I do not understand why the cost of receiving and filing the application in the State court should be greater than where the application is filed with some Federal official. I have here the testimony of Mr. Thomas J. Geoghegan, assistant deputy county clerk of Kings County, Brooklyn, N. Y., and it does not coincide with the position taken by the Senator from Washington [Mr. JONES], who has charge of this bill.

Mr. Geoghegan states, on page 32 of the hearings before the subcommittee of the Committee on Appropriations of the House of Representatives on the part of this bill dealing with the Department of Labor:

I am assistant deputy county clerk and I have been designated by the county clerk to come here to-day and state that at the present time there are no cases pending in the supreme court—

He refers to cases for citizenship—

that the supreme court, through the county clerk, for 17 years has been carrying on the naturalization with an appropriation from the fees turned in by the county clerk's office.

For the fiscal year ending June, 1923, with an appropriation of $12,000, or a little less, the county clerk turned in $54,000 to the Department of Labor, which was a net profit of $42,000.

Mr. President, the State of New York, for that $12,000, did all of the work incident to the naturalization of those persons who paid into the office of the county clerk and then into the Treasury of the Government $54,000. This entire service cost but $12,000. That included rent, light, heat, and the services of the judges and all officials of the county clerk's office, including the use of the courthouse and its employees. Everything was done for $12,000. I submit that the testimony of Mr. Crist and all other persons who have testified before the committee does not make a better showing for the Federal Government than that.

We know that if there are 12 or 14 or 20 Federal officials—the number does not matter—doing this work, the cost is not merely their salaries. We must take into account the fact of retirement privileges, the cost of transporting Federal officials from place to place, the cost of maintaining offices, the light and heat, and all of the accessories incident to the work involved in passing upon applications filed down to the period when naturalization papers are issued. I submit that this statement made by Mr. Geoghegan presents a strong case in favor of the policy for which the junior Senator from New York [Mr. COPELAND] is contending.

Proceeding, this witness states:

In the Federal court in Brooklyn there are three judges. In the supreme court there are three judges, and they are taking 200 cases a week in the Federal court. The county clerk wishes me to say to the committee that with an appropriation of $25,000 he can do $100,000 worth of business in a year, based on the figures of the fiscal year ending 1923.

Mr. SHREVE, the interrogator, says:

Returning to the Treasury a substantial sum?

Mr. Geoghegan says:

A substantial sum; $100,000. We turned in—I know this for a positive fact, because I had charge of the figures for the fiscal year ending June 30, 1923—$54,000 to the Department of Labor. Out of that we received a little less than $12,000; I do not have the exact figures. The supreme court, through the county clerk, has been doing naturalization work up until March of last year, when the appropriation ceased.

I might say also, Mr. Chairman, that our office—Mr. Crist was around there and probably has seen it—has been renovated everywhere and we have places where we could install naturalization examiners, if they wanted to work in our office.

The naturalization examiners, who have separate offices, could make such examinations as they feel impelled to make in the offices prepared by the State without any additional cost to the Government of the United States.

That was the promise that the county clerk got from the county at the time of the appropriation. He thought they were going to resume business. They—

That is, the officials in the county—

altered the building and there is space for the examiners to work, and applicants examined in the county clerk's office would not have to leave the building. I think we have pretty good quarters there.

The county clerk requested me to say that the judges have been assigned this year, although we did not think they were going to be assigned, because we were stocked up with business, and that we could take 200 petitions a day—

That is, those in Brooklyn—

I understand that the Federal court takes 200 a week. The judges are scheduled for one or two days a week. We have three judges scheduled one day each week and two weeks during the month of May and two weeks during the month of June.

That is the attention which this county in New York is giving to the subject of naturalization. It allocates a part of the time of the judges to the discharge of this important duty, and it has made suitable provision in this building not only for the work of the county officials and the applicants themselves, but for Federal examiners, if they care to come there, for the purpose of looking into the papers and interrogating those who made application for citizenship.

The witness continues:

Very often we get two or three weeks during the month of September. Of course, the supreme court calendar was clogged up there and there were many reasons why the work could not be done. One reason was that the clerks failed to comply with the law and the cases were put over for 90 days. Another thing was that during the war there were six or seven or eight thousand cases that could not be heard, because the Department of Labor objected on account of the people being Germans and Austrians.

That is one reason for the clogging—the impediments offered by the Department of Labor. I am not complaining. It is quite likely that they were justified in pursuing the course that they did. Mr. Geoghegan proceeds:

A rush of business came after the war and clogged up the calendar. Now the calendar is clear and the county clerk wishes to state that with an appropriation of $25,000 he could do $100,000 worth of business, based on the figures for 1923, where we turned in $54,000 from an appropriation of less than $12,000.

On page 34 he states:

We could clear up the situation in six months by taking the petitions.

So that the statement by this man, who for 17 years has been in the county clerk's office and is familiar with this work, is that in six months the petitions could all be received and the applicants put in the channel of realizing at an early date their desire, namely, citizenship.

Mr. Crist appeared before the committee and said:

I would like to say that that is more than Mr. Kelly stated to me that he would need.

That was $25,000 a year.

He stated he was able to do the work with from seven to eleven thousand dollars a year. Evidently he has increased the amount. I have not submitted estimates on the basis of an allotment of $25,000 out of the appropriation. I did not know until just now he wanted that much more.

I want to emphasize the fact that whatever is paid to the county includes the building, all of the services that are rendered, the lighting, the heating, and so forth, and many things that are not embraced in the mere salaries of the officials of the Federal Government. I read further from the House hearing:

Mr. CULLEN. Will Mr. Crist bear with me a moment?

Mr. CRIST. Yes.

Mr. CULLEN. I think that the suggestion as offered by the deputy county clerk, coming from the county clerk, is that the amount of $25,000 is approximately what he would like to get for the upkeep and maintenance of this bureau, and that if he got that amount he would turn back into the Treasury a profit of $75,000.

Mr. GEOGHEGAN. That is the idea.

Mr. SHREVE. He is not asking for a gift of $25,000.

Mr. CRIST. That is why I asked the question, so that there would be no doubt about it. He said that they wanted an allowance of $25,000 out of the appropriation. I stand ready to go ahead with him on the basis I have indicated.

Mr. SHREVE. Will you go ahead with him on the basis indicated by the deputy clerk here to-day?

Mr. CRIST. Yes.

Mr. SHREVE. You are willing to comply with the statement and agreement that has been made here before us and as shown by the record?

Mr. CRIST. My statement to that effect is that I am ready, and have made the statement repeatedly to Mr. Kelly, to have him take it up on that basis, so that we could put it on an appropriation basis as soon as the collections warranted it.

Mr. OLIVER. Let me again ask this: In reference to the $25,000, as I understand, those figures were connected with the $100,000?

Mr. GEOGHEGAN. Yes.

Mr. OLIVER. And it represented what you estimated would be the cost for doing $100,000 worth of business for the Government?

Mr. GEOGHEGAN. Yes.

Mr. OLIVER. And that there would be netted to the Government out of the $100,000, $75,000?

Mr. GEOGHEGAN. Yes, sir.

Mr. OLIVER. And, of course, I assumed that that proportion of the receipts, one-quarter to pay all expenses, represents what has been the usual allowance for services of that kind in the past?

Mr. GEOGHEGAN. Exactly.

There is the record made by Mr. Crist, apparently indorsing the position which was taken by the deputy county clerk of the county. It seems to me that under that statement the case of the committee falls to the ground, and that we are not only justified but that it is our duty to support the action of the House and support the position of the junior Senator from New York [Mr. COPELAND].

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is on agreeing to the committee amendment.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. May not the question be stated before the roll is called?

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On page 91, line 12, after the word "buildings," the committee report to strike out the following words:

carrying into effect section 13 of the act of June 29, 1906 (34 Stat. p. 600), as amended by the act approved June 25, 1910 (36 Stat. p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

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

Mr. HARRISON. I desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, there is a quorum present. The question is on agreeing to the committee amendment, on which the yeas and nays have been ordered.

The reading clerk called the roll.

Mr. HARRISON. On this vote my colleague [Mr. STEPHENS] has a pair with the junior Senator from Massachusetts [Mr. BUTLER]. If my colleague were present and voting, he would vote "nay."

I also desire to announce that the senior Senator from Rhode Island [Mr. GERRY] on this question is paired with the senior Senator from New Jersey [Mr. EDGE]. If the senior Senator from Rhode Island were present, he would vote "nay."

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWEN], and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 37, nays 40, as follows:

YEAS—37

Ball	Curtis	McLean	Spencer
Bayard	Dale	Means	Stanfield
Bingham	Fernald	Metcalf	Sterling
Borah	Fess	Moses	Wadsworth
Bruce	Hale	Oddie	Warren
Bursum	Harreld	Pepper	Watson
Cameron	Jones, Wash.	Phipps	Willis
Capper	Keyes	Reed, Pa.	
Couzens	Lenroot	Shortridge	
Cummins	McKinley	Smoot	

NAYS—40

Ashurst	George	McKellar	Sheppard
Broussard	Glass	Mayfield	Shipstead
Caraway	Harris	Neely	Simmons
Copeland	Harrison	Norris	Smith
Dial	Heflin	Overman	Swanson
Dill	Johnson, Calif.	Pittman	Trammell
Edwards	Johnson, Minn.	Ralston	Underwood
Ferris	Jones, N. Mex.	Ransdell	Walsh, Mass.
Fletcher	Kendrick	Reed, Mo.	Walsh, Mont.
Frazier	King	Robinson	Wheeler

NOT VOTING—19

Brookhart	Gerry	La Follette	Shields
Butler	Gooding	McCormick	Stanley
Edge	Greene	McNary	Stephens
Elkins	Howell	Norbeck	Weller
Ernst	Ladd	Owen	

So the amendment of the committee was rejected.

The PRESIDENT pro tempore. The Clerk will state the next amendment passed over.

The READING CLERK. On page 32, line 19, the Senator from Tennessee [Mr. McKELLAR] moves to strike out "$1,000,000" and insert "$500,000," so as to make the appropriation for investigation and prosecution of war frauds $500,000.

Mr. McKELLAR. Mr. President, this is the amendment I discussed on last Saturday and I am going to refer to it again very briefly. The amendment relates to the so-called war fraud section of the Department of Justice where they have 27 lawyers and for which we appropriated for the present fiscal year $700,000. They have spent about one-half of it. They have tried three cases, one case to every nine lawyers. Nine of those gentlemen won a case amounting to $14,000. Nine more of those gentlemen won a case amounting to $111. Nine more of those gentlemen won a case amounting to $85.

The Budget authorized an appropriation of $1,725,000. The House cut it down to $1,000,000. Before the Senate Committee on Appropriations it was proposed to cut it down to $500,000, the amount of the appropriation last year. The subcommittee sustained that proposition, but when the matter came before the full committee it was eliminated and $1,000,000 was agreed to as the House had proposed.

The two very excellent young gentlemen who have charge of the matter down there intend to build up a bureau rather than to collect money through the war fraud section.

I want to read from their testimony, as follows:

Senator SMOOT. Can you get the men necessary to handle these cases?

Mr. MICHAEL. Yes; as far as we personally are concerned, we should be delighted to see this figure remain at a million dollars; it is hard enough to spend a million dolars intelligently and use it wisely and well, and it will be more difficult to spend $1,725,000.

Senator SMOOT. Where are you getting the attorneys?

Mr. MICHAEL. From all over the country; I suppose in the last three months, Mr. Andrews and I together have written 2,000 letters.

Mr. ANDREWS. I wrote 73 yesterday, myself.

He wrote 73 letters trying to find lawyers for this bureau.

Mr. REED of Missouri. To do what?

Mr. McKELLAR. The Senator asks "to do what?" They have tried three lawsuits in the last nine months and recovered judgments for $14,000 in one case, for $111 in a second case, and for $85 in the third case, two magistrate court cases and one regular trial court case, one case to each nine lawyers. There are 27 lawyers at work in the department.

Mr. CARAWAY. At work?

Mr. McKELLAR. They are at work writing letters to find more lawyers. They want to build up a bureau there from 27 lawyers to 105 lawyers.

Mr. CARAWAY. Are they looking for the same kind they now have?

Mr. McKELLAR. I will read what they have to say about it, and the Senator can judge for himself:

Senator SMOOT. They have stopped their regular practice in order to come down here?

Mr. MICHAEL. We have been successful in getting a wonderful type of lawyer; we have gotten men to come to Washington at tremendous sacrifice to themselves. I know men who are actually digging into their own pockets to pay their living expenses and those of their family, because their salaries are not sufficient to take care of them.

Mr. ANDREWS. We have a type of cases, with responsibilities involved, that a man would not get in 15 or 20 years of private practice. The responsibilities are very great and the experience is valuable; these men consider that within 10 years' time they will be further along for having come down here than they would be by staying at home and continuing their private practice.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

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

Mr. McKELLAR. Certainly.

Mr. ROBINSON. Does the record to which the Senator is referring or the information before the committee disclose the cases that are now pending on account of suits?

Mr. McKELLAR. Yes. There are 700.

Mr. ROBINSON. Seven hundred cases are pending?

Mr. McKELLAR. No; not pending. There are very few cases pending, but there are 700 cases that have been examined by the war fraud section of the War Department for which we have been appropriating $500,000 a year. They have been referred over to the war fraud section of the Department of Justice, and there have been some suits brought, but very few.

Mr. ROBINSON. What is the total amount of money that has heretofore been made available for use in the prosecution of these cases?

Mr. McKELLAR. It began in 1922 in the war fraud section of the War Department. In 1922 there was $500,000 appropriated; in 1923, $500,000; in 1924, $500,000, and this year $250,000. That is to employ accountants and lawyers and others to go into these cases and prepare them for trial, as I supposed, as was said at this time, to inquire into them and investigate them, but it seems that they are transferred to the Department of Justice.

Mr. ROBINSON. One million seven hundred and fifty thousand dollars has already been appropriated?

Mr. McKELLAR. Yes; and that is in the War Department alone. In the Department of Justice $500,000 was appropriated in 1922, $500,000 in 1923, $700,000 in 1924—$500,000 regular appropriation and $200,000 deficiency appropriation—making $1,700,000 up to date, and it is now proposed to appropriate $1,000,000 more in the pending bill.

Mr. ROBINSON. Then, if I follow the Senator's figures correctly, the total sum that has already been appropriated is approximately $3,500,000 for both departments?

Mr. McKELLAR. Yes.

Mr. ROBINSON. It is now proposed to appropriate an additional $1,000,000?

Mr. McKELLAR. Yes.

Mr. ROBINSON. What I am interested in knowing, and I think the Senate and the country would be interested in knowing, what use has been made of the funds heretofore appropriated, and what results have been accomplished during the three years that the prosecutions have been authorized and the appropriations in various sums have been made available?

Mr. McKELLAR. They report that the whole amount recovered is a little more than $6,500,000.

Mr. ROBINSON. How many persons have been employed?

Mr. McKELLAR. Nearly all of that was by compromise, however. They were also authorized, as the Senator will recall, to prosecute criminal cases.

Mr. ROBINSON. How many persons have been sent to the penitentiary or convicted of a criminal offense?

Mr. McKELLAR. There has been one conviction, I believe; but the defendant there really pleaded guilty. There may have been two, but certainly not more than two. It was testified that there is no question of criminal prosecution involved; that it is impossible to convict anyone of a crime at this late date.

Mr. ROBINSON. Is it true that the statute of limitations would bar prosecutions for which indictments have not already been returned?

Mr. McKELLAR. I have not looked into the matter.

Mr. ROBINSON. Then why is it said that there is no purpose to prosecute if the appropriation is authorized? What is the theory?

Mr. McKELLAR. My idea is that they have no facts upon which to convict.

Mr. REED of Missouri. I think in most cases the statute of limitations must have run by this time.

Mr. HARRIS. Mr. President——

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

Mr. McKELLAR. With pleasure. He is a member of the committee that conducted the hearings.

Mr. HARRIS. The statement of the representatives of the department was that they could not conduct criminal prosecutions because they were barred by the statute of limitations.

Mr. ROBINSON. That the criminal prosecutions were barred by the statute of limitations?

Mr. HARRIS. Yes.

Mr. WALSH of Montana. Of course, three years have now elapsed since we began making these appropriations in 1922.

Mr. McKELLAR. Yes.

Mr. WALSH of Montana. I am simply interested in learning why it was that within the period of the last three years, when the statute of limitations did not operate as a bar, there had not been successful prosecution.

Mr. McKELLAR. I do not believe any explanation was made by the two young gentlemen who now have the matter in charge.

Mr. ROBINSON. I assume in the absence of evidence or statement to the contrary that it was because the facts disclosed did not justify it.

Mr. McKELLAR. I imagine that is the answer. I know of no other. They did not disclose any other answer. The two

young gentlemen did make this defense of themselves, and I want to say it to their credit. They said they had not been appointed until last July. They are the two directors of the bureau. They have a joint directory—Mr. Michael and Mr. Andrews—both of whom seem to be very nice young gentlemen, are very determined to build up a bureau, and very careless about getting results, because while they were appointed last July as the joint heads of the bureau they have collected by three suits $14,000 in all, and have collected by compromise $157,000, making about $170,000 in the first seven months of this year. In order to show what they are doing, I will state that during that same period they have spent somewhere in the neighborhood of $350,000.

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

Mr. McKELLAR. Yes; I yield.

Mr. SMOOT. I desire to say to the Senator, in addition to what has already been stated as to collections, that since the hearing there have been suits compromised for $150,000.

Mr. McKELLAR. Since the testimony of last week?

Mr. SMOOT. Since the testimony which we took.

Mr. McKELLAR. I am delighted to know that the publicity which has been had about it has probably made those young gentlemen get busy.

Mr. ROBINSON. Mr. President, I should like to have the Senator from Tennessee, who has the floor, or the Senator from Utah [Mr. SMOOT], who has just made a statement, inform the Senate how much was involved in the suits which were compromised for $150,000. For what amounts were those suits brought?

Mr. SMOOT. I do not know the amount. It was just telephoned to me a little while ago, however, that there had been a suit compromised for $150,000 since the hearing.

Mr. McKELLAR. That means some sort of an agreement to get the money, I take it.

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

Mr. McKELLAR. I yield.

Mr. ROBINSON. Of course, its importance is not revealed in the statement which has just been made by the Senator from Utah. That might be an important statement, and, in view of the lack of information with which to illuminate the significance of the statement, it might be unimportant. I do not think it can be said that the amount of recoveries in such cases is the sole rule by which the value of the proceedings is to be determined.

Mr. McKELLAR. I understand that.

Mr. ROBINSON. I recall that in one of the proceedings which were instituted by authority of Congress, an action in the nature of a criminal prosecution brought against a former Assistant Secretary of War——

Mr. McKELLAR. Yes; that prosecution was conducted by the same agency.

Mr. ROBINSON. He was indicted and tried, and I think the trial occurred in the District of Columbia. I refer to the case of former Assistant Secretary of War Crowell. The court before whom the indictment was tried pronounced the proceeding as without foundation and without justification.

Mr. McKELLAR. Yes.

Mr. ROBINSON. A large sum of money was expended under the authority of Congress in connection with the prosecution of this former officer of the Government, only to find that the prosecution ought never to have been instituted; that it was without the slightest foundation in law or in fact. I do not think that the Senator from Tennessee or any other Senator would want to deny funds to any department of the Government with which to carry on litigation necessary for the protection of the rights of the Government or for the punishment of those who have violated the laws of the country.

Mr. McKELLAR. Certainly not.

Mr. ROBINSON. But when additional funds are asked complete justification for the request ought to be furnished. If the Government is justified in the expenditure of millions of dollars for the prosecution of alleged frauds against it, Congress is entitled to know the reason why those engaged in the prosecution have been unable to uncover fraud and have been unable to secure the punishment of those alleged to be responsible for fraud. We can not use the Government money to pay fees for favorite attorneys, to furnish positions to lawyers who have not the ability to distinguish themselves in their professions in the localities where they live. Some one who stands sponsor for this proposed legislation, some Senator who advocates the appropriation, ought to justify it with facts.

Mr. JONES of Washington. Mr. President——

Mr. ROBINSON. I yield to the Senator from Washington, if I have the right to do so.

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

Mr. JONES of Washington. I wish to say that I hope to justify the proposed appropriation when I get the opportunity. The Senator from Tennessee [Mr. McKELLAR] had the floor on his amendment, and I did not care to take the time until he had concluded, but I think I can justify the proposal.

Mr. ROBINSON. The statute of limitations has run, according to the evidence submitted to the Senate, against criminal prosecutions for fraud. The evidence of results so far submitted does not justify the expenditure of the sum of approximately three and one-half million dollars already authorized and expended.

Mr. JONES of Washington. I suggest to the Senator from Arkansas that I think there is a pretty strong presumption in favor of the appropriation when it is taken into account that that amount has passed another body which gives special consideration to such items in appropriation bills.

Mr. ROBINSON. I will say that an ordinary collection agency usually is able to show better results than have been exhibited here as a basis of justification for the appropriation of $1,000,000 for the further prosecution of alleged war frauds.

Mr. McKELLAR. Mr. President, I was asked a moment ago about the number of convictions. There have been one conviction, one plea of guilty, and six acquittals, but these two gentlemen, the directors, very frankly stated they did not expect to prosecute any further criminally because they did not expect to win, and of course after such a long time has elapsed since the alleged crimes it is difficult to secure convictions.

Mr. ROBINSON. May I ask the Senator a question?

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

Mr. McKELLAR. I yield to the Senator.

Mr. ROBINSON. I asked the Senator the question a moment ago whether the reason given by the attorneys who conduct these proceedings is that the statute has run against the alleged criminal offenses?

Mr. McKELLAR. No.

Mr. ROBINSON. Or that the evidence is insufficient to justify conviction?

Mr. McKELLAR. They do not believe they have the evidence.

Mr. WALSH of Montana. Mr. President——

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

Mr. WALSH of Montana. The question I desired to present perhaps is sufficiently answered by the facts, but I wish merely to call attention to the fact that much has been said in public debate, both in and out of Congress, about the enormous frauds characterized by criminality in connection with expenditures made during the war. As I understood, the appropriation of $500,000 which we made three years ago——

Mr. McKELLAR. It began then.

Mr. WALSH of Montana. Was to be utilized to bring to punishment in the criminal courts the parties charged with criminal and fraudulent acts perpetrated during the war. Are we now to understand that it is admitted that there are no facts which will justify criminal prosecution?

Mr. McKELLAR. I so understand the testimony of the directors of this agency of the Government.

Mr. WALSH of Montana. And that up to the present time there have been two convictions in criminal prosecutions, in one of them under a plea of guilty?

Mr. McKELLAR. In one case there was a plea of guilty and in the other a conviction. It is just put down as a "conviction" in the statement I have.

Mr. WALSH of Montana. A conviction after trial. Will the Senator tell us who the defendants were?

Mr. McKELLAR. They are not given in this record, and I did not ask in the committee for their names.

Mr. WALSH of Montana. Can the Senator tell us whether they were actually officers of the Government?

Mr. McKELLAR. No; I can not give any information except what is in the exhibit in the testimony to which I have referred. There may have been a fine or there may have been a sentence of imprisonment imposed, although I am quite sure there was no sentence of imprisonment, for I do not think anyone has gone to prison.

Mr. WALSH of Montana. The Senator is not even able to tell us whether they were or not officers of the Government?

Mr. McKELLAR. No.

Mr. WALSH of Montana. Or how elevated was their rank if they were officers of the Government?

Mr. McKELLAR. The evidence does not disclose any such facts.

Mr. WALSH of Montana. Has the Senator any information about any officer of the Government having been convicted?

Mr. McKELLAR. No; none at all. I take it that no officer of the Government has been convicted, except the one in Chicago—and the prosecution in that case was not carried on by these gentlemen, as I recall.

Mr. KING. The Senator means the case of Mr. Forbes?

Mr. McKELLAR. Yes.

Mr. CARAWAY. Mr. President, I should like to ask the Senator a question.

Mr. WALSH of Montana. Mr. President, if the Senator from Arkansas will excuse me for a moment, the remark just now made prompts me to make a further inquiry. The prosecution against Mr. Forbes could not be classed as one of the war-fraud cases, could it?

Mr. McKELLAR. I do not understand how it could, as he came into office after the war was over.

Mr. WALSH of Montana. He came in after the war was over, and I understand the war-fraud appropriations were made for the prosecution of frauds alleged to have occurred during the war or in connection therewith.

Mr. McKELLAR. Yes, sir.

Now, Mr. President, I merely wish to call attention to what Mr. Michael testified about this work. I quote from the hearings before the Senate committee, as follows:

Senator McKELLAR. What we want are the facts, so that we can determine that before making appropriation.

Mr. MICHAEL. Let me say this, that when the time comes when Congress is appropriating more money for this work than the work is yielding, it is my judgment you are quite right, unless, in some phases of the work, there is some moral or ethical principle involved. In the greater part of the work, perhaps, there are no such principles involved, so the thing resolves itself into a question of return, of yield. When the time comes when the work is yielding less than it costs, in the absence of any ethical principle, I, personally, see no reason for the continuation of the work.

That is the position of one of these directors, that when the work is yielding less money than it costs—and unquestionably during this much of the fiscal year the work is yielding only about 50 per cent of what it costs—it should be discontinued. So under his own statement it really ought to be discontinued.

Mr. CARAWAY. Mr. President——

Mr. McKELLAR. Furthermore, if the Senator from Arkansas will excuse me for a moment, there is another reason why it should probably be discontinued. These gentlemen talk about the cantonment cases which, it will be recalled, were much in the public eye some years ago. It is stated in the hearings that it cost merely to make an examination of one of those cases about $140,000, in order to determine whether or not suit ought to be brought. As I remember his figures, the amount was $140,000. Now he says they are the most important cases. In this connection I should like to read a memorandum that was attached to one of these cantonment cases:

Camp Devens, Mass. (Case A): This section's initial investigation of this case was made during the summer of 1922. Over 200 witnesses were located in about two months by three men.

In the fall of 1923 Investigator Keats was in the vicinity of Camp Devens on other matters and in his spare time attempted to locate some of these witnesses whom he had previously interviewed. He was unsuccessful, finding that most of them had moved, and reported that the work would practically have to be started afresh in that case. Later, Attwood and Lambert were able to locate only 20 per cent of the original witnesses.

What chance has the Government to make out a case six or seven years after the fact, with the witnesses all gone? These witnesses give facts here which show that this bureau ought to be discontinued entirely.

I continue reading:

Camp Upton, N. Y. (Case B): This contractor employed many drifters. During the initial investigations of this case Investigator McGee lost track of many of his witnesses, whom he had interviewed but a few weeks before, by reason of their moving and leaving no forwarding addresses. If this suit comes to trial it will be necessary to make a new start on this case, as we have lost trace of most of our witnesses on this case.

Think of it. "It will be necessary to make a new start," and yet he says that it will cost $140,000 to investigate one of these cantonment cases. Why, Mr. President, I believe that any good honest-to-god lawyer with one good stenographer can go into that department, go through the facts that they have there, and get more results than all these 27 lawyers and the whole bureau, including the $18,000 accountant.

Mr. President, I ask to insert in the RECORD the other cases. I am not going to read them. I have just read those two. There are a number of other cases on page 120 of the House hearings, which I ask to have inserted here as part of my remarks, showing that these cantonment cases that they are going to spend all this money for ought not be proceeded with further. There may have been frauds; I do not know; but if there were frauds, as a result of negligence and failure to act promptly this bureau has lost all chance to recover for the Government in those cases. That is what has happened, and why spend a million dollars uselessly, as it seems to me, extravagantly, wastefully, for any such purpose as that?

The PRESIDING OFFICER. The Senator from Tennessee requests unanimous consent to insert in the RECORD certain documents. Is there objection? Without objection, it is so ordered.

The matter referred to is as follows:

Camp Jackson, S. C. (Case C): Intensive investigation was made of this camp in 1922-23 by Attwood. In the spring of 1924 Attwood returned to Camp Jackson and found that about 25 per cent of his witnesses had moved or died.

Camp Sherman, Ohio (Case D): But 45 per cent of the witnesses appearing before the congressional committee were located by this section, others having died or moved to parts unknown. We are keeping in constant touch with this particular case, but frequently lose track of witnesses.

Camp Dodge, Iowa (Case E): Investigation along these specific lines has recently been made by Attwood on Camp Dodge. Twenty-two witnesses interviewed and giving favorable statements two years ago have moved to points on the Pacific coast. Of 125 witnesses residing there two years ago but 45 were located, the balance having moved to remote points, a number to Texas, some to California, etc.

New witnesses located and interviewed on this case are usually unable to give the names of their foremen, remember the dates they were employed, or give other important facts, due to failure to remember things which happened seven years ago.

Attwood states that this failure to remember is becoming increasingly apparent every day, and that it is now much harder to get witnesses who recall specific facts than it was two years ago.

Mr. McKELLAR. Mr. President, I yield now to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, all I was going to ask the Senator was this: I understood him to say that the gentlemen who are building up this bureau said that in 10 years from now the lawyers they were hiring would be good lawyers. Is that correct?

Mr. McKELLAR. No; they said that the reason why these lawyers could afford to stay here for the salaries that were being paid them was that the 10 years of splendid experience they would get here in the department, in the war frauds section, would be of great advantage to them in their practice thereafter.

Mr. CARAWAY. That is what I am getting at. The lawyers they are now hiring they expect to stay here 10 years on these war-fraud cases, do they?

Mr. McKELLAR. I think it is an unlimited time. One of the witnesses said, in answer to a question I put to him, that they were still prosecuting Civil War claims of the Government, and the inference was that there was no reason to think that World War claims would be settled any quicker than Civil War claims.

Mr. CARAWAY. In other words, the job would last as long as the man.

Mr. McKELLAR. Why, Mr. President, if the Senator will read what is proposed by these two directors, he will find that it is one of the most permanent of all the bureaus of the Government that is sought to be established here.

A year ago I gave these gentlemen warning that unless they could show results I was going to make this fight against any appropriation this year; and yet when we come to go into the matter at this time, instead of showing results, we find that the results are infinitely poorer than they were a year ago. The only reason why I have offered the amendment for $500,000 instead of $1,000,000 is because we appropriated $500,000 last year. I should very much prefer to see the appropriation stricken out entirely and turn these cases over to the Attorney General's office. They have to go to the district attorneys anyway. These gentlemen have to cooperate if they bring suit. The district attorneys have jurisdiction in each case. Why not give them to the regular paid lawyers of the Government in the various districts of the United States? It ought to be done, and we ought to save this enormous sum. Some of you gentlemen have had a whole lot to say about economy, but when we come to practice economy there is not a Senator in this body who does not know that this is wastefulness, this is extravagance of the worst type, and we ought to cut it out.

Now, Mr. President, I come to another one. Here is Mr. Michael:

Mr. MICHAEL. Senator, that gives you the gross figures of collections made by the war transactions section since the fiscal year beginning July 1, 1922. We spoke a moment ago about the appropriations made for the work of the contract audit section of the finance department of the War Department. Now, when you consider the results of the appropriations made by Congress to that section and to this work, you have to take into consideration not only the amount that has been collected by the Department of Justice, but also the amount collected by the contract audit section. The chairman a moment ago called attention to that. You, furthermore, have to take another fact into consideration, and that is this—that a great many of the cases which are examined into by the contract audit section of the War Department are not sent to the Deparment of Justice; they are sent to the General Accounting Office, and further collections occur in the General Accounting Office. I have no information as to what has been collected there.

In other words, these claims are sent from one department to the other, from the War Department to the Treasury Department, and from the Treasury Department to the General Accounting Office, and some of them to the Department of Justice.

I read further from the hearings:

Mr. ANDREWS. When we took charge as directors, to use the Attorney General's phrase when he appeared before the House Appropriations Committee, there were four units working in water-tight compartments carrying on a great deal of efficient legal work, but without relation to each other. Sometimes men in one unit were working on the same thing as the men in another unit and not knowing just what was going on.

That is one of these directors testifying as to what has happened in this war frauds section. He charges that four water-tight compartments of the section were working without any reference one to the other, and doing the same work. Mr. President, it does seem to me that under no circumstances should this enormous appropriation be made.

I spoke just a few moments ago about the proposed cost of getting one of these cases tried. Here is the director's word for it. I will give you exactly what he said about it:

There are certain things in connection with the program and requirements for the current fiscal year to which attention is especially directed. The program contemplates the preparation for trial and the trial of two cantonment cases at an estimated cost of approximately $139,230. The larger items making up this total are: For attorneys' salaries, approximately $52,000; engineers' and investigators' salaries, approximately, $36,000; accounting preparation, approximately, $50,000. Of the total number of lawyers engaged in the work of the section, seven are giving their time to the cantonment cases.

Now, Mr. President, they come and say that they have 700 cases, and that these cases have to be divided up and segregated and surveyed, and that 105 lawyers are necessary. I want to say this: If we continue to appropriate $500,000 or a million dollars a year it will be spent, and in my judgment, the Government from now on will never get as much as 50 cents on the dollar for the appropriations made.

Mr. SIMMONS and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. McKELLAR. I yield first to the Senator from North Carolina. Then I will yield to the Senator from Missouri.

Mr. SIMMONS. Mr. President, I simply want to ask the Senator about the statement he has just made about 105 lawyers. Does he mean that there are 105 lawyers who are not officers of the Government who are employed in the prosecution of those cases?

Mr. McKELLAR. No; the Senator did not understand me. There are 27 lawyers that are employed by salary. There are others that are employed, of course, to help the district attorneys, and things like that; but what these two directors propose is that this appropriation shall be increased to $1,725,000 for the purpose of employing 105 lawyers to try these cases.

Mr. SIMMONS. Lawyers outside of the department?

Mr. McKELLAR. Oh, all of them are outside of the department, the 27 that they now have and those that are proposed; and here is a very interesting thing in reference to the lawyers, if the Senator from Missouri will excuse me a moment. They furnish a list here of the lawyers who have resigned.

Mr. SIMMONS. Is there anything in the hearings to indicate what fees they were paying those lawyers?

Mr. McKELLAR. I gave them all on Saturday. Let me see: There are four at $10,000, and a number at $6,500, and some at $7,500, and from there on down to $2,400.

Mr. SIMMONS. Did the Government have their entire time during the year when that salary was paid?

Mr. McKELLAR. I do not know. I imagine that they have a great deal of trouble in getting in and out of this section. I presume a great deal of their time is lost in getting out of the section and in it again, because they are running over each other down there and have difficulty in getting in and out.

Mr. NEELY. Mr. President——

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

Mr. McKELLAR. I do.

Mr. NEELY. With the permission of the Senator from Tennessee, I should like to answer the question asked by the Senator from North Carolina. The statement on page 24 of the Senate committee hearings shows that the attorneys employed by this department are as follows, and they are paid the following salaries:

Department of Justice—War Transactions Section—Compensation requirements for personnel at January 1, 1925

Grade	Title	Annual rate of compensation	Number of persons
P-6	Chief attorney, directors	$10,000	2
	Chief attorney	10,000	2
P-5	Senior attorney	6,500	1
	Do	6,000	5
	Do	5,200	1
P-4	Attorney	5,000	1
	Do	4,600	1
	Do	4,200	1
	Do	4,000	2
	Do	3,800	3
P-3	Associate attorney	3,000	1
P-2	Assistant attorney	2,400	4
	Special counsel	10,000	1
	Do	7,500	2
	Do	6,500	1
	Do	6,000	1
	Do	3,000	1
	Cantonment group:		
P-6	Chief attorney	10,000	1
P-5	Senior attorney	6,000	1
	Do	5,200	1

Mr. CARAWAY. What kind of attorneys are those—"P-6," "P-5," "P-4," and so forth?

Mr. McKELLAR. I will read their names in a moment.

Mr. NEELY. I have no more information on that subject than I am giving the Senator.

Mr. CARAWAY. How are they classified? That is what I want to know.

Mr. McKELLAR. That is what the bureau has been doing, it has been classifying attorneys. One of the directors testified that he wrote, I think, 200 letters in one day trying to get lawyers for these positions.

Mr. CARAWAY. Why not get an automobile license, or something like that, to hang on them and classify them? Could not that be done without all this trouble?

Mr. McKELLAR. Mr. President, it is remarkable that some of these lawyers sometimes resign, but——

Mr. CARAWAY. Oh, no!

Mr. McKELLAR. Yes; they have here a list of resignations, and I want to read it just for a moment, to show how interesting it is: H. D. Anderson, examiner, $1,860.

Mr. CARAWAY. That is not a lawyer.

Mr. McKELLAR. Stanley B. Attwood, investigator, $3,000; F. J. Baker, examiner, $2,000; M. T. Baggarly, stenographer, $1,860; T. M. Bigger, special assistant to Attorney General, $10,000; Joseph M. Brown, investigator, $2,400; W. H. S. Callahan, examiner, $2,400; Arthur Carnduff, special assistant to Attorney General, $7,500; Thomas S. Crago, special assistant to Attorney General, $5,000.

Mr. CARAWAY. I thought the Senator was going to show that some of those "dittoes" resigned.

Mr. McKELLAR. Here are some "dittoes" right here. F. M. Crawford, examiner, $1,860, and a great many others, some whose salaries are to be determined by the Attorney General. There are some twenty-odd of these who have resigned within the last year or two. Let me show what is proposed by these two very delightful young gentleman who are urging this appropriation of $1,725,000. This is the statement of Mr. Andrews:

But it is not easy to get men capable of doing this type of work—men competent to handle cases of the complexity, novelty, size, and difficulty of the section's cases.

I call special attention to this:

We are not interested in lawyers of only average ability. There is no lawyer in the section to-day who is not good enough to earn considerably more in private practice than he is being paid now. We do not want any man who is interested in the salary. We could have had a hundred such men, many of them fairly good men, too.

Mr. CARAWAY. He says they do not want those who are interested in the salaries?

Mr. McKELLAR. Yes.

Mr. CARAWAY. Let us cut off the salaries, and see how many of them stay.

Mr. McKELLAR. That is what I propose, and I hope the Senator will vote with me. Listen to this:

We are, therefore, building up as fast as we can a very exceptional personnel, sifting and picking the top flight of available lawyers.

Two hundred letters in one day to get "the top flight of available lawyers!"

The process was slow and hard to start.

Let me say here, these men are not interested in getting results for the Government. They are not interested in prosecuting those who may have defrauded the Government. They are not interested in getting recoveries. Three recoveries in seven months was all they got. They were interested in picking "the top flight of available lawyers." Listen to this:

The process was slow and hard to start, but our sources of information are increasing every day, our contacts ever widening.

This is what the war fraud section is doing:

Before many months we hope to be in touch with nearly every center in the country where an able lawyer may be found.

They are getting in touch to employ able lawyers. He continued:

We hope that exceptional men will be turned up by our combing process in ever greater numbers.

All this means, obviously, that to ask for a very large supplemental appropriation for this current fiscal year would not merely have been to plan far beyond the section's commitments as we found them when we took charge. It would also have committed us to employing so many lawyers that we might have had to relax our care in selecting them. This would have been bad for the section's work; it would have made it harder to get the high type of man we really want. For one of the great incentives that brings us exceptional men is their feeling that their associates will be men they will be proud to work with.

Mr. CARAWAY. Does he give the names of those nine who recovered that judgment of $110?

Mr. McKELLAR. He does not segregate that part of the section's work. The 27, however, got the three judgments.

Mr. CARAWAY. I presume a part of the honor will come from associating with the nine lawyers who gathered in $110.

Mr. McKELLAR. Yes; I imagine that will be a very great honor.

Mr. Andrews continued:

So we were unwilling to commit ourselves, for the balance of the current fiscal year, to employing more men than approximately enough to replace those who have left the section. But we did and do feel that by next July we shall have combed the country to such an extent that a large number of the men we want will be on our lists. But we do not expect to lower our standards. We shall not knowingly recommend the appointment of a single man unless, from a careful investigation of his work, we believe him to have much more than average ability.

Mr. President, I shall not take the time of the Senate longer.

Mr. SIMMONS. Who are the "we's" there?

Mr. McKELLAR. It is Mr. Michael and Mr. Andrews. One is from New York City and one from upper New York, I believe—I have forgotten where. Both are very intelligent men, and both very much imbued, as I took it, with the idea of building up a great bureau in the Government to conduct these cases from now on, as long as any of us shall live, or longer.

I think the amendment I have offered should be agreed to. I hope the chairman of the committee will accept it. We should not appropriate more than the $500,000, and I take it really we should not appropriate that much. I am only willing, so far as my vote is concerned, to vote for that now, with this distinct understanding, that these gentlemen must show within the next year far better results than they have in the past, or we should cut it out altogether.

Mr. JONES of Washington. Mr. President, we have not forgotten the reverberations in this Chamber three or four or five years ago about the frauds in connection with the dealings of the Government in the conduct of the war. When the war was over there was a great cry that investigations should be made, that prosecutions should be had, and that we should not only recover much of the losses the Government had sustained by reason of these frauds, but that there should be criminal prosecutions.

Personally, my view at that time was that the wise thing to do was to wipe the slate clean and go on for the future. I was satisfied that there had been fraud in the conduct of the war. I was satisfied that there had been criminal action in the conduct of the war, but I doubted very much if we would be able to show very much fraud. I doubted also if we would be able to convict any criminals. But the fraudulent practices there were had been covered up as much as possible, and of course whatever criminal acts there were had been concealed as much as possible.

I felt that it would be extremely difficult to convict anybody criminally of fraudulent conduct, or to recover any appreciable amount in civil prosecutions. But the Congress decided that we should attempt to recover on account of these frauds, and prosecute wherever the evidence would show criminality, and we embarked upon that course.

What are the results? We would gather, I think, from the suggestions of the Senator from Tennessee that nothing has been accomplished. As far as my judgment goes, we have accomplished really more than I expected at the time we would accomplish. We have not lost any money by what we have done.

I shall state, briefly, what has been accomplished from the report of the House committee, and the record will show that the House committee went into this matter with very great care. They apparently investigated every branch of this work, and there was no partisanship manifested in their work. The committee looked into the matter very carefully, and was unanimous in its report, I think. I have talked with some of the Democratic Members who were on the committee, and they were very anxious to have this appropriation made.

The committee recommended the appropriation of a million dollars, and the House agreed to that. I shall read what the report of this committee shows as to what has been accomplished in general terms. I know it is an easy matter to pick out here and there some detached statement or some detached item, or something of that kind, and minimize what has been accomplished, but here is what the House committee states has been accomplished thus far. We have appropriated a million seven hundred thousand dollars, as has been said.

To December 1, 1924, the war transaction section has collected in cash approximately $5,700,000.

That more than pays back what we have appropriated for these prosecutions, so that so far we have not lost anything. This must be separated from what has been collected in the War Department. In the War Department they have collected something over $4,000,000, and in this connection let me say that the cases which come over to the Department of Justice are the cases which can not be adjusted or settled or compromised in the War Department. In other words, the most difficult cases come to the Department of Justice; the cases which can not be settled by the War Department come over there. That must not be forgotten.

In notes and other securities approximately $850,000. The acceptance of a compromise offer of $2,750,000, of which $1,000,000 is to be paid in cash and $1,750,000 over a period of years, has recently been authorized by the Treasury, and additional offers of compromise aggregating approximately $35,000 are pending.

Notice, Senators, that this is what has been accomplished:

The aggregate of cash collections, deferred payments on account of collections, compromise offers accepted but not consummated, and compromise offers pending unaccepted is, therefore, to December 1, 1924, approximately $9,300,000.

If we had not started these prosecutions, if we had not started this attempt to make these collections, we would not have gotten any of this, probably. The War Department has gotten everything it could get, $4,000,000, in certain cases. On those that were turned over to the Department of Justice we have collected, or secured by way of compromise, practically $9,300,000 which no doubt we would not have secured at all if we had not engaged in these prosecutions. So that on the whole the Government has made money by these prosecutions.

What is pending? I read from the same report, the House committee report, which I think is about the best thing I can present to the Senate, because, as I have said, this committee went into the matter with very great care. They spent days, and took pages of testimony, in getting at it.

The results of the work of this section in the investigation and prosecution of war frauds can not be measured solely in terms of money. Nearly a thousand cases arising out of war and postwar trans-

actions have been referred to this section for its attention since its organization. Many of these cases have been carefully and completely investigated. One hundred and seventy-six of them have either been returned to the executive departments in which they originated, because the investigation disclosed no cause of action in the Government's favor.

Lawyers can probably realize more fully than anybody else what that means, the work that it entails upon the Department of Justice. It took a great deal of time to investigate these various cases. It took just as much time and just as much effort to investigate these cases and determine there was no cause of action, as if they had found the cause of action, because it is only after investigation that they can determine that fact.

We must not overlook this fact, Senators, that these claims do not grow out of a written contract or a specific contract. The merits of the claims can not be determined by written terms or written agreements. Of course the defendants claim that they are not liable. The Government must ascertain the various facts upon which they are going to base the charge and the claim that they are liable.

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

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES of Washington. Certainly.

Mr. McKELLAR. I know the Senator wants to be accurate, but he will recall that the testimony is that the cantonment cases are the largest, and in every one of them they have a written contract.

Mr. JONES of Washington. The contracts with reference to the cantonment cases were largely the cost-plus contracts.

Mr. BAYARD. But they were written contracts.

Mr. JONES of Washington. The written terms of the contracts did not determine the question at all, did not determine the amount of the claims presented as to what had been expended, or anything of the sort. The Government had to make wide investigations to determine whether those men had complied with their contracts, or whether they had not, whether or not they had bought fraudulently, or whether or not they had increased prices fraudulently and charged more than they ought to have charged, and all that sort of thing. That had to be determined, not by the terms of the contract, but by investigation practically all over the country.

As the Senator from Utah [Mr. SMOOT] suggests, the Treasury was robbed of millions of dollars. We may be satisfied of that, but how can we establish it, how can we prove it? The men who defrauded the Treasury, the men who sought to defraud the Government during the war, were not fools. They were men of great ability. They knew especially their line of work and their line of operations. It is a very difficult thing to find out just where they were fraudulent, wherein they committed fraudulent acts, and wherein they defrauded the Government. It takes time and it takes money to ferret out these frauds.

Listen again:

One hundred and seventy-six of them have either been returned to the executive departments in which they originated because the investigation disclosed no cause of action in the Government's favor or have been returned to other divisions of the Department of Justice for action. Suits have been brought in 165 cases, involving demands in the aggregate of $70,831,039.61.

Of course, we do not know whether those claims will be established or not. In order to maintain those suits the Government must make investigations here, there, and yonder. It has to hunt up witnesses who will be able to testify to pertinent and material facts. It takes time to do that. It takes money to furnish the investigators. It is not astonishing that we have not had more suits brought to a conclusion than we have had. True, as the Senator pointed out, there is not very much recovery by suit. I think we can assume generally that where a man against whom the Government asserts a claim feels that the Government is going to be able to establish that claim, he is going to compromise it instead of letting it go to trial. Only those who feel that there is very little possibility of the Government establishing a claim are going to resist to the end. I think that accounts very largely for the reason why we have had so few suits brought to judgment. Many of those suits, after they are commenced and the defendants begin to appreciate what the Government has, are compromised, because the defendant comes in promptly with an offer of compromise and an endeavor to settle. In many cases it is probably wise for the Government's representatives to settle, and they get better terms than they could accomplish through suits. Here we have $70,000,000 involved in suits that are now pending.

The Senator from Tennessee [Mr. McKELLAR] called attention to the fact that during the last year or the last several months suits have been brought and judgments secured for something over $100,000, and from that he argues that we should drop the entire matter. I do not think that follows at all.

Mr. McKELLAR. Oh, I did not say that. I said there were three judgments aggregating some $14,000.

Mr. JONES of Washington. The principle is the same. Of course, it is a small amount, but from that the Senator argues that it is a failure. I want to say that in my opinion we should judge what has been accomplished by the complete results. We can not judge what may be accomplished or what has been accomplished in a period of three years by what has been done in a particular six or eight months or even year. As I said a moment ago, these claims are unlike claims based upon a note or a fixed, certain, definite written contract. They are based upon allegations of fraud, and in order for the Government to maintain its case it must be pretty well fortified with evidence before it begins its suit. So it is necessary for it to send its agents out to investigate and find the witnesses and get the facts upon which it is going to base its charges of fraud.

I read further:

Suits have been brought in 165 cases involving demands in the aggregate of $70,831,039.61. One hundred and nineteen cases have been disposed of by suit or compromise. Twenty-eight claims have been proved in receivership or bankruptcy proceedings, of which 17 involving $2,155,049.91 are still pending. One hundred and thirty-two cases, of which some 60 are urgent, involving demands aggregating $70,682,313.09, are still pending in court. There are approximately 550 cases now in the section in which actions have not yet been begun. In many instances, as shown in the attached tabular summary, the investigation of these cases has been completed and the preparation of the pleadings necessary to commence actions is in process.

In addition this section has for some time been conducting a systematic preliminary survey of the more important contracts for the production and supply of war materials, of the settlement of such contracts, and of the larger sales of surplus war materials, for the purpose of detecting frauds and irregularities. This work has been done under the supervision of the Joint Board of Survey, a board created by direction of the President in the early part of 1923, and composed of representatives of the War Transactions Section and of the War Department. As a result of the work of this board many thousands of war contracts have been surveyed and from this board more than 400 cases have been referred to the Department of Justice for investigation and disposition. Of all the section's cases, 62 have been returned to the War Department after investigation as having no merit, and 346 have been found after investigation not to be war transactions cases at all.

Thirty-five indictments charging criminal conspiracies to defraud the Government have been obtained.

Criticism is made of the organization. I imagine that it is very much like all other governmental activities. I do not say that they have not too many lawyers. I do not say that they have too many lawyers. I am inclined to think, with the vastness of the work, with the complicated character of it, with the amounts that are involved, that if we are to carry on the work there are not too many. I think the members of our committee were most favorably impressed with the men who came before the committee. I think we felt that they were able men; that they were conscientious men; that they were trying to recover what was justly due to the Government.

Mr. WALSH of Montana. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator has referred to a summary reciting that 35 indictments have been secured. Can he tell us what disposition has been made of them?

Mr. JONES of Washington. I can not. I have not followed those up.

Mr. WALSH of Montana. Can the Senator tell us whether any of those indictments were against officers of the Government?

Mr. JONES of Washington. I can not. I have not followed them up.

Mr. McKELLAR. If the Senator will permit me, perhaps it will give some information if I quote from Mr. Michael, who testified before the committee. At page 29 he said:

As far as I know, since I have been here—

That is, since last July—

we have recommended not a single criminal prosecution that was not under investigation or being prosecuted at the time we came here. The statute of limitations has barred every crime that was committed prior to November 11, 1918.

Again, on page 30 he said:

I think, however, that it is true that as far as criminal cases are concerned, as far as the possibility of criminal prosecution is concerned, that is largely a thing of the past. If this work is to be continued, it ought to be continued with the knowledge that the results will be the recovery of sums of money in civil cases.

Mr. JONES of Washington. As has been said, the Budget, after a showing by the department, submitted an estimate of $1,725,000 for carrying on the work. The House subcommittee reported a recommendation of $1,000,000. That carried in the bill and was adopted by the House. Here is the attitude of the men who represent the Government. Speaking to the House committee, Mr. Michael said:

We do say to you, however, and we do think it is our duty to submit this, because we have spent over four months studying the problem, night and day—and those months have not been easy months by any means—that you might as well discontinue the work altogether unless you are going to do it properly, and in our judgment the only way you can expect to do the work properly is to appropriate enough money to do it in a fairly complete fashion.

I might say in justice to these men that they took charge of the work about the 1st of last July. I think Senators are familiar with the organization with which we started out. We had a council committee of seven lawyers, I think, some of them former Members of the United States Senate, who tried to work out an organization. That has been dissolved and new organizations set up, and so on, until when these men took charge of it they found a condition very much as the Senator from Tennessee called attention to a while ago, that they were not coordinating their efforts at all, that different branches of the Government and different branches of the same department of the Government were working along parallel lines on the same thing, getting nowhere. These men were put in charge, and they tried to bring the matter into a coordinated, efficiently working bureau.

Mr. ROBINSON. Mr. President, will the Senator yield in that connection?

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. The Budget recommended $1,725,000?

Mr. JONES of Washington. Yes.

Mr. ROBINSON. Upon what theory was the amount reduced to $1,000,000?

Mr. JONES of Washington. The subcommittee of the House went into the matter very fully. They had taken hundreds of pages of testimony.

It was their conclusion—and, by the way, a Democratic member of that committee told me that it was their conclusion—that with $1,000,000 during the coming year they would prefty well demonstrate what might be done in this matter; and the committee felt that they ought to make as liberal an appropriation as they possibly could in order to carry on this work efficiently. So instead of giving $1,725,000 they allowed $1,000,000. Of course the estimate of the Budget Bureau is not conclusive, neither is the judgment of the committee conclusive——.

Mr. ROBINSON. No; but I understand that the agents or officers or lawyers in charge of this work claim that $1,725,000 is necessary. Now I want to know why the Senator's committee reduced the appropriation to $1,000,000?

Mr. JONES of Washington. The Senator's committee did not reduce it to $1,000,000, but we accepted the judgment of the House of Representatives.

Mr. ROBINSON. The Senator's committee reported the item without increase.

Mr. JONES of Washington. We did.

Mr. ROBINSON. The point being that the Budget Bureau asked for nearly twice as much as the body at the other end of the Capitol approved after a careful investigation of the subject.

Mr. JONES of Washington. It is true the Budget Bureau did so, and I am not here to say——

Mr. ROBINSON. It must have found, then, that an extravagant demand had been made.

Mr. JONES of Washington. No; I do not think that is the correct conclusion. The committee did feel, however, that $1,000,000 would be sufficient at least to demonstrate whether or not we had better go on with this work. I do not think that the reduction demonstrates that the committee found an extravagant demand had been made. There was a difference of opinion, a difference in judgment as to what ought to be done, just as we always find. The department officials presented to the Budget Bureau what they believed from their knowledge of the situation ought to be done.

Mr. ROBINSON. If the work fails, if the same results occur hereafter as apparently have occurred heretofore, can the department then say that it is due to the niggardliness of Congress in denying it funds with which to carry on this work?

Mr. JONES of Washington. It might have considerable ground for that contention.

Mr. ROBINSON. That is the very point I am trying to make—that is, whether the request for $1,725,000 was justified in the Senator's opinion or was not justified?

Mr. JONES of Washington. In my judgment, it was justified, but my judgment does not go all the time, either in the committee or elsewhere.

Mr. ROBINSON. The Senator's judgment goes a long way with his colleagues.

Mr. JONES of Washington. But our committee——

Mr. ROBINSON. If the Senator from Washington felt justified in supporting the request of the department for this sum, the Senate would be very much disposed to follow the Senator's leadership in that matter. No Senator here wants to cripple the department.

Mr. JONES of Washington. I know that.

Mr. ROBINSON. Of course, the Senator from Washington does not want to do it, but here is a case where the department asked for $1,725,000 for the prosecution of alleged war frauds, and the committees of Congress by common consent have cut the appropriation in two. I say that it can not mean anything else than that the committees found that the request for $1,725,000 was extravagant.

Mr. JONES of Washington. I do not think the committee so found. There are many considerations that weigh in our action here. I will say to the Senator, however, that my personal opinion is that we would get along a great deal better if we would give them $1,725,000, and then at the end of the year if they have not shown results cut it off entirely and stop the work.

Mr. SMOOT. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Utah.

Mr. SMOOT. I was going to say to the Senator from Arkansas [Mr. ROBINSON] that if this Government were my own business, understanding this situation as I do, I should immediately give $1,725,000 to the department for this purpose and hold them responsible.

Mr. ROBINSON. How would the Senator hold them responsible? Has the Senator held them responsible for the very large sums heretofore appropriated and apparently expended without great results?

Mr. SMOOT. I wish to say to the Senator that Congress has not at any time given them what they have asked for.

Mr. ROBINSON. What is the reason the Senator does not seek to give them what they ask for now if he feels they have not been adequately provided with funds? Does the Senator from Utah feel that these prosecutions have been hampered for lack of funds?

Mr. SMOOT. Yes; I do feel that they have been hampered by lack of funds.

Mr. ROBINSON. That was the position that I expected to develop. Yet the Senator finds himself supporting a recommendation that cuts in two substantially the request for funds.

Mr. SMOOT. Yes; because I did not believe the Senate would give more than $1,000,000.

Mr. ROBINSON. And that notwithstanding the fact that the Budget Bureau recommended the full amount asked for.

Mr. SMOOT. That sum was absolutely recommended by the Budget Bureau, and I agree with General Lord. I think we would get better results if we would appropriate the whole amount, and then at the end of the year, after giving them what they asked for, they could not make any excuses whatever by saying that they did not have sufficient money to get results.

Mr. ROBINSON. How would the Senator hold them responsible if they did not make good? The Senator has stated that he would hold these officers, agents, or employees responsible if they did not make good with the appropriation. What will he do?

Mr. SMOOT. I said if this were my business I know what I would do. If they failed to produce results I would separate them from the service; and that is exactly what I would do in this case also if I had the power.

Mr. ROBINSON. After they had expended this very large sum?

Mr. SMOOT. I want to say to the Senator, however, that we have collected nearly $10,000,000. The Government is not out anything at all, for it has collected a great deal more money

than we have ever appropriated for these prosecutions. It has collected nearly two and three-fourths times the amount appropriated. I have confidence now that the department will collect a much greater percentage than that over and above the cost of the prosecutions.

Mr. McKELLAR. Mr. President, the Senator has stated that he would hold these officers responsible. The Senator will recall that in the committee last year when these officers came before the committee and asked for $500,000, I used almost the identical words which the Senator is now using. I said to them, "If you do not show results within a year from now, I am going to do all I can to have your appropriation reduced or entirely cut off." Instead of showing results, however, they have collected by compromise $153,000 and have recovered $14,000 by judgments.

Mr. SMOOT. The Senator knows that the amount asked for was not given to them last year.

Mr. McKELLAR. All that was asked for was given by the committee.

Mr. SMOOT. No; they asked for more than was given.

Mr. McKELLAR. They got that, and then came right back with a deficiency appropriation contrary to law.

Mr. SMOOT. Oh, no; it was not contrary to law.

Mr. McKELLAR. They had no right to spend the money without getting authority for it.

Mr. SMOOT. The money was not spent, I will say to the Senator, but they asked the Budget to make an estimate for a deficiency.

Mr. McKELLAR. They say now that they have made commitments greater than the appropriation that has been provided for them.

Mr. SMOOT. Mr. President, we know that when appropriations are made they have to run to the end of the fiscal year. As the year progresses before an appropriation has been spent it may be ascertained that in order to keep the organization in operation it will be necessary to have more money, and so in this case the Budget sent down a special estimate for an amount to carry them to the end of the fiscal year.

Mr. WALSH of Montana. Mr. President, I should like to make an inquiry.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. WALSH of Montana. I want to inquire of the Senator whether three years ago the Attorney General did not ask Congress for an appropriation of $500,000 which he thought would be adequate to conduct these investigations and prosecutions?

Mr. SMOOT. I will say to the Senator that three years ago when this item first came before the Appropriations Committee of the Senate we did not have the Attorney General before us and we simply allowed the amount which the House had provided in the bill as passed by it.

Mr. WALSH of Montana. But the question I put to the Senator is this: Did not the Attorney General send a communication to the House of Representatives asking for an appropriation of $500,000 with which he told them he would be able to conduct vigorously these prosecutions?

Mr. SMOOT. That may be so, although I do not remember the fact. I think, however, a letter was sent by the Attorney General to the House of Representatives, but I do not recall what was in the letter.

Mr. WALSH of Montana. I thought at the time he was asking for an enormous amount, but it appears now that seven times that amount has already been expended.

Mr. SMOOT. We knew very well that these claims could not be adjusted and adjudicated in one year's time. Any sensible man would have known that, no matter whether the Attorney General stated so or not. There is not a Member of the House of Representatives or a Member of the Senate who did not know that it was a physical impossibility to settle all these claims—I think 3,500 in number. I will ask the Senator from Washington what is the total number of claims?

Mr. JONES of Washington. There are now about 700.

Mr. SMOOT. I understand that to be about the present number, but I was referring to the total number from the beginning.

Mr. JONES of Washington. I do not recall the total number from the beginning.

Mr. SMOOT. I forget the exact number, but I think there were over 3,000 claims. I do not care whether the Attorney General came and told the House that he thought he could settle those claims with $500,000 in one year or not, it could not be done, and everybody knew it could not be done. It will take not only one year longer, but it will take more than one year finally to settle all of them, and there is not a Senator in the body who does not know it. They can not get the cases through the courts in that time, no matter how many attorneys may be employed.

Mr. KING. Mr. President, I want to ask my colleague, in view of the statement as to the sum which he alleges has been collected, if it is not a fact that the payment of the greater part of that sum had been arranged for in part by the War Department? There were many unbalanced claims; that is, the Government would have a claim against a corporation and the corporation would have an offset, and it was simply a question of bookkeeping and the adjustment of accounts. So in many of those cases all that was required of the Fraud Section or the Department of Justice was to have further conferences, and they adjusted the claims upon the basis which the War Department had projected.

Mr. SMOOT. No; I will say to my colleague that that is not the fact of the case. There was no claim that went to the Department of Justice until settlement had been undertaken by the Navy Department or the War Department. After they had failed to settle the claims then they were referred by those two departments to the Department of Justice. It is true that many of the claims that were referred were compromised by the officials of the Department of Justice.

Mr. KING. Mr. President, the Senator has corroborated in general the statement which I made. I am quite familiar with these matters, because I have followed these appropriations and have had repeated conferences with the Secretary of War and those engaged in the audit and control section of the War Department. That section, which has been alluded to here to-day is a separate organization that has been working and is still working upon these claims, and they, like this organization, are fastening themselves like a perpetual parasite upon the Government, and say that they expect to function for at least 10 years more. In my investigations I have learned that there are many cases in which John Jones, to bring it down to a concrete case, claimed that the Government owed him, say, $500,000. There was a dispute. He admitted that he owed the Government $200,000 or $300,000 or perhaps a millon dollars, but claimed that they did not allow him sufficient upon the counterclaim which he had, and so they did not get together. The case would be referred then to this organization, which would take up the matter. The question in dispute was not very important and they would settle it in most instances upon the same basis that had been determined by the War Department.

Mr. SMOOT. I wish to call my colleague's attention to the fact that this item has no reference to that whatever. This agency of the Government only comes into operation in cases where fraud is supposed to have taken place. Whether or not fraud has been perpetrated is a question for the court to decide; but no account is passed through the Attorney General's office unless there is supposed to be some fraud in connection with it. This appropriation is for that purpose. It is true that there is an agency in the War Department and in every other department which hears contested claims; but this amount has nothing to do with those activities, nor have they had anything to do with the amount which has been named as having been collected.

Mr. KING. If my colleague will pardon me, I think he is in error in stating that the only activities of this organization are those in which fraud, either actual or constructive, is involved. They have settled many cases, and most of them have been settled upon the basis that there was a mistake of fact or a mistake of law and no fraud at all involved. They do not limit their activities to cases of either actual or constructive fraud. The cases turned over to them, as I have said—and I repeat the statement—have in many instances involved a dispute merely as to a question of fact or the construction of a contract, the contractor or the subcontractor claiming a greater allowance than the War Department felt that it could give. So the matter was referred to this organization; it has settled many of these cases with very little trouble, and that has swelled the sum which has been recovered to the proportions stated by my colleague. I beg the Senator's pardon for trespassing upon his time.

Mr. JONES of Washington. That is all right.

Mr. KING. I was about to observe that the record indicates a considerable amount less than stated by my colleague. For instance, on page 102 it is stated:

> To December 1, 1924—
>
> And a very small amount has been collected since then—
>
> the war transactions section has collected in cash approximately $5,700,000, and in notes and other securities approximately $850,000.

Mr. SMOOT. I said both the War Department and the Department of Justice. There is nearly $6,000,000 in one, and there is over $4,000,000 in the other. That is what I stated. I did not say just the Department of Justice.

Mr. KING. Then I misunderstood my colleague; but I want to say to my colleague that the War Department collected many, many millions of dollars in excess of what he has stated.

Mr. SMOOT. All I know is that of these particular claims over $4,000,000, as the testimony before our committee showed, has been collected by one department, and nearly $6,000,000 by the other department.

Mr. WALSH of Montana. Mr. President, is the statement that the Department of Justice has collected claims to the amount of $6,000,000 and has expended $3,500,000?

Mr. JONES of Washington. Oh, no; only $1,700,000 has been appropriated.

Mr. SMOOT. And the $1,700,000 takes it up to June 30 of this year.

Mr. WALSH of Montana. I have entirely lost the effect of this discussion if it has not been disclosed that we appropriated to the Department of Justice in 1922, $500,000; in 1923, $500,000; in 1924, $500,000—that is, $1,500,000——

Mr. JONES of Washington. And $200,000 additional.

Mr. SMOOT. And $200,000 additional.

Mr. JONES of Washington. Up to July of this year.

Mr. SMOOT. And in this bill there is $1,000,000 more.

Mr. WALSH of Montana. Exactly; and they have recovered $4,000,000.

Mr. SMOOT. No, no; nearly $6,000,000.

Mr. WALSH of Montana. I understood that the $6,000,000 was recovered by the War Department.

Mr. JONES of Washington. Oh, no!

Mr. SMOOT. No; just the reverse.

Mr. JONES of Washington. And compromise adjustments bring the total up to $9,300,000.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES of Washington. I do.

Mr. FLETCHER. May I inquire why we should increase this appropriation as we get further away from the basis of the lawsuits?

Mr. JONES of Washington. The reason of it is to hurry the work and get it through, because—no doubt this is what is running in the Senator's mind—the longer it goes the less likely we are to recover. Witnesses disappear, or their memory becomes defective, and so on. The idea of making this increased appropriation was to hurry up these prosecutions and bring them to an early conclusion. If it does not accomplish anything, in my judgment it would be better for us to cut off this appropriation entirely and stop this work.

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

Mr. JONES of Washington. I yield to the Senator.

Mr. KING. I should like to ask the Senator if he does not know—I do not want to betray any confidence, and I am not doing so in going so far as my question will imply—that the ablest man who was originally selected upon this advisory board to determine the policies under which the Department of Justice would operate in the execution of the mandate of Congress after investigating these alleged war-fraud cases made recommendations, and those recommendations were departed from by the direction of the Attorney General, as a result of which he very promptly resigned, as did one or two others, and a policy has been pursued utterly at variance with the rational, sensible policy which was laid down in the beginning?

Mr. SMOOT. Mr. President, may I ask my colleague in that connection, if the Senator will yield——

Mr. JONES of Washington. I yield.

Mr. SMOOT. What was the recommendation of Senator Thomas?

Mr. KING. I did not mention any names.

Mr. SMOOT. I have, because I know the Senator refers to Senator Thomas.

Mr. KING. Yes; Senator Thomas, though I would not have mentioned his name.

Mr. SMOOT. We might just as well know what he recommended and see just what he did say.

Mr. KING. I should not feel at liberty to state that.

Mr. ROBINSON. Mr. President, I suggest that the senior Senator from Utah can get the reports, if they are not confidential.

Mr. SMOOT. I do not think they are confidential at all, or I would not have mentioned Senator Thomas's name.

Mr. ROBINSON. I suggest to the Senator that he get the reports.

Mr. SMOOT. I think I know what the report was.

Mr. KING. I have no doubt my colleague does; but I have gone as far as I feel I should go in this matter without further conference with the person from whom I got the information.

Mr. JONES of Washington. Mr. President, I will say to the Senator that I do not know what Senator Thomas recommended; but from what I know of Senator Thomas I have no hesitation in saying that if I had been Attorney General and had known what I know about him I would have unhesitatingly followed his recommendations. I have no hesitation in saying that.

Mr. McKELLAR. Mr. President, may I ask whether or not he recommended that these proceedings could not be successfully carried on and had better be dropped?

Mr. JONES of Washington. As I say, I do not know; but if Senator Thomas did recommend that, it would simply confirm the judgment I had when we undertook this work, that we had better wipe the slate clean and look to the future and not to the past.

Mr. McKELLAR. I will amend my motion so as to move to strike it all out if the Senator will agree to it.

Mr. SMOOT. We have started in it now.

Mr. JONES of Washington. I am inclined to think that having gone as far as we have, having $70,000,000 involved in suits that are pending, we had better go ahead and try to finish it.

Mr. McKELLAR. Not in suits that are pending.

Mr. JONES of Washington. That is what this report says.

Mr. McKELLAR. It is in claims, not in suits.

Mr. KING. He states that there are 150 matters that are urgent, according to this.

Mr. JONES of Washington. It says here:

> One hundred and thirty-two cases, of which some 60 are urgent, involving demands aggregating $70,682,313.09, are still pending in court.

Mr. McKELLAR. How long would it take the present outfit to try those cases at the rate of three per seven months?

Mr. JONES of Washington. I do not think that is a fair basis to go on. I do not know how long it took them to prepare those small cases. The chances are that it cost us a great deal more than the judgment; but there may have been involved in those cases, when they first began to investigate, the possibility of frauds upon the Government of many times that amount of money; but when the Government investigated them, and brought them to suit, that is all they were able to get.

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

Mr. JONES of Washington. Certainly.

Mr. CARAWAY. Is it in contemplation that other suits are to be brought?

Mr. JONES of Washington. They are investigating charges and claims of fraud; and if they can not settle them, if they can not reach compromises, if they feel that the facts warrant the bringing of suits, and think the Government can recover, I suppose of course they will bring suit.

Mr. CARAWAY. The thing I had in mind was what the Senator from Tennessee was reading—a statement from one of the gentlemen who seemed to be at the head of this proposed bureau who is seeking to enlist a lot of attorneys in his bureau. He made the statement that while the salary was not attractive, 10 years' experience here was a consideration with a majority of them. Is it in contemplation that these suits are to go on for that length of time?

Mr. JONES of Washington. I hope not.

Mr. CARAWAY. If it takes a million dollars to run this bureau this year, and there will be more lawyers next year, evidently it will take more money next year, will it not?

Mr. JONES of Washington. If we increase the force, of course it will take more money.

Mr. CARAWAY. This man said, as I understood the testimony, that he had written 70 letters the day before in an effort to comb the country for what he called top-notch lawyers.

Mr. McKELLAR. I think it was 200.

Mr. CARAWAY. Well, he was getting A-ditto lawyers and B-ditto lawyers, or whatever distinguishing classes the lawyers are segregated in; but evidently, if he is trying to build up a very large corps of lawyers for that particular purpose, and he has the use of a million dollars now, after he has developed his full bureau it will take many millions, will it not?

Mr. JONES of Washington. If we keep on adding to the force, of course it is going to increase. That is self-evident.

Mr. CARAWAY. I thought maybe the Senator had some definite information about the matter. If it is merely a matter of speculation with him——

Mr. JONES of Washington. I have nothing more than is contained in the hearings.

Mr. CARAWAY. Has the Senator, from that testimony, no impression of what is meant by this building up of the bureau?

Mr. JONES of Washington. I want to say to the Senator that if I felt that these men were simply trying to build up a bureau, and were not earnestly trying to collect the amounts said to have been fraudulently taken from the Government, I should favor cutting off the appropriation instanter.

Mr. CARAWAY. I know that.

Mr. JONES of Washington. We have to put a little confidence in these people. Of course, the Senator must not overlook the fact to which I called attention a while ago, that the two men who are now in charge of this bureau took charge of it about the 1st of July, and they are reorganizing the force. They said—and I think the Senator from Tennessee called attention to it—that they found that there were, I think, about four branches running practically in parallel lines, doing the same thing.

Mr. CARAWAY. And that was nothing?

Mr. JONES of Washington. No. They are putting forth efforts, whether they are accomplishing much or not, and they are trying to reorganize it; and I have no doubt they are trying to get, as they said, some of the best legal talent in the country.

Mr. McKELLAR. In that connection, may I read just what Mr. Michael said? It is as follows:

Senator SMOOT. Where are you getting the attorneys?

Mr. MICHAEL. From all over the country; I suppose in the last three months Mr. Andrews and I together have written 2,000 letters.

Mr. ANDREWS. I wrote 73 yesterday, myself.

Mr. JONES of Washington. That does not mean, of course, that they hope to get 2,000 lawyers.

Mr. CARAWAY. I did not say that.

Mr. JONES of Washington. They are probably trying to get information about these lawyers who are recommended to them and who make application. They do not know these lawyers themselves, and they are trying to get information about them, to see whether or not they are the kind of men they ought to have; and I think they are acting in the interest of the Government in doing that.

Mr. CARAWAY. The thing I was trying to say—I presume I was very unhappy in expressing myself——

Mr. JONES of Washington. The Senator is never unhappy in expressing himself.

Mr. CARAWAY. The thing I was trying to say was that the evident effort is to gather together a very large force of lawyers.

Mr. JONES of Washington. No; I do not think that is the effort.

Mr. CARAWAY. I thought the Senator said they wanted to get 105 lawyers. Maybe I misunderstood him.

Mr. McKELLAR. That is right; 105.

Mr. CARAWAY. That would be a right large number of lawyers.

Mr. JONES of Washington. A pretty good staff; yes.

Mr. CARAWAY. It would be enough to ruin most communities if you would only turn them loose on them. The thing I had in mind was this: Does the Senator know that this number of lawyers are to be used in the work of trying these cases?

Mr. JONES of Washington. Not only these cases, but whatever other fraud charges are made, of course. They are to deal with all these fraudulent propositions.

Mr. CARAWAY. The Senator is familiar with the statement there that 10 years' service would be valuable to these lawyers. Therefore it is evidently in contemplation that they will keep them at least 10 years; is it not?

Mr. JONES of Washington. Oh, I do not think that applies to all of them. I do not remember that statement; but some individual lawyer may have testified to something like that.

Mr. CARAWAY. That is what Mr. Michael said was a part of the inducement.

Mr. McKELLAR. No; Mr. Andrews.

Mr. CARAWAY. Mr. Andrews? He is the other director, is he not?

Mr. McKELLAR. Yes; he is one of the two directors.

Mr. JONES of Washington. Yes; he is one of the two.

Mr. CARAWAY. What did he say?

Mr. McKELLAR. He says this:

The responsibilities are very great and the experience is valuable; these men consider that within 10 years' time they will be further along for having come down here than they would be by staying at home and continuing their private practice.

Mr. CARAWAY. Evidently, then, the inducement is held out to the attorneys that they are getting a 10-year contract.

Mr. JONES of Washington. I doubt if Mr. Andrews was justified in speaking even for all those lawyers along that line. I have not any doubt—and the Senator knows it, too, and I know it—that there are men who come down here to Washington and enter the public service in order to get the training that it gives them, and then, after a certain time, they will go outside. So, in this case, it may be that some of these lawyers who were approached were willing to come here at a smaller salary than they would think their services were worth in order to get the experience; but I doubt if Mr. Andrews is justified in making that statement with reference to all of them. Grant that he was, however; that, apparently, is one of the conditions that surround Government employment.

Mr. CARAWAY. I was just seeking information. I thought possibly the Senator had it, because usually he has exact information; and I gather from that that there is an expectation that we will have a bureau of this kind for at least 10 years. If it costs a million dollars a year, it will be a rather expensive bureau to collect these debts.

Mr. JONES of Washington. With the statement the Senator makes, and the hypothesis upon which he goes, the result is absolutely certain, of course. If we should spend $1,000,000 a year for 10 years there would be an expenditure of $10,000,000 for this force; but I do not contemplate that it will be continued for 10 years. As I understand it, the very purpose in this appropriation was to hasten the end of it. I think that if we are to continue to attempt to collect upon these war frauds, and if we collect at the rate of $250,000 or $500,000 a year, it will probably last for 10 years, perhaps longer.

Mr. CARAWAY. Evidently in these cases which have been brought the Government has made an investigation?

Mr. JONES of Washington. They no doubt have had to make very wide and extensive investigations.

Mr. CARAWAY. In those that have been brought investigations have been made, and it would require a very large number of lawyers to try the cases that have been brought?

Mr. JONES of Washington. According to this statement they have brought over a hundred cases.

Mr. CARAWAY. A hundred and thirty-two cases. It would require 105 lawyers to try 132 cases, would it?

Mr. JONES of Washington. I should think not; yet we find very frequently in cases between individuals that there are three or four lawyers on a side.

Mr. CARAWAY. We usually find the man with a great many lawyers losing his lawsuit, do we not?

Mr. JONES of Washington. I have thought that sometimes has much to do with the loss of many lawsuits; they have too many lawyers on a side.

Mr. CARAWAY. I am not so very familiar with the Department of Justice, but I have found that the ordinary rule in Government employ was that one man would have a job doing nothing, with three helpers, and I imagined that was what was actually happening there in the Department of Justice. I thought possibly the Senator might know about that.

Mr. JONES of Washington. I hardly think that statement is justified. I think we are trying to get the Government down to as economical a basis as possible.

Mr. CARAWAY. I have no doubt but that the number of employees here in the District of Columbia could be cut in two and more efficient service would be rendered.

Mr. JONES of Washington. I shall not dispute that statement.

Mr. CARAWAY. Yet we are building up great bureaus all the time. I had supposed the time would come when we could stop that.

Mr. JONES of Washington. I hope it will come.

Mr. BRUCE. Mr. President, let me ask the Senator from Washington one question. Is there not a little danger of having more attorneys engaged in this work in the next year or so than serviceable use can be made of? When you are lifting a log you can get a certain number of men around it and you can not get any more. So it seems to me that the mistake here may consist in having too many attorneys for this task. In other words, you may run the risk of having a superfluity of attorneys, having some attorneys for whom no real, effective place can be found in the prosecution of the work. The desire, of course, is to accelerate the work, as the Senator from Washington has stated. That is a very admirable motive; but there may be a sacrifice in efficiency and an increase in expense in the desire to accelerate the work. That is the thing that struck my mind.

I am not troubled much about what this work has cost in the past, because I think if it had cost more than the whole

amount of the recoveries the work would have been justified. The Government not only wants to get back a certain amount of money but they want the moral effect of prosecuting frauds and bringing criminals to justice. What I am afraid of is that these 105 lawyers are more than the occasion really demands and that the work is of such a nature that only a comparatively small percentage of them would be able to render any real service. In other words, the Government would be paying for a great deal of service which, in the nature of things, could not be rendered. That is the thing that troubles my mind.

Mr. JONES of Washington. Of course, there may be considerable force in what the Senator suggests, but are we in a position to say that it is too many? Do we know enough about the intricacies of these various cases to say that so many lawyers are necessary and so many are too many?

Mr. BRUCE. Just what directing head does determine how many lawyers there should be and how many there should not be?

Mr. JONES of Washington. The two who have been referred to, Mr. Michael and Mr. Andrews, are put at the head. Of course, above them is the Attorney General, but they are the two men upon whom the Attorney General relies.

Mr. BRUCE. Precisely. I suppose the relation of the Attorney General to it is more or less nominal.

Mr. JONES of Washington. It is bound to be, of course.

Mr. BRUCE. While these two young men seem to have left a very favorable impression on the mind of the Senator from Tennessee, at the same time I should judge from what he said that they are not two young men who have had any very considerable professional experience, especially in executive and administration directions.

Mr. JONES of Washington. I think these men did impress the committee, regardless of our views, as being very able and very earnest.

Mr. BRUCE. The committee felt that they knew what they were about?

Mr. JONES of Washington. Yes; I think we did. I felt that way, and I think the Senator from Tennessee would say that he felt the same way.

Mr. McKELLAR. If the Senator will permit me, I think these are very excellent young men. As I said in my remarks a few moments ago, however, they seemed very much more interested in building up a bureau than they did in getting results for the Government. That is the only complaint I have of them.

Mr. JONES of Washington. I think the Senator's impression possibly grew out of the difference of opinion between them and the Senator from Tennessee as to what procedure should be followed. They did not impress me that way. I felt that these men were really trying to do the best they could for the Government, and that they felt that the policy they were pursuing, and the organization they were building up, were necessary because of the character of the cases they had to look after, the number of them, and the intricacies touching the various industries of the country, and the difficulty of getting the proof to establish the claims of fraud which everybody recognizes. I was impressed with the feeling that these men were trying to do what they thought was for the best interests of the Government. If they are not, and if the Attorney General should be satisfied that they are not, or if we are satisfied that they are not, they should be gotten rid of, or we should end this matter.

I think this is a matter which can very well be passed upon in a general way. As a matter of fact, I think that is about the only way we are apt to reach what may be the wise conclusion, because there is no question but that we can pick out things in what these men have done and what they have not done, what this organization has accomplished and what it has not accomplished, which would sustain almost any conclusion with reference to it.

This is the way it appeals to me, however; we have made a start in ascertaining what frauds have been practiced upon the Government during and in the prosecution of the war. We are trying to recover from those who have defrauded the Government.

I want to say this—and I say it without reflecting upon the action of any Senator here—in my judgment we are giving the greatest possible encouragement to men who may have committed fraud against the Government, to resist efforts to collect for those frauds, because they will feel that by and by we will get disgusted and abandon the whole thing. If I had committed a fraud upon the Government and I knew that it had attorneys employed to ascertain these various frauds, I know that if I were acquainted with the discussion which goes on in the Senate, and the attempts made to curtail these activities, to take away this appropriation, and the indications which appear that we are likely to do that, I would hold off, hoping that that event would come about.

I know there is no Senator on this floor who wants to encourage anybody to hold out against the demands of the Government. I know there is no Senator here but who desires to see these frauds prosecuted, and to see recoveries made upon the part of the Government for frauds practiced upon it; but the discussion we have on the floor of the Senate with reference to matters of that kind encourages the man who has committed a fraud to hold out against the Government just as long as he can possibly do it.

Mr. HARRIS. Mr. President, the Senator says that the discussion would encourage men who committed fraud to hold out. Will not this discussion encourage the lawyers to do better work?

Mr. JONES of Washington. I think it will, if we are to continue this attempt to collect the money out of which the Government was defrauded; but I do not believe that we can imbue them with such activity as will overcome the encouragement we give to the others.

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

Mr. JONES of Washington. I yield.

Mr. ROBINSON. I do not think the implication of the Senator's last language is justified in any sense.

Mr. JONES of Washington. Just wait a moment. I do not yield to the Senator just yet. The Senator knows——

Mr. ROBINSON. Of course, the Senator has the floor.

Mr. JONES of Washington. The Senator knows that I was not implying anything wrong as to Senators. I certainly did not intend to, and if any Senator thinks that there was an implication in what I said, I withdraw it entirely, and apologize.

Mr. ROBINSON. Will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. ROBINSON. I take no offense at the Senator's remark. He has repeatedly stated, however, that the discussion of this item in an appropriation bill inevitably will have the effect of encouraging those who have practiced frauds against the Government to hold out in the adjustment of their claims. I do not think the implication or the statement itself is warranted. It is not only the privilege of Congress, it is its duty, to appropriate the public moneys cautiously, and to see, in so far as they can do so, that funds are not improperly or unnecessarily expended; and no person who has practiced a fraud against the Government can derive any consolation or encouragement to continue in his frauds by that insistence on the part of any Senator, or on the part of any Member of the body at the other end of the Capitol.

Mr. JONES of Washington. I agree entirely with the Senator from Arkansas; but I do not think that disputes the fact I asserted. We may encourage men to resist the attempts of the Government to enforce claims against them by stating what we think our duty to be. I do not deny that. I do not question the motive of any Senator who feels that he should express any sentiment he thinks ought to be expressed on this floor. Nevertheless, that does not take away the force of the fact, and of the effect or influence that it may have upon those who are determined to resist the Government to the last.

I certainly did not impute to any Senator any improper motive, or anything of that kind. I simply stated the fact as to how it appears to me. As I said a moment ago, I know that if I had been guilty of fraud in my dealings with the Government, the more it appeared to me that Congress was likely to cut off the means of prosecuting me for that fraud, the longer I would hold out; and I think every man who had defrauded the Government would hold out to the limit.

Mr. President, I think the question is simply this, do we propose to stop these prosecutions, or do we propose to carry them on vigorously? I know it was the hope of those who put this provision for the $1,000,000 appropriation in this bill that by putting it in we would have more vigorous prosecutions, and an earlier conclusion. If that is not desirable, then let us cut it down. If it is desirable to stop these prosecutions entirely, let us cut off the entire amount. I believe that we have gone so far that we should not cut it off now, but I do believe that we should give the Department of Justice, which is prosecuting these claims, such an amount of money as will enable them to prosecute the claims vigorously, and give them no excuse to come here in the future and say, "Congress hampered us by failing to give us the money necessary to carry on these cases as rapidly as they should have been carried on."

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

Mr. JONES of Washington. Certainly.

Mr. WATSON. Does the Senator think this amount will be sufficient for all future time, or will an equivalent appropriation have to be made next year to carry on the work, as nearly as the Senator can forecast?

Mr. JONES of Washington. I do not expect that these cases will be finished in a year. Senators are just as familiar as I am with the delays in the courts and the delays in the prosecution of claims or cases that get into court. The larger the amount involved, or the more serious the charges that may be made against parties, the more delays occur, the more vigorous is the defense, and the more attempts there are to delay. I will say to the Senate that in my judgment these people ought to be prepared to come to us at the end of the next fiscal year and say to us that all the claims that can not be settled have been put into the courts to bring to as early conclusion as possible. I do not believe that at the end of the year they ought to be going here, there, and yonder seeking new claims and the establishment of new claims.

Yet when I express that opinion I do it with much hesitation because I do not know the details and the various ramifications of the activities of those people who it is thought defrauded the Government during the war; but upon the general principle that the longer these cases are delayed the more difficult it is to establish a claim, the more difficult it is to get the witnesses together, I feel safe in saying that the cases that are not commenced within the year we had probably better abandon. And yet, applying the very principle that I mentioned a moment ago, I do not know of any statement on the floor that would probably do more to encourage a man to prevent the enforcement of those claims than that statement. But it is modified a little by the suggestion that if we had reasonable justification for beginning suit against a man or a company it ought to be done, it ought to be brought, it seems to me, by the end of the next fiscal year. That would be my judgment as to what should be done.

That, I think, is about all I care to say with reference to the matter. Senators understand the situation just about as well as I do—I think I will leave out the word "about." They understand it just as well as I do. They know as well as I do those general principles that move men in the conduct of their affairs. So I am perfectly willing to leave it to the Senate to determine just what action it thinks is wise. The committee believe that we should accept the provision as sent here by the House. We believe it is in the interest of the Government to do it.

Mr. McKELLAR. That is, a majority of the committee.

Mr. JONES of Washington. Of course, when we speak of the action of a committee we mean the majority. I thought everybody understood that.

Mr. WATSON. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Indiana.

Mr. WATSON. Did the committee in the Senate have its own hearings or was it guided altogether by the report from the House?

Mr. JONES of Washington. We had those two gentlemen before us from the Department of Justice. My recollection is that they came here and urged the Budget estimate, and we went into the question. It is the policy of the committee not to cover the same ground that the House committee has gone over. We have the House hearings and the House committee report, and so we have not been covering the same ground. I rather think they asked us to make the appropriation $1,725,000, although I would not state that positively.

Mr. McKELLAR. Yes; that is what they asked.

Mr. JONES of Washington. We went into it as fully as we felt we ought to go in view of the hearings before the House committee.

Mr. SMITH obtained the floor.

Mr. WALSH of Montana. Does the Senator desire to speak to the matter now pending?

Mr. SMITH. No; I am going to discuss another matter.

Mr. WALSH of Montana. I desire to say a few words with reference to the pending question, and I shall appreciate it if the Senator from South Carolina will yield to me for that purpose.

Mr. SMITH. I am very glad to do so.

Mr. WALSH of Montana. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. WALSH of Montana. Mr. President, the policy of making the appropriations, including the appropriation now called for, was inaugurated in the year 1922, some three years ago, when the President of the United States and the Attorney General submitted a communication to the Congress of the United States representing that tremendous frauds had been perpetrated against the Government of the United States, criminal in their character, in the prosecution of the war and in the expenditure of moneys necessary for the purpose of carrying on the war, and asking an appropriation of $500,000 for the purpose of conducting those prosecutions and recovering the amounts recoverable.

I thought at that time that the request was for an enormous sum of money. But my recollection is that everybody agreed that every effort ought to be made to bring to justice anyone who had thus perpetrated frauds upon the Government in its time of stress, and so, as I recall, the appropriation went through without an objection from anyone, and upon a representation made by the Attorney General that investigation had already proceeded to the point at which it could be asserted almost positively that there would be forthcoming, without delay at all, indictments against men standing high in the Government and officials who had been concerned in frauds outside of official life.

The changes were rung upon these war frauds until the whole public was imbued with the idea that they were gigantic in character, involving men standing high in official position, and that the indictments would be forthcoming, and undoubtedly many convictions would be had within a period of a few months.

We are told to-day that not only was that $500,000 expended, but three times that amount of money has been expended by the Department of Justice, and the net result is the conviction of two men under the criminal statutes, one of whom pleaded guilty, two men so inconspicuous in public life that nobody knows who they were. There is not a man on the floor of the Senate who can tell us what were the names of the two men or what the particular crimes were with which they were charged and of which they were convicted.

I take occasion at this time to call to the attention of the Senate the communication of the Attorney General, dated May 9, 1922, transmitted to the Hon. Frank W. Mondell, majority leader in the House, by a communication from the President of the United States of the same date. The communication is as follows:

THE WHITE HOUSE,
Washington, May 9, 1922.

Hon. FRANK W. MONDELL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN MONDELL: In view of the fact that the House has under consideration the matter of entering upon an investigation of the handling of war contract adjustments by the War Department and the prosecution of claims by the Department of Justice, I am sending you herewith a recital of the situation which I have just received from the Attorney General in response to an inquiry from me concerning this work. I have thought the information contained in the letter of the Attorney General would be helpful to the House in deciding upon its course in this matter.

Very truly yours,

WARREN G. HARDING.

I now come to the letter of the Attorney General. I want to call attention to the assertions made in the letter by the Attorney General, the promises that were made, and the funds that he deemed necessary at that time in order to carry on and complete the work. He said:

MAY 9, 1922.

MY DEAR MR. PRESIDENT: In view of the interest manifested in Congress and the press in the matter of the investigation and prosecution of the so-called war contract cases, I feel that I should advise you of the nature and extent of these cases, and of the very substantial progress which has been made by the Department of Justice, notwithstanding the lack of adequate facilities in funds and men.

All patriotic citizens are agreed that the persons and corporations who took advantage of the extraordinary opportunities afforded by the war to defraud and despoil the Government should be vigorously prosecuted to the full extent of the law, and should be made to disgorge the unholy profits of their treasonable conduct. These crimes and offenses are all the more reprehensible when committed or connived at by sworn officers and employees of the Government.

The transactions out of which these cases grow in a vast majority of instances took place during the preceding administration. Naturally little or nothing was done during that administration to bring these matters to light. As the country will soon have reason to know, influential personages in the Government who had knowledge of these transactions and were in a position to make disclosure were personally interested in concealing them. It is not to be wondered, therefore, that upon coming into office I found not only that practically nothing had been done in the way of investigating and prosecuting these offenses,

but that no machinery had been set up for handling the cases in an orderly and systematic way.

The task of creating an organization for this work came coincidently with the well-founded popular demand for retrenchment in governmental expenditures. The Department of Justice, in common with the other Government establishments, has felt the effect of the laudable efforts of Congress to meet this demand. Because of this I have not been able to realize the ideal I have had in mind of an adequately equipped separate division for the handling of all cases of this general class. A number of the more important ones have been centered in the office of the assistant to the Attorney General, but the remainder have of necessity been distributed among the other regularly established divisions.

Before taking up the department's accomplishments in this work I feel that I should state a few of the outstanding facts which emphasize the need of increased appropriations. While the war-time activities of many of the departments and bureaus have been completed or are nearing completion, the work of this department in connection with those activities is at its peak. The department now is handling, in one stage or another, upward of 200 cases coming under the general head of war-contract cases. This includes only investigations and proceedings looking to the punishment of individuals for defrauding the Government and to the recovery of moneys due the Government. It does not take into account the almost equal number of cases brought against the Government on claims growing out of war-time operations and in which the Government's interest must be protected.

Notwithstanding the serious handicap of lack of funds, the Department of Justice has made gratifying progress in these war-contract cases. The work thus far has been largely in the way of organization and investigation. The hearings before the several subcommittees of the select committee on expenditures in the War Department, of which Hon. William J. Graham, of Illinois, was chairman, have been examined and the testimony relating to the more important cases digested and analyzed.

In other words, Mr. President, three years ago before we ever made an appropriation for this specific purpose all the testimony in relation to the more important of the war-fraud cases had already been analyzed and digested.

While these hearings in numerous instances developed some valuable evidence and pointed to irregularities, it has been found necessary to supplement them by audits of accounts and further investigation in the way of interviews with prospective witnesses and other interested persons. The work of auditing these transactions is being carried on by the War Department, and, of course, the Department of Justice can not institute legal proceedings until those audits are completed and furnished. As these audits are received from time to time they are promptly taken up and studied by this department and the work of preparing for appropriate legal proceedings is begun. You, of course, understand that these audits are in form a mere claim, and that the work of collecting the evidence and personally interviewing the witnesses in many parts of the country devolves upon this department.

It is a terrible thing to charge a citizen with robbing his own Government, and I have insisted upon the most painstaking investigation of all cases involving charges of criminality. The investigations in a number of the more important cases have been completed or are rapidly nearing completion. In each instance—

"In each instance"—

they disclose a sufficient indication that a crime has been committed to warrant submitting them to a grand jury. It is regrettable that public attention should have been so strongly focused on these cases upon the eve of their prosecution. Those who may be indicted will lustily proclaim that they are the innocent victims of a stimulated activity for political effect. Such, however, will not be the case and the Department of Justice will not be swerved from its carefully laid plans by any such consideration.

The transactions involved in these cases for the most part took place in the District of Columbia, and venue can be more definitely established in this district than in any other. Under existing law there is provision for only one grand jury for both Federal and local cases. During the last several months the time of this grand jury has been entirely taken up with the consideration of the Knickerbocker Theater disaster, the Morse case, and local business of a most pressing nature. There is now pending in Congress a bill which I prepared and recommended, and which it is hoped will become a law within a few days, providing for an additional grand jury in the District of Columbia. It is planned to convene this second grand jury immediately upon the passage of the bill and to employ it as long as may be necessary for the consideration of war-contract cases, the venue of which falls within this District.

Then:

Two cases of the first magnitude are ready for prompt submission.

"Two cases of first magnitude are ready for prompt submission."

One of these is nation-wide in scope and the investigation has covered a wide range. If this case had been presented without such preliminary investigation, the principals might possibly have been indicted, and their liability to the Government in large amounts established. However, this investigation, conducted in the most confidential way, has developed that a great many others who have been lurking in the shadows are also involved in the unlawful transaction. The result is that not only will the principals and several others in all probability be indicted here but other indictments against the principals and different groups of individuals may be expected to follow in other parts of the country. When these two cases have been fully presented, a third case, which has been under investigation for many months and which has received considerable publicity, will be ready for presentation. Others now in course of preparation will follow, and it is expected that the work of preparing and presenting these cases will continue throughout the entire summer.

That is to say, we were promised at that time that during the ensuing summer these investigations would be prosecuted and indictments would be sought and obtained.

To avoid aggravating the already congested condition in the local courts cases will be presented in other districts wherever possible.

Of the two hundred and odd cases of this general description which I have mentioned, a great majority represent claims for civil recovery without the element of fraud. In the matter of amounts involved they range all the way from claims for a few hundred dollars to claims reaching into the milions. The aggregate possible recoveries in these cases if the Government should be completely successful in each would probably equal $100,000,000. The War Department, with the assistance of this department, has already recovered millions of dollars from those who were overpaid or who knowingly overcharged their Government. These claims come to this department mainly in the form of statements and audits from other departments. I have reason to believe that as the work of auditing accounts and settlements progresses in the several departments, this department will continue to receive such claims in increasing numbers. Cases of outstanding importance are being studied and prepared for suit in the department, and to the extent that the funds placed at my disposal will permit, will be prosecuted by skilled special counsel.

In view of those conditions, what does he ask for, Mr. President? His request will be found in the concluding paragraph of his letter:

The remainder have been referred to the United States attorneys in the districts in which the debtors are located for appropriate action. Included among these are many cases involving large sums of money and complicated statements of fact. As is well known, the United States attorneys and the Federal courts are literally swamped with the increased business which has developed in recent years, and notwithstanding their ability and devotion to the Government's interest, they have neither the time nor the facilities adequately to handle these important and difficult cases. It was because of this congestion that I recommended to be introduced in Congress the bill providing for 23 additional Federal judges, and which it is hoped will soon become a law.

In view of the criticism which has been directed at the Department of Justice in connection with its handling of the claim against the Lincoln Motor Co., I deem it my duty to lay the facts before you. This case involves alleged irregularities in connection with the adjustment of a contract with that company for the manufacture of Liberty motors. Before the completion of the War Department's audit, the assets and properties of the company had been sold at receiver's sale, and the proceeds were being held for the benefit of creditors. The audit when completed disclosed a maximum claim against the company of $9,188,561.98, and possible grounds for criminal proceedings. By letter dated February 14, 1922, the War Department advised the Department of Justice of the result of the audit and requested that claim be filed with the receiver, and that the usual priority rights be asserted. On February 15, 1922, this department instructed the United States attorney at Detroit, Mich., to prepare the claim for filing, and at the same time arranged with the War Department that persons familiar with the facts should be sent to Detroit to assist him. The receiver, the Detroit Trust Co.—the officer of the court—requested a hearing by the Department of Justice on the ground that at the time of its appointment it was generally understood that the Government had no claim against the assets in its hands, due to the settlement made by the War Department during the former administration with the Lincoln Motor Co. Under the circumstances, the department properly granted the request, and the United States attorney at Detroit, with the consent of the receiver, obtained an extension of the time in which the Government might file and prosecute its claim. After hearing counsel for the receiver and other interested parties, I concluded that the matter should be submitted to judicial determination, and accordingly the Government's claim was filed within the time allowed.

I am in receipt of a letter from Hon. Arthur J. Tuttle, United States district judge for the Eastern District of Michigan, written on April 21, 1922, after the Government's claim against the receiver of the Lincoln

Motor Co. had been filed, in which he makes the following reference to handling of this claim:

"While writing you this letter, which is official and yet tinged with a degree of personality, I believe I can with propriety refer to the recent newspaper notoriety relative to the claim of the Government against the Lincoln Motor Co. I, of course, have no reference whatever to the merits of the Government's claim or any other matter which is now and may hereafter be pending before me for my decision or judgment. Congressman WOODRUFF, of Bay City, Mich., is one of my old friends, and good friends; undoubtedly he believes what he stated in regard to the matter; on the other hand I know that he is entirely mistaken in making criticism of you and your department in anything which has happened up to this time or failed to happen up to this time in protecting the Government's interest. Because of the activity of your department through the local United States attorney not one dollar of the fund has ever been paid out to creditors, and it is being held here intact by the court pending a disposition of the Government's claim. The few days' delay during which time the Government investigated the matter and heard what other interested parties had to say has not and could not jeopardize the rights of the Government or anyone else. I had thought of writing my friend WOODRUFF about the matter; but this case is pending before me and a discussion of the matter might later prove embarrassing to me some way. I had also thought of writing you relative to the matter; but I knew you must understand the situation fully and also know that I understood it fully, so I could see no reason for doing that. In writing you about the other matter, however, I could not resist the temptation of visiting with you about this phase of the matter which surely has nothing whatever to do with the merits of the case. I am sure you will understand fully that the feeling on my part and the knowledge on my part that the criticism was unjust prompted this reference."

This is the concluding paragraph of his letter:

The record of the Department of Justice in connection with these war contract cases calls for no apology and none is intended. The work has been pressed to the fullest extent that the funds at my disposal would permit. It has been carried on under my direction by a few able and conscientious officers and attorneys who have devoted themselves to the task with untiring energy. Because of the need for the utmost confidence and secrecy information as to the progress in the preparation of the cases and the plans for their prosecution has been restricted to the officers in charge, and, of course, has not been divulged to minor employees. This accounts for much of the misinformation which has been circulated in reference to these cases; but as I have sufficiently indicated, the plans are laid and the work is under way, and all cases will be energetically prosecuted. The work can be greatly accelerated by the granting of the request for a special appropriation for $500,000 which you recently submitted to Congress, and by the prompt passage of the bill for an additional grand jury in the District of Columbia.

Faithfully yours,

H. M. DAUGHERTY, *Attorney General.*

Mr. President, when we consider the promises made in this letter and compare them with the results so far as criminal proceedings are concerned, as disclosed here to-day upon the floor of the Senate, we may well say that the Attorney General "thundered in the preface, but sang low in the index."

Commenting upon this letter, the leader of the majority in the House of Representatives at that time said:

Mr. MONDELL. Mr. Chairman, we thought we had realized—the country long since believed it had fully realized—the magnitude of the ills that grew out of the Democratic administration and the Democratic conduct of the war. But as time passes our realization of the breadth and depth, the wider variety, and the harmful character of those ills grows and increases. What is the question at issue? Just how much thievery was there under the Democratic administration during the war; just how many malefactors were there in that time; who robbed the Government when it was engaged in war? We have had an idea, so far as one can grasp it, of the unfathomable extravagances of that time, but we have not yet fully developed the extent to which these extravagances were accompanied by criminal negligence in the settlement of claims and in making overpayments.

Mr. President, I want to invite your attention to the fact that $500,000, it was represented, was all that was necessary in order to carry on that work at that time and bring it to fruition; and that appears, I think, clearly from the communication addressed to the Congress of the United States by the President, referred to in this letter and asking for this appropriation. Here it is. It reads:

THE WHITE HOUSE,
Washington, May 1, 1922.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1922, and subsequent years, for investigation and prosecution of war frauds, $500,000.

Respectfully,

WARREN G. HARDING.

Bear in mind, $500,000—not for the current year but for the current and all subsequent years; and the President of the United States had submitted to Congress a supplementary estimate by the Budget Bureau to the same effect, as follows:

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, May 1, 1922.

SIR: I have the honor to transmit herewith for your consideration, and upon your approval for transmission to Congress, supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1922, and subsequent years, for investigation and prosecution of war frauds, $500,000.

Mr. President, as I have said, not only that $500,000 but three times that $500,000 have already been expended; and now we are told that there have been two criminal convictions apparently inconsequential in character, and we are also told that the facts do not warrant any further convictions, even if the statute of limitations had not run against the alleged offenses.

In these circumstances, Mr. President, I think we ought to have a very much more satisfactory explanation of the need of this additional appropriation than has come to us from either the hearings or the statements of members of the committee on the floor.

PULLMAN-CAR SURCHARGE

Mr. SMITH. Mr. President, I am seizing the present opportunity to-day to call the attention of the Senate to a most remarkable opinion handed down by the Interstate Commerce Commission in the matter of the surcharge on Pullman fares. It will be recalled by Senators that this extraordinary and unique method of trying to obtain revenue for the railroads was inaugurated during the time of war. At the beginning of this session there were perhaps a dozen bills introduced by Members of Congress from various portions of the country looking to taking the power from the Interstate Commerce Commisson to levy any such tariff in any such extraordinary manner. I recall the authors of two such bills, and I will mention their names because of the positions they occupied on this floor. One was introduced by the then Senator from Massachusetts, Mr. Lodge, and another was introduced by the Senator from Arkansas [Mr. ROBINSON].

It was universally held that nothing but an extraordinary condition could justify any such unusual, not to say unlawful, tax as that known as the Pullman surcharge. During the pendency of those bills before the Interstate Commerce Committee, a subcommission was appointed by the Interstate Commerce Commission, charged with the duty of ascertaining the facts and reporting to the full commission. This they did last June, and reported unequivocally that it was an unfair, uncalled for, and unnecessary tax, and therefore should be removed.

The Senate, of course, knows that this surcharge is not the result of a particular law, but the result of the exercise of certain powers granted under a general act to the Interstate Commerce Commission. Through the exercise of that power they imposed this tax, and they have the power, upon their own motion, to remove it.

Just about the time that the subcommission reported that this tax ought to be taken off, the Interstate Commerce Committee reported favorably the bill introduced by the Senator from Arkansas [Mr. ROBINSON], and that measure was subsequently passed by this body without a dissenting vote, thereby registering the opinion of the Senate that the surcharge was indefensible and should be removed. The bill went to the other House of Congress, and I do not know what action, if any, has there been taken.

Now, Mr. President, I want to call the attention of the Senate to certain facts in connection with the opinion of the Interstate Commerce Commission. Five of the eleven members of the commission practically unite in saying that they think, in order to maintain the present low level of rates and fares, that this tax upon that comparatively small portion of the people who use the Pullman cars ought to be retained; that if removed the $37,000,000 collected by virtue of the imposition of the tax will have to be reflected in other portions of the railroad tariffs which the public is called upon to pay. One

of the remaining six says it is wrong but it is right; another says it is right but it is wrong; and three of them say it is entirely wrong.

The facts in the case are these: The report, in my opinion, is not fair and just to the layman. I am not going into all the details. The report is here for all the Senators to read; but they try to make it appear that the handling of a Pullman car is more expensive to the railroads than the handling of an ordinary passenger coach and therefore there should be a higher charge, when the facts are that the Pullman Co. furnishes the entire rolling stock, is responsible for its upkeep and its officering, and therefore relieves the railroads from the expense of the investment in the rolling stock and its insurance and upkeep.

Again, the Pullman Co. has entered into a contract with the railroads, and the railroads pay it so much for the use of the Pullman cars; they guarantee it so much, and the business developed and became so profitable after the initial contract that the majority of the contracts now carry a flat rate. That is, the railroads guarantee the Pullman Co. so much, and over and above that average of about $2,500 a year for the car the division is 50–50; and in 1921 or 1922 the 50–50 division amounted to $11,000,000 profit to the railroads.

It is too late for me to go into all the details, but one of the significant things is this: Under the Esch-Cummins law we provided that the railroads may earn 6 per cent. Above that, they divide with the Government 50–50. While it can not be collected now, because the law provides that this excess earning can not be apportioned until such time as the physical valuation of the roads is completed by the Valuation Commission, they have made a tentative estimate of the amount of money due the Government now by virtue of the roads earning in excess of 6 per cent, and it amounts to $80,000,000.

I have in my hand a list of the roads, and I ask to have it incorporated in my remarks.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, that order will be entered.

The matter referred to is as follows:

Net railway operating income and rate of return, $25,000,000 roads

Compiled from November, 1924, Monthly Reports of Revenues and Expenses. The rate of return reflects the seasonal variations during the years, 1912–1916, and is computed on the Commission's Tentative Valuation where available, otherwise on the 1923 book value]

Railroad	Operating revenues (thousands) November, 1924	Operating expenses (thousands) November, 1924	Operating ratio (per cent) November, 1924	Net railway operation income (thousands) November, 1924	Return on investment (per cent) November, 1924	Net railway operation income (thousands) 11 months, 1924	Return on investment (per cent) 11 months, 1924
New England region:							
Boston & Maine	$6,336	$5,138	81.1	$703,259	[1] 3.36	$7,846,533	[1] 3.04
New York, New Haven & Hartford	10,474	7,595	72.5	2,075,089	[1] 6.42	17,871,481	[1] 5.05
Total	16,810	12,733	75.7	2,778,348	[1] 5.22	25,718,014	[1] 4.20
Great Lakes region:							
Delaware & Hudson	3,588	2,932	81.7	605,514	[1] 6.37	7,046,363	[1] 7.03
Delaware, Lackawanna & Western System	7,322	5,159	70.5	1,544,600	6.09	14,789,446	6.81
Erie (incorporated Chicago & Erie)	9,545	7,429	77.8	1,549,772	3.54	15,677,071	3.58
Lehigh Valley	6,191	5,274	85.2	634,520	3.06	10,511,653	4.91
Michigan Central	6,673	5,064	75.9	1,155,800	[2] 7.15	17,599,041	[2] 9.19
New York Central	29,511	23,048	78.1	4,938,807	[4] 4.90	59,417,113	[4] 5.52
New York, Chicago & St. Louis	4,545	3,242	71.3	1,101,305	6.95	8,627,291	5.14
Pere Marquette	3,499	2,558	73.1	588,589	(3)	6,698,001	(3)
Pittsburgh & Lake Erie	2,496	2,069	82.9	703,108	8.65	7,422,647	8.24
Wabash	5,521	4,068	73.7	922,306	4.53	8,450,711	3.92
Total	78,891	60,843	77.1	13,744,321	[6] 5.05	156,239,337	[6] 5.52
Central Eastern region:							
Baltimore & Ohio	18,733	14,678	78.4	2,893,364	4.83	35,154,855	4.98
Central of New Jersey	4,450	2,731	61.4	1,256,572	7.93	9,369,519	5.96
Chicago & Eastern Illinois	2,070	1,832	88.5	53,640	1.91	1,212,948	[1] 1.84
Cleveland, Cincinnati, Chicago & St. Louis	7,168	5,550	77.4	1,062,856	[1] 5.60	12,803,474	[1] 6.04
Elgin, Joliet & Eastern	1,714	1,173	68.4	331,169	[1] 8.39	3,089,275	[1] 7.03
Long Island	2,604	2,095	80.5	292,297	[1] 4.99	4,351,604	[1] 4.10
Pennsylvania	52,071	44,049	84.6	4,014,810	[7] 2.32	71,725,140	[7] 3.73
Reading	7,668	5,624	73.3	1,805,070	7.83	17,704,825	8.60
Total	96,478	77,732	80.6	11,709,778	3.82	155,411,640	4.55
Pocahontas region:							
Chesapeake & Ohio	9,196	7,343	79.9	1,565,193	5.86	20,338,773	6.88
Norfolk & Western	8,785	5,516	62.8	2,954,427	[1] 11.59	17,836,917	[1] 6.41
Total	17,981	12,859	71.5	4,519,620	8.66	38,175,690	6.68
Southern region:							
Atlantic Coast Line	6,789	4,972	73.2	1,224,906	5.71	13,304,781	6.87
Central of Georgia	2,382	1,787	75.0	447,445	[1] 5.20	4,174,455	[1] 6.18
Illinois Central	12,380	9,828	79.4	1,541,009	[1] 3.24	21,694,749	[1] 4.86
Louisville & Nashville	11,531	8,998	78.0	1,835,204	5.06	19,722,707	5.83
Seaboard Air Line	4,756	3,684	77.5	747,720	3.93	8,032,571	4.33
Southern	12,076	8,186	67.8	3,046,735	5.66	27,037,970	5.72
Yazoo & Mississippi Valley	2,225	1,408	63.3	683,812	6.35	3,853,998	6.19
Total	52,139	38,863	74.5	9,526,831	4.83	97,821,231	5.54
Northwestern region:							
Chicago & North Western	11,680	9,468	81.1	1,056,491	2.27	15,528,645	3.50
Chicago, Milwaukee & St. Paul	13,674	10,092	73.8	2,465,405	3.37	16,710,908	2.57
Chicago, St. Paul, Minneapolis & Omaha	2,240	1,663	74.2	372,110	3.73	3,111,595	3.96
Great Northern	12,069	6,200	51.4	4,581,884	(3)	22,493,854	(3)
Minneapolis, St. Paul & Sault Ste. Marie	5,226	3,016	57.7	1,671,635	[8] 7.05	6,530,442	[8] 3.65
Northern Pacific	9,547	5,610	58.8	3,159,797	4.57	17,485,363	3.50
Oregon-Washington R. R. & Navigation Co	2,341	1,810	77.3	268,488	[1] 2.45	2,694,256	[1] 1.94
Total	56,777	37,859	66.7	13,575,760	[9] 3.85	84,555,063	[9] 3.12
Central Western region:							
Atchison, Topeka & Santa Fe	17,435	10,774	61.8	4,946,599	6.35	34,712,601	4.79
Chicago & Alton	2,568	2,157	84.0	178,102	1.23	4,020,525	2.93
Chicago, Burlington & Quincy	13,445	10,068	74.9	2,139,779	3.98	26,450,794	5.20
Chicago, Rock Island & Pacific	10,477	7,845	74.9	1,770,051	[1] 4.70	14,215,597	[1] 3.98
Denver & Rio Grande Western	3,040	2,321	76.3	547,551	2.48	3,200,795	1.79
Oregon Short Line	2,932	1,910	65.2	889,705	6.71	5,122,768	4.28
Southern Pacific (Pacific System, including Atlantic Steamship Lines)	17,273	12,770	73.9	2,948,617	3.70	35,815,411	4.35
Union Pacific	9,513	5,910	62.1	2,744,504	6.88	25,420,638	7.14
Total	76,683	53,755	70.1	16,164,908	4.77	148,959,129	4.65

[For footnotes see end of table]

Net railway operating income and rate of return, $25,000,000 roads—Continued

Railroad	Operating revenues (thousands) November, 1924	Operating expenses (thousands) November, 1924	Operating ratio (per cent) November, 1924	Net railway operation income (thousands) November, 1924	Return on investment (per cent) November, 1924	Net railway operation income (thousands) 11 months, 1924	Return on investment (per cent) 11 months, 1924
Southwestern region:							
Galveston, Harrisburg & San Antonio	$2,281	$1,529	67.0	$576,554	6.31	$4,767,731	6.40
Gulf, Colorado & Santa Fe	3,621	1,965	54.3	1,452,805	[1] 19.37	5,109,071	[1] 9.82
Missouri-Kansas & Texas	3,214	2,121	66.0	871,236	3.49	8,009,725	4.44
Missouri-Kansas & Texas of Texas	2,477	1,665	67.2	523,256	5.78	3,218,361	4.91
Missouri Pacific	11,240	8,483	75.5	1,784,254	4.26	14,378,035	4.01
St. Louis-San Francisco	7,807	5,395	69.1	1,903,176	4.76	18,773,911	5.24
Texas & Pacific	3,258	2,055	63.1	890,907	6.05	5,007,457	4.18
Total	33,898	23,213	68.5	8,002,188	5.44	59,264,291	4.90
Total (all regions)	429,657	317,857	74.0	80,021,754	[10] 4.71	766,144,395	[10] 4.76

[1] Tentative valuation used.
[2] Based on figures which do not reflect the investment represented by 38.43 miles of road operated by the Boston & Maine R. R. in Canada for which no data as to investment are available.
[3] Based on figures which include the operations of, and investment in, properties of the Canada Southern Ry. Co. in Canada representing an investment reported in Poor's Manual as $33,635,693.
[4] Based on figures which include the operations of, and investment in, properties of the Ottawa & New York Ry. Co. in Canada, representing an investment reported in Poor's Manual as $2,727,999.
[5] Investment not available.
[6] Based on figures which exclude the investment and operations of the Pere Marquette Ry. Co., data for which are not comparable. See also footnotes 3 and 4.
[7] Based on tentative valuations of the Pennsylvania Co. and subsidiaries ($283,283,513), the Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co. and subsidiaries ($247,260,689), and the Baltimore & Sparrows Point R. R. Co. ($405,820), plus $1,528,255,020 book value of the Pennsylvania R. R. Co. and its other lessor subsidiaries.
[8] Based on tentative valuation ($122,916,357) of the Minneapolis, St. Paul & Sault Ste. Marie Ry. Co., plus the book value ($71,336,976) of the Wisconsin Central Ry. Co.
[9] Based on figures which exclude the investment and operations of the Great Northern Ry. Co., the data for which are not comparable.
[10] See footnotes 1 to 9, inclusive.

Rate of return on property investment, large Class I roads, 1922–1923

Road	Year	Net railway operating income	Investment in road and equipment (including leased lines)	Rate of return (per cent)	Additional non-operating income
Akron, Canton & Youngstown	1923	$507,083		4.65	$78,695
Do	1922	428,448	$10,902,396	3.93	74,932
Alabama & Vicksburg	1923	554,723		8.14	[illegible] 294
Do	1922	286,392	6,816,372	4.20	69,087
Alabama Great Southern	1923	2,469,543		9.66	323,467
Do	1922	1,483,909	25,563,182	5.80	315,470
Ann Arbor	1923	460,554		2.41	12,697
Do	1922	426,862	19,087,338	2.24	17,097
Arizona Eastern	1923	907,374		4.40	116,595
Do	1922	725,989	20,609,648	3.52	50,118
Atchison, Topeka & Santa Fe	1923	40,815,194		5.62	14,263,464
Do	1922	35,509,010	725,972,773	4.89	16,707,610
Atlanta & West Point	1923	345,712		6.98	159,913
Do	1922	230,690	4,953,702	4.66	118,550
Atlanta, Birmingham & Atlantic	1923	[1] 162,493			76,309
Do	1922	[1] 460,567	40,330,670		71,598
Atlantic & St. Lawrence	1923	[1] 1,642,968			(2)
Do	1922	[1] 902,718	10,342,895		1,455,297
Atlantic City	1923	[1] 150,901			25,098
Do	1922	[1] 182,676	10,189,653		12,854
Atlantic Coast Line	1923	15,496,609		7.37	4,659,501
Do	1922	14,416,370	210,251,659	6.86	4,555,696
Baltimore & Ohio	1923	42,133,130		5.84	(2)
Do	1922	23,735,006	721,374,255	3.29	6,187,132
Baltimore, Chesapeake & Atlantic	1923	[1] 158,854			(2)
Do	1922	[1] 19,133	4,147,545		13,140
Bangor & Aroostook	1923	1,712,074		5.56	[1] 52,277
Do	1922	1,656,892	30,799,065	5.38	61,280
Beaumont, Sour Lake & Western	1923	362,274		10.89	20,126
Do	1922	263,608	3,326,076	7.93	10,655
Bessemer & Lake Erie	1923	6,835,256		11.78	417,945
Do	1922	4,809,526	58,035,538	8.29	332,852
Bingham & Garfield	1923	167,293		2.49	177,428
Do	1922	[1] 46,292	6,726,915		1,388,926
Boston & Maine	1923	2,987,415		1.30	745,359
Do	1922	6,475,740	230,105,096	2.81	502,816
Buffalo & Susquehanna	1923	564,699		5.44	517,502
Do	1922	247,555	10,383,845	2.38	721,257
Buffalo, Rochester & Pittsburgh	1923	2,982,656		4.32	208,519
Do	1922	550,680	69,114,217	.80	339,097
Canadian Pacific (lines in Maine)	1923	[1] 99,446			252,439
Do	1922	25,403	8,667,964	.29	124,144
Carolina, Clinchfield & Ohio	1923	2,709,145		4.16	320,790
Do	1922	2,864,428	65,095,965	4.40	309,417
Central New England	1923	1,063,396		3.70	96,104
Do	1922	751,880	28,735,531	2.62	[1] 2,712
Central of Georgia	1923	3,944,371		4.98	2,836,214
Do	1922	4,392,085	79,280,294	5.54	404,070
Central of New Jersey	1923	4,583,236		2.85	2,151,258
Do	1922	3,375,154	160,742,932	2.10	2,525,392
Central Vermont	1923	150,720		.71	19,017
Do	1922	400,776	21,366,944	1.88	65,588
Charleston & Western Carolina	1923	449,996		4.80	61,203
Do	1922	517,107	9,367,924	5.52	109,845
Chesapeake & Ohio	1923	19,135,359		6.27	2,216,048
Do	1922	14,410,330	305,235,456	4.72	2,478,503

[1] Deficit. [2] Report not yet filed.

Rate of return on property investment, etc.—Continued

Road	Year	Net railway operating income	Investment in roads and equipment (including leased lines)	Rate of return (per cent)	Additional non-operating income
Chicago & Alton	1923	$5,319,568		3.67	(2)
Do	1922	1,532,189	$144,812,587	1.06	$240,470
Chicago & Eastern Illinois	1923	3,324,116		4.17	444,931
Do	1922	2,721,469	79,755,600	3.41	393,789
Chicago & Erie	1923	384,800		1.17	367,902
Do	1922	[1] 1,502,091	33,026,268		2,223,502
Chicago & North Western	1923	15,843,375		3.[illegible]6	4,536,206
Do	1922	17,036,305	457,446,174	3.72	3,309,403
Chicago, Burlington & Quincy	1923	25,365,567		4.74	2,464,764
Do	1922	25,152,173	535,131,810	4.70	3,470,235
Chicago, Detroit & Canada Grand Trunk Junction	1923	1,399,905		31.72	(2)
Do	1922	837,599	4,413,734	18.98	9,855
Chicago Great Western	1923	2,118,674		1.27	(2)
Do	1922	265,183	167,212,896	.16	1,957,141
Chicago, Indianapolis & Louisville	1923	2,353,034		5.32	165,034
Do	1922	1,809,847	44,233,089	4.09	146,775
Chicago, Milwaukee & St. Paul	1923	20,167,713		2.89	(2)
Do	1922	13,284,245	697,674,890	1.90	1,574,700
Chicago, Peoria & St. Louis	1923	[1] 187,879			6,793
Do	1922	[1] 447,083	8,271,618		65,533
Chicago, Rock Island & Gulf	1923	719,700		3.82	55,163
Do	1922	722,101	18,832,154	3.83	392,935
Chicago, Rock Island & Pacific	1923	14,121,464		3.90	1,549,110
Do	1922	13,934,471	361,796,883	3.85	1,240,506
Chicago, St. Paul, Minneapolis & Omaha	1923	3,028,915		3.49	237,706
Do	1922	3,812,671	86,839,382	4.39	247,107
Cincinnati, Indianapolis & Western	1923	295,148		1.81	[1] 196,783
Do	1922	57,502	16,320,722	.35	16,206
Cincinnati, New Orleans & Texas Pacific	1923	4,856,706		9.05	351,198
Do	1922	1,910,018	53,694,474	3.56	277,861
Cincinnati Northern	1923	838,257		12.95	(2)
Do	1922	348,557	6,472,240	5.39	26,020
Cleveland, Cincinnati, Chicago & St. Louis	1923	16,691,901		6.96	(2)
Do	1922	13,747,229	239,990,763	5.73	1,632,930
Colorado & Southern	1923	790,130		.92	(2)
Do	1922	1,061,877	86,203,775	1.23	2,099,196
Columbus & Greenville	1923	533		.02	8,207
Do	1922	188,942	2,453,678	7.70	10,590
Delaware & Hudson	1923	6,512,344		5.69	[3] 4,129,353
Do	1922	1,216,669	114,492,926	1.06	[3] 3,904,942
Delaware, Lackawanna & Western System	1923	13,443,543		5.68	5,038,699
Do	1922	6,669,022	236,878,056	2.82	5,049,447
Denver & Rio Grande Western	1923	3,231,815		1.73	125,791
Do	1922	5,558,452	187,311,331	2.97	130,006
Denver & Salt Lake	1923	79,296		.61	11,615
Do	1922	[1] 151,463	13,023,317		14,425
Detroit & Mackinac	1923	142,049		2.01	34,144
Do	1922	57,158	7,055,353	.81	[1] 32,177
Detroit & Toledo Shore Line	1923	603,781		10.80	62,824
Do	1922	745,006	5,589,115	13.33	232,895

[1] Deficit. [2] Report not yet filed. [3] Includes income from "Coal mining department."

Rate of return on property investment, etc.—Continued

Road	Year	Net railway operating income	Investment in roads and equipment (including leased lines)	Rate of return (per cent)	Additional non-operating income
Detroit, Grand Haven & Milwaukee	1923	$846, 654		7.86	(3)
Do	1922	455, 339	$8, 226, 593	5.53	$459, 434
Detroit, Toledo & Ironton	1923	1, 786, 924		6.86	363, 129
Do	1922	[1] 158, 984	26, 059, 197		66, 872
Duluth & Iron Range	1923	1, 758, 480		5.75	1, 100, 343
Do	1922	1, 686, 323	30, 558, 213	5.52	472, 063
Duluth, Missabe & Northern	1923	10, 632, 786		22.76	616, 317
Do	1922	6, 512, 845	46, 721, 837	13.94	488, 093
Duluth, South Shore & Atlantic	1923	606, 570		1.25	86, 086
Do	1922	86, 962	48, 542, 174	.18	157, 100
Duluth, Winnipeg & Pacific	1923	83, 789		.60	(3)
Do	1922	[1] 33, 288	13, 967, 411		3, 761
El Paso & Southwestern	1923	2, 001, 355		3.13	1, 673, 796
Do	1922	2, 504, 690	63, 852, 808	3.92	1, 596, 165
Elgin, Joliet & Eastern	1923	5, 409, 365		11.44	372, 464
Do	1922	5, 152, 091	47, 264, 025	10.90	322, 721
Erie	1923	17, 935, 613		4.31	4, 731, 162
Do	1922	2, 146, 911	415, 822, 836	.52	10, 965, 812
Evansville, Indianapolis & Terre Haute	1923	16, 286		.25	(3)
Do	1922	[1] 323, 876	6, 603, 127		3, 866
Florida East Coast	1923	3, 165, 911		5.53	439, 860
Do	1922	2, 699, 262	57, 275, 018	4.71	70, 061
Fort Smith & Western	1923	66, 418		.53	1, 335
Do	1922	169, 531	12, 469, 841	1.36	1, 498
Fort Worth & Denver City	1923	2, 877, 039		9.47	(3)
Do	1922	2, 438, 054	30, 383, 133	8.02	212, 148
Fort Worth & Rio Grande	1923	[1] 41, 873			5, 208
Do	1922	[1] 249, 977	7, 987, 981		[1] 405, 722
Galveston, Harrisburg & San Antonio	1923	2, 281, 547		2.82	518, 388
Do	1922	1, 994, 775	80, 867, 440	2.47	484, 206
Georgia	1923	1, 193, 095		8.90	48, 574
Do	1922	811, 838	13, 410, 010	6.05	68, 721
Georgia & Florida	1923	236, 746		1.40	14, 240
Do	1922	99, 106	16, 856, 476	.59	18, 058
Georgia Southern & Florida	1923	633, 021		4.94	19, 962
Do	1922	394, 539	12, 813, 595	3.08	30, 465
Grand Trunk Western	1923	1, 500, 501		4.02	(3)
Do	1922	574, 279	37, 317, 681	1.54	1, 262, 896
Great Northern	1923	24, 731, 992		5.56	5, 085, 539
Do	1922	17, 276, 598	444, 772, 459	3.88	10, 487, 006
Green Bay & Western	1923	121, 487		1.15	82, 946
Do	1922	159, 402	10, 558, 635	1.51	57, 452
Gulf & Ship Island	1923	525, 355		3.62	45, 800
Do	1922	1, 125, 851	14, 518, 497	7.75	208, 983
Gulf, Colorado & Santa Fe	1923	3, 963, 151		6.59	[1] 646, 251
Do	1922	4, 192, 458	60, 155, 587	6.97	270, 221
Gulf, Mobile & Northern	1923	955, 308		3.60	144, 290
Do	1922	844, 752	26, 540, 450	3.18	83, 855
Hocking Valley	1923	2, 454, 068		4.47	289, 558
Do	1922	2, 245, 067	54, 911, 419	4.09	253, 261
Houston & Texas Central	1923	2, 069, 211		4.57	112, 646
Do	1922	2, 022, 081	45, 320, 076	4.46	138, 266
Houston East & West Texas	1923	111, 350		1.86	16, 097
Do	1922	141, 949	5, 982, 526	2.37	16, 811
Illinois Central	1923	22, 906, 244		5.65	(3)
Do	1922	25, 121, 128	405, 599, 527	6.19	4, 104, 465
International-Great Northern	1923	2, 176, 504		5.35	159, 652
Do	1922	1, 318, 388	40, 662, 986	3.24	133, 967
Kansas City, Mexico & Orient	1923	50, 510		.23	436, 392
Do	1922	[1] 151, 222	22, 262, 277		23, 112
Kansas City, Mexico & Orient of Texas	1923	[1] 70, 610			563, 746
Do	1922	[1] 323, 671	6, 900, 454		559
Kansas City Southern	1923	2, 682, 831		2.99	1, 164, 648
Do	1922	2, 928, 772	89, 768, 508	3.26	266, 344
Kansas, Oklahoma & Gulf	1923	245, 275		1.35	127, 505
Do	1922	526, 256	18, 185, 265	2.89	397
Lake Superior & Ispheming	1923	389, 890		8.73	50, 991
Do	1922	369, 833	4, 464, 341	8.28	28, 010
Lehigh & Hudson River	1923	589, 987		8.72	35, 195
Do	1922	118, 015	6, 764, 344	1.74	22, 676
Lehigh & New England	1923	1, 262, 859		7.90	39, 032
Do	1922	721, 887	15, 987, 186	4.52	67, 486
Lehigh Valley	1923	6, 573, 120		2.91	9, 583, 294
Do	1922	590, 084	225, 579, 506	.26	4, 832, 641
Long Island	1923	4, 001, 966		4.31	(3)
Do	1922	4, 967, 454	92, 846, 894	5.35	585, 313
Los Angeles & Salt Lake	1923	3, 687, 371		4.08	(3)
Do	1922	1, 425, 390	90, 345, 758	1.58	103, 753
Louisiana & Arkansas	1923	850, 188		6.73	25, 831
Do	1922	695, 547	12, 640, 968	5.50	21, 190
Louisiana Railway & Navigation Co	1923	129, 678		.58	35, 886
Do	1922	88, 642	22, 270, 698	.40	[1] 6, 603
Louisiana Railway & Navigation Co. of Texas	1923	40, 534	(3)		[4] 3, 893
Do	1922				
Louisiana Western	1923	932, 136		9.24	78, 809
Do	1922	864, 743	10, 093, 352	8.47	47, 762
Louisville & Nashville	1923	20, 673, 143		5.94	2, 926, 429
Do	1922	17, 637, 714	348, 076, 644	5.07	1, 873, 743
Louisville, Henderson & St. Louis	1923	589, 999		6.81	51, 325
Do	1922	526, 519	8, 666, 981	6.07	86, 069

[1] Deficit.
[2] Report not yet filed.
[3] Not available.
[4] Report for the period Apr. 1 to Dec. 31, 1923.

Rate of return on property investment, etc.—Continued

Road	Year	Net railway operating income	Investment in roads and equipment (including leased lines)	Rate of return (per cent)	Additional non-operating income
Maine Central	1923	$1, 983, 142		3.21	$189, 195
Do	1922	2, 842, 643	$61, 762, 980	4.60	[1] 162, 730
Maryland, Delaware & Virginia	1923	[1] 150, 604			(3)
Do	1922	[1] 105, 235	2, 932, 587		3, 599
Michigan Central	1923	19, 388, 175		(3)	(3)
Do	1922	18, 066, 109	156, 568, 773	(3)	1, 152, 286
Midland Valley	1923	1, 136, 677		5.69	162, 828
Do	1922	1, 100, 049	19, 989, 509	5.50	102, 479
Minneapolis & St. Louis	1923	825, 341		1.26	334, 784
Do	1922	883, 800	65, 315, 868	1.35	208, 478
Minneapolis, St. Paul & Sault Ste. Marie	1923	8, 204, 096		3.94	131, 000
Do	1922	7, 178, 971	208, 036, 153	3.45	655, 445
Mississippi Central	1923	284, 533		3.27	2, 647
Do	1922	193, 303	8, 704, 801	2.22	[1] 63, 495
Missouri & North Arkansas	1923	112, 799		3.21	(3)
Do	1922	82, 378	3, 511, 984	2.35	3, 137
Missouri-Kansas-Texas	1923	7, 553, 554		3.89	(3)
Do	1922	9, 114, 553	193, 936, 089	4.70	475, 233
Missouri - Kansas - Texas of Texas	1925	1, 256, 035	(3)		(3)
Missouri, Kansas & Texas of Texas	1922	1, 280, 467	63, 215, 433	2.03	115, 359
Missouri Pacific	1923	8, 893, 245		2.31	(3)
Do	1922	8, 247, 035	385, 758, 166	2.14	2, 463, 783
Mobile & Ohio	1923	2, 695, 009		5.77	152, 372
Do	1922	2, 713, 282	46, 673, 237	5.81	3, 583
Monongahela	1923	915, 772		5.34	[1] 333, 842
Do	1922	717, 193	17, 157, 546	4.18	241, 297
Montour	1923	871, 081		12.28	148, 630
Do	1922	277, 022	7, 093, 222	3.91	9, 193
Morgan's Louisiana & Texas	1923	234, 155		0.77	99, 229
Do	1922	13, 023	30, 596, 759	0.04	112, 739
Nashville, Chattanooga & St. Louis	1923	3, 061, 971		4.88	337, 482
Do	1922	3, 094, 209	62, 731, 478	4.93	312, 425
Nevada Northern	1923	483, 077		15.22	(3)
Do	1922	187, 175	3, 173, 716	5.90	190, 581
New Jersey & New York	1923	[1] 117, 860			16, 724
Do	1922	[1] 219, 404	3, 301, 654		662
New Orleans & Northeastern	1923	874, 101		4.57	248, 375
Do	1922	32, 260	19, 145, 333	0.17	533, 581
New Orleans Great Northern	1923	713, 151		4.24	[1] 32, 157
Do	1922	629, 696	16, 830, 800	3.74	6, 079
New Orleans, Texas & Mexico	1923	1, 176, 275		6.46	1, 034, 872
Do	1922	1, 344, 567	18, 211, 441	7.38	1, 075, 501
New York Central	1923	70, 667, 192		6.23	(3)
Do	1922	53, 973, 003	1, 133, 610, 635	4.76	18, 437, 589
New York, Chicago & St. Louis	1923	9, 198, 854		5.74	1, 243, 510
Do	1922	8, 373, 845	160, 202, 729	5.23	351, 824
New York connecting	1923	1, 477, 939		5.29	24, 116
Do	1922	1, 155, 176	27, 956, 084	4.13	[1] 57, 638
New York, New Haven & Hartford	1923	13, 277, 728		3.47	7, 192, 233
Do	1922	12, 074, 160	382, 588, 985	3.16	6, 526, 365
New York, Ontario & Western	1923	1, 006, 956		1.16	508, 284
Do	1922	334, 216	86, 664, 560	.39	192, 008
New York, Susquehanna & Western	1923	12, 573		.03	27, 743
Do	1922	[1] 301, 429	39, 290, 715		131, 462
Norfolk & Western	1923	19, 877, 677		6.02	(3)
Do	1922	18, 624, 468	330, 358, 920	5.64	1, 221, 622
Norfolk Southern	1923	1, 367, 528		3.89	74, 863
Do	1922	1, 108, 375	35, 190, 304	3.15	124, 517
Northern Alabama	1923	308, 171		6.99	4, 364
Do	1922	203, 415	4, 410, 352	4.61	[1] 84, 125
Northern Pacific	1923	17, 100, 557		3.19	11, 181, 676
Do	1922	19, 450, 513	536, 487, 114	3.63	11, 271, 729
Northwestern Pacific	1923	1, 378, 793		2.03	37, 501
Do	1922	1, 563, 167	68, 034, 123	2.30	38, 788
Oregon Short Line	1923	6, 034, 182		4.79	(3)
Do	1922	6, 825, 884	125, 912, 362	5.42	4, 362, 159
Oregon-Washington & Navigation Co	1923	1, 094, 393		.64	(3)
Do	1922	[1] 1, 376, 275	171, 373, 973		890, 065
Panhandle & Santa Fe	1923	1, 258, 046		4.49	[1] 205, 329
Do	1922	236, 615	28, 043, 954	.84	6, 332
Pennsylvania	1923	83, 356, 849		4.22	(3)
Do	1922	73, 405, 328	1, 973, 424, 470	3.72	45, 079, 813
Pere Marquette	1923	7, 086, 372		6.02	451, 905
Do	1922	6, 081, 196	117, 721, 810	5.17	497, 874
Perkiomen	1923	345, 194		9.34	39, 483
Do	1922	482, 939	3, 697, 299	13.06	15, 201
Philadelphia & Reading	1923	21, 813, 109		9.86	1, 023, 369
Do	1922	14, 328, 714	221, 155, 711	6.48	[1] 553, 150
Pittsburgh & Lake Erie	1923	15, 574, 595		17.76	(3)
Do	1922	5, 279, 742	87, 689, 435	6.02	738, 561
Pittsburg & Shawmut	1923	258, 540		1.87	438, 548
Do	1922	8, 134	13, 839, 237	.06	464, 171
Pittsburgh & West Virginia	1923	1, 822, 582		3.44	806, 834
Do	1922	797, 705	38, 417, 807	2.08	640, 883
Pittsburgh, Shawmut & Northern	1923	[1] 70, 610			83, 940
Do	1922	[1] 133, 463	26, 088, 140		9, 517

[1] Deficit.
[2] Report not yet filed.
[3] Not available.
[4] These rates were computed on a valuation which excludes the Canada Southern, which files no reports with the Interstate Commerce Commission, and are too high for this reason.

Rate of return on property investment, etc.—Continued

Road	Year	Net railway operating income	Investment in roads and equipment (including leased lines)	Rate of return (per cent)	Additional non-operating income
Port Reading	1923	$286,594		5.65	$33,336
Do	1922	113,891	$5,075,877	2.24	34,953
Quincy, Omaha & Kansas City	1923	[1] 180,299			(2)
Do	1922	[1] 168,318	6,403,466		8,759
Richmond, Fredericksburg & Potomac	1923	2,811,335		11.85	172,646
Do	1922	2,543,648	23,717,241	10.72	296,369
Rutland	1923	868,143		3.55	51,598
Do	1922	530,432	24,480,180	2.17	74,130
St. Joseph & Grand Island	1923	179,760		.94	78,223
Do	1922	70,029	19,115,607	.37	32,966
St. Louis, Brownsville & Mexico	1923	1,905,563		11.62	36,933
Do	1922	1,142,882	16,393,985	6.97	18,237
St. Louis-San Francisco	1923	18,484,458		4.87	783,668
Do	1922	15,490,000	379,860,374	4.08	812,038
St. Louis, San Francisco & Texas	1923	36,800		1.18	14,529
Do	1922	8,504	3,127,966	0.27	[1] 48,213
St. Louis Southwestern	1923	6,111,138		7.94	491,280
Do	1922	5,666,588	76,918,680	7.37	458,679
St. Louis Southwestern of Texas	1923	[1] 546,337			26,828
Do	1922	[1] 1,279,763	35,209,887		23,270
San Antonio & Aransas Pass	1923	849,287		3.42	22,596
Do	1922	253,430	24,861,576	1.02	8,218
San Antonio, Uvalde & Gulf	1923	117,264		2.07	4,130
Do	1922	7,269	5,673,802	0.13	[1] 40,663
Seaboard Air Line	1923	7,957,963		4.01	(2)
Do	1922	4,230,570	198,394,527	2.13	489,074
Southern	1923	28,128,137		5.47	(2)
Do	1922	20,472,778	513,992,869	3.98	4,804,363
Southern Pacific Co. (Pacific System, including Atlantic Steamship Lines)	1923	47,147,343		5.51	32,877,147
Do	1922	40,459,532	855,384,386	4.73	28,921,485
Spokane International	1923	137,967		2.35	5,483
Do	1922	254,453	5,878,245	4.33	6,422
Spokane, Portland & Seattle	1923	1,882,173		3.04	(2)
Do	1922	1,654,204	61,892,387	2.67	226,871
Staten Island Rapid Transit	1923	[1] 274,610			544,903
Do	1922	[1] 550,342	9,706,815		824,114
Tennessee Central	1923	366,926		8.95	24,717
Do	1922	99,868	4,100,247	2.44	17,729
Texarkana & Fort Smith	1923	854,269		17.61	1,671
Do	1922	470,083	4,851,629	9.69	8,262
Texas & New Orleans	1923	[1] 378,280			62,650
Do	1922	[1] 91,054	25,027,246		51,547
Texas & Pacific	1923	5,237,535		4.10	371,812
Do	1922	3,629,472	127,767,726	2.84	316,130
Toledo, Peoria & Western	1923	[1] 291,803			23,805
Do	1922	[1] 212,424	9,886,578		25,112
Trinity & Brazos Valley	1923	411,569		3.53	16,564
Do	1922	[1] 13,858	11,655,170		10,740
Ulster & Delaware	1923	151,221		2.55	7,126
Do	1922	[1] 47,551	5,929,176		77,594
Union Pacific	1923	28,844,300		7.73	(2)
Do	1922	26,621,319	373,102,992	7.14	19,827,166
Utah	1923	208,174		2.41	(2)
Do	1922	266,296	8,652,486	3.08	17,428
Vicksburg, Shreveport & Pacific	1923	690,832		6.97	44,847
Do	1922	368,823	9,909,708	3.72	23,880
Virginian	1923	5,872,092		5.02	578,633
Do	1922	5,373,544	116,857,557	4.60	495,312
Wabash	1923	8,941,275		3.97	(2)
Do	1922	4,107,421	225,153,860	1.82	1,165,159
West Jersey & Seashore	1923	989,180		3.38	(2)
Do	1922	1,279,702	29,260,458	4.37	254,283
Western Maryland	1923	4,621,552		3.34	208,252
Do	1922	3,074,576	138,256,861	2.22	166,175
Western Pacific	1923	3,004,525		3.03	432,496
Do	1922	1,966,442	99,280,858	1.98	512,388
Western Ry. of Alabama	1923	505,889		7.45	231,559
Do	1922	492,853	6,788,733	7.26	154,760
Wheeling & Lake Erie	1923	2,709,241		3.17	376,213
Do	1922	393,880	85,411,330	.46	1,216,511
Wichita Valley	1923	398,106		7.06	(2)
Do	1922	240,552	5,636,114	4.27	21,704
Yazoo & Mississippi Valley	1923	1,957,196		2.80	(2)
Do	1922	1,631,609	69,969,228	2.33	[1] 1,642,363

[1] Deficit.
[2] Reports not yet filed.

Mr. SMITH. That statement includes the roads that have earned this $80,000,000 in excess of the 6 per cent, and they are the roads that are getting $20,000,000 of the $37,000,000 of the surcharge imposed on Pullman fares. The roads, without the imposition of this surcharge, are making $80,000,000 as the Government's share of excess over 6 per cent, and in addition thereto are collecting $20,000,000 of the surcharge from the traveling public.

Mr. President, there is not a man on this floor but that knows that the Pullman sleeping car is now a necessity and should be made as available for the poor who have to travel by night as the rich. Why should we make it a luxury, and say that a poor family that has to travel in the night must be forced, by virtue of our determining it to be a luxury, to sit in a day coach in order to pay the expenses incident to its travel, rather than reduce its cost to a point where it becomes available for those whose unfortunate circumstances compel them to travel? This surcharge now, in view of the fact that we are collecting $80,000,000 in excess of the 6 per cent, is not indicated any longer; and the public is justified in demanding relief from this unusual, and in my opinion unlawful, charge.

I think the Senate ought to set aside this recommendation of this body to which we have delegated certain powers and attach this legislation to one of the bills that are now pending, and let it pass this body again in that form, and go to conference, and insist that the traveling public shall be relieved from the unnecessary and unjust imposition of this tax.

Mr. ROBINSON. Mr. President, I desire to claim the attention of the Senate in connection with the subject which the Senator from South Carolina has just discussed, and I shall speak very briefly.

The decision of the Interstate Commerce Commission to which the Senator from South Carolina has referred is both interesting and important. In a divided opinion, published yesterday, the commission sustained the Pullman surcharge as not unreasonable. Commissioners Campbell, McChord, and McManamy dissent entirely, holding that no Pullman surcharge should be collected, while Commissioners Aitchison and Esch conclude that some additional charge in the nature of a surcharge accruing to the railroad companies is warranted, but state that the existing surcharge exceeds the value of the service to the traveler, and should, therefore, be reduced one-half.

Many fair criticisms of the majority opinion are justified from a legal standpoint. The surcharge is sustained principally on the grounds, first, that it costs more to transport passengers in Pullman cars than in day coaches; and second, that the superior accommodations and additional service furnished by the railroad companies to the passengers who travel in Pullman cars justify a higher fare for transportation in Pullman cars than in day coaches. These two grounds summarize the basis of the opinion by the commission.

The conclusion that it costs more to transport passengers in Pullman cars than in coaches is rested by the commission chiefly on the fact that the former are heavier than the latter. The same principle would justify a higher charge by railroads for persons carried in steel than in wooden or other lighter coaches; but no such distinction has ever been made. If the principle of weight is to be the determining factor, a fat passenger should pay more than a thin one. But the complete answer is found in the fact that the passenger should not pay the railroad company for hauling Pullman cars. That presumably is done by the Pullman Co. itself in an indirect way.

As everyone knows, Pullman cars in most instances are owned by the Pullman Co., and consequently the railroads, with rare exceptions, have no funds invested in them. The contracts between the Pullman Co. and the various railroads vary in their terms, but as a rule the railroads are indirectly paid by the Pullman Co. for hauling Pullman cars.

The Pullman Co. furnishes the capital invested in the cars, furnishes the cars, and has a contract with the railroad company by which it obligates itself to pay the railroad company for all services performed to the Pullman Co. by the railroad company.

What reason exists for requiring passengers to pay the railroads for moving Pullman cars, since the railroads do not furnish the cars and, in effect, are paid by the Pullman Co. for hauling Pullman cars?

Moreover, the Pullman Co. renders service comparable to that of an innkeeper, and the passenger pays the Pullman Co. for this service. Why should the railroad also be paid for equipment which it does not supply and for a service which is chiefly, if not almost entirely, performed by the Pullman Co.?

The logical and just course is that the passenger should pay the railroad for transportation and the Pullman Co. for service in the nature of hotel accommodations.

Minor and relatively trivial considerations diminish, but can not overcome, the force of these suggestions.

Mr. Commissioner Lewis, concurring in the majority opinion, recognizes that the Pullman surcharge is justly unpopular since it was adopted as a temporary expedient made necessary by war conditions. He declares:

> The surcharge on Pullman travel is, therefore, the most unpopular public-service charge in the country, and its unpopularity seems to extend from coast to coast.

That is taken from the opinion of Mr. Commissioner Lewis concurring in the majority opinion, sustaining the charge as reasonable. Mr. Commissioner Lewis also declares that rates should be revised on a permanent basis in such a way as to cause the surcharge to disappear. Thus he impliedly justifies the surcharge which he so condemns on the ground that it is necessary to provide the railroads with adequate revenues. When it is recalled that the larger part of the aggregate amount received from the surcharge accrues to roads which already earn the standard return or more, and which are in no sense embarrassed for revenues, the force of this contention is greatly lightened.

As said by Mr. Commissioner Campbell in his dissenting opinion:

> If the railroads are not properly compensated under their contracts with the Pullman Co., these contracts should be revised. * * * Improvidence in the making of the contracts constitutes no justification for continuance of the surcharge.

A careful and analytical study of the whole subject, made by an expert under the direction of the commission, found that due to the fact that—

> the Pullman Co. provides the necessary capital investment in cars and other equipment; bears the expense of running, repairs, and depreciation, due to wear and obsolescence; provides necessary car attendants; cleans the inside of the cars; and meets laundry expenses and cost of repairs necessitated by causes arising inside of the cars or from negligence of the Pullman employees—

and some other considerations pointed out in the minority opinion and apparently not questioned by the majority, it does not really cost the railroads more to transport passengers in Pullman cars than in coaches.

There is neither moral nor legal justification for the retention of this vexatious and unnecessary tax on travel. Travel in Pullman cars is not a luxury as the majority opinion indicates. Certainly all who travel at night time find Pullman service just as necessary as hotel accommodations.

It is shortsighted policy on the part of the railroads to insist on the imposition of the Pullman surcharge, which yields approximately $35,000,000 per annum to the railroads of the country, and the greater portion of which accrues to lines that do not require the revenues from the surcharge.

The majority dismissed without serious consideration the suggestion that the surcharge tends to prevent passengers from riding in Pullman cars. While the evidence shows that the Pullman business declined less than the coach business for the three years following 1919, this by no means proves that passengers were not deterred by the surcharge from riding in Pullman cars.

The coach business throughout the United States is being performed by motor vehicles. Thousands of persons who formerly traveled in coaches now make short trips in automobiles or on bus lines over highways. The coach business is, therefore, as pointed out by Mr. Commissioner Campbell, a totally unreliable standard by which to judge the effect of the surcharge on travel in Pullman cars.

The natural consequence of the unpopularity of the surcharge is to deter those who can do so without great inconvenience from availing themselves of Pullman accommodations.

In view of this position by the commission it becomes the more important that the Congress shall deal with the surcharge legislatively. As stated by the Senator from South Carolina [Mr. SMITH] the Senate during the last session passed a bill presented by myself forbidding the collection of the Pullman surcharge. If an opportunity to vote upon the measure were granted the body at the other end of the Capitol, it would pass without substantial opposition.

ORDER FOR FRIDAY'S EVENING SESSION

Mr. CURTIS. Mr. President, I desire to propose a unanimous-consent agreement. There are quite a number of District bills on the calendar. Nearly all of them, I understand, will be passed without objection. I ask unanimous consent that upon Friday next, at not later than 5 o'clock, if there be unfinished business, that it be temporarily laid aside and the Senate take a recess until 8 o'clock, and that at the evening session only District bills, a list of which I send to the desk, shall be considered, and that the evening session shall not last beyond 11 o'clock.

Mr. ROBINSON. Let the list of bills be read.

The PRESIDENT pro tempore. The Clerk will read the list.

The reading clerk read as follows:

Senate bill 4207, relating to traffic regulation in the District of Columbia.

Senate bill 4191, permitting voluntary merger of railways in the District of Columbia.

Senate bill 3765, providing for a five-year building program for the schools of the District.

Senate bill 2264, providing for the closing of Thirty-fourth Place, St. Albans Cathedral.

Senate bill 3017, establishing a board of public welfare.

Senate bill 4253, to create a city planning commission.

Senate bill 4227, providing rental legislation.

Mr. CURTIS. I may say that I do not believe the last-named measure can be brought up on Friday evening, because it has not yet passed the House.

Mr. ROBINSON. Mr. President, as I understand the request of the Senator from Kansas, it is to the effect that a session of the Senate shall be held Friday night, and that during that session the consideration of any one or more of the bills on the list he has presented will be in order?

Mr. CURTIS. That is my request.

Mr. ROBINSON. There is no request for an agreement that any one of the bills shall be finally disposed of, or that all of them shall be finally disposed of?

Mr. CURTIS. No final disposition is asked for—simply that they shall be considered.

Mr. SMOOT. I ask the Senator from Kansas whether it is understood that the bills will come up in the order in which they have been read at the desk?

Mr. CURTIS. They will be called up in the order in which they were read at the desk.

Mr. McKELLAR. I wish to make an inquiry. There are amendments to the merger bill which I want to offer.

Mr. CURTIS. They are not excluded. A Senator may offer any amendment he desires to submit.

Mr. McKELLAR. Of course, if there is not a quorum here——

Mr. CURTIS. Either the bill will be laid aside or the Senate will adjourn.

Mr. SWANSON. If the bills are taken up for consideration in the order in which they have been named, will a motion be in order, after the first one is taken up, to proceed to the consideration of another bill on the list?

Mr. CURTIS. Yes; but we want to dispose of every bill if possible.

Mr. SWANSON. But the second one can be called up by a motion before the first one is disposed of?

Mr. CURTIS. I think not.

Mr. SMOOT. I would object, if that were the understanding.

Mr. SWANSON. It is my understanding that we could spend the entire evening on the first bill. Is that the idea?

Mr. CURTIS. The first bill relates to traffic regulation, and I understand there is no opposition to that bill, or very little.

Mr. McKELLAR. So far as the merger bill is concerned, if that is kept in the agreement I shall object.

Mr. CURTIS. I will eliminate the merger bill.

Mr. McKELLAR. I have no objection, with that bill eliminated.

Mr. BALL. Before the merger bill is eliminated, let me say that there will be opportunity for the Senator from Tennessee to offer his amendments, and they will be considered. We would give ample time for the consideration of his amendments.

Mr. McKELLAR. The merger bill is a bill of great importance to the District, and it is one which should not be considered at a night session, but at a day session, with a quorum here. If that bill is left in the agreement, I shall have to object.

Mr. ROBINSON. I wish to say that for my part, and for those whom I represent, I have no objection whatever to the entry of the order requested by the Senator from Kansas. It does not bind the Senate to dispose of any one of the bills. It leaves the whole subject matter open. A Senator may offer any amendment he chooses. There is no limitation on debate, and I think the request a very proper one. I not only agree to it, but I heartily concur in it.

The PRESIDENT pro tempore. The Chair understands the Senator from Tennessee to object.

Mr. McKELLAR. Unless the merger bill is excluded. I have no objection to the others.

Mr. CURTIS. I will eliminate it. I ask for unanimous consent with the merger bill eliminated in order to get the agreement. Let Senate bill 4191 be taken off the list.

Mr. KING. Before the request is put, may I appeal to the Senator from Tennessee. I should be very glad if he would consent to the consideration of the merger bill. The question is very important. I do not mean by that that we ought to

pass the bill in its present form; I am not sure that I approve of it in its present form; but the street railway situation in the District is of such importance as to require, in my opinion, earnest and immediate consideration.

Mr. McKELLAR. I understand that the Senator from Kansas is willing to modify his agreement by putting the merger bill last on the list.

Mr. CURTIS. I am.

Mr. McKELLAR. I have no objection to it in that form.

Mr. CURTIS. Then I ask that the bills be transposed on the list and that the merger bill be put next to the last. I ask that it be put there because the bill relating to rental legislation has not yet come over from the House. I ask that the merger bill be put just ahead of the rent bill, and that the unanimous-consent agreement be submitted in that way.

The PRESIDENT pro tempore. The Chair will state what is proposed. The Senator from Kansas asks unanimous consent that at not later than 5 o'clock on Friday next the unfinished business, if there be unfinished business, shall be temporarily laid aside and that the Senate shall take a recess until 8 o'clock; that at the evening session nothing shall be considered except bills relating to the District of Columbia in the order in which they are now found upon the memorandum which will be made a part of the unanimous-consent agreement, and that the evening session shall not last beyond 11 o'clock.

Mr. SIMMONS. Will not the Chair permit the Clerk to read the order in which the bills are to be considered?

The PRESIDENT pro tempore. The order is:

First, Senate bill 4207, enacting traffic regulations for the District of Columbia.

The second is Senate bill 3765, providing for a five-year building program for the schools of the District.

The third is Senate bill 2264, providing for the closing of Thirty-fourth Place, St. Albans Cathedral.

The fourth is Senate bill 3017, establishing a Board of Public Welfare.

The next is Senate bill 4253, to create a city planning commission.

The next is Senate bill 4191, permitting voluntary merger of railways in the District of Columbia.

The last is Senate bill 4227, relating to rental legislation.

Is there objection to the request? The Chair hears none, and it is so ordered.

REGULATION OF THE SALE OF MILK, ETC.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

Mr. BALL. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. BALL, Mr. CAPPER, and Mr. COPELAND conferees on the part of the Senate.

WABASH RIVER BRIDGE

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3722) to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., which were, on page 1, line 3, to strike out "county of Knox"; on page 1, lines 3 and 4, to strike out "county of Lawrence" and insert in lieu thereof "the," and to amend the title so as to read: "An act to authorize the State of Indiana and the State of Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind."

Mr. McKINLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ROCK RIVER BRIDGE, WISCONSIN

Mr. LENROOT. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11280) authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin. The bill is on the calendar. It is very urgent and is unanimously reported.

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

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Beloit, county of Rock, in the State of Wisconsin, to construct, maintain, and operate a bridge and approaches thereto across Rock River, at a point suitable to the interests of navigation, at or near Portland Avenue in said city of Beloit, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed 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.

Mr. JONES of Washington. Mr. President, I desire to express the hope that we may dispose of the pending appropriation bill early to-morrow. I desire to give notice that until it is disposed of I shall not consent to the transaction of other business so far as I can prevent it.

EXECUTIVE SESSION

Mr. BORAH. 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 40 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 40 minutes p. m.) took a recess until to-morrow, Wednesday, February 11, 1925, at 12 o'clock meridian.

AGREEMENT RESPECTING SOVEREIGNTY OVER ISLAND OF PALMAS

In executive session this day, the following agreement was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith an agreement signed between the United States and the Netherlands on January 23, 1925, providing for the submission to an arbitrator of the differences which have arisen between the two Governments with respect to the sovereignty over the Island of Palmas.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 26, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an agreement signed on the parts of the United States and the Netherlands on January 23, 1925, providing for the submission to an arbitrator of the differences which have arisen between the two Governments with respect to the sovereignty over the Island of Palmas.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 24, 1925.

The United States of America and Her Majesty the Queen of the Netherlands;

Desiring to terminate in accordance with the principles of international law and any applicable treaty provisions the differences which have arisen and now subsist between them with respect to the sovereignty over the Island of Palmas (or Miangas), situated approximately fifty miles southeast from Cape San Augustin, Island of Mindanao, at about five degrees and thirty-five minutes (5° 35′) north latitude, one hundred and twenty-six degrees and thirty-six minutes (126° 30′) longitude each from Greenwich;

Considering that these differences belong to those which, pursuant to Article I of the Arbitration Convention concluded by the two high contracting parties on May 2, 1908, and renewed by agreements dated May 9, 1914, March 8, 1919, and February 13, 1924, respectively, might well be submitted to arbitration;

Have appointed as their respective plenipotentiaries for the purpose of concluding the following special agreement;

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America, and

Her Majesty the Queen of the Netherlands: Jonkheer Dr. A. C. D. de Graeff, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after exhibiting to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The United States of America and Her Majesty the Queen of the Netherlands hereby agree to refer the decision of the above-mentioned differences to the Permanent Court of Arbitration at The Hague. The arbitral tribunal shall consist of one arbitrator.

The sole duty of the arbitrator shall be to determine whether the Island of Palmas (or Miangas) in its entirety forms a part of territory belonging to the United States of America or of Netherlands territory.

The two Governments shall designate the arbitrator from the members of the Permanent Court of Arbitration. If they shall be unable to agree on such designation, they shall unite in requesting the President of the Swiss Confederation to designate the arbitrator.

ARTICLE II

Within six months after the exchange of ratifications of this special agreement, each Government shall present to the other party two printed copies of a memorandum containing a statement of its contentions and the documents in support thereof. It shall be sufficient for this purpose if the copies aforesaid are delivered by the Government of the United States at the Netherlands Legation at Washington and by the Netherlands Government at the American Legation at The Hague, for transmission. As soon thereafter as possible and within thirty days, each party shall transmit two printed copies of its memorandum to the International Bureau of the Permanent Court of Arbitration for delivery to the arbitrator.

Within six months after the expiration of the period above fixed for the delivery of the memoranda to the parties, each party may, if it is deemed advisable, transmit to the other two printed copies of a counter-memorandum and any documents in support thereof in answer to the memorandum of the other party. The copies of the counter-memorandum shall be delivered to the parties, and within thirty days thereafter to the arbitrator, in the manner provided for in the foregoing paragraph respecting the delivery of memoranda.

At the instance of one or both of the parties, the arbitrator shall have authority, after hearing both parties and for good cause shown, to extend the above-mentioned periods.

ARTICLE III

After the exchange of the counter-memoranda, the case shall be deemed closed unless the arbitrator applies to either or both of the parties for further written explanations.

In case the arbitrator makes such a request on either party, he shall do so through the International Bureau of the Permanent Court of Arbitration, which shall communicate a copy of his request to the other party. The party addressed shall be allowed for reply three months from the date of the receipt of the arbitrator's request, which date shall be at once communicated to the other party and to the International Bureau. Such reply shall be communicated to the other party and within thirty days thereafter to the arbitrator in the manner provided for above for the delivery of memoranda, and the opposite party may, if it is deemed advisable, have a further period of three months to make rejoinder thereto, which shall be communicated in like manner.

The arbitrator shall notify both parties through the International Bureau of the date upon which, in accordance with the foregoing provisions, the case is closed, so fare as the presentation of memoranda and evidence by either party is concerned.

ARTICLE IV

The parties shall be at liberty to use, in the course of arbitration, the English or Netherlands language or the native language of the arbitrator. If either party uses the English or Netherlands language, a translation into the native language of the arbitrator shall be furnished if desired by him.

The arbitrator shall be at liberty to use his native language or the English or Netherlands language in the course of the arbitration, and the award and opinion accompanying it may be in any one of those languages.

ARTICLE V

The arbitrator shall decide any questions of procedure which may arise during the course of the arbitration.

ARTICLE VI

Immediately after the exchange of ratifications of this special agreement each party shall place in the hands of the arbitrator the sum of one hundred pounds sterling by way of advance of costs.

ARTICLE VII

The arbitrator shall, within three months after the date upon which he declares the case closed for the presentation of memoranda and evidence, render his award in writing and deposit three signed copies thereof with the International Bureau at The Hague, one copy to be retained by the bureau and one to be transmitted to each party as soon as this may be done.

The award shall be accompanied by a statement of the grounds upon which it is based.

The arbitrator shall fix the amount of the costs of procedure in his award. Each party shall defray its own expenses and half of said costs of procedure and of the honorarium of the arbitrator.

ARTICLE VIII

The parties undertake to accept the award rendered by the arbitrator within the limitations of this special agreement as final and conclusive and without appeal.

All disputes connected with the interpretation and execution of the award shall be submitted to the decision of the arbitrator.

ARTICLE IX

This special agreement shall be ratified in accordance with the constitutional forms of the contracting parties and shall take effect immediately upon the exchange of ratifications, which shall take place as soon as possible at Washington.

In witness whereof the respective plenipotentiaries have signed this special agreement and have hereunto affixed their seals.

Done in duplicate in the city of Washington in the English and Netherlands languages this 23d day of January, 1925.

[SEAL] CHARLES EVANS HUGHES.
[SEAL] A. DE GRAEFF.

CONVENTION BETWEEN THE UNITED STATES AND RUMANIA

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith an extradition treaty between the United States and Rumania, signed at Bucharest on July 23, 1924, and, for confirmation by the Senate, the note dated the same day by which the American minister at Bucharest gives assurance on the part of the United States that the death penalty will not be enforced against criminals delivered by Rumania to the United States for any of the crimes enumerated in the treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratification of the treaty.

The attention of the Senate is invited to the accompanying report of the Secretary of State, in which it is explained that precedents for this course are found in the cases of the extradition treaty between the United States and Portugal in 1908, and the extradition treaty between the United States and Costa Rica in 1922, in each of which similar assurance was given and was confirmed by the Sentae.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 8, 1924.

DECEMBER 5, 1924.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, an extradition treaty between the United States and Rumania, signed at Bucharest July 23, 1924.

Attached to the treaty is a note signed by the American minister at Bucharest, by which the assurance is given on the part of the United States that the death penalty will not be enforced against criminals delivered by Rumania to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty, and shall be mentioned in the ratifications of the treaty.

Similar assurance was given in the cases of the extradition treaty with Portugal signed on May 7, 1908, and the extradition treaty with Costa Rica signed on November 10, 1922.

In its resolution giving advice and consent to the ratification of these two treaties the Senate stated its understanding "that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal (and Costa Rica) upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty."

A similar confirmation by the Senate of the assurance given by the minister to Rumania at the time of the signature of the Rumanian treaty is necessary.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, December 5, 1924.

The United States of America and His Majesty the King of Rumania, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America: Mr. Peter Augustus Jay, envoy extraordinary and minister plenipotentiary of the United States in Rumania; and

His Majesty, the King of Rumania: Mr. I. G. Duca, Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Rumania shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the high contracting parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify commitment for trial if the crime or offense had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present treaty who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning, or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Abduction or detention of women or girls for immoral purposes.
5. Bigamy.
6. Arson.
7. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary, defined to be the act of breaking into and entering the house of another in the nighttime with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance and other companies, or other buildings not dwelling with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authority, including courts of justice or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles of coupons of public debt, created by national, state, provincial, territorial, local, or municipal governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies, and marks of state or public administration, and the utterance, circulation, or fraudulent use of the above-mentioned objects.
15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Rumanian equivalent.
16. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Rumanian equivalent.
17. Kidnaping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.
18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Rumanian equivalent.
19. Obtaining money, valuable securities, or other property by false pretenses or receiving any money, valuable securities, or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Rumanian equivalent.
20. Perjury or subornation of perjury.
21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Rumanian equivalent.
22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.
23. Willful desertion or willful nonsupport of minor or dependent children.
24. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact; provided such participation be punishable by imprisonment by the laws of both the high contracting parties.

ARTICLE III

The provisions of the present treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the high contracting parties in virtue of this treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such pro-

ceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII

Under the stipulations of this treaty, neither of the high contracting parties shall be bound to deliver up its own citizens.

ARTICLE IX

The expense of arrest, detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the high contracting parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

ARTICLE XI

The stipulations of the present treaty shall be applicable to all territory wherever situated, belonging to either of the high contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the high contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraphs other than the United States or Rumania, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall, respectively, have power and authority, upon complaint made in accordance with the laws of the country demanded, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority that a warrant may issue for the surrender of the fugitive.

In case of urgency the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Rumania, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proofs as may be deemed competent in the case.

ARTICLE XII

In every case of a request made by either of the high contracting parties for the arrest, detention, or extradition of fugitive criminals the appropriate legal officers of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIII

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place as soon as possible.

ARTICLE XIV

The present treaty shall remain in force for a period of ten years, and in case neither of the high contracting parties shall have given notice one year before the expiration of that period of its intention to terminate the treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the high contracting parties.

In witness whereof the above-named plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done in duplicate at Bucharest, this twenty-third day of July, nineteen hundred and twenty-four.

[SEAL.] I. G. DUCA.
[SEAL.] PETER A. JAY.

LEGATION OF THE UNITED STATES OF AMERICA,
Bucharest, July 23, 1924.

His Excellency, Mr. I. G. DUCA,
Minister for Foreign Affairs of His Majesty the King of Rumania.

In signing to-day with His Excellency, Mr. I. G. Duca, the minister for foreign affairs of His Majesty the King of Rumania the treaty of extradition which has been negotiated between the Government of the United States of America and the Royal Rumanian Government, the undersigned, minister plenipotentiary and envoy extraordinary of the United States of America at Bucharest, provided with full powers from his Government for the conclusion of this treaty, has the honor to confirm by this note to the Royal Rumanian Government the assurance that the death penalty will not be enforced against criminals delivered by Rumania to the United States of America for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and shall be mentioned in the ratifications of the treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the Government of the United States that no person charged with crime shall be extraditable from Rumania to the United States upon whom the death penalty can be inflicted for the offense charged by the laws of the country where the trial is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty.

PETER A. JAY,
American Minister.

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH GERMANY

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom and from the resolution of ratification:

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith a treaty of friendship, commerce, and consular rights between the United States and Germany, signed at Washington on December 8, 1923.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 11, 1923.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to its ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights, concluded between the United States and Germany, at Washington, on December 8, 1923.

Respectfully submitted.

CHARLES E. HUGHES.

Accompaniment: Treaty.

DEPARTMENT OF STATE,
Washington, December 10, 1923.

The United States of America and Germany, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic, and commercial aspirations of the peoples thereof, have resolved to conclude a treaty of friendship, commerce, and consular rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Mr. Charles Evans Hughes, Secretary of State of the United States of America,

and

The President of the German Empire, Dr. Otto Wiedfeldt, German ambassador to the United States of America,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the high contracting parties shall be permitted to enter, travel, and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing, and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect, or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial, and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either high contracting party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each high contracting party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each high contracting party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

ARTICLE II

With respect to that form of protection granted by national, State, or provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the high contracting parties and within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the high contracting parties in the territories of the other used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances, and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one high contracting party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other high contracting party, whether resident or nonresident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate, or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either high contracting party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, of whatsoever nationality, whether resident or nonresident, shall succeed to such personal property and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the high contracting party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the high contracting parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either high contracting party and a third State, such party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the high contracting parties there shall be freedom of commerce and navigation. The nationals of each of the high contracting parties, equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports, and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this treaty shall be construed to restrict the right of either high contracting party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the high contracting parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article the growth, produce, or manufacture of the territories of the other than are or shall be imposed on the importation of any like article the growth, produce, or manufacture of any other foreign country.

Each of the high contracting parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other high contracting party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either high contracting party may extend to any article the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce, or manufacture of the other high contracting party.

All the articles which are or may be legally imported from foreign countries into ports of the United States in United States vessels may likewise be imported into those ports in German vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Germany in German vessels may likewise be imported into these ports in United States vessels without being

liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in German vessels.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two high contracting parties binds itself to give to the nationals, vessels, and goods of the other the advantage of every favor, privilege, or immunity which it shall have accorded to the nationals, vessels, and goods of a third State, and regardless of whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege, or immunity which shall hereafter be granted the nationals, vessels, or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other high contracting party for the benefit of itself, its nationals, and vessels.

The stipulations of this article shall apply to the importation of goods into and the exportation of goods from all areas within the German customs lines, but shall not extend to the treatment which either contracting party shall accord to purely border traffic within a zone not exceeding 10 miles (15 kilometers) wide on either side of its customs frontier, or to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws.

ARTICLE VIII

The nationals and merchandise of each high contracting party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing, and other facilities and the amount of drawbacks and bounties.

ARTICLE IX

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other high contracting party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the high contracting parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other high contracting party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the United States is exempt from the provisions of this article and from the other provisions of this treaty, and is to be regulated according to the laws of the United States in relation thereto. It is agreed, however, that the nationals of either high contracting party shall, within the territories of the other, enjoy with respect to the coasting trade the most favored nation treatment.

ARTICLE XII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, national, state, or provincial, of either high contracting party, and maintain a central office within the territories thereof, shall have their juridical status recognized by the other high contracting party, provided that they pursue no aims within its territory contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either high contracting party so recognized by the other to establish themselves within its territories, establish branch offices, and fulfill their functions therein shall depend upon and be governed solely by the consent of such party as expressed in its national, state, or provincial laws.

ARTICLE XIII

The nationals of either high contracting party shall enjoy within the territories of the other reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either high contracting party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, State, or provincial, which are in force or may hereafter be established within the territories of the party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either high contracting party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XIV

(a) Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this article, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

(b) In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in section (a).

(c) A commercial traveler may sell his samples without obtaining a special license as an importer.

(d) Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

(e) Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

(f) All customs formalities shall be simplified as much as possible with a view to avoid delay in the dispatch of samples.

(g) Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of

business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

(h) No license shall be required of:

(1) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(2) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(3) Travelers who are exclusively buyers.

(i) Any concessions affecting any of the provisions of the present article that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE XV

(a) Regulations governing the renewal and transfer of licenses issued under the provisions of Article XIV, and the imposition of fines and other penalties for any misuse of licenses may be made by either of the high contracting parties whenever advisable within the terms of Article XIV and without prejudice to the rights defined therein.

If such regulations permit the renewal of licenses, the fee for renewal will not be greater than that charged for the original license.

If such regulations permit the transfer of licenses, upon satisfactory proof that transferee or assignee is in every sense the true successor of the original licensee, and that he can furnish a certificate of identification similar to that furnished by the original licensee, he will be allowed to operate as a commercial traveler pending the arrival of the new certificate of identification, but the cancellation of the bond for the samples shall not be effected before the arrival of the said certificate.

(b) It is the citizenship of the firm that the commercial traveler represents, and not his own, that governs the issuance to him of a certificate of identification.

The high contracting parties agree to empower the local customs officials or other competent authorities to issue the said licenses upon surrender of the certificate of identification and authenticated list of samples, acting as deputies of the central office constituted for the issuance and regulation of licenses. The said officials shall immediately transmit the appropriate documentation to the central office, to which the licensee shall thereafter give due notice of his intention to ask for the renewal or transfer of his license, if these acts be allowable, or cancellation of his bond, upon his departure from the country. Due notice in this connection will be regarded as the time required for the exchange of correspondence in the normal mail schedules, plus five business days for purposes of official verification and registration.

(c) It is understood that the traveler will not engage in the sale of other articles than those embraced by his lines of business; he may sell his samples, thus incurring an obligation to pay the customs duties thereupon, but he may not sell other articles brought with him or sent to him which are not reasonably and clearly representative of the kind of business he purports to represent.

(d) Advertising matter brought by commercial travelers in appropriate quantities shall be treated as samples without commercial value. Objects having a depreciative commercial value because of adaptation for purposes of advertisement, and intended for gratuitous distribution, shall, when introduced in reasonable quantities, also be treated as samples without commercial value. It is understood, however, that this prescription shall be subject to the customs laws of their respective countries. Samples accompanying the commercial traveler will be despatched as a portion of his personal baggage; and those arriving after him will be given precedence over ordinary freight.

(e) If the original license was issued for a period longer than six months, or if the license be renewed, the bond for the samples will be correspondingly extended. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.

ARTICLE XVI

There shall be complete freedom of transit through the territories including territorial waters of each high contracting party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries of the United States, to persons and goods coming from or going through the territories of the other high contracting party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transmit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XVII

Each of the high contracting parties agrees to receive from the other, consular officers in those of its ports, places, and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the high contracting parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the high contracting parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges, and immunities granted by this treaty.

ARTICLE XVIII

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest, except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings and from service of any military or naval administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office, and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XIX

Consular officers, including employees in a consulate, nationals of the state by which they are appointed other than those engaged in private occupations for gain within the state where they exercise their functions shall be exempt from all taxes, national, state, provincial, and municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in or income derived from property of any kind situated or belonging within the territories of the state within which they exercise their functions. All consular officers and employees, nationals of the state appointing them, shall be exempt from the payment of taxes on the salary, fees, or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either high contracting party, of which the other high contracting party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, national, state, provincial, and municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XX

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives, and immunities granted to the incumbent.

ARTICLE XXI

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, national, state, provincial, or municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

ARTICLE XXII

Consular officers may, in pursuance of the laws of their own country take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of their own country. Such officers may draw up, attest, certify, and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify, and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions, and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed embracing unilateral acts, deeds, testamentary dispositions, or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed, provided always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXIII

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXIV

In case of the death of a national of either high contracting party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the high contracting parties without will or testament, in the territory of the other high contracting party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXV

A consular officer of either high contracting party may in behalf of his nonresident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXVI

A consular officer of either high contracting party shall have the right to inspect, within the ports of the other high contracting party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXVII

Each of the high contracting parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment, and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the high contracting parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either high contracting party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXIX

Subject to any limitation or exception hereinbefore set forth, or hereafter to be agreed upon, the territories of the high contracting parties to which the provisions of this treaty extend shall be understood to comprise all areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone; for purposes connected with customs administration the territory of Germany shall be deemed to be coterminous with the area included within the German customs lines.

ARTICLE XXX

Nothing in the present treaty shall be construed to limit or restrict in any way the rights, privileges, and advantages accorded to the United States or its nationals or to Germany or its nationals, by the treaty between the United States and Germany restoring friendly relations, concluded on August 25, 1921.

ARTICLE XXXI

The present treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither high contracting party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this treaty or of terminating it upon the expiration of the aforesaid period, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the high contracting parties shall have notified to the other an intention of modifying or terminating the treaty.

ARTICLE XXXII

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same and have affixed their seals hereto.

Done in duplicate, in the English and German languages, at the city of Washington, this 8th day of December, 1923.

[SEAL.] CHARLES EVANS HUGHES.
[SEAL.] DR. OTTO WIEDFELDT.

The following resolution was considered and agreed to:

Resolved (two-thirds of the Senators present and concurring therein), That the Senate advises and consents to the ratification of Executive D, Sixty-eighth Congress, first session, a treaty of friendship, commerce, and consular rights between the United States and Germany, signed at Washington on December 8, 1923, subject to the following reservations and understandings to be set forth in an exchange of notes between the high contracting parties so as to make it plain that this condition is understood and accepted by each of them:

First, that there shall be added to Article I of said treaty the following: "Nothing herein contained shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes."

Second, that the fifth paragraph of Article VII and Article IX and XI shall remain in force for 12 months from the date of exchange of ratification, and if not then terminated on 90 days' previous notice shall remain in force until Congress shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of 60 days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraph or articles not been embraced in the treaty.

NOMINATIONS

Executive nominations received by the Senate February 10 (legislative day of February 3), 1925

COLLECTOR OF CUSTOMS

Irving A. Caswell, of Anoka, Minn., to be collector of customs for customs collection district No. 35, with headquarters at St. Paul, Minn., in place of Harry A. Lund, whose term of office expired May 31, 1924.

UNITED STATES MARSHAL

Palmer E. Anderson, of Illinois, to be United States marshal, northern district of Illinois, vice Robert R. Levy, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10 (legislative day of February 3), 1925

POSTMASTERS

ARKANSAS

Pearl Knod, Gillham.
Samuel S. Greene, Reyno.
Estell Baynham, Success.

COLORADO

Burgis G. Coy, East Portal.

CONNECTICUT

Fred T. Koehler, Windsor Locks.

FLORIDA

Herbert L. Eiland, Baker.
Wilber C. Russell, Fort Pierce.
Helen Arbuthnot, Lake Alfred.

GEORGIA

Josie M. Crawford, Dalton.
Helen B. Wiley, Rockmart.
Lelia Morgan, Sycamore.

ILLINOIS

Myrtle L. Schroeder, Addieville.

INDIANA

Floyd Coomler, Lagro.

NEW MEXICO

George A. Titsworth, Capitan.

NEW YORK

Bertha Howland, Lisle.

PENNSYLVANIA

Kathryn McCann, Crabtree.

TEXAS

Malcolm Shaw, Carthage.
Alexander P. Hicks, Taylor.

WEST VIRGINIA

William H. Cheeks, Hollidays Cove.

WYOMING

Carrie A. Scanlin, Megeath.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 10, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be with us, O Lord God of our salvation, for the glory of Thy name and for our good and guidance. Give us a faith that shall bear unmoved the cares of life and cause us to murmur not when the chastening rod is heavy. Turn, O turn Thy compassionate heart toward all who suffer because of the wrongs of others. O Lord, be with the restless throngs of humankind and let Thy wisdom break forth and Thy righteousness direct. With Thy blessing all toil is hallowed and the lowliest labor is divine. Guide and guard us with more than a mother's care, and may we serve Thee best of all. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIVISIONS OF LANDS AND FUNDS OF OSAGE INDIANS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of

Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SNYDER, Mr. DALLINGER, Mr. HAYDEN.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 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; and

H. R. 11248. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

ADDITIONAL JUDICIAL DISTRICT IN OKLAHOMA

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 64, to amend section 101 of the Judicial Code as amended, and move that the House concur in the Senate amendment.

The SPEAKER. Is there objection?

Mr. SUMNERS of Texas. Mr. Speaker, I am not prepared to give unanimous consent at this time unless the gentleman from Pennsylvania [Mr. GRAHAM] is willing to grant me time to make a very brief statement to the House as to the reasons for my objections to the bill. I have no disposition to block the consideration of the bill by the House.

The SPEAKER. If there is going to be any debate upon the bill, the Chair would suggest that he can not recognize the gentleman to-day.

Mr. GRAHAM. It is only to define his position.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, do I understand that unanimous consent has been granted to bring the bill up for consideration to-day?

The SPEAKER. If this is going to provoke general debate, the Chair does not think he should recognize the gentleman to-day to ask unanimous consent for that purpose.

Mr. GRAHAM. I understand that every member of the Oklahoma delegation is agreeable to this, and that the gentleman from Texas [Mr. SUMNERS] merely wishes to define his position but not to object to its consideration.

Mr. CARTER. Mr. Speaker, reserving the right to object, I have not quite agreed to the bill, but I agreed that I would not object to unanimous consent. However, I would like to have one minute to define my position, and I think that would be all the discussion that there would be.

Mr. BLANTON. Mr. Speaker, I make the point of order that the House has already granted five minutes to the gentleman from Texas and it can not now take him off his feet.

The SPEAKER. The Chair will put the other question. Is there objection to the consideration of the bill?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, this bill proposes to divide one of the Federal judicial districts of Oklahoma into two districts. I have two objections to it. One of those objections to a considerable degree I have inherited from the Committee on the Judiciary. When I entered that committee I found what seemed to me to be a unanimous agreement among gentlemen of long service on the committee that it was contrary to good public service, to good governmental policy, generally speaking, to divide these judicial districts. It is my judgment now that it tends more to keep the judges uniformly at work, and that we get better total results when multiplicity of districts is avoided. That is the first proposition.

No reason has ever occurred to me why this objection is not sound. That reason is supplemented by considerations of economy. I would be willing to yield on the part of economy if any good reason obtained why each time we put an additional judge in a Federal district we should divide the district. I believe that the argument of efficiency is on the other side of the proposition. The splitting up of these districts reduces efficiency. The division of these districts not only decreases efficiency, prevents an equal division of work among the judges, but serves to place a new Federal marshal, a new district attorney, and a new clerk upon the pay roll when the work can be carried forward just as well without the creation of these new offices. I believe it is a valuable thing in a district when one of the judges of the district, if you have two, is compelled to leave that district, that there be a judge there ready at all times to care for the work of that court without the necessity of having another judge transferred under order of the presiding justice of the circuit court of appeals. I see no reason why when we can do the work as I have indicated with an assistant district attorney and a deputy clerk and a deputy marshal we should take out of the pockets of the taxpayers of this country the difference between the compensation which we must pay to them and the compensation which we must pay to the new marshal and the new district attorney and the new clerk.

Gentlemen, those are my reasons. I regret to oppose what the gentleman from Pennsylvania says is the unanimous attitude of the Oklahoma delegation. I would do whatever I could to serve them with that which I have to give, but the Oklahoma delegation is not paying this unnecessary expense. The judicial district affected is not doing it. It comes out of the pockets of the people of the United States. Because I believe the policy is not good, because I believe it does not add to the discharge of the public business, but hinders its discharge and takes additional money unnecessarily out of the public Treasury, to give jobs to three new unnecessary Federal officials, I am compelled to oppose this bill.

Those are the reasons that address themselves to my judgment, and I believe ought to address themselves to the judgment of the House. [Applause.]

Mr. CARTER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Speaker, I agree with the gentleman from Texas [Mr. SUMNER]. This bill as reported by the Senate Committee on the Judiciary was objectionable to me for four reasons. First, it was an unfair division of the business between the two Federal judges; second, it was an unfair discrimination against the southern part of the State; third, I did not think the creation of the district was necessary; fourth, some two or three years ago we passed a bill creating an additional United States district judge for the eastern district of Oklahoma, and when you gave us that additional judge we agreed at that time that we would not demand another district, and I propose to stand by that agreement. Those are the four objections I then had, and three of them still obtain. The first, however, and that is a very strong and practical one, to wit, the unfair division of business between the two judges, has been very greatly modified by the Caraway amendment adopted on the floor of the Senate. This amendment provides a more equitable division of the business between the two judges and very greatly improves the measure. In view of these facts I have not felt impelled to object to the consideration of the bill, but after our understanding with Congress that we would not ask the creation of a new district I do not feel that I should now advocate this measure.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The House divided, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 173, noes 22.

So the amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. GARRETT of Tennessee. Has the judge bill been disposed of?

The SPEAKER. Yes. [After counting.] A quorum is present.

SUSPENSION OF RULES

Mr. SNELL. Mr. Speaker, I call up House Resolution 433, a privileged report from the Committee on Rules, and, pending that, I would like to make an arrangement with the gentleman from North Carolina with regard to time.

Mr. POU. We would like 40 minutes on this side if possible.

Mr. SNELL. There are several matters we want to take up provided the resolution is adopted. Could the gentleman get along with 30 minutes. I will take an hour and yield the gentleman half of that time; possibly I might yield five minutes additional out of my half hour.

Mr. POU. The gentleman is always so obliging that I feel disposed to accept his suggestion, if possible, but I do wish the gentleman would make it 35 minutes on a side.

Mr. SNELL. I will try to give the gentleman an extra five minutes from my time, but I prefer at the present to leave the time at one hour.

Mr. POU. With that suggestion we will agree to the 30 minutes.

The SPEAKER. Does the gentleman make a suggestion——

Mr. SNELL. No; I shall move the previous question at the end of the time.

The SPEAKER. The gentleman calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 433

Resolved, That it shall be in order on Tuesday, February 10, 1925, after the adoption of this resolution, to move to suspend the rules under the provisions of Rule XXVII of the House of Representatives.

Mr. SNELL. Mr. Speaker, this resolution, if adopted, simply provides for one additional suspension day in which it will be in order to take up regular bills the same as are now provided for and may be taken up under the rules of the House on the first and third Mondays of the month. There is nothing new, hidden, or secret about the rule as presented for your consideration. As is usual at this time in the session, especially in the short session, the calendar becomes very crowded, and we often are obliged to apply the suspension rule in order to take up and consider some of the much-needed legislation that is on the calendar. This is not a new practice; it has been done in all Congresses, and, as a matter of fact, we have been doing it much less in the last few years than was formerly the practice of the House in connection with the use of this rule. In order to refresh your memory and to show we are doing nothing unusual, I want to call attention of the Members of the House to the measures of great importance that have been passed under suspension during the service of most of the Members here at the present time. In the Sixty-sixth Congress we passed the soldiers' bonus bill, the good roads bill. In the Sixty-seventh Congress we again passed the soldiers' bonus bill under suspension. In the present Congress we have passed a public buildings bill under suspension and veterans' reorganization and hospitalization bill under suspension, which was a most comprehensive measure in every respect. And then to be more specific and give you exact history of what we have done under suspension in connection with raises of pay for postal employees—and, as far as I remember, none of you objected:

On September 19, 1919, we passed under suspension of the rules a postal bill increasing pay of postal employees. On June 3, 1920, we passed another bill raising the pay of the postal employees and making a general reclassification of the service under general suspension; and the present bill, the bill you have before you at the present time, was passed under suspension during the first session of the Sixty-eighth Congress, and without a word of objection from anyone, so there is nothing new or novel in the proposition, and should not be objected to now. If you can take $68,000,000 out of the Treasury by the suspension route, there certainly should be no opposition to putting some back by the same process.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. In a minute. So far as I am personally concerned, I do not care any more about passing bills under suspension than a great many other Members of the House. I do not like the practice, but everyone knows that as to a certain character of bills which at certain times in the session come up it is much better to take them up under suspension than in any other way, and, although you complain against it, you know it is the best thing you can do under the circumstances.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. LONGWORTH. Is not the sole question involved in the passage of this rule simply this, that we want to take up these four important bills and consider them to-day instead of taking them up next Monday?

Mr. SNELL. That is exactly the only question before us. It is a question of time and advancing legislation.

Mr. BLANTON. Mr. Speaker, will the gentleman yield now?

Mr. SNELL. Yes.

Mr. BLANTON. I am in favor of passing the postal bill. We will be through with it in one hour and forty minutes. What other bills shall we take up under suspension?

Mr. SNELL. A bill from the Committee on Banking and Currency dealing with agricultural credits, and a bill, known as the Purnell bill, providing for additional appropriations for Federal experiment stations in each State of the Union, both specifically recommended by the President's agricultural commission.

Mr. BLANTON. The gentleman from Ohio referred to three other bills.

Mr. LONGWORTH. I referred to the possibility that we should think of taking up the deportation bill.

Mr. SNELL. Just one word further, Mr. Speaker, in regard to this present legislation. I want to place the condition fairly before the Members of the House, and especially those Members who are greatly interested in the increase of the postal employees' pay; and I want to say this in all honesty and fairness, that it is my judgment that this is the only possible way we can consider this legislation during the present session. We all know that this legislation must go over to the Senate and be passed there and then go to conference, and there are not enough legislative days left, unless we pass it promptly, to enact it during the present session.

As I look at the situation, there are just two roads open to us at the present time. We can either adopt this rule and pass the postal employees' pay bill by suspension or we can let the whole matter go over to the next session. And perhaps it would be just as well to do it that way, because we would probably get a more scientific classification of the various employees, and perhaps a more scientific and equitable disposition of rates; and, so far as I am concerned, I would be willing to do it that way. But sometime ago the gentleman from Ohio [Mr. LONGWORTH] and myself told the people who were interested in this legislation that, so far as we were concerned, we would do everything we could to give the Congress an opportunity to pass upon this legislation during the present session; and so far as I am concerned, that is one of the principal reasons for pressing it here at this time. Now, we have done our part. The proposition is fairly before the House, and the House has the right to make such disposal as it sees fit under the circumstances.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. SEARS of Florida. If this rule is adopted, no change can be made, and no amendment can be offered?

Mr. SNELL. Any business that comes up under regular suspension of the rules is not open to amendment.

Mr. SEARS of Florida. Then we are simply passing the bill to try to fool the country, but not discussing the bill.

Mr. SNELL. The situation is just as I have stated it, and there is no disposition to fool the country, as far as I am concerned.

Mr. Speaker, I reserve the balance of my time.

Mr. POU. Mr. Speaker, of course everyone understands the purpose of this rule making this day suspension day. The purpose of the rule primarily is to provide for consideration of the so-called postal employees' bill without any debate whatever and without opportunity for amendment. Now, Mr. Speaker, I have supported the measures which have heretofore been considered providing for increase in the salaries of postal employees. I am ready to vote for a substantial increase now, because I believe these Government servants are entitled to a reasonable increase. I have been so strongly in favor of the measure heretofore considered providing for salary increase to postal employees that I have voted to pass such measure over the veto of the President.

Now, what is the situation confronting us to-day? I believe that almost the entire membership of this House is in favor of the postal salary bill which the President of the United States vetoed, but I do not believe that 10 per cent of the membership of this House favors the increase in postal rates which we must accept if the bill is passed. I do not believe there is a Member on either side of this Chamber who is willing to rise in his seat now and say that he would favor that part of the bill which we are asked to consider which provides for an increase in postal rates, amounting to $61,000,000 annually, if the proposal for such increase came to us as an independent proposition. Yet we have these two provisions joined together. We must accept both or oppose the bill. Mr. Speaker, I say this, if the majority party in this Chamber is sincerely anxious to afford relief to the postal employees, the majority will give the House opportunity to vote for such increase without coupling with the measure a proposition which is indefensible in several particulars, and which has aroused a nation-wide protest.

Salaries have been increased time and again in the past without attaching to the measure a tax provision. What exigency exists now which makes it necessary to attach to the

postal salary bill a provision whereby parcel-post rates will be increased $3,000,000 annually, second-class rates nearly $4,000,000 annually, third-class rates $18,000,000 annually, and fourth-class rates $13,600,000 annually? What exigency exists which makes it necessary to bring such a measure before the House in this summary manner, and even without any hearing by the committee which had it in charge? Why not pass the postal salary bill which is supported, I believe, by more than two-thirds of the membership of this Chamber, and take up the consideration of the tax measure in the regular way after careful consideration, and after opportunity is afforded to all persons interested to be heard?

Mr. Speaker, as strongly as I favor the postal salary increase, earnestly as I have supported it in the past, I can not accept the measure which is offered. I will not be forced to support a measure which is unjust in its provisions because it is attached to another measure which has my support. The postal salary bill will be passed by this Congress or by the next Congress no matter what happens to-day.

It is charged frequently that the people of the United States have a very poor opinion of their Congress. Often you hear Congress spoken of in a sneering manner. Often you hear the Congress of the United States spoken of in a most contemptuous manner in hotel lobbies, on the trains, and elsewhere. It is rarely the case that you hear a good word spoken of the House of Representatives. I will not undertake to give the reasons for this estimate in which many people appear to hold their Congress. I do say this: Just such action as we are asked to take to-day will, in my humble judgment, certainly not raise the House of Representatives in the opinion of the people of the Nation. I do not believe it will increase the respect of the beneficiaries of this legislation, because they must know that the manner by which it is proposed to pass this bill falls but little short of a species of legislative intimidation. [Applause.]

I go further than this, Mr. Speaker. I make the prediction that this measure will never become a law in its present form. I do not charge that the ill-considered tax feature was added to the original bill, which was vetoed by the President, for the purpose of killing the proposal for postal salary increase, but I do say that such result is entirely possible.

The sane thing to do is to vote down the previous question so that this rule can be amended. The House is overwhelmingly in favor of increasing the salaries of postal employees, because there has been no increase commensurate with the increase in the cost of living during the last decade. If I am correct in the statement that this House is overwhelmingly in favor of such salary increase, why is it that this great body is not to be permitted to vote on the salary increase as an independent proposition? Why is it necessary to attach a tax-increase measure which has brought forth a nation-wide protest? Why is it necessary to cut off all debate and to make it impossible to offer any amendment whatever? This is the situation which is put up to us here to-day.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. POU. Certainly.

Mr. MOORE of Virginia. Could not the Committee on Rules, if necessary, bring in a special rule giving the right to amend the bill?

Mr. POU. Undoubtedly. That is what I, for one, wanted done. Why not pass the salary bill and then let the Committee on Ways and Means or the Committee on the Post Office and Post Roads bring in a well-considered measure?

Mr. Speaker, I am ready to vote for a substantial increase in the salary of postal employees at any time, but because I wish to do justice to the postal employee I am not willing to do greater injustice to the American people. I shall vote against the previous question. I shall vote against the rule. I shall not vote for the bill in its present shape, and I stand ready to take the consequences. [Applause.] I have tried as best I could for 24 years to preserve my independence as a Member of this body and I am not going to be forced to surrender that independence here to-day. [Applause.]

This whole procedure is wrong, Mr. Speaker. Such action cheapens the House of Representatives and subjects us to that sneer and contemptuous comment which we hear too often. [Applause.] I regret that those in control of the House have taken this course. Time and again salaries have been increased without attaching to the measure unjust provisions for increase in taxation. The bill providing for the payment of the so-called annual bonus to Government employees had no tax-increase provision attached to it. Why is it that this measure for increase in salaries of postal employees must be the exception? I say no exigency exists which justifies the action of the majority. And I conclude these remarks with an expression of sincere regret that I can not support this measure and with the prediction that the measure in its present form will never be enacted into law. I do not charge that the tax provisions were attached to the original measure vetoed by the President in order to encompass the defeat of the proposal for salary increase to postal workers, but I do say that the tax provisions, unjust and indefensible as they are, certainly do not clear the way for the passage of the legislation. It may be I am mistaken in this prediction. Time will tell. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BURTON].

The SPEAKER. The gentleman from Ohio is recognized for three minutes. [Applause.]

Mr. BURTON. Mr. Speaker, the question is, Is it best to act hastily or not to act at all? In the great mass of legislation which comes before this House in order to accomplish results it is sometimes necessary to act in a hurry. I am not entirely satisfied with this postal bill. There are two branches of it. First, the increase of the salaries of employees. So far as regards the carriers, clerks in large cities, and railway mail employees, I favor the passage of this bill. The other division pertains to the increase of rates, and I may say to the House that it is really our duty to provide for that increased expense, so that the Post Office Department be as nearly as possible, not exactly but approximately, self-sustaining. [Applause.] It is a great business enterprise, and we should manage it in a businesslike way.

I am afraid that the provisions for increased rates are more of a hodgepodge than anything else. They are sure to awaken very great discontent. There is, perhaps, a saving clause in the constitution of a committee to consider the matter and make a report, but I am losing my confidence in these commissions and committees which report on the Postal Department. We have spent enough money; we have given enough time, and the result is reports that seem to satisfy no one.

I shall vote for the rule and for the bill, but I wish to impress upon the House that the one thing needed here is to relieve ourselves of a great deal of legislation of minor importance and much of which is inconsequential. We should turn over to the District of Columbia under some form of organization a large share of the business in which we indulge in the ruling of this city. I do not know whether we do it well or ill. There should be some change made with regard to such things as the passage of bridge bills and a number of other things. In order that this House may maintain its prestige and may legislate wisely for the country it is necessary to give closer attention and more time to matters of great moment; and I suggest to the Members of the House that it is by giving more time to bills like this and less to those of minor importance that we can best serve our constituents and serve the country.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER. The gentleman from Alabama is recognized for five minutes. [Applause.]

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House: When this resolution was up in the Committee on Rules for consideration and action, I feel I am not disclosing any of the secrets of that committee when I say that, in company with my minority colleagues upon the committee, I opposed and voted against the adoption and reporting of the rule, in its present form. No doubt during the course of the debate on this resolution it may be cited that my own party, when it was in power, in some instances reported rules of a similar character, yet I desire to assert, gentlemen, that in principle, and looking at it from the standpoint of not only a legislative but a deliberative body, a measure involving the expenditure of $61,000,000 and the levying of a tax—whether you call it so or not—of that sum of money, that a bill involving that much material interest to the taxpayers of America ought not to be brought upon the floor of this House and passed without some deliberation and without an opportunity to discuss its provisions and to offer amendments to its provisions, if desirable.

I shall vote against the adoption of the previous question upon this rule. You gentlemen all understand that if the previous question is voted down it will give an opportunity to offer amendments to the rule—which I think would be done—providing a reasonable measure of debate upon this question and offering an opportunity, under the general rules of the House, to present amendments to some of its material phases.

Gentlemen, we need not delude ourselves about this bill or its importance to the people or to ourselves from a political standpoint. This is a two-edged sword. It is my real opinion—although I am in favor of the increase to postal employees and shall vote for the bill as it now stands if the previous question is voted on the rule—that there are a great many people in the country and a great many men in this House who believe that the increase is too much in amount. There are men here who have come to the honest conclusion upon it that the postal employees themselves would be satisfied with a diminution in the amount of the raise. There are a great many gentlemen here who believe that these increased levies of taxation are not properly distributed and that an undue burden has been put upon certain classes of our people. So that all of these things summed up show that the matter is of sufficient importance and gravity to give to the Members of this House who feel that way and representing, as they do, constituencies who may feel that way, a reasonable oportunity to offer amendments to this bill and to have some real discussion upon it and information as to what it means. For those reasons, gentlemen, and others that might be urged, I think this House, in justice to itself, in justice to the taxpayers, yea, in justice to the postal employees themselves who are most primarily interested, should vote down the previous question upon the adoption of this rule, and this House, as a deliberative body, be given an opportunity to pass its real judgment upon the merits of this legislation. [Applause.]

I for one, as a friend of the postal employees, do not fear a fair discussion of the merits of this bill. If I were not convinced that it is an equitable bill in the main, I would not vote for it, as I expect to do on its passage. I do not think the postal employees have anything to conceal about this bill. If the previous question on the rule is voted favorably, I shall vote for the adoption of the rule and shall vote for the passage of the bill.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, the functions of the Rules Committee, of which I am privileged to be a member, are, as I understand them, to lay out and adopt a program for the conduct of the business of this House; to determine as among different legislative proposals which are of more pressing importance from the standpoint of an emergency or otherwise, and to grant preferences as among those proposals. Another of its functions is to determine in what manner the proposal shall be submitted to this body, the length of debate, if any, to be allowed, whether opportunity for amendment shall be afforded, and whether a motion to recommit with amendments shall be in order.

I do not understand it to be a function of that committee to pass upon the merits or the details of any particular piece of legislation.

Therefore, in considering my attitude toward this rule, I have endeavored to keep those functions of the committee clearly in mind. No one will deny that the rule pertains to a measure the speedy consideration of which is of pressing importance, if not in the nature of an emergency. Of its immediate consideration after inexcusable delay, I am wholeheartedly in favor. In behalf of its primary purpose, increases of the salaries of the postal employees, there is no stronger advocate than I. Those faithful servants of the Government should have long since been recognized as deserving of even greater increases than this bill proposes, and I shall take great pleasure in again supporting any measure which does increase those salaries.

But, Mr. Speaker, I would be unfair to my own convictions and remiss in my duty as a Member of this House if I failed to join with the other minority members of the Rules Committee in protest against this rule. It is not of its substance but its form that I complain. In its present form it is most objectionable. It compels us to sacrifice principle to reach a certain goal. In the short time I have been a Member of this House I have done everything possible to further the cause of those deserving servants of the Government, but I do not propose to have a gag applied to me in the consideration of such a material and important matter as this. [Applause.]

Another rule, permitting real consideration and real deliberation within the time allotted to us to-day, could have been brought in here and, to my mind, without any danger to this bill.

The rule which has been brought in is known as a "gag rule," and properly so. It gags and smothers the free expression of 435 duly elected Representatives of a great Nation. I, for one, am not content to willingly submit to any gag, whether it be applied by bandit or a majority in power. I propose to protest against the deprivation of any of my rights as a Member of this body, including the right to criticize by amendment or otherwise any proposal brought before us. This rule not only prohibits any real consideration whatsoever, but prevents any amendment, however necessary or desirable, being offered by any Member of this House. Yes, even one motion to recommit the bill is out of order. No minority, however small, should be compelled to submit to such despotism.

But what is the source and who is the cause of this gag being applied so that we must sit here inarticulate while an important and far-reaching measure flits by on its way to become a law? Is it our Committee on Post Offices and Post Roads? No. Is it our Committee on Rules? No. Gentlemen, it is none less than the Chief Executive of this Nation. This is nothing more than another instance of his determined purpose to usurp the functions of another branch of government—the legislative.

Oh, I know what you will say in reply. With serious mien you will contend that he did not actually write this bill. Does anyone of us here think it has not been submitted to him for approval? Are any of us so gullible as to believe it would be here if he did not like it?

Is there anybody here so gullible as to believe for one moment that every word and figure has not been O. K'd in every shape and particular? Gentlemen, this is another instance of many in this session where the Chief Executive is usurping the legislative prerogatives of the Congress. [Applause.]

The background of the situation of which I complain is this, gentlemen: The present Chief Executive vetoed a bill which increased postal salaries after it had been overwhelmingly passed by both Houses of Congress. His veto was sustained in the Senate by the narrowest of margins. He thereupon mandated this branch of the Government that any measure it should pass must be completely suitable to him or he would again veto it. His edict provided that the bill must provide the necessary revenue. That "sword of Damocles" is still suspended over our heads.

We are informed this bill does provide the necessary revenue by means of increases in certain classes of postal service. That may be true. But do we know it? Are not we to be permitted to look at the bill and find out if it does what is claimed for it and how it does it? At the same time, however, we do know this: That throughout this country millions of voices are raised in protest against the manner in which that revenue is raised—protests against the manner of distribution of the increases among the classes of service. Such protests may be well founded. I do not know. Do you? If those complaints are justified, then the total increase necessary should be redistributed equitably so that no one or more classes of service shall bear a disproportionate share of the burden. Who will rise in his place and deny the justice of this proposition?

Mr. LAGUARDIA. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LAGUARDIA. If the gentleman will get the hearings on Senate bill 3674 by the joint committee, they will give him all that information.

Mr. O'CONNOR of New York. I do not propose to confine my rights to the mere reading of a report of a committee.

Mr. LAGUARDIA. We have no other way of getting information upon a matter of this kind.

Mr. O'CONNOR of New York. It is just that situation of which I complain. As I understand the right of every Member of this House, it is to criticize by amendment or otherwise all legislation brought on the floor of this House. [Applause.]

Mr. LAGUARDIA. Will the gentleman vote for the bill when it comes to a final vote?

Mr. O'CONNOR of New York. I certainly shall vote for the bill; but I shall not cease to protest that in reaching a much-desired goal the Members of this House are compelled to sacrifice a principle. [Applause.]

Under this rule, however, gentlemen, we are denied any opportunity whatsoever to correct any injustice or any inequality which this bill contains. And why? Because every one of the powers that be on the other side of aisle will tell you, "Lay one finger on this bill and the President of these United States will veto it." He will! Does he really intend to sign it, anyway? I wonder! Does he expect it ever to reach him? I wonder! Or does he not hope, with reasonable chances of his hope being realized, that in another body, which he controls as he does this, it will contract double pneumonia before the 4th of March? I wonder!

Gentlemen, twice is many times once too often. The postal employees can not possibly continue to be deluded by that great national game of "passing the buck." They are too in-

telligent for that. They must now realize where the responsibility lies and has always laid for the denial of their righteous cause. Last spring, with all eyes turned toward the November election, a Republican House passed the buck to a Republican Senate, which in turn laid it in the lap of a Republican President. From coast to coast the Nation stood aghast at the unprecedented courage of its leader when he unceremoniously vetoed it. The game was on! The House again kicked it across the corridor into the other body. There the game was called on account of darkness—or, at least, until after election—when, after a little practice skirmish, the game was off. Once more the open season for the sport is on. The other day the buck fell in our midst, propelled here by the Senate, and we as promptly kicked it back. If there must be a buck, we propose to make it ourselves and start it on its way, only to return and go back again, and so on ad infinitum.

You gentlemen in power may enjoy the game. The other body may delight in it. It may serve to brighten the sombre mien of your leader; but the American people do not like it. They resent it? Just as they resent the interference of the executive branch with the other branches of Government. And you, gentlemen of the majority, will rue the day, and it is not far in the future, when you succumbed to the dictates of the Executive and surrendered your prerogatives to legislate. You will then rise up with righteous wrath and hurl back the challenge, as we would were he of our own political faith: "Mr. Chief Executive, you attend to your own functions. We will take care of ours." [Applause.]

Mr. POU. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, at the last session of Congress I supported and voted for a bill increasing the compensation of the postal employees. It passed both Houses of Congress almost unanimously, but was vetoed by the President because it did not provide revenue to meet the increase. The Senate failed by one vote to pass it over the veto.

This bill provides the same increase of the pay of the postal employees, and in order to meet the views of the President and to secure his approval it also provides certain increase in certain postal rates. I think it would have been better to have considered these two questions separately, but the majority has brought the bill before the House under a rule which prohibits amendments. We all know that if it is opened up to amendments that it would be impossible to have any legislation on the subject before the adjournment of Congress on the 4th of March. So, rather than see this legislation defeated again, I am going to vote for the rule, the previous question, and the bill. [Applause.]

If an increase of compensation of the postal employees is not provided there is real danger of a breakdown in the postal service. There was more than a 125 per cent turnover in the clerical force in the Chicago office during the past three years. This turnover tells its own story, and it would have been greater all over the country had it not been for the hope the postal employees had that Congress would at the first opportunity provide fair and just compensation.

We have the greatest Post Office Department in the world. [Applause.] We also have far cheaper postal rates than any other country. Where we pay 2 cents postage on letter mail many of the other countries charge 10 cents—five times the amount of our postage.

The faithful, efficient, specialized employees of our postal department are responsible for the success and efficiency of our postal system. [Applause.] The only way to maintain this efficiency is by increasing their pay commensurate with the increased cost of living. The only way to have satisfied and efficient employees in any business is for them to realize that they are being treated fairly and paid reasonable and living wages for their services. [Applause.] No one thing has contributed more to the success of the Ford Motor Co. than the payment by that company of good, liberal wages.

The gentleman from Ohio [Mr. BURTON] said he thought the clerks and carriers in the cities were entitled to an increase. I am in favor of giving all of the postal employees an increase. [Applause.] This bill makes an increase of about $300 per annum for the clerks, city carriers, and railway-mail clerks and provides that rural letter carriers shall be paid in addition to their salary 4 cents per mile per day for each mile traveled for equipment maintenance. This amounts to about $300 per annum on standard routes. It is the same as provided in a bill I introduced at the beginning of this Congress. I offered an amendment during the war providing for an increase of 25 per cent in the salaries of the rural carriers, and it was adopted. I have tried for several years to secure an allowance for maintenance equipment for the rural carriers which they so justly deserve. Mounted city carriers driving over paved streets are furnished equipment by the Government without expense to them. It is shown that this equipment costs the Government about $1,000 per annum in some cases. Then why not the rural carrier receiving the same salary, driving over bad, muddy roads, often in the rain and sleet? [Applause.] He not only delivers and collects the mail, but also performs for all the patrons on his route all the duties of a postmaster. He is indeed a polite, efficient, and accommodating postmaster on wheels.

This bill also provides some increase in salaries and compensation of third and fourth class postmasters, but, in my opinion, not enough. I do not believe that any of the postmasters in either class are paid enough, considering their responsibilities and duties and the high cost of living, but the committee which prepared this bill decided otherwise and it can not be amended at this time. The question of increased pay of postal employees is not a political issue. It is a humanitarian issue, a moral issue involving the honor and integrity of a great and wealthy Nation of 110,000,000 people, who are largely dependent upon the efficiency of the Post Office Department for much of their business and social happiness. The hand of the Government reaches more people through the Postal Service than any other way. The efficiency and trustworthiness of the postal employees is, therefore, the immediate and direct concern of all the people. Delay, inaccuracy, or carelessness in the Postal Service may incur the loss of millions of dollars a day to the business of the country.

There is no group of civilian officers more competent or faithful than the postal men. The service is made up of good men, patriotic men, who esteem it an honor to wear the uniform of the Postal Service, and who live up to the high requirements of the service. [Applause.]

No private organization could secure the service of such experienced, specialized, and high-grade men and women as are in the Postal Service at the same salaries they are paid. The Government should be the first to be sensitive to the presence of justice, and the first to aid the cause of justice. When a matter affecting the living conditions of so many of our fellow citizens is before us we can not be indifferent. We have a right to ask for an efficient Postal Service, but we have no right to demand it at the expense of the men and women in the service. We have a right to ask for cheap rates, but we have no right to make the man in the service bear the burden of it. [Applause.] We have a right to demand a high standard of honor and courtesy and good personal appearance of the postal employees, but when we make such demands we are, in all honor and fairness, bound to provide right conditions of labor, and pay enough to support their families and educate their children, something to pay expenses when sickness and other misfortunes overtake them. [Applause.] Since 1913 wages of the postal employees have increased 50 per cent, but the cost of living has increased on an average of more than 71 per cent.

It is not right for the wealthiest Nation in the world to compel its public servants to bear this grave injustice of inadequate pay. We have no right to fix a very low scale of postal rates and then say we have not the money to pay the postal employees a living wage. Thousands of postal employees have remained in the service relying on us to make good our promise of increased pay and will be forced to quit if they are not paid more. Then it will be found that the present salaries will not attract the type of men and women needed for this specialized work and the public and business will be the sufferers.

The Government itself, through an investigation commission, has announced that $2,200 is the minimum salary on which a man with a family can live. Yet this same Government pays its postal employees a maximum of $1,800. No right-thinking person will find fault with the increased cost of doing justice to those whose work is so vital to the welfare of society and business. If we must economize, let us do it, but not at the expense of the Postal Service and the postal employees. [Applause.] The United States Post Office Department is one of the most remarkable institutions in the world. Remarkable not only for the cheap postal rates and its almost unfailing accuracy in its operations but also remarkable because these operations are performed by men and women whose pay has not been increased in proportion to the increase in the cost of living.

In passing on the question of salaries and postal rates involved in this measure we should, and it is our duty to consider the increased cost of living, the decreased purchasing power of the dollar. The figures of the Department of Labor on this question are accepted everywhere as official, and they show that the index number of all these commodities and service when fixed at $1 in 1913 is now $1.70. That means that the $1

of 1913 is worth $1.70 to-day. Or that it takes $1.70 to buy at this time what could be purchased with $1 in 1913. This statement expresses the key economic fact to-day. It applies to salaries and to prices of every commodity and service.

Let us apply this to postal rates. If the average increase were applied to postal rates they would be twice as much as provided in this bill. This bill makes certain increases in rates, principally on second-class mail matter. It leaves 2 cents postage rate on letters and 1 cent on Government postal cards. The picture post card is raised to 2 cents. It is believed to have a different use and one which justifies an increased rate. It serves the purpose of a letter and requires the same handling as a letter. No one who purchases cards with scenic views of the places he visits will hesitate to pay 2 cents to send them to his family and friends, especially when same is necessary to preserve the efficiency of our Postal Service. This bill provides for a service charge of 2 cents on parcel-post packages, but this does not apply to parcel-post packages which originate on rural routes. I do not think this service charge should be more than 1 cent, as was provided in the Senate bill, if anything. However, that can not be changed now in the House, as amendments can not be offered, but I hope and have reason to believe that it will be eliminated entirely by the conferees appointed by the House and Senate to adjust the differences between the two Houses on this measure. There may be other inequalities in the rates which can be worked out by the conferees. There may be those who will criticize the postage-rate revision of this bill, but who could not write a bill fairer to the Postal Service and the users of the various classes of mail matter than is provided in this measure. It is, at least, the best under the circumstances, its purpose being to maintain the efficiency of the Postal Service and assure a living wage to the 350,000 faithful postal employees of the United States. No fair-minded business man is going to complain about the small increase in postal rates, for they well know that every business affected by these rates has advanced the prices of their commodities and the salaries of their employees far more than these increased postal rates. [Applause.] No one claims that this is a perfect bill or that the revision of postal rates is perfect. For that reason these rates are only made effective by the provisions of this bill from April 15, 1925, to February 15, 1926, at which date the rates and fees in force next prior to the passage of this act shall become again operative, unless Congress in the meantime shall otherwise determine.

This bill, in order to correct any injustice in postal rates, provides for the appointment of a special joint subcommittee to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees, the said special joint subcommittee being authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place, and to report during the first week of the first session of the Sixty-ninth Congress, which convenes next December, by bill, its recommendations for a permanent schedule of postal rates. Congress can then correct any inequalities that may be found to exist in this legislation. In the interest of the postal employees and other employees of the Government in the classified civil service, I am also heartily in favor of and will support and vote for the bill now on the calendars of both Houses of Congress, under favorable reports from the Committees on Civil Service, providing certain amendments to the law providing for the retirement of employees in the classified civil service by including fourth-class postmasters and certain others, and by broadening its scope and changing the method of computing annuities resulting in a higher scale of annuities, raising the maximum from $720 per annum to $1,200. Also providing a system of optional retirement after 30 years of service at the age of 60 years for general employees, and at the age of 55 years for mechanics, laborers, city and rural letter carriers, post-office clerks, and railway postal clerks.

I sincerely hope that this bill, as well as the bill providing for increase of the salaries of the postal employees, will be passed and approved by the President before adjournment of Congress on the 4th of March. [Applause.]

Mr. POU. Mr. Speaker, I yield one minute to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen, committed from the beginning to an increase in salary for these overworked and underpaid postal employees, I am eager to see this legislation enacted, but I oppose the previous question and the proposed rule as a legislative outrage and a species of parliamentary plunder. It is positively tragic that those of us who would love to have a part in legislating on these postal rates are forced to vote on this dual bill without any opportunity for constructive debate and amendment. This is not a square deal toward the right of individual members and the real spirit of democracy. The argument that we have not time for a few hours of discussion incident to proper amendments can not stand the light. If we really love the faithful postal employees who have been so long underpaid and overworked, if we want to be fair to each other in our legislative liberties and fair to the legitimate business interests affected by these postal rates, we can meet here two or three nights and work till midnight until this big job is properly done. If we vote down the previous question and this ironclad rule, a new rule can be brought in inside of an hour that will allow freedom and real democracy in parliamentary procedure. But if there is no other way, if we can not eliminate some of these unfair rates and reduce others, of course, I must redeem my pledge to vote for better salaries for more than 300,000 postal employees. When I came to Congress I promised in my first campaign that in every effort to find my duty between capital and labor I would give the benefit of the doubt to the man in overalls, to the man between the plow handles, to the daily toiler in any field whose only capital consists of the labor of his hands and the sweat of his brow. Those who must pay these increased postal rates are better able to do this than that the struggling, faithful postal workers can go on without relief, for, without their heroism, their loyalty, and their efficiency the whole post-office system would have to go out of business. [Applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 12 minutes.

Mr. POU. There will be only one more speech on this side.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker, the hopes and fears, the prayers and tears of 350,000 United States postal workers are bound up in the fate of this measure. Five years ago we told them that living costs would decrease steadily, and they have since suffered because our predictions did not come true. More than a year ago this measure to make postal salaries square with living costs started on its strange, singular pathway. Passed by a practically unanimous vote of House and Senate, it was vetoed by the President. Failing of repassage over the veto by 1 vote, it was reintroduced in the Senate, and a section containing postage rates was joined to it. Adopted there by overwhelming vote, it was returned to the Senate by this body, because of our contention that it contained revenue provisions. Brought out by the House Post Office Committee with new postage rate schedules attached it is again before us for approval.

Mr. Speaker, this time this measure will become the law. The fears and the tears of faithful but hard-pressed workers will be dissipated; their hopes and prayers will be fulfilled through enactment of this bill.

Let no one indulge in quibbles about rates and technicalities as to mail matter. There is but one way for the Sixty-eighth Congress to assure the granting of a fair and just compensation to postal employees of America, and that is through the enactment of this bill. Every friend of these greatly deserving and much-neglected servants of Uncle Sam knows it! Every friend of theirs will back that knowledge with his vote in favor of this rule and the bill the rule makes in order.

Is the time for debate too short? A whole twelvemonth has gone by since we began to debate it. Justice delayed any longer is justice denied.

Is it unfair to prevent amendments? Every amendment carries danger that the whole effort to grant justice will prove futile and unavailing.

For my part, on this February 10, 20 days from final adjournment, when all measures not enacted lie dead beyond recall, I have no hesitation whatever. I will accept any postage provisions which are possible of speedy amendment, in order to secure postal pay rates in line with the American idea of a square deal to faithful and efficient workers in the most essential public service enterprise in the land.

Mr. Speaker, three years ago I spent an evening in the modest home of a postal employee of my district. One of his two little children was seriously ill, and the physician came to see her while I was there. After his examination the doctor wrote out a prescription and asked that it be filled at once at the drug store, as it was imperative that the child have the medicine at once.

The father, who had covered a long and weary route over the city streets four times that day, immediately started out to obey

the doctor's instructions. He returned in so short a time that I thought he must have run the entire distance. The wife and mother took the medicine to the child, while the father paced up and down the room.

Finally he stopped, and I could see the tears in his eyes. "I don't know what I'm going to do," he said. "Last year my boy's sickness took my last dollar. I've been working on an extra job at nights, but I can't make ends meet. How I'm to pay this doctor bill I can't see."

Just then the mother, who herself was burdened with all the housework and the strain of continual pinching and saving, returned to the room. She saw the situation and at once came to her husband's side. "Never mind, John," she said, "nobody can do better than you're doing. You work for Uncle Sam and he will see you get better pay. This is a bad year, but we'll be all right next year."

Mr. Speaker, that situation is repeated endlessly in the homes of postal workers. It is that sublime faith in the justice of the United States Government, that hope for better days which springs eternal in the hearts of these faithful servants, which explains the fact that the United States Postal Service is not to-day in a state of utter collapse.

Witnessing that incident and knowing that it was the rule, not the exception, I made a resolve to help fulfill that hope and realize that faith. I have kept that resolve and have made the best fight I knew how to secure for postal employees the wages they have earned.

Through the enthusiastic support of almost every Member of the House and Senate the fundamental policy of paying these workers a living wage for their vitally important service is near adoption. This measure will accomplish that result. It grants no great increase in pay, it is true, but it does restore the wages of postal employees, in purchasing power, to the level of 1913. It will lift many thousands of American families above the line of poverty and privation into a sphere where decent standards of living shall prevail. It will be a very Godsend to efficient, trustworthy men and women who have deserved better at our hands than neglect of their just claims. In all the range of legislation that can come before the American Congress there is no more important act than the bestowal of justice upon the workers, without whose fidelity and accuracy our entire national machinery of intercommunication would fail to function.

Mr. Speaker, I can not believe we will dare permit any pretext or any difficulty which can possibly arise to prevent our action to end a situation which is intolerable.

Already grave evils face us as the direct result of our neglect. I stated on the floor the other day that United States Judge Francis A. Winslow, in New York, recently had before him, charged with crime, four postal workers of a total of 88 years' service—charged with stealing an aggregate sum of $100.

With biting, blistering words the Federal judge refused to sentence these men and declared, in effect, that this Congress and the President of the United States were more guilty of crime than the men who stood before him in the prisoners' dock. Listen to the arraignment of this exalted judicial officer, himself a part of the Federal Government:

> The pay of these men is so scandalous that it virtually compels them to be dishonest. They do not belong to the criminal class, and I shall not send them to prison to become part of that class.

Many and varied are the charges levied against Congress. The most terrible of all charges is this, that the law-making body, having in its hands the sole and sovereign power of determining the pay of postal employees, maintains a scale of compensation which compels honest men to become thieves and makes crime inevitable.

If that be true and continue true, God help the Republic, for the Congress has become the head and front of the forces of anarchy and destruction.

I know there is danger when men who plead guilty to violation of law go unpunished because of other considerations. Yet I can not find it in my heart to condemn this judge, who with almost divine sympathy looked beyond the crime and saw the long years of resistance to temptation and the reasons for the final fall.

I take it that it is the supreme duty of Congress to make it impossible that crime can be so justly excused. That deplorable incident in our judicial history would never have occurred if the postal-salary measure passed by this Congress in June had become effective.

That bill did not become effective because the Executive declared it must contain increases in postage rates to meet the expenditures. The United States Senate upheld that opinion by its failure by one vote to give the two-thirds majority necessary to override the veto. Therefore, that phase of the question is settled; let the responsibility rest where it belongs.

Mr. Speaker, Title I of this bill is the postal salary bill exactly as it passed the House by a vote of 361 to 6 and the Senate by a vote of 72 to 3. It is the best reclassification act in the history of the Postal Service. It will do nothing more than bring postal pay back to the level of 1913. It is based on a $300 annual increase to post-office clerks and city letter carriers, and proper and proportionate increases to all other postal employees, including third and fourth class postmasters.

The following analysis will show exactly the effect of the salary provisions of the bill:

EFFECT OF TITLE I

Second-class postmasters as of January 1, 1925: 675, with an increase of $100 each.

Third-class postmasters as of January 1, 1925

Number of postmasters	Present salaries	Salary under new bill	Clerk hire under bill
778	$1,000	$1,100	$240
725	1,100	1,200	330
1,164	1,200	1,300	420
842	1,300	1,400	510
1,087	1,400	1,500	600
951	1,500	1,600	690
792	1,600	1,700	780
998	1,700	1,800	870
1,048	1,800	1,900	960
808	1,900	2,000	1,050
801	2,000	2,100	1,140
590	2,100	2,200	1,400
395	2,200	2,300	1,600
11,069			

Fourth-class postmasters as of January 1, 1925: Fourth-class postmasters, 36,000; cancellation increases under new bill average $50 per postmaster.

Post-office inspectors as of January 1, 1925

Grade	Number	Present salary	Salary by new bill
1	19	$2,300	$2,800
2	66	2,500	2,800
3	51	2,700	3,000
4	17	2,900	3,200
5	73	3,200	3,500
6	186	3,500	3,800
7	102	3,700	4,000
Inspectors in charge	15	4,200	4,500
Total	529		

Clerks at division headquarters of post-office inspectors as of January 1, 1925

Grade	Number	Present salary	Salary under new bill
1	3	$1,600	$1,900
2	5	1,700	2,000
3	7	1,850	2,150
4	7	2,000	2,300
5	66	2,150	2,450
6	12	2,300	2,600
Chief clerk	15	2,600	3,000
Total	115		

Assistant postmasters as of January 1, 1925

Number	Present salary	Salary by new bill
224	$1,850	[1] $2,200
350	1,900	[1] 2,200
311	1,950	[1] 2,300
289	2,000	[1] 2,300
269	2,050	[1] 2,400
234	2,100	[1] 2,400
148	2,150	[1] 2,500
409	2,200	[2] 2,600
70	2,300	[2] 2,700
95	2,400	[2] 2,700
66	2,500	[2] 2,800
61	2,600	[2] 2,900
40	2,700	[2] 3,000

[1] Second class. [2] Balance first class.

Assistant postmasters as of January 1, 1925—Continued

Number	Present salary	Salary by new bill
31	$2,800	[2] $3,100
42	2,900	[2] 3,200
16	3,000	[2] 3,300
21	3,200	[2] 3,500
25	3,400	[2] 3,700
25	3,600	[2] 3,900
7	3,700	[2] 4,000
9	3,800	[2] 4,100
6	4,000	[2] 4,300
5	4,300	[2] 4,600
3	4,500	[2] 4,700 and 4,800
2	4,600	[2] 4,800 and 4,900
2,758		

[2] Balance first class.

Average increase, $334.51303.

Supervisory employees as of January 1, 1925

Position	Number	Present salary	Salary by new bill
Bookkeeper Station examiner Superintendent of mails	253	$2,000	$2,400
Foreman Station superintendent Superintendent of mails Assistant superintendent of mails	1,303	2,100	2,400
Foreman Assistant cashier Bookkeeper Station superintendent Assistant station superintendent	1,423	2,200	2,500
Superintendent of mails Foreman Assistant superintendent of mails Money-order cashier Assistant cashier Bookkeeper Station examiner Station superintendent Assistant station superintendent	844	2,300	2,600
Superintendent of mails Assistant superintendentof mails Assistant cashier Assistant superintendent of delivery Assistant superintendent of registry Station superintendent Assistant station superintendent	190	2,400	2,700
Superintendent of mails Assistant superintendent of mails Money-order cashier Bookkeeper Station examiner Station superintendent	394	2,500	2,800
Superintendent of mails Assistant superintendent of mails Postal cashier Assistant superintendent of delivery Assistant superintendent of registry Station superintendent Assistant station superintendent Assistant casher	199	2,600	2,900
Superintendent of mails Assistant superintendent of mails Money-order cashier Station superintendent	110	2,700	3,000
Superintendent of mails Assistant superintendent of mails Postal cashier Assistant cashier Assistant superintendent of delivery Assistant superintendent of registry Station superintendent Assistant station superintendent	272	2,800	3,100
Superintendent of mails	17	2,900	3,200
Superintendent of mails Assistant superintendent of mails Money-order cashier Bookkeeper Assistant cashier Station superintendent	120	3,000	3,300
Postal cashier	2	3,100	3,400
Superintendent of mails Assistant superintendent of mails Money-order cashier Assistant cashier Assistant superintendent of delivery Assistant superintendent of registry Station superintendent	100	3,200	3,500
Postal cashier Money-order cashier	10	3,300	3,600
Money-order cashier Superintendent of mails	45	3,400	3,700
Assistant superintendent of mails Superintendent of mails Postal cashier	21	3,500	3,800
Superintendent of mails Assistant superintendent of mails Money-order cashier Assistant superintendent of delivery Auditor	31	3,600	3,900

Supervisory employees as of January 1, 1925—Continued

Position	Number	Present salary	Salary by new bill
Postal cashier	6	$3,700	$4,000
Superintendent of mails Assistant superintendent of mails Postal cashier Assistant superintendent of delivery	20	3,800	4,100
Superintendent of mails Postal cashier Superintendent of registry Superintendent of money orders	11	4,000	4,400
Superintendent of mails	3	4,200	4,500
Superintendent of mails	4	4,400	4,700
Total	5,378		

City letter carriers as of January 1, 1925

Grade	Number	Present salary	Salary by new bill
1	1,392	$1,400	$1,700
2	2,818	1,500	1,800
3	2,634	1,600	1,900
4	4,394	1,700	2,000
5	34,118	1,800	2,100
Detroit marine carriers	6	2,100	2,400
Total	45,362		

Clerks in first and second class offices

Grade	Number	Present salary	New salary
1	4,108	$1,400	$1,700
2	5,132	1,500	1,800
3	4,305	1,600	1,900
4	6,620	1,700	2,000
5	30,584	1,800	2,100

Special clerks

Grade	Number	Present salary	New salary
1	822	$1,900	$2,200
2	7,667	2,000	2,300

Printers, mechanics, and skilled laborers as of January 1, 1925

Grade	Number	Present salary	Salary by new bill
1	3	$1,400	$1,700
2	2	1,500	1,800
3	5	1,600	1,900
4	10	1,700	2,000
5	35	1,800	2,100
Total	55		

Watchmen, messengers, and laborers as of January 1, 1925

Grade	Number	Present salary	Salary by new bill
1	1,137	$1,350	$1,500
2	2,891	1,450	1,600
Total	4,028		

Motor-vehicle service as of January 1, 1925

Superintendents	
Assistant superintendents	
Chief of record	
Route supervisors	
Dispatchers	
Chief mechanic	
Mechanic in charge	
General mechanics	
Mechanics' helpers	
Driver-mechanics	
Garagemen-drivers	
Clerks in motor-vehicle service	
Total	3,714

Due to the fact that the motor-vehicle service is being classified for the first time by this bill, it is impossible to give the number of men in the different grades, but it will average about $300 a man for 3,714 employees.

At present the salaries of these employees are paid from a lump-sum appropriation.

Railway Mail Service

Position	Number	Present salary	Salary H. R. 11444
Division superintendent	15	$4,200	$4,500
Assistant division superintendent	15	3,200	3,600
Assistant superintendent	2	3,100	3,600
Assistant superintendent car construction	1	3,000	3,300
Chief clerks	121	3,000	3,300
Assistant chief clerks	121	2,500	2,800
Clerks in charge sections	60	2,500	2,800
Clerks:			
Grade 1	184	1,600	1,900
Grade 2	542	1,700	2,000
Grade 3	1,233	1,850	2,150
Grade 4	4,207	2,000	2,300
Grade 5	8,042	2,150	2,450
Grade 6	5,035	2,300	2,600
Acting clerks employed part time (60 per cent)	1,713	1,600	1,850
Laborers:			
Grade 1	374	1,350	1,500
Grade 2	475	1,450	1,600
Total	22,140		

Rural carrrier as of January 1, 1925: 44,981 rural carriers receive an allowance of 4 cents per mile. Rural carrier on a standard route of 24 miles will receive an allowance of $293.76 annually for the upkeep of his equipment.

Requisition and fillers as of January 1, 1925: 20 with an increase of $200 each.

Village carriers as of January 1, 1925

Grade	Number	Present salary	Salary under new bill
1	312	$1,000	$1,150
2	173	1,100	1,250
3	735	1,200	1,350

Mr. Speaker, this bill provides that the increases in salaries shall be effective from January 1, 1925. The vetoed bill and all others introduced since made these salaries take effect July 1, 1924. It is true that the postal employees should have had their pay increased last year, but it is equally true that such action was not taken. The friends of the permanent increases, earnestly hoping to have them date from July 1, 1924, were obliged to recognize that such a provision would, in all probability, result in the death of the whole measure. Not because we desired it, but rather than risk such an ending to a long struggle for just, permanent schedules, the effective date carried in the bill was proposed and adopted. This change will mean a reduction of $34,000,000 in the expenditures for the fiscal year 1925.

Mr. Speaker, the Post Office Department estimates the cost of the salary provisions at $68,000,000. I have made a careful calculation of the number of employees as of January 1, 1925, and the total is less than $65,000,000, determined as follows:

Title	Number of employees	Cost of increase
Second-class postmasters	675	$67,500.00
Inspectors	529	162,289.79
Clerks, division headquarters	115	34,500.00
Assistant postmasters	2,758	922,578.58
Supervisors	5,378	1,613,400.00
City letter carriers	45,362	13,608,600.00
Post-office clerks	58,985	17,695,500.00
Printers, mechanics, and skilled laborers	55	16,500.00
Watchmen, messengers, and laborers	4,028	604,200.00
Motor-vehicle employees	3,714	1,114,200.00
Railway Mail Service		8,135,990.00
Village carriers	1,220	183,000.00
Rural letter carriers	44,981	13,213,618.56
Third-class postmasters	11,069	1,106,900.00
Fourth-class postmasters	36,000	1,800,000.00
Clerk hire, third-class post offices		2,806,800.00
Requisition fillers and packers	20	4,000.00
Auxiliary allowance for clerks and carriers		1,500,000.00
Total		64,589,576.93

POSTAGE RATES IN TITLE 2

Now, Mr. Speaker, just as soon as it was finally seen that increases in postal revenues to approximately balance the additional expenditures were necessary, the machinery in the two Houses was set in motion to secure speedy action. A joint subcommittee of the Senate and House Post Office Committees sat through the entire holiday season for the consideration of postal rate changes decreed necessary.

We listened to interested parties, who filled a large volume with their testimony. We considered carefully the most stupendous mass of figures ever assembled by the Post Office Department, the famous cost ascertainment. We heard and questioned the Postmaster General and the experts of the department. We met again and again in committee session in order to formulate the best revision of postal rates possible under the handicap of haste.

The result of these efforts as finally decided upon by the House Post Office Committee is before you in title 2 of this bill. It is not a perfect measure, perhaps, and its provisions may contain some inequities. No entirely just revision of postage rates touching every business in America can be made in the time available.

But I can truthfully say that this revision of postal rates is a much more just solution of the problem than the draft proposed by the Post Office Department. It will raise the money necessary and it will work far less injury to American business.

What better method of procedure was possible? It is easy for the captious critic to point out faults, but no one here can to-day lay down a program for postage-rate revision which is fairer and also less hurtful to the Postal Service and the users of the mails than the measure now before you.

If that be true, why should not every Member here agree to accept this rate revision as the very best possible under all the circumstances? Why should we not waive a point in consideration of the supreme purpose of this measure, which is to assure a living wage to the 350,000 postal workers of the United States?

I have waived many of my own ideas for that consideration. I have opposed combining postal salaries and postage rates in a single bill, because I believed them to be entirely separate and distinct policies. I certainly do not desire to see every measure which seeks to fix just compensation schedules for Government officials and Government workers linked up with a special tax to cover the expenditures.

This action is a precedent for such a practice, but I am willing to accept it in spite of that fact, because no other course is possible if we are to prevent another year being added to our long period of neglect. I hope, too, that the same combination of circumstances that now confronts us will never again arise.

Mr. Speaker and gentlemen, you can defend this measure before any gathering of honest, fair-minded citizens. You can defend it on its own contents, and you can defend it by simply placing its provisions side by side with the provisions contained in the bill submitted by the Post Office Department or the bill passed by the Senate.

Mr. Speaker, in discussing rate changes for the Postal Service, one must not forget the difference in purchasing power between the cost of 1913 and the cost of to-day. The Department of Labor figures on this feature are accepted everywhere as official, and those reports show that if the index number of the cost of all commodities and services is fixed at 100 in 1913, it will be 170 in 1924. That means that the cent of 1913 is worth 1.7 cents to-day or that it takes 1.7 cents to buy what could be purchased for 1 cent in 1913.

That statement expresses the key economic fact to-day. It applies to salaries and to the prices of every commodity and service. If wage schedules advanced less than this general increase, the effect was exactly the same as if wages had been reduced while prices remained stationary. If the price for a commodity or service did not advance to the point of average increase during that period, the effect is the same as a reduction in price.

Let us apply this to postal rates. If the average increase were put into effect for first-class mail, letter postage would be 3.4 cents instead of 2 cents, and postal cards would be 1.7 cents instead of 1 cent.

Second-class matter went at the rate of 1 cent a pound in 1913, while the average rate for 1923 for all publications, large and small and free in county, was 2.27 cents a pound, or an increase of 127 per cent.

In other words, second-class rates have advanced considerably above the general increase since 1913, and they are the only rates of which this is true. This measure leaves second class in its lonesome position in that regard.

As to third class, if the average increase were applied, the rate would be 1.7 for each 2 ounces. We have evened the charge by making it 1½ cents per 2 ounces.

Fourth class or parcel post holds a favored position all its own. Instead of stationary or increased rates since 1913, par-

cel post shows an actual decrease, without consideration at all of the decreased purchasing power of money.

In 1913 the average parcel-post rate per pound was about 4 cents. In 1923 it was 3.1 cents.

But that 4 cents in 1913 was equivalent to 6.8 cents in 1923. Therefore if the increase only corresponded to the general increase in all other commodities and services we should raise from fourth class $96,000,000 instead of the $13,000,000 provided in this bill.

Now, Mr. Speaker, let us not be panic stricken when we hear outcries about the ruinous increases made in this bill. There is scarcely a business affected by these rates which have not advanced the prices of their commodities and services to a higher degree than this bill provides for postal rates. Why should they protest when Congress, forced to take hasty action, decides on an increase which in most instances and in the vast bulk of mail matter keeps the rates far below the increases already made on all other commodities and services.

Their only just criticism is that we provide for a collection of more revenue than is actually expended for their benefit, and that we charge against them the cost of services they do not receive. That question can not be answered by this measure, but it can be and, without doubt, will be when a permanent scale of postage rates is enacted by Congress.

Now, Mr. Speaker, let me analyze title 2 of this bill and point out the changes we have made in the present postage-rate structure.

FIRST-CLASS MAIL

This bill leaves unchanged all first-class mail rates on letters and Government postal cards, but raises the rate on private mailing cards, picture post cards, and so forth, from 1 cent each to 2 cents.

The cost ascertainment gives the profit on all first class as $80,417,000, but it is not generally understood that this profit is on letter mail and that postal cards and post cards cause a loss which is carried by the letter postage.

If the cost ascertainment is correct it costs 1.45 cents to carry the postal card and post card which bring in only 1 cent revenue. The Post Office Department recommended a 1½-cent rate for all postal cards and post cards. We believed this fractional rate on these cards would prove vexatious, so we left the Government postal card at 1 cent as the last survivor of penny postage.

The picture post card is believed to have a different use and one which justifies an increased rate. Every year 1,250,000,000 of these private post cards go through the mails at a loss of about $6,000,000. They serve the purpose of a letter and require the same handling as a letter. The person who purchases scenic views of the city in which he is visiting or cards bearing elaborate holiday greetings will not hesitate to pay 2 cents to send them to his family and friends. If it is admitted that the increased rate will lessen the number by 250,000,000 there will be still raised under this provision a total increased revenue of $10,000,000. That alone would be a compelling argument for this action, in view of the fact that revenues must be raised if we are to establish a just salary schedule for postal workers.

SECOND-CLASS MATTER

Mr. Speaker, the second largest class of mail as to weight and volume is second class, which includes newspapers and periodicals bearing notice of entry as second-class matter.

The weight for 1923 was 1,338,204,469 pounds, or 23 per cent of the total weight of the mails.

The cost-ascertainment report states that the loss on second class in 1923 was $74,712,868.67. That this figure is based on unjust apportionment of postal expenses must be admitted by any fair-minded student. When Congress declares a policy of giving certain newspapers free-in-county privileges and others an inadequate rate for the public benefit, it is unfair to charge these preordained losses to publications paying regular rates.

On page 34 of the hearing record the Postmaster General indicates that the loss on publications paying the flat rate of 1¼ cents per pound is $10,339,000. This, however, is not based on the composite cost per pound-mile, as shown in table 76-a, plus the average cost of handling per piece.

Table 47 shows 83,929,434,833 pound-miles, which indicates a straight transportation cost of $227,448.77. Table 43 shows 938,210,848 copies, and by allowing a fair estimate of 90 per cent would produce 844,389,763 pieces, and multiplying this by the average cost per piece, exclusive of straight transportation, produces a handling cost of $18,770,784.43, and when to this is added the straight transportation cost of $227,448.77, we find the total cost of $18,998,223.20, and with revenue of only $1,355,056.19. And this indicates an actual loss of $17,643.177.

If we add to this the actual loss on free-in-county, which the Postmaster General says is $7,611,759, we have a total loss on these two classes alone of $25,254,936.

In addition to these items there is a loss of $4,041,173 on the publications which have a flat rate of 1½ cents per pound, because they contain less than 5 per cent advertising. This is a purely arbitrary policy adopted by Congress. This loss added to the amount I have given means a total of $29,296,109, which should be subtracted from the loss of $74,712,868 given in the cost ascertainment. By no proper power of reasoning can such a loss, due to preferential rates adopted as a policy, be chargeable to second-class matter paying regular rates of postage. That deduction would leave $45,416,759. Included in even this reduced total is a large apportionment for franked and penalty matter, loss on rural free delivery, and other items which cover not Postal Service so much as public service for all Americans.

However, with these expenses eliminated, there still remains a loss on second-class mail as a whole and a complete readjustment of rates will be the only permanent solution.

At present the second-class rate structure is a puzzling creation. There are ten separate subclassifications, as follows:

(1) The free-of-postage rate on copies, one to each actual subscriber residing in the county where the publications are printed, in whole or in part, and published, when addressed for delivery from a post office not having city-delivery service.

(2) The cent-a-pound rate on copies mailed at a post office where city delivery is not established, addressed to a city letter-carrier office in the same county.

(3) The cent-a-pound rate on copies mailed at a city letter-carrier office for distribution through the box or general delivery or for delivery on rural or star routes emanating from city letter-carrier offices.

(4) The cent-a-pound rate on weekly publications mailed at city letter-carrier offices for local delivery.

(5) The cent-a-copy rate for newspapers other than weeklies and periodicals not exceeding 2 ounces in weight when deposited at a city letter-carrier office for local delivery by carriers.

(6) The rate of 2 cents a copy for periodicals exceeding 2 ounces in weight when deposited at a city letter-carrier office for local delivery by carriers.

(7) The 1¼-cent flat rate for newspapers and periodicals established in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal associations not organized for profit and none of the net income of which inures to the benefit of any private stockholders or individuals.

(8) The 1½-cent reading matter and additional zone rates on advertising matter in newspapers and periodicals. These zone rates are at present: First and second zones, 2 cents; third zone, 3 cents; fourth zone, 5 cents; fifth zone, 6 cents; sixth zone, 7 cents; seventh zone, 9 cents; eighth zone, 10 cents.

(9) The 1½-cent flat rate for publications containing less than 5 per cent advertising.

(10) The transient-newspaper rate of 1 cent per 4 ounces to cover publications sent by others than publishers and news agents.

Now, Mr. Speaker, the Post Office Department proposed to raise publishers' second-class rates to a point where they would yield $9,876,000. They proposed to fix a rate of 2 cents a pound for reading matter in magazines instead of 1½ cents, as at present. They proposed to put the religious and other similar publications under the zone rates for advertising, but allowing them to retain the 1¼-cent preferential rate on reading matter. They proposed to fix the zone rates as follows: First and second zones, 4 cents; third zone, 5 cents; fourth zone, 6 cents; fifth zone, 7 cents; sixth zone, 8 cents; seventh zone, 9 cents; and eighth zone, 10 cents.

Thus the department proposed 100 per cent increase in the first and second zones on advertising matter.

The Senate bill as finally passed fixed a rate on reading matter at 1¼ cents instead of 1½ cents a pound, entailing a loss of $1,516,000. The Senate fixed zone rates at 2 cents for the first and second zones; 3 cents for the third; 6 cents for the fourth, fifth, and sixth; and 8 cents for the seventh and eighth. They levied zone rates on the religious publications but made the rate 1¼ cents, as at present.

The Post Office Department proposal would have meant increased revenue of $9,876,000. The Senate provisions, according to department estimates, would have decreased the present revenues by $1,644,000.

The House committee took a course between. We made the reading-matter rate for all publications 1½ cents, thus raising the religious papers, but not putting these latter under zone rates. We leave the free-in-county and other subclassifications unchanged.

We establish three zones for advertising matter. In the present first, second, and third zones the rate is 3 cents; in the fourth, fifth, and sixth, 6 cents; and in the seventh and eighth, 9 cents.

We fix the transient newspaper rate at 1 cent per ounce.

This plan will produce a total increase in second class of $4,601,121, with the following apportionment:

Second class, Kelly bill

(Based on weight 1924)

	Weight (pounds)	Rate (cents)	Revenue
Weight, first, second, and third zones, subject to zone rates	366,717,447	3	$11,001,523.41
Weight, fourth, fifth, and sixth zones	118,715,251	6	7,122,915.06
Weight, seventh and eighth zones	27,785,994	9	2,500,739.46
Total			20,625,177.93
Amount revenue received 1924, zone rates			17,626,925.03
Increase zone rates			2,998,252.90
Weight, scientific, religious, etc., 1924 (exempt)	120,573,642	1½	1,809,688.70
Revenue received 1924, at 1¼ cents			1,508,254.60
Increase religious, etc., publications			301,434.10
Increase in second-class transient			1,000,000.00
Total increase second class			4,601,121.00

Now, Mr. Speaker, we can not claim that we have decided upon a perfect rate adjustment on second class, but we can claim that we have a better structure than either the department or Senate bills. Some will argue vigorously that the rates are too high, while others will declare that they are too low. But we were compelled to raise revenue. I believe that any higher rates than we have suggested will drive a great volume of second-class matter from the mails with resultant loss of revenue, while lower rates would probably not produce revenues.

It is true that it has been a fundamental policy in the Postal Service that the unifying effect of a national press warrants low postage rates. Every effort was made for a long period to encourage the distribution of newspapers and periodicals in every part of the country.

In 1885 the second-class rate was made 1 cent a pound and remained at that figure for 33 years. Then the zone system went into effect.

Most Americans will agree that there is public benefit in the continuous dissemination of information to the people of the Nation. It must be done in some fashion or free institutions will not endure.

The newspapers and magazines and other periodicals help to promote education, inspire Americanism, and stimulate a united public mind. They are books, pulpits, platforms, and forums in one.

We are not trying in this measure to make second-class revenues equal expenditures. We admit that on a dollar and cent basis it is a wise policy to grant advantageous rates to second-class matter. It is the fountain source of first-class matter upon which the Government reaps a handsome profit. It is a selling service for the Post Office Department, but it receives no commissions for developing business.

Not an activity of the post service but is freely and widely advertised in the press. Civil-service examinations, parcel-post rules, postal-savings plans, uncalled-for letters, and a host of other messages of the department to the people are carried without charge. One circular letter without postage sent to the patrons of the Post Office Department would cost several million dollars. Material for a hundred circular letters is carried every year into almost every home in America without the cost of a single penny.

The 1-cent-a-pound rate was too low and led to many abuses. It is probable that adjustments would have to be made in any zone-rate structure that could be suggested in Congress at this time, but at least these rates in this bill are more just than either the department or the Senate proposed.

The assertion that second-class rates, even if it were good policy to do so, could be raised to a point to cover an alleged loss of $74,000,000 is sheerest nonsense. That would mean 250 per cent over all present rates, and postage rates would be several times higher than the cost of the same service by private concerns.

Mr. Speaker, in fixing rates a prime consideration must be the charges of competitive agencies. The railroads, through express, freight, and baggage service, are the direct competitors of the Government in transporting newspapers and periodicals.

Here is a comparison of present freight and express rates with the second-class rates carried in this bill, the latter figured on the basis of half reading and half advertising matter:

Zones	Freight		Express	Second-class mail	Proposed rate
	Carload, third class	Less carload, first class			
Zone 1, 50 miles; zone 2, 50 to 150 miles, New York, N. Y., to Albany, N. Y.	$0.34½	$0.50	$1.45	$1.75	$2.25
Zone 3, 150 to 300 miles, New York, N. Y., to Boston, Mass.	.50	.66½	1.50	2.25	2.25
Zone 4, 300 to 600 miles, New York, N. Y., to Columbus, Ohio	.73½	1.11	1.49	3.25	3.75
Zone 5, 600 to 1,000 miles, New York, N. Y., to Atlanta, Ga.	1.42½	1.89	2.22	3.75	3.75
Zone 6, 1,000 to 1,400 miles, New York, N. Y., to Galveston, Tex.	2.68½	3.89½	3.84½	4.25	3.75
Zone 7, 1,400 to 1,800 miles, New York, N. Y., to Denver, Colo.	2.61½	4.12	4.05	5.25	5.25
Zone 8, over 1,800 miles, New York, N. Y., to Salt Lake City, Utah	3.71½	5.25	5.47½	5.75	5.25
Zone 8, over 1,800 miles, New York, N. Y., to San Francisco, Calif.	3.98	5.55	6.43	5.75	5.25

Certainly the Postal Establishment should be able to carry periodicals and deliver them as cheaply as any private agencies. Yet many publishers are saving large amounts now by sending their shipments by freight to points of reentry within circles of 300 miles and there mailing their publications at first, second, or third zone rates. I believe it will be possible to establish a system of deferred or freight delivery with rates which will prove profitable while giving the service required.

That would mean the use of freight cars, with their large capacity, three times greater than the storage cars used at present. The post office would receive a lower freight rate than any other shipper. For instance, the average haul for all second-class matter is 495 miles, or to the fourth zone. The present rate paid the railroads is 35 cents a car-mile, which would mean a cost of $173 for a car of 42,000 pounds sent that distance. At the rates carried in this bill the publishers would pay $1,575. The difference would be $1,402. Now, the post office service and all delivery charges are fixed by the cost ascertainment at 0.0158 cent per copy. If this publication weighed a pound per copy this total expense would be $667. Thus there would be an excess of revenues over expenditures of $735 on a single car.

That is simply an illustration of what can be done and proves that a clear profit can be made on present rates on very large amounts of second-class matter. Of course, the little newspaper and the light-weight publications of all kinds will always be the source of loss while rates are fixed on the pound basis, because of the number of copies to the pound.

Mr. Speaker, those who argue so strenuously that we have discriminated against the smaller newspapers do not understand the facts. The little weekly has the free-in-county and the cent-a-pound rate in city-delivery offices. The light-weight daily and weekly papers, of course, are more expensive to handle than the heavier publications on account of the multiplied service required.

The cost-ascertainment statement 76a shows in column 6 the "composite cost per pound-mile" for all publishers is 0.00271 cent and represents "straight transportation." It does not include space in railway post office cars for storing, but with that exception covers all costs that increase with distance. On this basis the actual transportation cost on average distances to the different zones is as follows:

Zone	Average distance	Cents per pound
2	157	0.42347
3	357	.96747
4	680	1.8428
5	1,105	2.99455
6	1,600	4.336

Table 76a shows composite cost of straight transportation, as follows:

Daily newspapers, 0.00411 cent per pound-mile.

Weekly newspapers, 0.00367 cent per pound-mile.

Scientific, etc., newspapers, 0.0022 cent per pound-mile.
All other newspapers, 0.00271 cent per pound-mile.
Average newspapers, 0.00271 cent per pound-mile.

Practically all other costs of each subdivision of second class accrues "per piece," and this is—

Daily newspapers, 2.613 cents per piece.
Weekly newspapers, 2.651 cents per piece.
Scientific, etc., newspapers, 1.192 cents per piece.
All other newspapers, 1.378 cents per piece.
Average newspapers, 2.223 cents per piece.

It must be evident that a paper having four copies to the pound, about the weight of the smaller weeklies and dailies, will cost approximately 10 cents a pound in the first and second zones. If that be true, the rate we have fixed for first, second, and third zones can scarcely be termed a discriminatory charge against the small newspapers as compared to heavier publications.

The cost ascertainment in tables 1, 10, and 76 attempts to segregate the losses on the various classifications of second-class matter. That effort, excluding free in county and transient, produces the following result:

Daily newspapers:	
Revenue	$11, 889, 107. 72
Expense	43, 012, 608. 91
Loss	31, 123, 501. 19
Weekly, semiweekly, and triweekly newspapers:	
Revenue	1, 933, 725. 03
Expense	17, 749, 452. 08
Loss	15, 815, 727. 05
Scientific, agricultural, religious, etc.:	
Revenue	$5, 815, 733. 31
Expense	20, 502, 236. 88
Loss	14, 686, 503. 57
All other publications:	
Revenue	9, 019, 789. 94
Expense	13, 439, 286. 78
Loss	4, 419, 496. 84
Total all periodical publications:	
Revenue	28, 658, 356. 00
Expense	94, 703, 584. 65
Loss	66, 045, 228. 65

Mr. Speaker, this measure also removes an unjustifiable differential against the publishers as compared to an individual who sends the same publication through the mail.

At present an individual living in Washington can mail a Washington newspaper weighing 1 pound to San Francisco at a charge of 4 cents.

The publisher sending his paper to the same address pays 10 cents a pound on the advertising matter. By increasing the transient rate we have eliminated this illogical situation.

THIRD-CLASS MATTER

Mr. Speaker, since the adoption of the parcel post law third-class mail rates have been inconsistent and unjust. Third-class mail at present includes circulars, newspapers, and periodicals not admitted to the second class nor embraced in the term "book," miscellaneous printed matter on paper not having the nature of an actual personal correspondence, proof sheets, corrected proof sheets, and manuscript copy accompanying the same. Books are included in fourth-class mail, as are also parcels of miscellaneous printed matter weighing more than 4 pounds.

A circular is a printed letter sent in identical terms to several persons. It may bear a written, typewritten, or hand-stamped date, name and address of person addressed and of the sender, and corrections or mere typographical errors. When a name, except that of the addressee or sender, date other than that of the circular, or anything else is hand written or typewritten in the body of a circular for any other reason than to correct a genuine typographical error, the circular is subject to postage at the first-class rate whether sealed or unsealed.

Reproductions or imitations of handwriting and typewriting obtained by means of the printing press, neostyle, multigraph, or similar mechanical process are treated as third-class matter, provided they are mailed at the post office or other depository designated by the postmaster in a minimum number of 20 identical unsealed copies. If mailed elsewhere or in less quantity, they will be subject to the first-class rate.

The rate on this mail matter has been 1 cent for 2 ounces up to 4 pounds, when it was carried as fourth class under zone rates.

This system has given rise to many ridiculous situations. A 4-pound package of printed matter is third class and the charge is 32 cents. By adding an ounce of ballast it can be sent to the first and second zone for 9 cents.

Other inconsistencies developed after the parcel-post rates went into effect. A patron presents two rolls of printed matter for mailing to a post office in the third zone, one weighing 3 pounds 12 ounces, which requires 30 cents postage; the other, containing exactly the same kind of inclosures, weighing 4 pounds 15 ounces, requires postage in the amount of 14 cents only. These charges are exactly in accordance with the regulations, but it is a difficult matter to explain to the patrons of the service how they can send a larger parcel for less than it costs to send a smaller one to the same place. Also a parcel of printed matter weighing 7 pounds when mailed to the eighth zone, the postage chargeable is 84 cents. However, if the patron chooses to divide the parcel into two parcels, weighing 3½ pounds each, the charge is 28 cents for each parcel, or 56 cents for the two, against 84 cents for the single parcel.

Printed books are classified as parcel post regardless of weight, but in many instances it is very difficult to determine at what point the change takes place from a pamphlet to a book. It is a general understanding that pamphlets containing 24 or more pages are to be rated as books.

Postal employees have considerable difficulty in discriminating between third and fourth class matter, especially that third class weighing more than 8 ounces. For example, blank paper is fourth class; the same paper, if printed, is third class. If printed, but intended for use as samples of paper, it is fourth class. Printed forms, if mainly printed—that is, more than one-half of the surface being printed—are regarded as third class, while if less than one-half the surface is printed are regarded as fourth class. In many instances it is very difficult to determine the classification. Lithographs are third class, while drawings are fourth class. Maps printed on paper are third class, but if printed on cloth are fourth class.

The Post Office Department has repeatedly recommended a remedy.

For 1912 Postmaster General Hitchcock made an urgent recommendation that third and fourth classes be consolidated. He offered a bill to consolidate them as parcel-post mail and to have the parcel-post rates.

In 1913 Postmaster General Burleson returned to the subject and pointed out inequities in third and fourth class rates. He explained that he had taken a step toward consolidation by classifying books, which had always been third class, as fourth class. This order became effective March 16, 1914.

In 1920 Postmaster General Burleson said:

The consolidation of mail of the third and fourth classes should greatly simplify the classification of mail matter, eliminate inconsistencies and technicalities existing under the present classification, facilitate the handling of mail generally, and promote the usefulness of the service to the public. Such consolidation is therefore favored.

The present post-office administration makes the following recommendation:

The consolidation of third-class matter weighing over 8 ounces with fourth-class or parcel-post mail matter is urgently needed for the simplification of rates and classifications. Such consolidation would be of much benefit to the postal employees and to the mailing public and would relieve Postmasters and the Post Office Department of the necessity of deciding many of the technical questions that arise under the present arrangement.

In this measure we provide the remedy required, and it will prove a great benefit in postal administration. We draw the dividing line at 8 ounces. All present third and fourth class matter under that weight is classified as third class and all such matter over that weight is classified as fourth class.

The Senate bill fixed the weight limit of 4 ounces and the rate at 1 cent per ounce.

Mr. Speaker, there are two fundamental objections to such a provision. It would greatly injure certain long-established business enterprises and it would produce little revenue.

There are many valuable business publications which go as third class, because they are sent free and not to paid subscribers. They have been built on the 8-ounce limit and a change to 4 ounces would either force their discontinuance or compel the sending of two publications instead of one.

Since the vastly greater part of third-class mail is circulars weighing less than 1 ounce, the apparent 100 per cent increase would in reality mean the same rate as at present.

The House committee answered both objections by fixing the limit at 8 ounces, with a rate of 1½ cents for each 2 ounces or fraction thereof. We fix the rate of 1 cent per 2 ounces for books, catalogues, seeds, cuttings, and so forth.

Mr. Speaker, by this consolidation of third and fourth class mail matter we have actually reduced rates on about 300,000,000 parcels now carried as fourth-class matter. The present rate is 1 cent an ounce up to 4 ounces. By classifying these small parcels as third class we give them a rate of 1½ cents for 2 ounces instead of 2 cents for 2 ounces. This feature will be a benefit to many persons and, besides, makes the schedule consistent and uniform.

This provision will raise $18,000,000 in revenue, and while some opposition has been expressed, it is believed that it will work no undue hardship. The cost-ascertainment report states that the loss on third class is $16,291,000. If that figure is correct, the additional expenditures involved in the measure mean that at least the amount we have estimated is not unfair. The users of this class approve emphatically the raising of the limit to 8 ounces, and in most instances accept the rate we have fixed as more satisfactory than the rate in the Senate bill.

The reaction from many users of third-class mail to the provisions of this bill may be noted in the following excerpt from a letter sent me by one of the largest seed houses in the country.

> One of the most important features the seed trade desires in the new bill is the 8-ounce limit in the third class as applied to seeds, bulbs, plants, scions, cuttings, and catalogues. This has been in existence for 40 years, and it would be unfair and unwise to change it, and a hardship on the farmer. Most parcels of seeds going to the farmer by parcel post come within the 8-ounce limit and in most cases they are not bulky.

I quote also from a publishing company that issues a publication to 45,000 dentists in the country and which speaks for a great number of business magazines now operating under third class:

> We are in favor of increased postal salaries and have so declared ourselves at different times. Also, we are entirely willing to shoulder a share of the increase, but it does not seem to us that an increase of the third-class rate on books and catalogues is indicated, nor could we see the wisdom of the proposal to reduce maximum weight on books and catalogues to 4 ounces, making it necessary to pay the pound parcel-post rate per piece on a mailing piece, for instance, of 5-ounce weight.

FOURTH-CLASS MAIL

Mr. Speaker, parcel-post or fourth-class mail matter must secure first attention in any study of postal conditions and finances. It is the perplexing problem, for it has revolutionized the mails in 12 years. Originated as a protection of the farmer against the middleman, it has become the great benefaction for the middleman. Put into operation with rates low enough to drive the express companies out of the small package business, those rates have been cut in two in many instances during a period when other prices were soaring skyward.

Its growth has been stupendous, and unless something is done to meet the situation it will overwhelm the service under an avalanche of merchandise.

In 1908 a comprehensive survey of the various classes of mail matter was made. There are no figures as to fourth-class mail matter between that year and 1913 when parcel post was inaugurated.

But in 1908 the weight of fourth class was 56,168,710 pounds out of a total of 1,290,358,284 pounds of all mail matter. That means that 0.043 per cent of mail matter was included in fourth class.

In 1923 there were 3,594,619,315 pounds of fourth class out of a grand total of 5,759,402,012 pounds or 0.63 per cent of the mails.

The weight of fourth class went up 600 per cent in that time, completely revolutionizing many service conditions.

As to number of pieces, in 1908 there were 145,306,026 while the cost ascertainment gives a total of 1,001,000,000 for 1923. There again is an increase of 600 per cent, but that figure, great as it is, falls greatly below those given in the official reports of Postmasters General Burleson and Hay. These officials declared that in 1920 and 1921, 2,250,000,000 parcels were carried in the mails, and that the number was increasing each year.

I shall go into that feature of this question later. Just now I want to say that, regardless of the exact number of parcels, the fact remains that parcel-post mail presents a problem which must be solved or the entire Postal Service will be disorganized by it.

Urgent appeals have been addressed to Congress to provide post-office buildings in cities where almost hopeless congestion is found. The parcels post accounts for this situation. Great parcel-post stations and terminals have been erected in many cities at large cost. In other places postal employees are compelled to work in rooms which are unfit for such purposes. This fourth-class mail must be kept moving, and that practically means that the entire service must be built around this tremendous volume of mail, great enough to overwhelm the service if it be neglected.

Just how has this situation come about?

The official recommendation of a parcel post is contained in the report of the Postmaster General for the year 1904.

This recommendation of Postmaster General Wynne was renewed repeatedly by his successors until finally, as urged by Postmaster General Hitchcock in his report for 1911, modified to permit of a weight limit of 11 pounds to conform to that of the international parcel post, it took form through action of Congress in 1912.

ZONE DIVISION

For purposes of parcel post the country was divided into eight zones, to be measured from each point of mailing as the radial center, as follows:

1. 50 miles.
2. 50 to 150 miles.
3. 150 to 300 miles.
4. 300 to 600 miles.
5. 600 to 1,000 miles.
6. 1,000 to 1,400 miles.
7. 1,400 to 1,800 miles.
8. Over 1,800 miles.

In addition, a differentiation designated as "local" was made for parcels to be delivered out of the post office at which mailed.

The rates of postage for fourth-class mail matter (previously 1 cent per ounce, and limited to 4 pounds) were fixed and the limit of weight was 11 pounds, and the limit of size 72 inches of length and girth combined.

MODIFICATIONS

The first modification, effective August 15, 1913, was to increase the limit of weight for the first and second zones from 11 pounds to 20 pounds, and to reduce the rates of postage for those zones. In March, 1914, books were added to the parcel-post classification, and seeds, plants, bulbs, and so forth, were accorded parcel-post zone rates. On July 1, 1914, the weight limit for the first and second zones was increased from 20 to 50 pounds, and for all other zones from 11 to 20 pounds; and the rates of postage were reduced in the third, fourth, fifth, and sixth zones. In July, 1915, the size was increased from 72 inches to 82 inches in length and girth combined. The limit of weight was further increased, effective March 15, 1918, from 50 pounds to 70 pounds to parcels mailed for delivery in the first, second, and third zones, and from 20 to 50 pounds for all other zones.

Below is given the result of these modifications in a comparative table of the rates enacted in 1913 and those in force in 1923:

	First pound	Each additional pound
RATE, 1913		
Rural route and city delivery	$0.05	$0.01
50-mile zone	.05	.03
150-mile zone	.06	.04
300-mile zone	.07	.05
600-mile zone	.08	.06
1,000-mile zone	.09	.07
1,400-mile zone	.10	.09
1,800-mile zone	.11	.10
Over 1,800 miles	.12	.12
SUMMARY OF RATES, 1923		
Local rates	.05	.0¼
First zone (up to 50 miles)	.05	.01
Second zone (50 to 150 miles)	.05	.01
Third zone (150 to 300 miles)	.06	.02
Fourth zone (300 to 600 miles)	.07	.04
Fifth zone (600 to 1,000 miles)	.08	.06
Sixth zone (1,000 to 1,400 miles)	.09	.08
Seventh zone (1,400 to 1,800 miles)	.11	.10
Eighth zone (over 1,800 miles)	.12	.12

Mr. Speaker, the parcel-post system was strongly urged at the time of its establishment on the ground that it would provide a method for the farmers to ship their products direct to the city consumer, without either party to the transaction being forced to pay the middlemen.

The National Grange in its resolutions of 1920 said:

> The parcel post is a child of the Grange and should be encouraged in every way possible to make it the distributor between the American farmer and the consumers of our cities.

With that purpose I am enthusiastically in accord. I was active in 1918 in helping to extend parcel-post service by country motor routes as a means of expediting products from the farm to the table. It was my resolution enacted by Congress which instructed the War Department to use the parcel post in disposing of surplus food supplies direct to the public. I am willing to vote for rates on farm products which will not pay all the costs of the service, since I believe the food question is fundamentally a question of direct distribution.

This measure accepts that policy by providing that the service charge of 2 cents a package shall not apply to products shipped directly to the consumer from rural routes.

Mr. Speaker, perhaps the most outstanding fact about the operation of the parcel post has been the very slight use of it made by the farmers in shipping their products to the city consumer. It has been of little use in shortening the bridge between producer and consumer. The reason for it, I believe, lies in the fact that the individual farmer does not feel warranted in keeping a multitude of small accounts, dealing with strangers, and being compelled to pack and ship many small containers.

When we devise a plan for wholesale marketing by parcel post instead of retail, when we have consumers' cooperative organizations in the city linked with producers' cooperative organizations in the country we shall have realized the aims of many of the parcel-post pioneers.

That the parcel post has thus far disappointed these expectations can be proven by the facts. In July, 1920, the Post Office Department held a weigh and count of all mail delivered and collected on the rural routes of this country. This is the only time such an attempt has been made, and the recent cost ascertainment gives no facts regarding the future of the Postal Service.

Here are the complete figures of that survey covering every State in the Union:

States	Number pieces delivered	Number pieces collected	Number pounds delivered	Number pounds collected	Postage on amount delivered	Postage on amount collected
Alabama	147,083	30,784	318,487	88,081	$15,950.41	$3,175.51
Arizona	5,288	977	15,148	3,283	907.46	183.76
Arkansas	103,475	16,711	235,238	40,551	10,528.70	1,636.60
California	111,287	22,704	363,713	113,519	15,795.04	3,167.64
Colorado	53,432	6,622	1,271,488	22,438	7,328.90	890.84
Connecticut	81,279	18,040	362,272	77,942	8,385.45	1,965.78
Delaware	15,447	3,624	57,679	23,448	1,677.88	887.05
District of Columbia	1,546	252	4,309	1,324	189.79	30.56
Florida	46,517	7,012	105,042	19,241	6,210.22	876.05
Georgia	183,564	33,428	357,518	89,518	13,079.71	2,190.96
Idaho	32,946	5,449	105,766	15,545	4,433.98	623.70
Illinois	479,290	52,693	1,516,834	149,895	146,070.32	4,862.04
Indiana	304,967	45,474	929,226	149,291	26,206.10	4,411.03
Iowa	396,936	41,074	1,094,415	79,907	37,344.34	3,528.67
Kansas	424,387	40,934	1,036,697	75,598	33,589.00	3,019.55
Kentucky	132,120	24,483	352,299	69,163	12,593.18	2,414.60
Louisiana	55,986	10,713	138,361	32,894	7,427.73	1,471.63
Maine	118,345	26,326	363,169	94,275	11,775.84	2,763.84
Maryland	611,550	108,983	291,332	68,689	8,675.27	1,670.24
Massachusetts	73,396	15,957	243,030	55,943	8,222.68	1,820.90
Michigan	360,391	66,424	1,260,605	303,218	35,063.67	7,695.57
Minnesota	312,551	39,134	967,374	97,655	32,956.36	3,660.56
Mississippi	142,686	25,741	291,976	72,208	15,583.58	2,649.48
Missouri	359,539	51,906	1,039,550	144,759	33,048.94	4,842.04
Montana	22,306	3,029	64,899	7,993	3,019.19	438.89
Nebraska	217,462	18,608	636,873	32,393	20,114.19	1,515.48
Nevada	451	75	1,723	273	47.47	10.51
New Hampshire	64,315	17,853	221,385	56,888	6,639.54	1,669.60
New Jersey	532,067	16,039	325,595	84,097	61,655.50	2,019.41
New Mexico	6,774	1,120	17,937	6,777	1,034.29	177.53
New York	320,477	62,645	1,160,336	250,406	34,744.34	7,611.68
North Carolina	182,069	30,326	389,313	83,985	17,415.29	2,969.88
North Dakota	179,439	12,154	326,386	23,054	14,439.68	1,360.35
Ohio	382,824	62,015	1,114,993	175,180	36,188.05	5,731.91
Oklahoma	190,257	20,633	492,748	44,226	19,608.84	2,124.25
Oregon	51,264	11,499	172,024	48,439	5,405.62	1,518.59
Pennsylvania	362,739	70,334	1,255,943	269,602	39,297.54	7,484.39
Rhode Island	9,707	1,829	35,566	7,602	978.07	233.26
South Carolina	90,024	14,803	179,155	37,125	9,580.55	1,450.77
South Dakota	121,705	10,820	442,192	21,645	13,814.45	1,170.00
Tennessee	209,295	42,053	646,007	107,152	20,597.67	4,394.66
Texas	275,970	45,010	80,569	10,092	31,646.16	3,964.14
Utah	10,367	4,433	46,947	31,059	2,300.93	817.60
Vermont	62,964	13,864	224,238	44,642	5,906.06	1,355.32
Virginia	192,093	51,056	573,829	201,281	17,718.97	5,182.88
Washington	83,713	21,939	399,062	72,926	9,696.51	2,152.22
West Virginia	74,963	11,611	210,023	37,157	7,819.56	1,304.63
Wisconsin	329,784	51,073	1,069,796	154,720	31,577.48	4,975.29
Wyoming	7,533	2,563	15,495	1,526	623.24	63.40
	8,534,643	1,292,837	22,822,562	3,698,625	905,110.62	122,135.54

Mr. Speaker, these are very interesting figures and the deductions to be made from them may serve us as guideboards to future action.

All the residents on all rural routes send out in a year 15,000,000 parcel-post packages. There were in 1920, 6,534,528 families on these routes, or 30,058,828 individuals. Less than three parcels a year are sent out by dwellers on rural routes, and this includes all parcels whether farm products or not.

The total postage paid by all these farmers and others on rural routes on packages sent out was $1,465,626.48, or less than one-half of 1 per cent of the postal revenues. That means 25 cents a year for each family.

It may easily be seen that the elimination of the service charge of 2 cents a parcel from all packages of farm products will not lessen the total revenues by more than $250,000. Five cents a year saving to each family on all rural routes need not excite any economy expert, and if it will encourage wider use of the parcel post by the farmers in shipping food products this subsidy will be justified.

That is one side of the question, but at present it is an insignificant part of the problem.

The parcel post to-day is not a service for farmers; it is a service for mail-order houses. Not the farmer but the middleman is the largest user of parcel post. The tremendous growth of the volume of this class of mail is due to commercial enterprises which use its ridiculously low rates to build fortunes for themselves. One great mail-order house alone sends twice as many parcels through the United States mails than all the farmers in America.

The greatest beneficiaries by far of the Parcel Post System have been the great mail-order houses specializing in cheap merchandise. In 1912 the largest of the mail-order houses did a business of approximately $67,000,000. In 1916, with three years of operation of the parcel post, its business had grown to approximately $147,000,000, while in 1919 its gross revenues reached $233,982,584. In 1911 its profits were $6,984,967 and in 1919 they were $27,920,416. And in addition to regular dividends of from 7 to 8 per cent on common stock the company declared a stock dividend of 50 per cent in 1915, another of 25 per cent in 1917, and another of 40 per cent in 1920.

Between 1911 and 1920 this company increased its capitalization from $30,000,000 to $75,000,000, or 250 per cent.

Announcing the 40 per cent stock dividend on April 20, 1920, the Chicago Tribune said:

> In 1907 the common stock sold as low as $20 a share. That stock now, plus the stock dividends, has a market value of $590 a share.

Mr. Speaker, a considerable part of this great prosperity is due to inadequate parcel-post rates. The present parcel-post rates are a subsidy to these great mail-order houses at the expense of the other classes of mail and the underpaid postal workers.

The business of another large mail-order house grew from $39,725,712 in 1913, which was the first year of the parcel post, to $62,044,336 in 1916, and to $101,745,271 in 1920, with net profits of $5,094,120 in 1919. Many other mail-order houses, large and small, have shown remarkable earnings since the establishment of the parcel post; all of which goes to prove that to all practical purposes Uncle Sam has subsidized the mail-order houses by furnishing them a postage rate of parcels that is so low that he must dig down into his pocket for millions of dollars each year to make up the loss. The retailers of the smaller towns lose hundreds of millions of dollars' worth of business that goes to the mail-order houses, and everybody pays more taxes to make up the deficit of the Post Office Department which is caused by an inadequate rate of postage on parcel post.

Mr. Speaker, I quote two articles which are enlightening. The first is from the Chicago Daily Tribune of January 26, 1925. The second is from the Ohio State Journal of January 22, 1925.

[From the Chicago Daily Tribune]

> Sears, Roebuck & Co., Chicago mail-order house and the largest factor in that industry, issued its annual report last night. It completes the record of one of the most remarkable recoveries from the post-war depression that any industrial corporation has presented.
>
> During last year the company paid off notes of $7,880,000, thus finally liquidating a $50,000,000 debt which was incurred four years ago. The company also retired its $8,000,000 preferred-stock issue. It resumed dividends on its $100,000,000 common stock at the rate of 5 per cent annually. It has no bank loans, and ended 1924 with $12,666,000 cash on hand, compared with $5,737,000 at the end of 1923.
>
> GOOD INCREASE IN NET
>
> Net income for 1924 was $14,354,397 after all charges and taxes. This is equivalent, after preferred dividends, to 13.86 per cent on the common stock, compared with net income of $11,512,618, or 10.95 per

cent, in 1923. After paying $2,000,000 in premiums resulting from redemption of the preferred stock and distributing dividends totaling $2,999,758 on the common stock there was a surplus of $8,865,435 for 1924, bringing total surplus up to $26,440,452.

The balance sheet shows current assets of $82,075,967, a decline of $1,840,676, and current liabilities of $13,901,089, a decrease of $4,047,-873. Total assets and liabilities now stand at $144,403,107, compared with $147,573,413 at the end of 1923. Net sales for 1924 totaled $206,430,527, against $198,482,945 in 1923.

[From the Columbus (Ohio) State Journal]

CHICAGO, January 22.—The annual statement of Montgomery Ward & Co., issued to-night, shows a net profit for 1924 of $10,433,501, compared with $7,702,625 for 1923 and $4,562,607 for 1922.

The gross sales, amounting to $162,715,494, are an increase of 20.85 per cent over the figures for 1923 and more than double the amount for 1921. The net profit increase over last year is 35.4 per cent.

Current earnings on the 1,141,251 shares of common stock for 1924 amounted to $6.18.

Theodore F. Merseles, president of the company, said the increase in sales has made necessary the extension of plants in Oakland, Calif., Fort Worth, Tex., Kansas City, Mo., and St. Paul, and the building of a new plant in Baltimore.

Now, Mr. Chairman, the policy of granting a subsidy to serve monopolistic retailing enterprises who are in direct competition with the business men in every community does not promote the common welfare. The parcel post in this connection is purely a commercial service and these users should pay the cost of the service.

It is surely not justice to force the city merchant and the country storekeeper to make up this loss either through increased postage on other classes of mail or through additional taxes.

WHAT DOES PARCEL POST COST?

There have always been great differences of opinion as to the cost of handling parcel-post mail. The Postmaster General's report for the year 1919, referring to the increased volume of business, declares:

The extent of usefulness of the service to and popularity with the public is reflected in the last estimate of the profits in handling parcel post, which was made in 1916, when the figures compiled indicated a profit, in round numbers, of $10,000,000.

In the report of the Postmaster General for the year 1920 it is stated:

It is estimated that the revenue derived from parcel-post mail is now approximately $150,000,000 annually, indicating a profit of about $10,000,000 per annum.

The report of the Postmaster General for the year 1921, after reciting the results of the last preceding test weighing, says:

The impression prevails that the parcel post is producing a large profit. It was stated that it made a profit of $10,000,000 for the fiscal year ending June 30, 1920. This was based on pre-war figures largely. It is my opinion that the parcel post by no means pays for itself.

The parcel post law provided that the rates should be adjusted by the Postmaster General so as to make the business self-supporting. The law also required that distinctive stamps should be attached to the parcels so that the revenue might be known.

However, these distinctive stamps were abolished by Postmaster General Burleson and there is no way of exactly determining the revenues.

The cost-ascertainment report gives a figure of about $7,000,-000 loss, but this must arouse skepticism in view of the fact that parcel post makes up 63 per cent of the weight of all mails and brings in but 21 per cent of the revenues.

HOW MANY PARCELS ARE THERE?

There is an astonishing decrease in the number of parcel-post parcels being carried in the mails, if we are to accept the cost ascertainment figures. No one believes that there has been such a decrease and every sign points to a substantial increase each year.

In 1922 Postmaster General Hays issued an official publication on parcel-post statistics to show the "trend and tendencies of the system in its growth and development."

In the record of test weighings and countings during 12 test periods, from April, 1913, to October, 1921, he says:

The records herein shown are accurate and original data, based wholly on actual transactions. The greatest care was taken both in conducting the tests and in verifying and compiling the results obtained.

Now, what do these tests show?

The summary of the 15-day test weighings is given below, from which it will be noted that the number of parcels increased from 17,148,200 to 44,051,083, an increase of 160 per cent, while the total weight increased from 30,371,437 pounds to 180,547,744 pounds, or an increase of 500 per cent. The most startling comparison, however, is the increased average weight from 1 pound 12 ounces to 3 pounds 1 ounce, while there is a decrease in the average postage paid from 3.8 cents in 1913 to 3.1 cents in 1921.

Comparative statement of parcels mailed at all post offices showing number, postage, weight, and average postage per pound

Total, all post offices	Parcels mailed	Postage on parcels mailed		Weight of parcels mailed			Average postage per pound
		Total amount	Average per parcel	Pounds	Average		
	Number				*Lbs.*	*oz.*	
1913	17,148,200	$11,645,426.50	$0.069	30,371,437	1	12	$0.038
1914	36,303,670	2,119,410.17	.058	48,173,331	1	5	.045
1914	37,835,974	2,285,578.35	.061	54,653,137	1	7	.041
1915	41,217,184	2,451,254.94	.059	59,947,093	1	7	.041
1915	40,889,595	2,678,716.16	.066	68,372,635	1	11	.038
1916	41,980,516	2,962,134.88	.071	80,446,478	1	15	.038
1917	43,383,046	3,030,231.88	.070	80,131,264	1	14	.036
1919	41,067,226	4,763,497.37	.116	145,416,959	3	8	.032
1920	55,352,860	5,609,438.22	.101	169,641,199	3	1	.032
1921	44,051,083	5,737,299.87	.130	180,547,744	4	2	.031

Now, Mr. Speaker, in 1920 this official statement indicates that there were 1,346,919,000 parcel-post packages carried in the mails. This was a count for 15 days and I have calculated the year on that basis.

It is inconceivable that there has been a reduction of 345,-000,000 parcels since 1920. On the contrary, the increasingly prosperous business conditions indicate a much larger number than were carried in 1920.

But let us dig still deeper. In order to show this decrease the cost ascertainment cuts the number of parcels handled in specific first-class offices to an unbelievable extent.

Now, how did they get these estimates for the number of parcel-post packages? You will find the method described on page 53 of the cost-ascertainment report. They say:

The number of pieces of each class was counted during the last seven days of the statistical period and the total weights thereof were recorded, from which the average weights per piece for each class were ascertained. The total weights of the mails were divided by the ascertained average weight per piece in order to produce total annual pieces.

Now, it will be seen from this extract that a seven days' weighing determined the average weight per piece. Certainly it must be admitted that such a test for seven days in 559 post office is not as complete as the 15 days' weighing in all first and second class offices and a selected number of third and fourth class offices, as was the case during the tests of 1920 and 1921, to which I have referred.

But leaving that aside, under the cost-ascertainment method the important element is the total weight of the mails in fourth class. How did they arrive at that figure?

If you refer to page 43 of the report, you will note that the department keeps no records as to the weights of fourth-class mail.

Their plan, as outlined on page 43, was to take the seven days' test figures on postage paid and determine from that the average revenue per pound. Then they divided that into the revenues which they had apportioned to fourth-class matter in order to secure the total weight.

The apportionment of the revenue to fourth class is another peculiar operation in itself. This is secured, according to the explanation on page 37, by taking the revenues from stamps and stamped paper and allotting this sum to the classes of mail matter based on the ratios discovered during the 30-day statistical period.

What do we finally have out of this complicated scheme? We have ratios for the classes of mail matter. That determines the yearly revenues for fourth-class mail matter. That figure in turn determines the average revenue per pound. That figure then determines the total weight of fourth-class mails. And that figure determines the number of pieces of fourth-class matter.

It is needless to point out that the slightest variation in the ratios would make an immense variation in total weights and number of pieces. That fact explains the weird results obtained when specific post offices were tabulated. Let me give herewith a comparison between the results obtained by this cost-ascertainment method of securing number of pieces and those of the actual count-and-weigh test in 1921.

Bear in mind that the 1921 test was a record of actual parcels handled, not a ratio of various classes of mail matter. The yearly totals are extensions for the year.

Parcel-post figures for cities

	Year	Albany, N. Y.	Atlanta, Ga.	Baltimore, Md.	Boston, Mass.	Brooklyn, N. Y.
Number pieces	1921	1,443,356	4,394,905	11,160,094	32,272,935	41,550,432.
Do	1923	1,237,159	5,086,132	7,156,527	22,012,725	12,107,573.
Total weight	1921	7,058,088	19,042,322	49,886,130	163,529,415	96,220,852.
Do	1923	7,331,166	22,688,881	38,268,954	69,198,982	45,389,968.
Average revenue per parcel	1913	0.0[illegible]1 cent	0.074 cent	0.079 cent	0.066 cent	0.045 cent.
Do	1923	0.142 cent	0.02 cent	0.175 cent	0.106 cent	0.157 cent.
Average weight per parcel	1913	1 pound 3 ounces	1 pound	1 pound 3 ounces	1 pound	9 ounces.
Do	1921	4 pounds 15 ounces	4 pounds 5 ounces	4 pounds 8 ounces	5 pounds 1 ounce	2 pounds 5 ounces.
Do	1923	5 pounds 15 ounces	11 ounces	5 pounds 5 ounces	3 pounds 2 ounces	3 pounds 12 ounces.
Average revenue per pound	1913	0.06 cent	0.072 cent	0.065 cent	0.065 cent	0.082 cent.
Do	1923	0.024 cent	0.03 cent	0.033 cent	0.034 cent	0.042 cent.

	Year	Buffalo, N. Y.	Chicago, Ill.	Cincinnati, Ohio	Cleveland, Ohio	Columbus, Ohio
Number pieces	1921	6,032,304	199,508,803	12,079,115	8,991,215	4,242,809.
Do	1923	7,182,992	204,413,934	12,498,500	11,370,143	3,694,961.
Total weight	1921	26,494,815	442,930,517	45,572,464	47,026,065	17,598,256
Do	1923	32,763,566	417,920,199	53,526,602	35,636,985	15,970,728
Average revenue per parcel	1913	0.067 cent	0.073 cent	0.073 cent	0.027 cent	0. 048 cent.
Do	1923	0.135 cent	0.097 cent	0.134 cent	0.109 cent	0.116 cent.
Average weight per parcel	1913	14 ounces	15 ounces	1 pound	4 ounces	12 ounces.
Do	1921	4 pounds 7 ounces	2 pounds 3 ounces	3 pounds 12 ounces	5 pounds 4 ounces	4 pounds 2 ounces.
Do	1923	4 pounds 8 ounces	2 pounds 1 ounce	4 pounds 4 ounces	3 pounds 2 ounces	4 pounds 5 ounces.
Average revenue per pound	1913	0.078 cent	0.077 cent	0.071 cent	0.101 cent	0.066 cent.
Do	1923	0.029 cent	0.047 cent	0.031 cent	0.035 cent	0.027 cent.

	Year	Dallas, Tex.	Dayton, Ohio	Denver, Colo	Des Moines, Iowa
Number pieces	1921	6,626,088	2,704,969	5,877,001	5,807,710.
Do	1923	6,996,343	2,511,876	6,761,749	3,817,450.
Total weight	1921	30, 377, 222	7,443,591	33,211,447	13,446,843.
Do	1923	36, 159, 968	8,252,368	35,436,906	17,173,487.
Average revenue per parcel	1913	0. 123 cent	0.116 cent	0.115 cent	0.074 cent.
Do	1923	0.135 cent	0.143 cent	0.142 cent	0.121 cent.
Average weight per parcel	1913	2 pounds 4 ounces	1 pound 9 ounces	1 pound 10 ounces	1 pound 1 ounce.
Do	1921	4 pounds 9 ounces	2 pounds 12 ounces	5 pounds 10 ounces	2 pounds 5 ounces.
Do	1923	5 pounds 3 ounces	3 pounds 4 ounces	5 pounds 4 ounces	4 pounds 8 ounces.
Average revenue per pound	1913	0.055 cent	0.074 cent	0.069 cent	0.07 cent.
Do	1923	0. 026 cent	0.044 cent	0.027 cent	0.027 cent.

	Year	Detroit, Mich.	Grand Rapids, Mich.	Hartford, Conn.	Houston, Tex
Number pieces	1921	7,762,552	2,583,762	1,410,749	1,058,062.
Do	1923	11,359,504	1,970,007	1,786,467	1,410,753.
Total weight	1921	35,962,817	10,189,364	7,467,656	5,109,051.
Do	1923	32,225,662	9,377,688	8,774,821	8,508,096.
Average revenue per parcel	1913	0.061 cent	0.097 cent	0.084 cent	0.096 cent.
Do	1923	0.110 cent	0.146 cent	0.156 cent	0.15 cent.
Average weight per parcel	1913	13 ounces	1 pound 4 ounces	1 pound 5 ounces	1 pound 7 ounces.
Do	1921	4 pounds 10 ounces	3 pounds 15 ounces	5 pounds 5 ounces	4 pounds 13 ounces.
Do	1923	2 pounds 13 ounces	4 pounds 12 ounces	4 pounds 14 ounces	6 pounds.
Average revenue per pound	1913	0.072 cent	0.076 cent	0.065 cent	0.066 cent.
Do	1923	0.039 cent	0.030 cent	0.032 cent	0.025 cent.

	Year	Indianapolis, Ind.	Jacksonville, Fla.	Jersey City, N. J.	Kansas City, Mo.
Number pieces	1921	5,973,614	1,068,379	6,732,907	23,333,501.
Do	1923	7,365,694	808,260	9,050,915	23,922,104.
Total weight	1921	21,918,858	5,799,853	17,634,537	86,017,630.
Do	1923	27,063,106	3,964,610	8,161,934	95,830,990.
Average revenue per parcel	1913	0.064 cent	0.078 cent	0.04 cent	0.091 cent.
Do	1923	0.118 cent	0.156 cent	0.049 cent	0.156 cent.
Average weight per parcel	1913	12 ounces	1 pound 3 ounces	7 ounces	1 pound 7 ounces.
Do	1921	3 pounds 10 ounces	5 pounds 4 ounces	2 pounds 10 ounces	3 pounds 11 ounces.
Do	1923	3 pounds 11 ounces	4 pounds 14 ounces	14 ounces	4 pounds.
Average revenue per pound	1913	0.083 cent	0.066 cent	0.093 cent	0.068 cent.
Do	1923	0.032 cent	0.032 cent	0.057 cent	0.039 cent.

	Year	Los Angeles, Calif.	Louisville, Ky.	Memphis, Tenn.	Milwaukee, Wis.
Number of pieces	1921	4,707,579	5,312,697	2,220,979	10,566,926.
Do	1923	5,512,876	5,584,044	2,130,535	6,545,972.
Total weight	1921	24,836,571	20,118,045	12,176,497	24,929,767.
Do	1923	25,641,270	21,573,229	12,132,190	31,172,442.
Average revenue per parcel	1913	0.122 cent	0.062 cent	0.090 cent	0.091 cent.
Do	1923	0.166 cent	0.107 cent	0.144 cent	0.157 cent.
Average weight per parcel	1913	1 pound 10 ounces	15 ounces	1 pound 7 ounces	1 pound 1 ounce.
Do	1921	5 pounds 8 ounces	3 pounds 13 ounces	5 pounds 8 ounces	2 pounds 5 ounces.
Do	1923	4 pounds 10 ounces	3 pounds 10 ounces	6 pounds 3 ounces	4 pounds 12 ounces.
Average revenue per pound	1913	0.074 cent	0.068 cent	0.061 cent	0.081 cent.
Do	1923	0.038 cent	0.027 cent	0.024 cent	0.033 cent.

Parcel-post figures for cities—Continued

	Year	Minneapolis, Minn.	Nashville, Tenn.	Newark, N. J.	New Haven, Conn.
Number of pieces	1921	15,981,938	2,453,603	4,272,398	3,222,195.
Do	1923	22,860,369	1,789,284	3,527,060	3,298,523.
Total weight	1921	41,237,797	13,215,393	26,057,764	7,141,006.
Do	1923	49,772,053	11,053,318	15,734,355	7,181,545.
Average revenue per parcel	1913	0.09 cent	0.086 cent	0.061 cent	0.045 cent.
Do	1923	0.087 cent	0.155 cent	0.147 cent	0.087 cent.
Average weight per parcel	1913	1 pound 6 ounces	1 pound 6 ounces	14 ounces	10 ounces.
Do	1921	2 pounds 9 ounces	5 pounds 6 ounces	6 pounds 2 ounces	2 pounds 3 ounces.
Do	1923	2 pounds 3 ounces	6 pounds 3 ounces	4 pounds 7 ounces	Do.
Average revenue per pound	1913	0.065 cent	0.06 cent	0.069 cent	0.013 cent.
Do	1923	0.04 cent	0.025 cent	0.033 cent	0.04 cent.

	Year	New Orleans, La.	New York, N. Y.	Omaha, Nebr.	Philadelphia, Pa.
Number pieces	1921	5,343,549	183,385,855	3,247,527	34,587,677.
Do	1923	3,812,466	101,728,981	4,097,132	37,636,513.
Total weight	1921	17,144,902	849,503,918	21,942,242	178,934,729.
Do	1923	15,377,926	255,549,303	22,575,565	135,004,055.
Average revenue per parcel	1913	0.09 cent	0.099 cent	0.087 cent	0.07 cent.
Do	1923	0.125 cent	0.117 cent	0.154 cent	0.107 cent.
Average weight per parcel	1913	1 pound 5 ounces	1 pound 4 ounces	1 pound 3 ounces	1 pound 1 ounce.
Do	1921	3 pounds 3 ounces	4 pounds 9 ounces	6 pounds 12 ounces	5 pounds 3 ounces.
Do	1923	4 pounds	2 pounds 8 ounces	5 pounds 8 ounces	3 pounds 9 ounces.
Average revenue per pound	1913	0.069 cent	0.079 cent	0.071 cent	0.068 cent.
Do	1923	0.031 cent	0.047 cent	0.028 cent	0.03 cent.

	Year	Pittsburgh, Pa.	Portland, Oreg.	Providence, R. I.	Richmond, Va.
Number pieces	1921	12,602,112	4,886,352	3,089,952	6,062,358.
Do	1923	10,341,789	4,802,160	2,680,305	3,873,504.
Total weight	1921	49,094,982	24,815,450	11,943,043	16,950,770.
Do	1923	52,449,105	28,553,165	9,987,810	15,884,622.
Average revenue per parcel	1913	0.065 cent	0.107 cent	0.07 cent	0.07 cent.
Do	1923	0.116 cent	0.160 cent	0.135 cent	0.103 cent.
Average weight per parcel	1913	15 ounces	1 pound, 10 ounces	15 ounces	1 pound, 2 ounces.
Do	1921	3 pounds, 15 ounces	5 pounds, 1 ounce	3 pounds, 14 ounces	2 pounds, 14 ounces.
Do	1923	5 pounds, 1 ounce	5 pounds, 15 ounces	3 pounds, 12 ounces	4 pounds, 2 ounces.
Average revenue per pound	1913	0.07 cent	0.065 cent	0.073 cent	0.062 cent.
Do	1923	0.023 cent	0.027 cent	0.036 cent	0.025 cent.

Mr. Speaker, I refuse to believe that the 41,000,000 parcel-post packages handled at the Brooklyn post office in 1921 dropped to 12,000,000 in 1923. I do not believe that the 163,000,000 pounds of parcel-post matter handled at Boston in 1921 dropped to 69,000,000 in 1923.

I can well believe that the average revenues per pound dropped greatly since 1913, as indicated in all these calculations. I can not credit figures which show Cleveland, Ohio, increasing the number of parcel-post packages 2,400,000 in two years while the weight drops 11,400,000 pounds, while Milwaukee shows a loss of 4,000,000 parcels but increases the weight 6,000,000 pounds.

Such discrepancies, evident throughout these figures, can only be explained by the use of ratios, which do not serve as accurate means for determining number of pieces.

Mr. Speaker, the cost-ascertainment report states that the loss on parcel-post mail for 1923 was $6,916,753. It is inconceivable that a class of mail having 63 per cent of the weight and producing only 21 per cent of the revenues should show such a small loss. It is believed that the department officials did not properly allocate the expenditures for new buildings made necessary by the volume of this mail; also the method of determining delivery costs by the "stop" place is unsound in principle.

However, the Post Office Department proposed a new rate structure for parcel post. They urged that we adopt the following rates:

Local delivery, 8 cents per pound and 1 cent for each additional 2 pounds.

First and second zones, 9 cents first pound and 1 cent additional.

Third zone, 9 cents first pound and 2 cents additional.

Fourth zone, 10 cents first pound and 4 cents additional up to 5 pounds and 3 cents in excess of 5 pounds.

Fifth zone, 10 cents first pound and 6 cents additional up to 5 pounds and 5 cents for over 5 pounds.

Sixth zone, 11 cents for first pound and 8 cents for additional to 5 pounds and 7 cents for over 5 pounds.

Seventh zone, 11 cents for first pound and 10 cents for all additional.

Eighth zone, 12 cents for each pound.

It will thus be seen that the Post Office Department proposed a 4-cent increase in the first and second zones. The Senate eliminated this proposal and substituted a 1-cent parcel fee to apply to all parcels. The original bill called for 2 cents, and this was adopted on the floor but was later reconsidered and the 1-cent fee inserted by 1 vote on roll call.

The House committee made the parcel fee 2 cents in the belief that it is fully justified if we are to make parcel post even approximately self-sustaining. In addition we direct the Postmaster General to fix, with the consent of the Interstate Commerce Commission, such rates as shall make this merchandising service pay the cost of operation.

The charges under this bill in all zones used to any extent by parcel-post shippers will be still so much below express rates that there is no comparison. In the distant zones a readjustment will be necessary if we are to secure the business, and it is expected that this readjustment will follow the Postmaster General's carrying out of the mandatory provision to which I have referred.

The following table will show parcel-post charges as fixed in this bill compared to express rates:

Comparison of express rates with proposed parcel-post rates

[Weight, pounds]

Zone	First and second		Third		Fourth		Fifth		Sixth		Seventh		Eighth	
	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post
1	$0.37	$0.07	$0.37	$0.08	$0.38	$0.09	$0.38	$0.10	$0.40	$0.11	$0.44	$0.13	$0.47	$0.14
2	.38	.08	.38	.10	.40	.13	.42	.16	.47	.19	.54	.23	.60	.26
3	.38	.09	.39	.12	.43	.17	.44	.22	.53	.27	.62	.33	.73	.38
4	.39	.10	.40	.14	.45	.21	.48	.28	.59	.35	.72	.43	.87	.50
5	.40	.11	.42	.16	.48	.25	.52	.34	.66	.43	.82	.53	1.00	.62

Comparison of express rates with proposed parcel-post rates—Continued

Zone	First and second		Third		Fourth		Fifth		Sixth		Seventh		Eighth	
	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post	Express	Parcel post
6	$0.42	$0.12	$0.43	$0.18	$0.52	$0.29	$0.55	$0.40	$0.72	$0.51	$0.92	$0.63	$1.13	$0.74
7	.43	.13	.44	.20	.54	.33	.58	.46	.78	.59	1.01	.73	1.26	.86
8	.43	.14	.45	.22	.57	.37	.62	.52	.84	.67	1.10	.83	1.40	.98
9	.44	.15	.47	.24	.59	.41	.66	.58	.89	.75	1.20	.93	1.52	1.10
10	.45	.16	.48	.26	.62	.45	.68	.64	.97	.83	1.29	1.03	1.65	1.22
11	.47	.17	.52	.28	.67	.49	.72	.70	1.02	.91	1.39	1.13	1.79	1.34
12	.48	.18	.53	.30	.69	.53	.74	.76	1.10	.99	1.47	1.23	1.92	1.46
13	.48	.19	.54	.32	.72	.57	.79	.82	1.15	1.07	1.56	1.33	2.05	1.58
14	.50	.20	.55	.34	.74	.61	.82	.88	1.22	1.15	1.66	1.43	2.18	1.70
15	.52	.21	.57	.36	.78	.65	.86	.94	1.27	1.23	1.76	1.53	2.32	1.82
16	.53	.22	.58	.38	.81	.69	.88	1.00	1.36	1.31	1.85	1.63	2.44	1.94
17	.54	.23	.59	.40	.83	.73	.93	1.06	1.40	1.39	1.95	1.73	2.58	2.06
18	.54	.24	.60	.42	.86	.77	.96	1.12	1.47	1.47	2.04	1.83	2.70	2.18
19	.55	.25	.62	.44	.88	.81	1.00	1.18	1.52	1.55	2.13	1.93	2.84	2.30
20	.57	.26	.64	.46	.92	.85	1.02	1.24	1.59	1.63	2.23	2.03	2.96	2.42
21	.58	.27	.66	.48	.95	.89	1.06	1.30	1.65	1.71	2.33	2.13	3.09	2.54
22	.59	.28	.67	.50	.97	.93	1.10	1.36	1.71	1.79	2.42	2.23	3.23	2.66
23	.59	.29	.68	.52	1.00	.97	1.12	1.42	1.78	1.87	2.51	2.33	3.35	2.78
24	.60	.30	.69	.54	1.02	1.01	1.16	1.48	1.84	1.95	2.61	2.43	3.49	2.90
25	.62	.31	.71	.56	1.06	1.05	1.20	1.54	1.90	2.03	2.70	2.53	3.62	3.02

SPECIAL POSTAL SERVICES

Mr. Speaker, in this bill we propose to raise $12,624,516 additional revenues from insurance, C. O. D., money order, registry, and special delivery services.

Even this additional sum will not pay the actual cost of these services, but we accepted the Post Office Department's recommendations on the statement that they would produce all the revenue possible from readjusted charges.

The cost ascertainment indicates that during the fiscal year 1923 the total revenue received in fees from the money-order service amounted to $11,601,425.82. The expense charged thereto was $21,141,936.99, or a loss of $9,540,511.17. The report also shows that there was a total of 173,400,419 transactions during the fiscal year, or an average revenue of 6.69 cents per transaction, and the expense per transaction was 12.19 cents, or a loss of 5.5 cents per transaction.

The service is, to a certain extent, in competition with express companies and banks, and the rates therefore must be kept low enough to retain the business. The present rates for money-order fees has been in effect since July 1, 1883. The following is a table, which shows the present rates of the American Railway and Southern Express companies and the Post Office Department, also the rates proposed in this bill:

Amount	American Railway Express Co.	South-eastern Express Co.	Present rates	Proposed in bill
	Cents	*Cents*	*Cents*	*Cents*
From $0.01 to $2.50	6	5	3	5
From $2.51 to $5	8	7	5	7
From $5.01 to $10	10	10	8	10
From $10.01 to $20	12	12	10	12
From $20.01 to $25	15	12	12	15
From $25.01 to $30	15	15	12	15
From $30.01 to $40	15	15	15	15
From $40.01 to $50	18	15	18	18
From $50.01 to $60	18	18	20	18
From $60.01 to $75	20	18	25	20
From $75.01 to $80	20	20	30	20
From $80.01 to $100	24	20	30	22

The effect of the proposed fees would be to increase the fees on the smaller orders 2 cents, while there would be decreases ranging from 2 to 8 cents on the larger amounts. However, since a large percentage of the orders issued are of the lesser amounts there would be an increased fee received on each order issued of approximately 1.9 cents. The number of money orders issued during the fiscal year 1924 was 188,552,121. Multiplying this number by 1.9 cents, the estimated additional revenue under the proposed schedule of fees, would produce additional revenue amounting to $3,582,490 per annum.

As to registered mails, this bill provides that the fee for registered mail matter shall not be less than 15 nor more than 20 cents in addition to the regular postage. Section 3927 of the Revised Statutes, as it now stands, authorizes the Postmaster General to fix the registry fee at any sum not exceeding 20 cents in addition to the regular postage.

The bill provides that when the sender shall so request and upon payment of a fee of 3 cents a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered. Under the present law this receipt must be furnished whenever requested without the payment of any additional fee.

The cost ascertainment shows that for the fiscal year 1923 the total revenue received from the registry service was $8,005,579.20, and the expense charged thereto, including the expense for free registrations, was $18,379,593.01, or a loss of $10,374,013.81.

The report also shows that there was a total of 79,846,947 paid transactions and 8,516,724 free transactions. The average revenue per average transaction was 10.02 cents and the average expense 20.79 cents, or a loss of 10.77 cents per transaction of paid registry service.

This is again one of the services where the rates can not be increased sufficiently to cover the entire estimated cost, because the service, in a measure, is in competition with outside business, and unless the registry rates are kept low enough the business would be lost to competitors.

The present registry fees are 10 cents to cover an indemnity of not exceeding $50 on first-class matter and $25 in case of third class; 20 cents to cover an indemnity on first-class matter of not exceeding $100.

It is proposed in this bill to increase the minimum registration fee from 10 to 15 cents and to establish an additional fee of 3 cents for the "registry return receipt," this fee to be paid by the sender. The return on this last fee would be small. The 3-cent fee would be fixed on the theory that the cost for handling and transporting the single piece of first-class matter is approximately 1½ cents and that the process of preparing the card and securing the signature of the receiver involves an equal amount of expense. Furthermore, the receipt must be carried in both directions.

This schedule would raise approximately $3,980,000 additional revenue for the year.

This bill proposes increases in the fees chargeable for insurance of mail matter to cover payment of indemnity to shippers for shipments lost, rifled, or damaged.

The insurance service was originally established by order of the Postmaster General to take effect with the establishment of the parcel-post service, effective January 1, 1913.

The cost-ascertainment report indicates that the total revenue derived from the insurance of parcel-post matter during the fiscal year 1923 amounted to $7,185,771.14, and the expense chargeable thereto was $8,331,730.60, or a loss of $1,145,959.46.

It is estimated that approximately $4,058,147 additional revenue will be produced by the schedule proposed for the year. The present and proposed rates are as follows:

	Present rate	Proposed rate	Increase per package
	Cents	*Cents*	*Cents*
Maximum indemnity of $5	3	5	2
$25	5	8	3
$50	10	12	2
$100	25	20	[1]5

[1] Decrease.

This bill proposes an increase in the fees charged for the collect-on-delivery service. The original parcel post law authorized the Postmaster General to promulgate regulations for a collect-on-delivery service, and in pursuance of this authority the collect-on-delivery service was inaugurated by an order issued under date of February 23, 1913.

The cost-ascertainment report indicates the total revenue from the collect-on-delivery service for the fiscal year 1923 amounted to $4,079,143.35 and the expense chargeable thereto was $5,904,580.74, or a loss of $1,825,437.39, or approximately 4 cents per transaction.

The present fees for collect-on-delivery service are 10 and 25 cents, depending upon the amount of the collection. The following shows the present and proposed rates for the collect-on-delivery service:

	Present rate	Proposed rate	Increase per package
	Cents	*Cents*	*Cents*
Maximum collection of $10		12	2
$50	10	15	5
$100	25	25	

It is estimated that the application of the proposed schedule of fees for the collect-on-delivery service to the total number of collect-on-delivery transactions will yield additional revenue of $1,103,879 per annum.

As to special delivery, the present law provides that upon a payment of a fee of 10 cents in addition to the regular postage any article of mail matter shall be entitled to immediate delivery to the addressee if residing within the city-carrier delivery limits, or within one mile of a noncity-carrier office. This rate applies regardless of size or weight of the mail matter for which special delivery is desired.

The messenger or other person making delivery of a special-delivery article receives 8 cents of the 10 cents paid by the sender for special delivery.

This bill proposes that the fee for special delivery of any mail matter weighing more than 2 ounces and not more than 10 pounds shall be 15 cents in addition to the regular postage, and for the special delivery thereof 11 cents may be paid to the messenger or other person making delivery.

It further provides that the special-delivery fee for mail matter weighing more than 10 pounds shall be 20 cents in addition to the regular postage, and the messenger or other person making delivery thereof shall be paid 15 cents.

The cost ascertainment indicates that the apportioned revenue to special delivery for the fiscal year was $8,175,648.33, and the expense charged thereto was $8,297,645.67, or a loss of $121,977.34.

The present fee of 10 cents for special delivery of mail matter applies to mail matter of all classes, regardless of weight or size.

In this bill a schedule has been provided leaving the rate the same as at present up to the weight of 2 pounds and providing a new rate for articles weighing more than 2 pounds but not more than 10 pounds, and another rate for articles weighing more than 10 pounds, with corresponding increases of the fees which are to be paid the messengers. The proposed scale so constructed would raise about $900,000 additional revenue.

TOTAL REVENUES FROM BILL

The Post Office Department estimates the probable increase in revenue per annum which will be derived as follows:

First class	$10,000,000
Second class:	
Publishers	3,299,687
Transient	1,000,000
Third class	18,000,000
Fourth class	13,600,000
25-cent special service (parcel post)	3,000,000
Insured service (third and fourth)	3,058,147
C. O. D. service (third and fourth)	1,103,879
Money orders	3,582,490
Registry service	3,980,000
Special-delivery service	900,000
	61,524,202

COMMISSION FOR INVESTIGATION AND REPORT

Mr. Speaker, this measure provides for a commission of six members, three from the Senate and three from the House of Representatives, to study the entire postage-rates problem after the adjournment of this session. This commission is directed to report its conclusions in the form of a bill for the action of the Sixty-ninth Congress.

This is a very important work, and the commission may be able to perform a great public service by recommending a permanent postal policy. Most of our difficulties now are due to the fact that we are wavering between two opinions, whether the postal establishment shall be conducted for service or for profit.

That is why this measure is not framed on the so-called cost-ascertainment report. Neither was the bill sent in by the Post Office Department. To have attempted that would have wrecked the Postal Service.

Eighty-five per cent of the weight of mails now being carried is fourth class, parcel post, and second class periodical publications.

The cost ascertainment showed a loss of $7,000,000 in parcel post and proposed to adjust it by a 4-cent increase on the first pound in the first and second zones and 3 cents in the third zone and a decrease for certain weights in the more remote zones.

That meant, in reality, a 4-cent service charge on every parcel mailed by every farmer and every small business man in America. They send their products and goods to points within 150 miles.

We propose to make that rate a 2-cent charge per parcel, thus giving the same advantage to the small business man as we give to the great mail-order houses who ship to the more remote zones.

As to second class, rates based on the cost ascertainment would inevitably drive every newspaper and periodical out of the United States mails.

During the hearings Senator HARRELD asked Mr. Stewart this question:

> Under your allocation of expenses there is a loss from second class of $74,000,000. Your rates proposed will increase the revenue from second-class postage $9,000,000. Can you give reasons why you did not deem it wise to raise second-class rates to cover the whole deficit?

The answer was significant.

> Why, Senator—

Said Mr. Stewart—

> we did not want to get rid of second class.

Now, what does that mean? Surely the vast Post Office Establishment, with its great organization covering every family in the land, can distribute mail matter more cheaply than any new organization or series of organizations of private kind that can be built up. Yet this postal expert declares that if we even attempt to make up the alleged loss shown by the cost ascertainment it will drive second class out of the mails and send it into private channels of distribution.

The answer is easy. There is no such loss as is shown in the cost ascertainment. Under present second-class rates private concerns are handling a large volume at a profit of the matter which formerly went through the mails. What a private concern can do after building a new organization can assuredly be done by the Postal Service, with its organization already established.

The Post Office Department dared not suggest a rate for second class based on its cost ascertainment. It did, however, suggest 100 per cent advance in the rates on the advertising portions in the first and second zones, but no increase in the further zones.

Now, Mr. Speaker, we could not follow the cost ascertainment in its details. I have read every page of the cost-ascertainment committee's report and have tried to digest the innumerable tables of figures contained in the appendix to that report.

During all that study I have been depressed by the barrenness of that report. I did not think it possible that even postal experts could keep out of the record of the performance of this mighty service everything of vision and inspiration. I had thought that the very tables showing its accomplishments would cry out the tremendous facts of the human efforts and human accuracy which make it a marvelous instrument for the common good.

These experts have actually kept these out of the report, and the result is simply a mass of figures without form and void.

When the report states that it costs three-tenths of a cent for transportation and railway-mail servce of a letter. I think of mail trains flying through the night from all the cities in the land; terminals busy as beehives, 22,140 men of the Railway Mail Service handling and dispatching 18,000,000,000 pieces of mail with 99.9 per cent accuracy.

When the report states that it costs 1.58 cents for post-office service and delivery of a newspaper on its way to the subscriber, I think of 51,266 postmasters and 2,758 assistant postmasters and 64,363 clerks and supervisors at their appointed tasks working as efficiently as the parts of a great motor on the great task of communication of common ideas and common ideals in this Republic.

When the report states that it costs 1.6 cents to deliver an advertising bulletin, or 12 cents for a parcel-post package to an American home, I think of 45,362 city letter carriers, 1,220 village carriers, and 44,981 rural carriers on their daily visits to every home in the land carrying messages of joy and sorrow, publications of pleasure and profit, articles for convenience and comfort.

Ah, Mr. Speaker, where there is no vision the people perish. Where mathematics only is considered, and the man and his service are forgotten, the result is a cost-ascertainment report which is useless in deciding postal policies for this Nation.

Mr. Speaker, I believe the cost-ascertainment report to be mathematically accurate. That is, the additions, subtractions, multiplications, and divisions are perfectly executed. But the finished result is of no worth in dealing with the Postal Service until we decide a postal policy.

The report seems to me like a blue print of a great block of marble hewn from the quarries. That blue print gives the weight, cubic footage, height, breadth, and length. Those figures may be exact, but they are worthless until there is a determination of the use to which that marble is to be put. Shall it be used in a great temple, or as a tombstone? Some one must decide the purpose of the marble, and that is the supremely important matter.

So, too, this cost ascertainment is a blue print of the postal establishment in pounds, miles, and cubic feet. But the first and foremost question is: What shall be the purpose of the postal establishment; shall we erect a temple of human enlightenment and common progress, or erect a tombstone over the post office as a service institution?

Mr. Speaker, I want to point out the fundamental reason we could not accept the cost-ascertainment report nor the schedule of permanent rates submitted by the Post Office Department.

The cost-ascertainment report is a great mass of dry as dust deductions from premises which never have been, and which I hope never will be accepted in the Postal Service. It is heaping together of pounds and pieces, car-miles, and cubic footage, revenues and disbursements, without a single gleam of light to illuminate the mighty service itself.

It shows a loss for 1923 of $39,000,000, and would make that the key figure for all the years to come, regardless of the fact that for 1924 the loss is only $24,000,000, and the Postmaster General estimates it at $10,000,000 for the current year, with a surplus, under present conditions for 1926.

The exact situation is shown in the testimony of the Postmaster General before the House Appropriations Committee dealing with the Post Office bill for 1926. He gave the following figures:

Comparison of revenues and expenditures, fiscal years 1918 to 1924

Fiscal year	Postal revenues	Expenditures, obligations, and losses	Operating deficit	Cost of operations per million dollars revenue
1918	$344,475,952.24	$345,555,274.82	$1,079,312.58	$1,003,133.20
1919	364,847,126.20	398,707,436.58	33,860,310.38	1,092,806.84
1920	437,150,212.33	476,266,084.12	39,115,871.79	1,089,479.25
1921	463,481,274.70	543,598,044.29	80,106,769.59	1,172,833.39
1922	484,853,540.71	552,912,713.38	68,059,172.67	1,140,370.58
1923	532,827,925.09	570,535,732.02	37,707,806.93	1,070,769.20
1924	572,948,778.41	597,311,269.75	24,362,491.34	1,042,521.24
1925	601,596,217.33	620,320,931.15	18,724,713.82	1,031,125.05
1926	638,293,586.59	637,376,005.00	[1] 917,581.59	998,562.45

[1] Operating surplus.

The Post Office Department bill proposed a permanent scale of postage rates which the officials believe will make the Postal Service a money-making enterprise.

Both House and Senate committees refused to accept that schedule as final, and they did well. By accepting it, this Congress would reverse its postal policies since the foundation of the Government and substitute profits for service in the greatest instrumentality of communication ever organized on the face of the earth.

No; we are not yet ready to take that step. It will be well to weigh carefully exactly what it means and make that decision only after full consideration.

Mr. Speaker, when the storm overwhelms the weary mariner, he is saved if he sights the lighthouse by which he may steer his course. Since the cost-ascertainment report of the Post Office Department has descended upon us this Congress has been tempest tossed amid a sea of postal statistics and submerged beneath a whirlpool of postal percentages.

We must locate the lighthouse erected by our fathers as a guide for those who are responsible for the good ship Post Office as it sails its forward course.

The lighthouse is there. It is the fundamental, bedrock policy that the mightly Post Office Establishment is an agency for service, not profit.

It will be fatal if we follow the profits will-o'-the-wisp. I have heard high representatives picture before our committees a Post Office Department which is sick unto death from a kind of disease which they call lack of money.

Instead of portraying the United States Postal Establishment as it really is, the mightiest public-service enterprise in the world's history, with the greatest volume of mail matter, and the cheapest postage rates on earth, they show us a fantastic balance sheet and say that there is a deficit. Nothing stings them more deeply than a service which does not pay its way.

These Post Office officials recommend changes, based on unsound allotment of costs, apparently in the belief that the "jingling of the dollars will help the hurt the service feels."

Mr. Speaker, a cheese-paring economy is not the keynote of the Post Office Establishment. Its true purpose is to serve the American people. It is the agency of the people, created by them to maintain the certain and secure intercommunication which is essential to national existence and safety.

The founders of this Republic did not doubt this purpose for a moment. They placed Postal Service in the very forefront of the instrumentalities of national freedom and national unity. "Communication of intelligence with frequency and dispatch from one part to another of the continent is essentially requisite to its safety" declared the Continental Congress in its measures to extend the Postal Service during the Revolutionary War.

Even before that, in the colonial days, Benjamin Franklin, standing for a Postal Service which should unify the Colonies into a Nation paid from his own pocket the deficit, which Great Britain, standing for a profit policy, would not tolerate.

But the policy of Britain proved suicidal in the end, and the Franklin policy helped as much as any one thing to establish America as a free and independent Nation.

From that day to this the profit-making policy in the Postal Service has been repudiated by the American Congress. It is strange doctrine, indeed, that now the great organization which has been built for service must be transformed into a money-making enterprise.

When the thirteen Colonies wrought out their freedom from foreign power, they comprised but a fringe on the Atlantic coast. The interior was a dark mystery to the dwellers by the sea. Its pathless wilderness, and its uncharted wastes affrighted almost every American. George Washington, first in war, first in peace, and first in the hearts of his countrymen, was also first in vision for a mighty America. He was one of the very few men of his day who visioned a great united Nation, stretching far to the West. He had power to see it because he could see highways and waterways traversing these regions in the future, making possible communication between all the parts of the country.

After Yorktown, Lafayette invited Washington to become the guest of France and view the splendors of the Old World in the capacity of a successful nation builder. But Washington refused, saying that he felt it was indispensably necessary to make a journey to obtain information of the nearest and best communication between the eastern and western parts of America. Back he went over the Alleghenies, traversing the old trails over which he had marched with General Braddock, exploring the tributaries of the Ohio, which he found stretching out their fingers as though they sought union with the Potomac.

That a united nation must have free and direct communication between all its communities was noted again and again by Washington in his diary. He points out that lack of communication means disunion and danger. In western Pennsylvania he found communities, having a total population of 100,000 and more, their people feeling out of all touch with the National Government and ready to build up a separate nation of their own. He declares specifically that unless these outriders of American civilization can be joined to their fellow citizens in the East through means of communication for the

flow of common ideals they will surely break away from the new Nation.

It was fortunate indeed that the Postal Service had been tried and found effective in the great task of communication and unification. It was the American method of preventing disunion and division, and it was harnessed to the vital task. The constitutional provision that Congress should have power to establish post roads raised the vital question as to whether it meant to take roads or to make them. It was quickly decided for the broader interpretation, and in 1792 a post road from Richmond, Va., to Danville, Ky., was built by the Federal Government. The first macadam highway in America was the Lancaster Turnpike, in Pennsylvania, built in 1792, and used as a post road. The great Cumberland Pike, begun in 1806, was projected in order to furnish mail facilities to the settlers of the West. Always the mails followed the pioneers. Every new method of communication was a postal facility.

The highways had from the beginning been post roads, in most cases built with that sole purpose in view. In 1813 Congress declared all steamship lines to be postal routes, and in 1838 the same declaration was made in regard to all railroad lines in America. The great land grants made to the railroads were because they were post roads. It is well to remember to-day that all highways, waterways, and railways exist in the United States primarily for the Postal Service.

Like magic was the effect of this concerted drive for communication. The mail coaches went everywhere, and everywhere they were symbols of Uncle Sam. The sentiment of separation gave way to single-minded devotion to America; unity took the place of isolation. The effect was felt in political, social, and economic realms. It did not happen by chance that the years around 1817 are known in American history as the era of good feeling. In that year of 1817 steamboat navigation was effected for the first time up and down stream on the Mississippi. In that year the new highway across the Alleghenies was first opened, and it and every road farther West had been built by the United States Government as a post road. In that year the Erie Canal was finally projected as a new means of communication. Over all these routes and roads went the American Postal Service, bringing common ideas and common enlightenment to far-scattered communities. In that thrill of contact came new unity and fraternity in all the relations of life.

In politics there was a complete lack of the bitter partisanship of previous years. In social life there was a new fraternity in Americanism. In commercial life there was new enterprise and new progress and prosperity. The founder of the first iron foundry in Pittsburgh advertised that he was "sufficiently upheld by the hand of the Almighty to supply the demand of iron and castings."

It was the hand of the Almighty, but He was working through the Postal Service of America, which carried that advertisement and brought the orders to the factory and made possible the establishment of such industry.

The United States Postal Commission of 1844 made a careful study of the Post Office Establishment. They defined its purpose as faithfully as was humanly possible. They declared the United States Post Office was created and maintained "to render the citizen worthy by proper knowledge and enlightenment of his important privileges as a sovereign constituent of the Government; to diffuse enlightenment, social improvement, national affinities, elevating our people in the scale of civilization and bringing them together in patriotic affection."

Did these American statesmen argue that it would not be justifiable to render the citizen worthy of his privileges as a sovereign constituent of the Government unless the balance sheet showed a dollar and cut profit?

Did they argue that before we could "elevate our people in the scale of civilization and bring them together in patriotic affection" it was necessary to fix a schedule of charges which would show a profit in the transaction?

To ask such questions is to point out the absurdity of the profit policy in the Postal Service. No material benefit which the Government could conceivably bestow upon American citizens could compare to the accomplishment of these aims of the Postal Service as defined by these Americans of another generation. And in no method could the contributions of the citizens in the form of taxes be better expended.

Mr. Speaker, in carrying out their ideas of a government of the people, for the people, and by the people the founders of America made the Post Office Establishment the agency of communication between the Government and its agents in the field and the public at large.

They believed that there is no greater obligation upon the Government than to keep the people informed as to the conduct of their own Government. Therefore it was provided that the publications and reports of the various departments and branches of Government should be sent through the mails free, in order to assure the widest possible dissemination of the information contained in them. On this account also it was provided that communications of Members of Congress should be sent without postage.

As the population of the United States has increased and the Government has grown in complexity this service has taken on greater proportions. The income tax is administered through the Post Office Department and millions of blanks are sent to the taxpayers free of all postage.

The Veterans' Bureau sends out bonus applications by the million, and in most cases these are returned in penalty envelopes free of charge.

The Agricultural Department mails each year millions of bulletins and other publications for which the Post Office Establishment receives no revenues.

The Bureau of Engraving and Printing charges the Post Office Department $800,000 a year for printing the postage stamps used, but the Postal Service handles the mail matter of the bureau without a cent of revenue received.

The United States Shipping Board sends great quantities of mail matter without paying postage, but when the vessels of the Shipping Board carry mail they receive 100 per cent higher payment than the vessels of other nations.

Every other department and bureau is pouring into the stream of mail matter great quantities of free mail. Not a cent of revenue is derived from it.

Now, I do not complain of the policy involved. I am in favor of it. I believe if there were no Postal Service available it would be absolutely necessary for the Government to establish and maintain a complete system for the distribution of this governmental information alone. As a matter of self-defense, a people's government must see that its sovereign constituents are enlightened and possessed of the facts upon which to base their all-controlling decisions. No sum spent for a standing army can bring such safety as an informed electorate acting upon exact facts.

But I do protest against charging the free service against postal revenues and decreeing that other users of the mail shall pay all the losses involved.

The penalty mail for 1923, if paid for at regular rates, would have brought in $11,880,765 and the franked mail would have produced $357,819; not one dollar of this sum should be charged against postal revenues. This service is given for the Government and to advance the common welfare. They constitute a charge against the General Treasury. That ought to be as convincing as the multiplication table to any reasonable man.

I know that it is said that the free use of public buildings on which the Post Office Department pays no rent makes up for this loss in revenues.

That object was taken up by the Postmaster General in 1919 in his report. He states:

> The total present value of the buildings, sites, and equipment as inventoried chargeable to the Postal Service amounts to $115,266,213.91, and the rental value of the property used by the Postal Service was $6,402,267.44 annually.
>
> It has frequently been stated during recent years that had the department paid rent for the space it occupies in Government-owned buildings there would have been no surplus revenues. This statement is erroneous.
>
> The department could have paid rent for such space at the rates prevailing in the various cities and still have had a surplus of several millions of dollars, notwithstanding the fact that no credit was allowed for the transportation and handling of franked and free matter. If postage at the prescribed rates had been paid on such matter the Postal Service would have received revenue amounting to more than three times as much as the rental for the space utilized in the Government-owned buildings.

In addition to this calculation, it is also true that the Post Office Department is paying every year a greater sum for rent, simply because public buildings have not kept pace with the need. In many cases leases are being made at high rentals and with purchase options. The payments being made are not alone rent, but part of it applies on a purchase contract.

All these payments are figured in the current expenses for which reimbursement is demanded from users of the mail. Of course, this is without justification. It is one of the fantastic features of the cost-ascertainment report.

The profit policy has been repudiated in the administration of the Postal Service. The Government connected a line of posts and furnished conveyances through territories where the

expenditures vastly exceeded the revenues. The sole purpose was to establish the service, no matter what the cost.

In 1865 there were post routes established between Salt Lake City and Folsom and between Atchison and Salt Lake City. The payment for these two routes meant an expense of $750,000 a year. The revenues were $23,934.44. That was a loss of $726,065.56 a year.

There was a route established between Kansas City and Santa Fe at a cost of $35,743. The revenues were $6,536.57, or a loss of $29,206.43.

There was a route established between Lincoln and Portland at a cost of $225,000. The revenues were $24,791.67, or a loss of $200,208.33.

The inevitable loss of millions of dollars at a time when four years of civil war had well-nigh wrecked the financial fabric of the Republic did not prevent the establishment and continuance of these routes.

They were money losers, of course, if you consider only expense and revenue, but they paid immense dividends to America in their unifying force.

Later came the establishment of the Rural Free Delivery, a service to farming and rural communities which has lost money from the day of its establishment.

This service was first established in the fiscal year of 1897, when there was a deficit of $11,411,779, with receipts of only $82,665,000.

Surely, to the postal profit pursuers that was the worst time imaginable to add a service upon which there would be a great loss.

But the Committee on the Post Office and Post Roads waived aside that objection by the declaration that Rural Free Delivery "will elevate the standard of intelligence and promote the welfare of the people."

In the famous cost-ascertainment report of the Post Office Department in 1924 I find no allocation of the value of such magnificent service as the elevation of intelligence and the promotion of the people's welfare. You can not put a dollar and cent estimate upon it, and therefore away with it. The cost ascertainment additions of figures may be accurate. The report may be correct as a machine, but a man must direct the machine, and a just policy must control a cost ascertainment.

But Postmaster General Nary in 1897 seemed to agree with the advisability of taking on the profitless Rural Free Delivery enterprise. He said in his report:

> It has unquestionably proved itself a potent factor in the attainment of what should be one of the chief aims of our Government, the granting of the best possible postal facilities to the farmer and his family.

And Postmaster General Smith in 1901 had the audacity to attempt to justify the Rural Free Delivery on the basis of indirect gains. He said:

> On the average there are 125 families on a route. Under the old systems they traveled from 2 to 4 miles in going to the post office. If the cost in time and other factors be reckoned at 10 cents a day for each family, it is clearly a moderate estimate. That makes an aggregate of $12.50 a day. The Government can deliver the mail at the doors of all for $2 a day. Why shouldn't it do so and save them the larger burden?

There never was a belief or expectation that the Rural Free Delivery would produce postal revenues to even approximate its cost. It was regarded as a social service which brought benefits greatly in excess of the money expended.

In 1909 Postmaster General Hitchcock reported that the cost of the Rural Free Delivery was $35,000,000 and the postage on matter mailed on the routes amounted to $7,250,000. He justified the deficit of $27,750,000 in this one service by saying:

> It brings the farms and rural communities into communication with commercial and educational centers. It encourages the improvement of country roads. By making rural life more attractive, it stimulates agriculture. No doubt it is partly responsible for the increase in farm values.

I have reviewed this history in order to show that Congress in establishing and enlarging the Rural Free Delivery Service intended to render service not to produce revenue. I want to prove also that the Post Office Department agreed with that policy and made no contention that postage rates must be increased in order to cover the loss on this valuable service to dwellers in rural communities.

According to the cost ascertainment report the cost of the Rural Free Delivery for 1923 was $86,802,379.

The amount of revenue from mail matter originating on the routes was $10,395,151. That leaves a deficit of $76,407,228. In order to be more than fair as to the proportion of the revenues on mail matter delivered on these routes, I propose to credit to these twice the amount of the total originating revenues.

That will still leave a net loss of $55,616,926. This service is expended on a matter of public policy; it has no just relation with postal revenues and it should not be counted as a postal deficit.

It is manifestly unjust to charge the entire $86,000,000 expended for Rural Free Delivery Service against users of the mails. They should not be compelled to pay the entire cost of this public service any more than the farmers should be obliged to pay all the cost of the Department of Agriculture or the commercial interests bear as a separate charge the cost of the Department of Commerce.

No, this service was begun when there was a large deficit. Its cost was assumed in exactly the same respect that the Government assumes the cost of reclamation, highways, and other splendid services to the people. Its excess cost now should be borne by the Government entirely outside postal revenues.

The cost ascertainment, however, takes no account of the social service of this great agency of communication, which now takes 15 per cent of all the money expended for postal service.

Besides the public-service function of the rural free delivery there must be considered the free-in-county service given the small newspapers of the country.

This is a policy deliberately established and maintained by Congress. It gives circulation through the mails without charge to those local newspapers which are regarded as especially valuable to the home neighborhoods.

This service entails an expense to the department of $7,611,759. It is to be regarded as simply a contribution made to the general welfare through the Post Office Department. It can not justly be charged to other users of the mails. A proper ascertainment of cost would eliminate it entirely, since the expense of such a public-service enterprise is a charge against the General Treasury and not the revenues of the Post Office Department.

Again, Congress has adopted the policy of granting special advantages to the blind in the country by permitting the transmission of books for the blind through the mails free of postage. This amounts to the sum of $27,315 a year. Of course, this is not a service to the general users of the mails, and the expense involved should not be charged against them.

There is another item of expense which belongs in the category of public service rather than Postal Service. That is the policy of granting excess compensation to American-owned ships for the carriage of foreign mail. The payment to ships of American registry is made at the rate of 80 cents a pound for letters and post cards and 8 cents a pound for other classes of mail, including parcel post. Steamships of foreign register carry this foreign mail at the rate of 35 cents a pound for letters and post cards and 4¾ cents a pound for other mail.

This policy is that of a ship subsidy. It is justified on the ground that encouragement of an American merchant marine is patriotic policy. However, it is indefensible, judge solely from a postal-revenue basis, for it means a payment of 100 per cent more than need be paid for the service.

There is a stated loss of $17,591,003 in foreign mail. This loss should not be charged to American users of the mails. It should be regarded as a general welfare expenditure, entirely unrelated to postal revenues.

Congress has adopted another special classification on newspaper and magazine rates which reveals a deliberate intention to carry certain kinds of mail at a loss.

This is the rate given religious, scientific, agricultural, and other publications issued by organizations not conducted for profit. They have been paying 1¼ cents a pound flat rate. There is an annual loss of $17,643,000 on this class alone. This deficit should not be charged to second-class or any other class of mail matter. It is simply and solely a policy adopted in the belief that the Government should foster and encourage these publications for the common good.

There are other items of this kind in the postal budget. The inspection service is largely a law-enforcement activity, engaged in similar work as the Department of Justice. The users of the mails should no more defray all this cost than they should pay the costs of the Department of Justice.

If we sum up the losses involved in rural free delivery, penalty and franked matter, free publications for the blind, free-in-county privilege for newspapers, and foreign mails alone we find a total amount of $93,058,587. Every one of these activities would necessarily be eliminated if the profit policy is to be the dominating motive in our Postal Service.

They will not be eliminated. They are of great value in promoting the welfare of Americans. Then there is but one just solution—the recognition that the Post Office Department is conducted for service, not profit, and the transfer of these items of expense from postal revenues to the General Treasury. At the very least we should establish a bookkeeping system to show that when users of the mails pay any part of this sum they are paying not only for what they get but for something they do not get.

But however important, Mr. Speaker, these considerations are in the framing of permanent postal rates, they could be given no more consideration by the Postal Committees of the House and Senate than to forbid acceptance of the bill drafted by the Post Office Department and containing rates designed to put permanently all the costs of all these public services upon the users of the mails.

Mr. Speaker, there are many questions which will come up before the commission constituted to study postage rates and report recommendations as to policies.

For instance, the method of paying transportation charges to railroads must be again reviewed in the light of parcel-post changes. Postage rates are based on the pound but we pay the railroads by the space basis. That results in a very heavy expense for light, bulky parcels sent by parcel post. It may be seen in the 100 per cent increase in the annual charges made by the railroads since 1916.

How does it work out? Let a railway mail clerk in actual service answer. Here it is, as given in a letter I recently received.

On my last trip, I left Montgomery, Ala., with a 30-foot car jam full of mail. It was uncomfortably full, of course, but I could have made out fairly well until I reached the first big local station, when I would have got rid of enough to ease up things a little. That would have been the case, had I had only ordinary mail, but unfortunately I had, besides this carload of legitimate mail, about a dozen boxes of hats from St. Louis.

The dozen boxes of hats actually took up more space than a hundred ordinary sacks of mail, and yet the postage on the whole dozen—if mailed at Montgomery—would have been less than $1.

There was no possible way to make room for these hats in the mail car, and, as a consequence, I had to buy space in the baggage car. Such occurrences as this are constantly happening, and there ought to be some way to make such stuff as this pay its own way. As a matter of fact, the size of a package should be more of a determining factor as to the postage it should pay than the weight, so long as we are going to continue to pay the railroads for space, and not weight. If that is not practicable, there should, at least be a minimum charge for any package of more than stated dimensions.

Mr. Speaker, second-class mail rates will present many opportunities for decisions as to policy.

As an instance, let me cite the present situation as regards the one and one-fourth preferential religious and other publications. One of these publications in Washington will send its papers to San Francisco, where it is delivered by city carriers. But on the papers sent to its subscribers in Washington it must pay the special rate of 2 cents a copy.

In his minority report on this bill Mr. RAMSEYER, of Iowa, urges that the postage rates on the advertising portions of newspapers and magazines be left to the Postmaster General and the Interstate Commerce Commission.

In the first place, Congress has already conferred this power as to fourth-class mail without the results expected. Instead, the Postmaster General asked Congress to fix these rates and submitted the provisions he desired enacted.

It is the duly enacted policy of Congress that parcel post is a merchandising service which should pay all costs of operation. In accordance with that policy Congress authorized the Postmaster General and the Interstate Commerce Commission to establish rates necessary to carry that purpose into effect. If it has not been accomplished as to this class of mail matter it certainly would not be as to the rates on periodicals.

But even if rates could be so fixed it would be an abdication of the duty of Congress. There is a vast difference between information, and news, and groceries. Congress has recognized that from the beginning, and without doubt will continue to do so in the future.

It is a specious argument that such authority will only apply to advertising portions. The fact is that the publications exist only because of the advertising. It is a fallacy to think that they can be separated.

The average publisher pays more for the white paper than he receives in subscriptions. He could not supply the news, editorial articles, pictures, and other informational and educational features without the advertising revenue. A single great press association spends $5,000,000 a year to gather news of the world for its members.

It costs the newspapers of this country at least $10,000,000 a year to cover the national news in Washington. Without this expenditure it would be impossible under present conditions to inform the American public as to the conduct of their own Government.

The great trade papers and reviews dealing with certain phases of industry, art, literature, and so forth, would be impossible to produce were it not for the advertising columns. The advertiser makes possible the circulation of the medium of information which help to stabilize conditions and perpetuate American institutions.

It is foolish to argue that advertisements have no educational value. The Hughes Commission, in its report of 1912, states that "The amount of space given to advertising is no criterion of the educational value of a magazine." The advertisements carry to the public the news of every advance in industrial achievement. They chronicle every step in the upward climb of mankind to secure new comforts and conveniences. They light the fires of ambition in the minds and hearts of countless Americans and widen the horizon of every reader in the land. They have helped the manufacturer to appeal direct to the consumer, resulting in standardized production, which has made America the foremost commercial Nation.

Now, Mr. Speaker, the time has come to vote on this measure for justice. The salary schedules have been universally approved as reasonable and well-deserved increases. The attempt to force honest workers to continue to give their services at present rates of pay is robbery, just as much as though we forcibly took money from their pockets.

In order to enact the postal salary measure we were compelled to frame postage-rate increases. We have bowed to necessity and the rate schedules we propose are the very best that can be written within the time allotted, and I defy any group of men in Congress or in the department to submit a better-balanced section dealing with postage changes in all classes of mail matter and postal services. Granting the need of increased revenues, this bill meets the need and does it in fair and square fashion. It will raise more than $61,000,000 increased postal revenues, and will do it with the least possible dislocation of business and injustice.

Mr. Speaker, one of America's greatest statesmen once declared in Congress, "There is no evil we can not face or fly from, but the consciousness of duty disregarded." Though there should be some opposition from those who will be obliged to pay a slight increase in postage, I am confident that every justice-loving representative here will do what he knows to be right, regardless of such resistance. It is not our business to act on interested assertions as to what will happen in the dim and distant future. Our business is to do what lies clearly at hand to be done here and now.

Let us on this vote recall the utterance of that greatest American, whose aniversary we shall celebrate day after tomorrow.

Human rights and property rights are generally the same. When there is conflict, I am for the man above the dollar.

The duty at hand, without any distortion of issues whatever, is to pass this bill which grants a living wage to postal workers of the United States. Let us do our duty!

Mr. GARRETT of Tennessee. Mr. Speaker, on behalf of the gentleman from North Carolina [Mr. POU] I yield five minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, I very much hope that the membership of this House will vote down the previous question and let this rule be amended so that the postal bill can receive the fair and untrammeled consideration of this House. [Applause.] As has been well said, if the previous question prevails, and the rule be adopted in its present form, this House is denied a full and fair consideration of the bill. This House can neither change nor modify nor amend the bill. This House can not dot an "i" nor cross a "t" in the bill, and every Member of this House is deprived of his right as the representative of his people to fully and freely consider the bill and to offer and seek such changes as he may deem wise and just and expedient. Vote down the previous question and this House not only can, but will give this bill free and untrammeled consideration, and every Member of this House will be secure in his right to offer any changes that he may deem fit. By voting down the previous question we do not endanger, we do not delay the immediate consideration of the bill. If we vote down the previous question an

amendment or a substitute to the rule can and will be offered, and the bill will come up at once for debate, and for amendment. The men directly interested in this bill, the postal employees themselves, are not asking that we consider this bill in any such gag fashion as the rule in its present form provides. They are not asking the Members of this House to vote away their rights, to surrender their prerogatives as the Representatives of their people. I am sure that the postal employees, as did two of their representatives in my office on yesterday, agree with me that a bill that can not bear the scrutiny of this House, that can not withstand the searching consideration of this House, should not be placed upon the statute books of this Government.

The issue is clear, the question is simple. It is only for us to decide whether or not the Members of this House by their votes are going to surrender their rights as the Representatives of their people; whether or not 435 Members of this House, instead of writing this bill as they should, are going to abdicate their powers, and let a committee, of which 11 Members constitute a majority, and whose membership represents only 14 of the 48 States of the Union, write the bill for them, and for their people. I care not how honest, how capable, how intelligent that committee may be; so far as I am concerned I refuse to surrender my rights, I refuse to abdicate the powers which I hold in solemn trust for my people. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker [applause], Mr. Speaker, I shall occupy the remainder of my time, which I believe is seven minutes.

The SPEAKER. Seven and one-half minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Ohio [Mr. BURTON] in advocating the adoption of this rule took occasion to utter some very good philosophy, I think, when he pointed out the necessity of the body trying to make some sort of an arrangement where certain classes of relatively immaterial or private business might be disposed of in short order and without the long progress of general legislative rules. I agree with the gentleman from Ohio in that, but I have not yet reached that point where I can regard a bill proposing to place a tax upon a special class of people of this country amounting to $61,000,000 can be regarded as a minor proposition. [Applause.] Now, what is the situation before us? Gentlemen, understand it perfectly. Of course, the postal employees throughout the country are not expert parliamentarians. The farmers who pay this parcel-post tax are not interested in parliamentary law, and a great many of the publishers do not know anything about parliamentary practice, perchance. The employees will be satisfied reasonably well if they get the increase. The other gentlemen, without knowing the parliamentary method by which it is reached, are liable to be dissatisfied if a tax is placed upon them, but we Members know the parliamentary situation. Of course, this special rule; that is, this rule to make this a special suspension day, is wholly for the purpose of the postal bill. The other bills mentioned by the gentleman from Ohio [Mr. LONGWORTH] this morning I dare say had they been the only propositions involved, this rule would never had been brought in to consider them, when there is at least one more Monday and the last six days of the session set aside for suspension. It is useless to tell me it is brought in for these other bills. It is brought in for this postal bill, and it is brought in for the purpose of placing the membership of this House in the situation where they do not have an opportunity of correcting by amendment the inequalities of the revenue part of this bill. [Applause.] It places gentlemen in a position where whichever way they vote they must vote for some injustice. It is the most peculiar situation with which I have ever been confronted. Usually there is a just and an unjust side. Here by the measure you have got to vote to do some injustice no matter which way you vote, and these gentlemen say we shall not be permitted to amend it. The gentleman from Pennsylvania [Mr. KELLY] is the only living man I have heard who is satisfied with the features of this bill, and if he is satisfied with it he ought to be in favor of striking out the last section in it and amend it to that extent because that is the one providing for a commission to study the mistakes as to rates which we are going to make here to-day. [Applause.] Now, Mr. Speaker, if the previous question on this rule is voted down there is no doubt but what there will be a rule brought in here for the consideration of this bill. By voting down this previous question we can give to ourselves the opportunity to maintain the rights of this House, the right of amendment, and try to reach here a condition which, while doing justice to one class of our people, will not be doing an injustice to another great class of our people, almost the whole people. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I have but little to add to the opening statement of the gentleman from New York [Mr. SNELL]. There is only one issue which we are called upon to determine and that is whether we shall consider to-day this postal salary increase bill and two bills recommended by the agricultural commission and a bill for the deportation of alien criminals. If we can not consider them to-day, if you insist on preventing the passing of this rule, you will simply have postponed until Monday the passage of this very necessary legislation. If it is passed over until Monday we propose to do precisely this very thing. The responsibility is ours, we are not afraid to use it. [Applause.] Many bills fully as important as this have been passed under suspension of the rules when conditions made it necessary. Everybody here knows that the legislative congestion is getting very serious, that there will be few days, indeed, where it will be possible to consider bills other than appropriation bills and conference reports.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. GARRETT of Tennessee. May I ask the gentleman whether in his long experience as a Member of the House he has ever seen a short session of Congress which was as completely up with its work as the present session?

Mr. LONGWORTH. I think that is true, and I am proud to have it so. But nevertheless the gentleman must realize, if he has given attention to the legislative calendar, that there will not be more than four or five days at the most when we can act upon legislation of general interest.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BANKHEAD. In the event of one more than a one-third vote against this bill, what assurance will the gentleman give to the postal employees or others interested that they will get consideration hereafter on the merits of the bill?

Mr. LONGWORTH. The gentleman misapprehends the whole situation. If he is interested in getting larger pay for the postal employees, not only by passing such a bill in this House, but passing a bill which will eventually become a law, a vote against this rule has precisely the same effect as a vote against the bill [applause], and there is no use in quibbling or shedding crocodile tears over this proposition. If you want to pass this bill, if you want to pass the two agricultural bills, reported unanimously, one from the Committee on Agriculture and another from the Committee on Banking and Currency, and if you want to pass the alien criminal deportation bill, you will vote against the contention of the gentleman from North Carolina [Mr. POU], you will vote up the previous question, and you will vote for the rule. [Applause.]

Mr. SNELL. Mr. Speaker, I do not want to take up any more of the time of the House, but I want to call particular attention to one statement that has been made here. Some gentlemen have said that if we vote down the previous question we can amend the rule and consider this legislation under an amended rule. You can not amend this rule by voting down the previous question. The only question under this rule is whether we will have a suspension day or not have a suspension day. As to a regular rule to authorize the consideration of a special piece of legislation we could amend the rule as we saw fit, but under the present circumstances that we have here the only question is whether you shall have suspension day or not, and if you vote down suspension day you will not consider this legislation at the present time.

Mr. Speaker, I demand the previous question on the rule.

Mr. LARSEN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SNELL. No; I do not care to proceed further. That is all I have to say, and the question is squarely before you, and I trust you will support the resolution.

The SPEAKER. The gentleman from New York demands the previous question on the rule.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. POU. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from North Carolina demands a division.

The House divided; and there were—ayes 236, noes 105.

So the previous question was ordered.

Mr. SNELL. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The gentleman from New York moves the adoption of the resolution. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. POU. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 245, noes 97.

Mr. MILLER of Illinois. Mr. Speaker, I desire to ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Not a sufficient number have risen, and the yeas and nays are refused.

So the resolution was agreed to.

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days——

Mr. BLANTON. Three legislative days——

Mr. MOORE of Ohio. Five legislative days in which to extend their remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Speaker, in presenting to the House the bill (H. R. 11444) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, the Committee on the Post Office and Post Roads undertakes to carry out to a conclusion a labor closely connected with the fact finding cost ascertainment recently submitted to the Congress by the Postmaster General.

I take advantage of the consideration in the House of this measure to present some historical data concerning postal cost ascertainments and postal rates affected thereby, and to particularly direct attention to the thorough and capable manner in which the Post Office Department, under the direction of Hon. Joseph Stewart, has carried out the mandate of Congress in ascertaining the cost of carrying and handling the various classes of mail matter.

Both ascertainments of cost that stand out conspicuously in postal history, namely, the one completed in 1908 and the one completed in 1924, were conducted under the direction of Hon. Joseph Stewart, undoubtedly the most capable man in the service for the conduct of this highly important work. During the administrations of Presidents Roosevelt and Taft, Mr. Stewart was Second Assistant Postmaster General. With the advent of President Wilson, it was deemed essential to retain the services of Mr. Stewart, and he was designated as Assistant to the Attorney General for the Post Office Department, and also as Special Assistant to the Postmaster General. He was retained in these rôles in the Postal Service by both President Harding and President Coolidge, who utilized to advantage his abilities and invaluable experience in the service of the Government.

Prior to the year 1908 the Post Office Department was without reliable information with respect to cost of carrying and handling the different classes of mail matter. Questions of the adequacy and the desirability of revising certain postage rates had been under consideration by a joint congressional commission—the Penrose-Overstreet Commission. In pursuance of the investigation, Congress authorized the department to make a special weighing of second-class mail by certain subclasses in 1906. Upon the completion of this work the department informed the commission that the data was insufficient for a cost ascertainment because it related to but one class of matter. Consequently, Congress authorized a general weighing of the mails, which was conducted by the Post Office Department. The work was completed in 1907, furnishing a very elaborate body of statistics.

Although the commission went out of existence, the department continued the inquiry and in 1908 completed the cost ascertainment, the first one ever made by the department, and probably the most complete one ever made by any postal administration. This ascertainment showed a profit on some classes of mails and a loss on others. The results were communicated to Congress with a recommendation for legislation respecting the postage rates on second-class matter. Criticism and opposition to the report and recommendations led Congress to provide for a special commission, to be appointed by the President of the United States, to examine the report. President Taft, now Chief Justice of the United States Supreme Court, appointed a commission consisting of Hon. Charles E. Hughes, then Associate Justice of the United States Supreme Court, now Secretary of State; Prof. A. Lawrence Lowell, of Harvard University; and Hon. Harry Wheeler, president of the Chicago Chamber of Commerce, now a member of the senior council of the Chamber of Commerce of the United States. The commission rendered a report, dated February 2, 1912, giving complete analyses based upon the department's figures as to revenue and expense. The findings of the department in making allocations and apportionments of revenues were approved. The division of expenditures between the different classes of mail matter and the special services was approved with slight modifications with respect to total expenditures.

The effect of the conclusions of the Hughes Commission was to verify the findings of the Post Office Department with respect to the apportionment of costs of all services except the post-office service. For that service the department had not had the opportunity of gathering sufficiently extensive data, as Congress had only authorized a weighing of the mails, and although the department undertook to gather additional data during the progress of the hearings before the Hughes Commission, owing to lack of time and the want of proper instruction in the post offices, the information secured was not sufficiently reliable to enable the commisison to make a finding upon that feature of the service.

However, the results of the department's findings in 1908 and the Hughes Commission report in 1911 became the basis for all future estimates of the cost of carrying and handling of the mails. While such statistics necessarily lose their value in the course of time, as the conditions of the service, the expenditures for the respective functions or activities, and the growth of the service and development of new features of service imposed upon its body, change the ratios of cost and expenditures; yet it was possible with a degree of exactness to make extensions of the conclusions and the available information from time to time as the inquiries by Congress were made of the Post Office Department. The original and the revised estimates formed the basis for all discussions with reference to revisions of postage rates. During this period, however, no action was taken by Congress toward raising postage rates until 1917, after the United States had become involved in the World War. By the war revenue act of October 3, 1917, the rates of postage on letters was increased to 3 cents, and on postal cards and private mailing cards to 2 cents. At the same time there was a revision of the rates on second-class matter, providing zone rates on advertising portions of publications in a series of increases reaching the maximum in four years (July 1, 1921), and a slight increase on the reading portions thereof without regard to distance carried.

During the years 1920 and 1921 various proposals were made for decreasing the rates of postage on second-class matter, and in the meantime the question arose as to whether parcel post was conducted at a profit or a loss. Theretofore it had been generally supposed that it was conducted at a profit, but because of the great changes in limit of weights and size and other conditions of mailability authorized by the Postmaster General with the approval of the Interstate Commerce Commission, as provided by law, doubts arose as to whether or not there was any profit, or even that the service was being rendered at cost. In 1921 the House Committee on the Post Office and Post Roads frequently discussed the situation and decided that a new ascertainment should be made. The matter was discussed with the Postmaster General, and it was pointed out by the department that it was impossible to do this with reference to one class of matter without statistics and certain information not then available with reference to each class of mail and special service.

The principal reason why all previous estimates had become unreliable was that not only had the conditions of service changed but a new service, in so far as its volume and some of its characteristics were concerned—namely, the parcel post—had been inaugurated on January 1, 1913.

By agreement of the committees in Congress the Joint Commission on Postal Service undertook the ascertainment, with the understanding that the department would through its various agencies perform the necessary counting and weighing and complete the ascertainment for report to the commission.

Under the continued direction of Hon. Joseph Stewart the department formulated a comprehensive plan and prepared appropriate forms and instructions for taking statistics during the 30-day period, September 18 to October 17, 1922.

In cooperation with expert accountants assigned by the joint commission and Dr. M. O. Lorenz, chief statistician of the Interstate Commerce Commission, and postal experts detailed from all fields of postal activity, both departmental and field services, the work proceeded. The adequacy and practi-

cability of the plans were carefully checked, revised, and completed through actual tests of their operation by experts in representative offices. As above stated, the statistical period of September 18 to October 17, 1922, was first selected, but on account of postal and business conditions throughout the country, and also on account of lack of appropriations the work was suspended and the facts reported to Congress. Thereupon an appropriation of $500,000 was made available by the act approved February 14, 1923, for the purpose of completing the work of determining the cost of handling the different classes of mail matter. In pursuance of that direction the work was resumed. The period from September 21 to October 20, 1923, was then selected, during which the statistics were to be reported. The ascertainment was completed in the department and a report finally submitted to Congress in December, 1924. The report has been printed as Senate Document No. 162, Sixty-eighth Congress, second session. It is a detailed statement of the scope of the work performed in ascertaining the cost and the revenues from each class of mail matter and special services, and the manner in which the ascertainment was made in every particular. It includes a large number of tables, as well as extensive text, and contains facts and conclusions of great value to the department and Congress. The final results, so far as the classes of mail are concerned, and the special services, without going into details of subclasses, are set forth in the report (Table 80), on page 109, as follows:

Statement showing recapitulation of allocations and apportionments of revenues and expenditures for the fiscal year 1923, shown in Table A, according to the classes of mail matter and special services, and the losses or gain on each

Classes of mail matter and special services	Revenues	Expenditures	Loss	Gain
Paid first class	$271,894,051.49	$191,476,335.17		$80,417,716.32
Second class	31,214,425.47	105,927,294.14	$74,712,868.67	
Third class	43,844,940.77	60,136,516.25	16,291,575.48	
Fourth class	120,649,662.42	127,566,416.25	6,916,753.82	
Franked matter		357,819.45	357,819.45	
Penalty matter		6,214,131.44	5,214,141.44	
Free for blind		27,315.29	27,315.29	
Foreign	12,871,746.39	17,591,003.59	4,603,838.17	
Receipts foreign mail transit	115,419.03			
Money order	11,601,425.82	21,141,936.99	9,540,511.17	
Registry	8,005,579.20	18,379,593.01	10,374,013.81	
Postal savings	5,409,504.00	708,092.95		4,701,411.05
Special delivery	8,175,648.33	8,297,645.67	121,997.34	
Insurance	7,185,771.14	8,331,730.60	1,145,959.46	
C. O. D.	4,079,143.35	5,904,580.74	1,825,437.39	
Treasury savings		221,809.28	221,809.28	
Total	525,047,317.41	572,282,220.81	132,354,030.77	85,119,127.37
Loss, excluding unassignable and unrelated items			47,234,903.40	
Less unassignable revenues	7,773,776.74		7,773,776.74	
Net loss, excluding unrelated			39,461,126.66	
Unrelated	1,592,077.63	1,936,653.15	344,575.52	
Grand total	534,413,171.78	574,218,873.96	39,805,702.18	

When the Joint Commission on Postal Service undertook the work in conjunction with the Post Office Department it had in its employ the firm of W. B. Richards & Co., industrial engineers and accountants, of New York, and assigned a representative of that company to the department for assistance and counsel in the conduct of the cost ascertainment. After the joint commission was discontinued on June 30, 1924, the same engineer and accountant theretofore employed was continued by the Post Office Department, he being then associated with the firm of W. B. Dickenson & Co. A report of this firm is included in and made a part of the printed report submitted by the Postmaster General to Congress (see pp. 193 to 196, inclusive, Senate Doc. No. 162, 68th Cong., 2d sess). In substance and specifically it states that the principles adopted by the department and involved in the ascertainment are sound; that the work was done carefully and conscientiously; and that the results achieved are creditable. Not only was that plan and work approved by this firm, but another independent survey was made by the firm of Ernst & Ernst, of Cleveland, Ohio, who conducted an exhaustive examination and unqualifiedly approved the results. Their report is included in the report above referred to (pp. 197 to 201, inclusive), briefly stated as follows:

It is our opinion that the data obtained for the purpose can be considered adequate and that it has been used in accordance with the best established practices observed in obtaining similar results in commercial enterprises. The report of the cost committee reflects a fair and reasonably accurate approximation of the relative revenues and expenditures applicable to the several classes of mail and special services.

I am well convinced that the postal cost ascertainment, submitted to the Congress on December 3, 1924, is destined to become one of the most useful of public documents. It is a monumental piece of work. It has not been challenged by any competent authority. It is so replete with statistics and well-founded conclusions that it will be a reference par excellence for years to come in postal matters.

Although destined to become an authority so far as facts are concerned, it does not pretend to lay down congressional or legislative policies. As Mr. Stewart himself has stated, there is a clear line of distinction between a true cost ascertainment and the policy to be followed by Congress in fixing postage rates. A reliable cost ascertainment can be arrived at in only one way. But in fixing rates Congress can properly give consideration to many reasons other than the whole cost. The facts of the costs should be known, but they need not be conclusive in rate fixing, and to this I invite the attention of some of the critics of the last cost ascertainment.

Mr. McSWAIN. Mr. Speaker, I avail myself of this opportunity to record my protest against the rule brought in by the Rules Committee to suspend the rules of the House to-day to enable the steering committee to bring up the postal employees' pay bill and certain other bills under a suspension of the rules. We know, but it is necessary to explain to the country just what this means. When the rules are suspended the bill, as reported by the committee, is jammed through the House without the proper discussion and without the privilege being allowed to Members to offer amendments. This manner of legislation is highly reprehensible and is dangerous to the continuance of public confidence in parliamentary government. Under such circumstances the bill represents only the views of a majority of a committee of 21, and thus it is possible for 11 members of a committee, with the backing of the Republican steering committee, to cram down the throats of 435 Members of the House of Representatives any piece of legislation.

Mr. Speaker, let us go back for a moment to see the history of this legislation, so as to understand the situation in which we, as individual Members, are placed. For years we have been seeking relief for the hard-working and underpaid employees of the Post Office Department. Many of us made definite pledges four and five years ago. The administration has played football with the demands of the postal employees all these years. Chambers of commerce, business organizations, great commercial houses, and many other groups of citizens have been urging this relief legislation for several years. About a year ago Congress passed the bill and sent it to the President, and at the very end of the last session of Congress the President returned the bill with his veto, and with a message saying that while he thought these public servants were entitled to the relief proposed by the bill, yet he was so anxious to relieve the taxpayers from any additional burden that he would insist that the rates of postal service be increased sufficient to take care of the increase in salaries. As that bill had originated in the Senate, it was returned to the Senate, and the Senate kept the matter on its desk for weeks and weeks; and then finally, having brought the matter to a vote, the President's veto was sustained. Then the Senate brought forward another bill, with increases estimated to aggregate about $31,000,000 a year. After the Senate had passed the bill it came to the House, and the Ways and Means Committee—dominated, as all committees now are, by clear majorities of Republicans—recommended that the House return the bill to the Senate, on the ground that the same was an infringement upon the constitutional prerogatives of the House. I opposed that motion, but it prevailed. In the discussion upon that motion it was clearly intimated that the only bill that the President would approve must carry an increase of revenue of at least $60,000,000. That statement was distinctly repeated to-day by Republican leaders who are manifestly authorized to speak for the President. In this situation it would seem that it is either accept the House bill or postpone the just and proper relief for the postal employees.

However, when the proposition was made to-day to suspend the rules and to pass the bill without the privilege of discussion, section by section and amendment, I felt it to be my duty to oppose the rule. Such methods partake of star-chamber proceedings. They manifest the despotism of a majority delirious with power. When the presidential edict comes down that the Republican majority must force a parliamentary situation that makes it necessary for a representative of the American people to accept in whole, or reject in whole, a com-

plicated piece of legislation in which he has had no part in framing, then, Mr. Speaker, we find a concrete demonstration of how the voice of the minority is suppressed. I know that such methods are heartily approved by the blind worshipers of party government. But the Constitution says nothing about party government, and the interests of the country as a whole, and especially the preservation of free parliamentary debate, ought to be the highest concern of any party. We have talked much about the sanctity of the Supreme Court and the solemn duty to preserve its powers inviolate. We contemplate with ecstasy the marvelous system of checks and balances intended to preserve life, liberty, and the pursuit of happiness, wrought out by the fathers in the Federal Constitution. But, in the final analysis the highest concern of any people is the preservation of all the privileges and powers of its legislative body. To set up party loyalty above our constitutional obligations is a vital blow to popular government. Therefore, Mr. Speaker, that political party will best show its patriotism and best serve our common country which writes a platform and puts through a program to reform the rules of the House and to make it impossible for any majority, either two-thirds or three-fourths, to suspend the rules, shut off debate, prevent the introduction of amendment, and pass a bill without dotting an "i" or crossing a "t." Majorities should not be permitted to deny to minorities the right of discussion. The tyranny of a majority, when functioning through a tight and steel-bound party machine, can be as tyrannous and despotic as any hereditary aristocracy or irresponsible monarch.

Mr. ROSENBLOOM. Mr. Speaker and gentlemen of the House, there has been so much discussion of this bill to provide increases in the pay of postal employees that little can be said without causing repetition. Statistics and figures almost beyond comprehension have been presented in support of and in opposition to this legislation.

For your consideration I would like to present some fundamental observations which I believe should be considered in connection with this legislation. The only figures I propose to use is the total number of the postal employees who will be affected—350,000, not inclusive of their dependents. These people will benefit by the enactment of this legislation—not, of course, to the extent of new limousines, summer bungalows, or trips to Florida in the winter, but sufficient to somewhat lighten the burden of providing the necessities of life for themselves and their dependents.

When the earth shall no longer be inhabited, and the historian from another planet undertakes the task of recording the history of mankind, he will doubtless divide the time of man's existence into two periods—first, the period of ignorance, or fear; second, of knowledge, or courage.

I am of the opinion that mankind is still in the first period; that all of man's hopes, activities, and advancements have been achieved under the guiding influence of fear—fear in the unknown, the hereafter; fear of his ability to continually provide the necessities of life for himself and his dependents; fear of an invasion of the country which he calls his own, or of being deprived of such property as he has accumulated; fear as to the to-morrow and his ignorance of what his requirements might be.

When man first realized his superiority over the animal kingdom and that he was possessed of an intellect his thoughts naturally turned to the supernatural, and religion came into his life. I regard this as the first era in the present period of fear. There was a time when the uppermost thought was with regard to the supernatural, or the unknown, during what might be termed a religious period, and those who became leaders in the religious movement and activity were able to have themselves supported and their necessities provided for by others with whom they came in contact who did not profess to be leaders in knowledge as to the unknown. The group who were the recognized leaders, because of their proclaimed extended vision into the unknown, collected to themselves other groups who did not profess nor aspire to the quality of leadership, and it was from the group that they had assimilated that they established themselves to the extent that forever after they would be sustained and their necessities provided for as a result of the occupation in productive enterprise of their followers, who were daily producing the things necessary for man's sustenance.

This era was followed by a military era, when the soldier and the sailor became the symbol of security to thwart impending danger and invasion. The military of the State provided the security to negative the fear of the masses, who neither followed the vocation of religion or the militia and who were leaders in neither. Consequently in its turn the military established itself in such manner that it would be forever sustained and its necessities provided for as a result of the occupation in productive enterprise of their followers, who were daily producing the things necessary for man's sustenance.

Following this era we come to the present, and this may be appropriately characterized as the era of business. While it is true that the producer who supported the other movements is himself enlisted in the army of business in his customary capacity as a producer, yet only a small number of this vast army engaged in production reach the pinnacle of leadership, and it is manifestly patent that the leaders of the business movement are endeavoring to establish themselves in such manner that business will be forever sustained and its necessities provided for as a result of the occupation in productive enterprise of the vast army of labor, who are daily producing the things necessary for man's sustenance.

The whole economic structure has been and is predicated upon the continued performance of service by the vast army of the workers and upon their continued ability and apparent willingness to surrender such portion of their production as is necessary for the maintenance of the several phases of human activity and endeavor.

In full realization of the common practice that exists to-day of labeling a thought or theory by a distasteful name, rather than endeavoring to meet it with a countertheory calculated to disprove the soundness of the first, I have chosen to present these observations even at the expense of being charged with socialistic vision. Regardless of such designation, I shall continue to maintain that the man who is willing to do his share of the common task should not fail to receive a sufficient reward from society to provide for himself and his dependents the necessities of life, not only during the period of his actual labor, but as well when for any reason he is unable to market his labor. This is the foundation of my views in connection with taxation, ownership of property, and political activity.

Should the laborer be less provided for than the activity he supports? Should he be less fortunate in the security for himself than in the security his industry provides for others? Should he guarantee for the ministry, the military, or his immediate employer an old age free from the thought of destitution, and himself be confronted with the perpetual fear of destitution from physical incapacity, a bad market for his labor, or old age?

We have a system that provides for the maintenance of those who have given their lives to the ministry, so that they, in their old age, will not be destitute; we have a system that provides for the maintenance of those who have given their lives to the military of our country, so that they will know an old age free from want and the urge of necessity; our system in connection with business is such that the leaders will know no poverty in their old age. It is only with regard to him who devotes his life in the creation of a surplus production, and who insures the continued comfort of the others, who does not have this assurance. He is left entirely unprotected, and when he undertakes to sell that service which alone is his capital, in his old age he is refused, because of younger and stronger competitors.

The main objection to this bill to provide increases in the compensation of postal employees is because of the consequential effect on taxation. Taxation to-day is considered only in terms of money. There was a time when money was unknown, yet taxation existed, and was collected in the form of the actual product of a man's labor. An old adage affirms "Nothing in life is certain but taxes and death." Death has always existed, but taxes have not. It was not until man had been able to produce a surplus to provide sustenance for a class of citizens who were not themselves producers that taxes, as we know them, became necessary. Taxes are referred to in terms of money, but money really means an accumulation of surplus production in negotiable form.

In the beginning, with no tools and little knowledge, man was confronted with the necessity of garnering from the sources of production, earth and nature, sufficient provisions for his existence. As knowledge increased, tools were fashioned and after a time a man could produce more than he could consume. With the age of invention and industry, man's productive capacity magnified, while his consumptive capacity did not grow in increasing proportion. This resulted in surplus, and that surplus was often represented by a circulating medium of universal acceptability—money. Until a surplus of labor was produced there could be no money, as there was nothing that it could represent, nothing to give it value. And as the individual surplus produced increases, so the value of the dollar decreases.

But, the sources for the creation of money, production or wealth, whatever term might be used, remained the same—the

earth and nature. It is scarcely contended that any earthly power controls nature, yet the State controls the earth to its territorial extremities. Therefore this surplus having been derived from the property of the State, remains the property of the State, and not of the individual. There is no absolute ownership of money or property—it all belongs to the State. True, the State recognizes and agrees that according to a man's ability to properly manage or correspondent to his capacity for production, will he be intrusted on behalf of the State with the custody of the surplus that comes to him. In addition to the custody he is permitted the enjoyment which is the result of his ability to acquire, hold, and control. At any time the State by legislation can take for its use any part that it deems necessary. The State could abrogate the law of descent entirely.

In our country this surplus is expressed in dollars. It is a self-evident fact, however, that the man who has a surplus, only of money, can not increase it of itself. Should he have custody of a surplus of one grain of wheat or corn, he can return it to the earth, one source of wealth, and produce hundredfold, whereas should he plant a twenty dollar gold piece, he will harvest just that.

But without the state man could not maintain any surplus, whether it be money or other economic good, because a stronger and more powerful neighbor would take it from him. Before the state came into existence there was no incentive for man to produce a surplus, because it could not be retained. I saw a concrete example of this in the Republic of Haiti on a recent visit. Near the cities where the state was predominant and the laws were enforced, natives and foreigners had property of various kinds, but a few hours' journey into the jungle found a situation where laws were not enforced, and there the natives made no effort to labor and accumulate a surplus. They were content with providing for necessities as they occurred, because if they did create a surplus, it was only an invitation for others to deprive them of it, and to-day they live in a state of savagery, such as must have been the common course of mankind in the early days, before the advent of the state.

Regardless of the zeal of the individual worker, it is doubtless true that the great majority of men, in their lifetime, never accumulate as much as $500 surplus. It is my view that there are more men in private life, in industry who deserve, because of the faithful performance of their daily task, greater rewards from society. They are heroes without uniforms or without decoration. Are they less entitled to the rewards they deserve for the sacrifices they make for the welfare of society? The difficulty seems to be that the dollar has become the idol which the people are asked to bow down before and worship—it is a golden-calf age. We are asked, in order to fatten the golden calf, to neglect the duty that the State owes to its citizens, of educating the ignorant, preserving the property and health of the people, in order that taxes be reduced, in order that those who have accumulated a surplus, will be permitted to enjoy greater returns.

Heretofore taxes have been characterized as a fine or penalty on success by opponents of taxation. My definition of taxes is, "A compulsory contribution of the individual to the public welfare."

In early days taxes were levied to provide the rulers of the people with palaces and pleasures of all kinds and descriptions; to-day taxes are levied largely that those who labor in the mills and in the fields will have an opportunity to have their children educated in good schools, to have good water furnished them in their homes, good roads, police protection, and so forth; that, in addition to the wages received from their employers, that society, in recognition of the service that is being performed by the laborer in whatever may be his occupation, owes him still greater participation in the benefits of his labor; and this is possible only through the medium of the collection of taxes which are expended in the interest and for the benefit of all.

I believe it would make for better government if everyone eligible to vote paid a Federal tax of some amount. It might only be 50 cents or a dollar a year, according to the individual's capacity. The possession of a receipt from the United States Treasury in any amount in the pocket of every voter would make him a better citizen, and the increased cost of collecting the small amounts would be more than repaid by the increased interest of the citizen in the conduct of the business of the Government, this receipt serving as a token in recognition of his individual contribution to the supremacy of his country and its flag.

It is not a question of how many dollars and cents; it is a question of what the people are getting for the money which is being contributed by them. We all know and have agreed for years that "taxation without representation is tyranny," and I say that "representation without taxation is anarchy." I say so for this reason: When you deprive or fail to interest the people, the taxpayers of our country, of their interest in how the funds are being expended, then, gentlemen, you are in a state of anarchy; when 1 per cent or less of the people of our country pay the entire taxation, what interest is it then to the electorate at large how much the politicians gather from the taxpayers or in what manner this money is expended?

When the citizen has not sufficient personal interest to demand of their servants at the Capitol, "What did you do with the money?" I believe the people of our country prefer to be and should be taxed in proportion to the value of the property or income of which they have possession, and in the proportion as they are taxed, just in that proportion are they interested in how much they are taxed and what becomes of the money. And when the time comes that those in whom the people have vested the right to gather and to expend their surplus in labor, must account therefor to every voting citizen in our land, then and then only can we feel assured that no more will be asked than be necessary, and that it will be wisely expended.

There was a time in our country within the last few years when the necessity of the State required 4,000,000 men to quit productive labor and stop producing a surplus and go into the military service of the State. While they were taken out of productive service those remained accumulated a surplus. Those who were not in the military service were recently asked to, in some measure, return part of this accumulation to those whom the State had taken out of productive industry, and the bitterness of the opposition and the arguments made at that time will always, in my opinion, be one of the darkest pages in the history of our country, and while it is true that the justice of the demands of those who were taken was in some measure recognized, it was in such a pitiable and parsimonious manner that I feel no great jubilation at the niggardly recognition of that just claim.

While these remarks may seem disconcerted and irrelevant, I recognize, as I stated in the beginning, the one effect of this bill will be to make life a trifle easier for 350,000 men and women and their dependents. The main hope of these men and women is that they will retain the positions which they occupy, and they do not expect any greater reward from society in return for their continued and faithful service than an assurance of uninterrupted enjoyment of the necessities of life, with the possibility of providing for themselves in their old age, or become physically incapacitated.

We have laws to protect the weaker business from the stronger in our antitrust laws; we protect business from ruinous competition in our tariff laws; we protect the property that has come into the custody of an individual from the strong or criminal by our legal system and its courts and officers, but we have no department or procedure to protect the laborer in securing that which is due him from society.

And it is with the view that society owes him something—not only the postal employee, but to every man, whether it be on the farm, in the mine, or in the mill, who has contributed his mite to the public welfare—that society owes an obligation and a debt that must be met. These men must be protected to the last day of their lives. It is a duty of society from which it can not escape to provide him with a decent living for himself and his dependents. The shores of the ocean of time must not be strewn with the abandoned wrecks of those who have grown old or who have become disabled in their voyage through life, pausing as they have in the various ports, and discharging into the keeping of society the valuable cargo with which they set out on their voyage.

Mr. DICKSTEIN. Mr. Speaker, I am in favor of this bill. I do not think, however, that this bill goes far enough. Anyone who has observed the tireless, constant devotion of the postman to do his duty will agree with me that we can not compensate him well enough for his work. It is notorious that the Postal Service of this Government is the most efficient service and yet the most poorly paid.

I come from the city of New York, where the post office has perhaps a greater burden than any other place in the country. It is the city which is the business center of the Nation, the nerve center of the entire system of communications from one end of this country to another, from the Atlantic to the Pacific, and the distributing station of all business coming from foreign shores.

I have often marveled at the efficiency of our postal system, which enables anybody to receive mail promptly, expeditiously, and almost without error. There is no question but that when you drop a letter in any one of the thousands of letter boxes

scattered over the city of New York the letter will be delivered without delay and without question. The same holds true with the rest of the country. Nowhere is there any obstacle in the prompt distribution of mail matter, and it is almost a truism that matter sent by mail will be promptly delivered and without a hitch.

The last few years saw an extension of the mail service, in the shape of parcel post, postal savings, and other activities, which were unknown to the postal system of 15 years ago. The post office has become not only the distributor of first-class and second-class mail, but it has become the center from which issue all articles sent by parcel post, and it has become a sort of a bank in which the people have deposited savings in the Postal Savings System. During the war the post office also sold war-savings stamps, thrift stamps, and saving certificates of all kinds, and even at the present time the post office sells Treasury certificates, to enable the individual to save small amounts and to assist the Government in the distribution of its short-term obligations.

Nor is this all. The post office is usually the center of public activities in every town, village, and hamlet throughout the United States. If a person becomes a fugitive from justice the post office will publish his picture and enable the public authorities to find him. Public announcements are made at the door of the post office, and nobody knows the business of the community better than the postmaster presiding over the post office and conducting its business and destination. But with all that, the postal carrier and the postal clerk has been the most underpaid of men, and if they did give us efficient service it was because their patriotism and devotion to duty were the paramount consideration of the man employed to work in the postal system of the Nation, without regard to his own personal comfort and well-being.

The postal business has grown tremendously. The Committee on the Post Office of this House estimates that the growth of the postal business amounts to an annual increase of $14,000,000.

We can afford to be generous. Instead of being a source of loss for many, many years, the post office may in due course become a source of revenue to the Government. Should not the man and woman who has helped to create these favorable conditions share in the prosperity of the post office?

As it is, the increase which we are allowing our postal employees in this bill is not great. We still pay them less than a private business would under similar circumstances, but at least we have shown that the men who have toiled to make our post office a success have been given some recognition in this bill.

I hope that this is but the beginning. In due course of time, as the business of the post office will warrant it, and as we go along, there will be a further increase of salaries paid to postal workers, and as time goes on and this Nation begins to realize how important the work of the postal employees has become, there will be more of a desire and more of a public clamor for an increase of their pay, which will find its due expression in Congress.

I wish the postal workers of the Nation a happy time, and hope that this increase of their salaries will be taken by them to be a just recognition of their unstinted devotion to the noble work of carrying the Nation's mails and keep its postal organization in smooth working order.

Mr. MOORE of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11444) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, as amended.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass the bill as amended. The Clerk will report it.

The Clerk read the bill as amended, as follows:

Be it enacted, etc.—

TITLE I.—RECLASSIFICATION OF SALARIES OF POSTAL EMPLOYEES

SECTION 1. That on and after January 1, 1925, postmasters and employees of the Postal Service shall be reclassified and their salaries and compensation readjusted, except as otherwise provided, as follows:

CLASSIFICATION OF POSTMASTERS

That postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are $3,200 or more.

The second class shall embrace all those whose annual salaries are less than $3,200, but not less than $2,400.

The third class shall embrace all those whose annual salaries are less than $2,400, but not less than $1,100.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than $1,100, exclusive of commissions on money orders issued.

RECLASSIFICATION OF POSTAL SALARIES

The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

First class: $40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $7,000,000, $6,000; $7,000,000 and upward, $8,000.

Second class: $8,000, but less than $12,000, $2,400; $12,000, but less than $15,000, $2,500; $15,000, but less than $18,000, $2,600; $18,000, but less than $22,000, $2,700; $22,000, but less than $27,000, $2,800; $27,000, but less than $33,000, $2,900; $33,000, but less than $40,000, $3,000.

Third class: $1,500, but less than $1,600, $1,100; $1,600, but less than $1,700, $1,200; $1,700, but less than $1,900, $1,300; $1,900, but less than $2,100, $1,400; $2,100, but less than $2,400, $1,500; $2,400, but less than $2,700, $1,600; $2,700, but less than $3,000, $1,700; $3,000, but less than $3,500, $1,800; $3,500, but less than $4,200, $1,900; $4,200, but less than $5,000, $2,000; $5,000, but less than $6,000, $2,100; $6,000, but less than $7,000, $2,200; $7,000, but less than $8,000, $2,300: *Provided*, That when the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class: *Provided*, That postmasters at offices of the third class shall be granted for clerk hire an allowance of $240 per annum where the salary of the postmaster is $1,100 per annum; an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum; an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum: *Provided further*, That the Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per cent: *Provided, however*, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class.

The allowances for clerk hire made to postmasters of the first, second, and third class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law.

Fourth class: The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the act of April 28, 1904, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the act of April 24, 1920, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 per cent on the amount; on the next $100 or less per quarter, 85 per cent; and on all the balance, 75 per cent, the same to be ascertained and allowed by the General Accounting Office in the settlement

of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1 following, and the salary of the postmaster fixed according to the receipts: *Provided further*, That in no case shall there be allowed any postmaster of this class a compensation greater than $300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of $1,100, exclusive of money-order commissions: *And provided further*, That whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: *And provided further*, That when the Postmaster General has exercised the authority herein granted, he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter.

SEC. 2. The post-office inspectors shall be divided into six grades, as follows: Grade 1—salary, $2,800; grade 2—salary, $3,000; grade 3—salary, $3,200; grade 4—salary, $3,500; grade 5—salary, $3,800; grade 6—salary, $4,000, and there shall be 15 inspectors in charge at $4,500: *Provided*, That in the readjustment of grades for inspectors to conform to the grades herein provided, inspectors who are now in present grades 1 and 2 shall be included in grade 1; inspectors who are now in present grade 3 shall be included in grade 2; inspectors who are now in present grade 4 shall be included in grade 3; inspectors who are now in present grade 5 shall be included in grade 4; inspectors who are now in present grade 6 shall be included in grade 5; and inspectors who are now in present grade 7 shall be included in grade 6: *Provided further*, That inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5; and the time served by inspectors in their present grade shall be included in the year's service required for promotion in the grades provided herein, except as to inspectors in present grade 1.

Inspectors and supervisory employees of the Railway Mail Service and post offices shall be paid their actual expenses as fixed by law.

That clerks at division headquarters of post-office inspectors shall be divided into six grades, as follows:

Grade 1—salary, $1,900; grade 2—salary, $2,000; grade 3—salary, $2,150; grade 4—salary, $2,300; grade 5—salary, $2,450; grade 6—salary, $2,600; and there shall be one chief clerk at each division headquarters at a salary of $3,000: *Provided*, That in the readjustment of grades for clerks at division headquarters to conform to the grades herein provided, clerks who are now in present grade 1 shall be included in grade 1; clerks who are now in present grade 2 shall be included in grade 2; clerks who are now in present grade 3 shall be included in grade 3; clerks who are now in present grade 4 shall be included in grade 4; clerks who are now in present grade 5 shall be included in grade 5; and clerks who are now in present grade 6 shall be included in grade 6: *Provided further*, That clerks at division headquarters shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by clerks in their present grades shall be included in the year's service required for promotion in the grades provided herein: *And provided further*, That whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks or carriers in the City Delivery Service from post offices at which division headquarters of post-office inspectors are located to the position of clerk at such division headquarters after passing a noncompetitive examination at a salary not to exceed $2,300. After such transfer is made effective clerks so transferred shall be eligible for promotion to the grades of salary provided for clerks at division headquarters of post-office inspectors. Hereafter when any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay.

SEC. 3. That at offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows: $8,000, but less than $10,000, $2,200; $10,000, but less than $12,000, $2,200; $12,000, but less than $15,000, $2,200; $15,000, but less than $18,000, $2,300; $18,000, but less than $22,000, $2,300; $22,000, but less than $27,000, $2,400; $27,000, but less than $33,000, $2,400; $33,000, but less than $40,000, $2,500.

That at offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

Receipts $40,000, but less than $50,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $50,000, but less than $60,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $60,000, but less than $75,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $75,000, but less than $90,000—assistant postmaster, $2,700; superintendent of mails, $2,500. Receipts $90,000, but less than $120,000—assistant postmaster, $2,700; superintendent of mails, $2,600; foremen, $2,500. Receipts $120,000, but less than $150,000—assistant postmaster, $2,800; superintendent of mails, $2,700; foremen, $2,500. Receipts $150,000, but less than $200,000—assistant postmaster, $2,900; superintendent of mails, $2,800; foremen, $2,500. Receipts $200,000, but less than $250,000—assistant postmaster, $3,000; superintendent of mails, $2,900; foremen, $2,500. Receipts $250,000, but less than $300,000—assistant postmaster, $3,100; superintendent of mails, $3,000; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $300,000, but less than $400,000—assistant postmaster, $3,200; superintendent of mails, $3,100; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $400,000, but less than $500,000—assistant postmaster, $3,300; superintendent of mails, $3,200; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $500,000, but less than $600,000—assistant postmaster, $3,500; superintendent of mails, $3,300; assistant superintendent of mails, $2,600; foremen, $2,500; postal cashier, $2,900; money-order cashier, $2,600. Receipts $600,000, but less than $1,000,000—assistant postmaster, $3,700; superintendent of mails, $3,500; assistant superintendent of mails, $2,800; foremen, $2,500; postal cashier, $3,100; money-order cashier, $2,800. Receipts $1,000,000, but less than $2,000,000—assistant postmaster, $3,900; superintendent of mails, $3,700; assistant superintendents of mails, $2,700, $2,800, and $3,100; foremen, $2,500 and $2,600; postal cashier, $3,300; assistant cashiers, $2,600; money-order cashier, $3,000; bookkeepers, $2,400; station examiners, $2,400. Receipts $2,000,000, but less than $3,000,000—assistant postmasters, $4,000; superintendent of mails, $3,800; assistant superintendents of mails, $2,700, $2,800, $3,000, and $3,300; foremen, $2,500 and $2,600; postal cashier, $3,400; assistant cashiers, $2,600 and $2,900; money-order cashier, $3,100; bookkeepers, $2,400 and $2,500; station examiners, $2,600. Receipts $3,000,000, but less than $5,000,000—assistant postmaster, $4,100; superintendent of mails, $3,900; assistant superintendents of mails, $2,700, $2,800, $3,100, and $3,500; foremen, $2,500 and $2,600; postal cashier, $3,600; assistant cashiers, $2,600, $2,800, and $3,100; money-order cashier, $3,300; bookkeepers, $2,400 and $2,500; station examiners, $2,600 and $2,800. Receipts $5,000,000, but less than $7,000,000—assistant postmaster, $4,300; superintendent of mails, $4,100; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,300, and $3,700; foremen, $2,500 and $2,600; postal cashier, $3,800; assistant cashiers, $2,600, $2,900, and $3,100; money-order cashier, $3,500; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $7,000,000, but less than $9,000,000—assistant postmaster, $4,600; superintendent of mails, $4,300; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,500, and $3,900; foremen, $2,500 and $2,600; postal cashier, $4,000; assistant cashiers, $2,600, $2,800, $3,100, and $3,400; money-order cashier, $3,600; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $9,000,000, but less than $20,000,000—assistant postmasters, $4,700 and $4,800; superintendent of mails, $4,500; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,700, and $4,100; foremen, $2,500, $2,600, and $2,700; postal cashier, $4,100; assistant cashiers, $2,600, $2,800, $3,200, and $3,600; money-order cashier, $3,700; bookkeepers, $2,400, $2,500, $2,600, and $2,800; station examiners, $2,600 and $2,800. Receipts $20,000,000 and upward—assistant postmasters, $4,800 and and $4,900; superintendent of mails, $4,700; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; superintendent of delivery, $4,700; assistant superintendents of delivery, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; foremen, $2,500, $2,600, and $2,700; superintendent of registry, $4,300; assistant superintendents of registry, $2,800, $2,900, $3,100, $3,500, and $4,100;

superintendent of money order, $4,300; assistant superintendent of money order, $4,100; auditor, $4,000; postal cashier, $4,300; assistant cashiers, $2,600, $2,800, $3,100, $3,300, and $3,800; money-order cashier, $3,900; bookkepeers, $2,400, $2,600, $2,800, and $3,300; station examiners, $2,600, $2,800, and $3,000.

The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee.

At classified stations the salary of the superintendent shall be as follows: One and not exceeding 5 employees, $2,400; 6 and not exceeding 18 employees, $2,500; 19 and not exceeding 32 employees, $2,600; 33 and not exceeding 44 employees, $2,700; 45 and not exceeding 64 employees, $2,800; 65 and not exceeding 90 employees, $2,900; 91 and not exceeding 120 employees, $3,000; 121 and not exceeding 150 employees, $3,100; 151 and not exceeding 350 employees, $3,300; 351 and not exceeding 500 employees, $3,500; 501 or more employees, $3,800.

At classified stations having 45 or more employees there shall be assistant superintendents of stations with salaries as follows: Forty-five and not exceeding 64 employees, $2,400; 65 and not exceeding 90 employees, $2,500; 91 and not exceeding 120 employees, $2,600; 121 and not exceeding 150 employees, $2,700; 151 and not exceeding 350 employees, $2,900; 351 and not exceeding 500 employees, $3,100; 501 employees and upward, $3,400: *Provided,* That not more than two assistant postmasters shall be employed at offices where the receipts are $9,000,000 and upward: *Provided further,* That at post offices where the receipts are $14,000,000, but less than $20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails: *Provided further,* That in fixing the salaries of the postmaster and supervisory employees in the post office at Washington, D. C., the Postmaster General may, in his discretion, add not to exceed 75 per cent to the gross receipts of that office: *Provided further,* That not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are $9,000,000 and less than $14,000,000, to which offices two assistant superintendents of mails shall be assigned at the maximum salary, one to be in charge of city delivery: *And provided further,* That State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than $500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of $200 per annum; if receipts are $500,000 and less than $5,000,000, the postal cashier shall be allowed an increase of $200 per annum: *And provided further,* That at all central accounting offices where the bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office: *And provided further,* That when an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts: *And provided further,* That no employee in the supervisory grades shall receive a salary less than $100 more than that paid to the highest grade of clerk or special clerk: *Provided further,* That in the readjustment of salaries of all employees above the highest grade for special clerks, those at present designated by titles for which more than one grade of salary is provided shall be placed in the same relative grade and designation and receive the increased salary provided in this title.

SEC. 4. That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into five grades as follows: First grade—salary, $1,700; second grade—salary $1,800; third grade—salary, $1,900; fourth grade—salary, $2,000; fifth grade—salary, $2,100: *Provided,* That in the readjustment of grades for clerks at first and second class post offices and letter carriers in the City Delivery Service to conform to the grades herein provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided, further,* That hereafter substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1: *And provided further,* That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *And provided further,* That there shall be two grades of special clerks as follows: First grade—salary, $2,200; second grade—salary, $2,300: *Provided,* That in the adjustment of grades for special clerks to conform to the grades herein provided special clerk grade 1 shall include present grade 1, and special clerk grade 2 shall include present grade 2: *Provided further,* That in all special clerk promotions the senior competent employee shall have preference: *Provided further,* That printers, mechanics, and skilled laborers, employees of the United States stamped envelope agency at Dayton, Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force.

That the pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in the City Delivery Service shall be at the rate of 65 cents per hour: *Provided,* That marine carriers assigned to the Detroit River marine service shall be paid annual salary of $300 in excess of the highest salary paid carriers in the City Delivery Service: *Provided further,* That hereafter special clerks, clerks, and laborers in the first and second class post offices and carriers in the City Delivery Service shall be required to work not more than eight hours a day: *Provided further,* That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly: *Provided further,* That in cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers in first and second class post offices and carriers in the City Delivery Service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *And provided further,* That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by 306, the number of working days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916; the quotient thus obtained will be the daily compensation, which divided by 8 will give the hourly compensation for such overtime service: *And provided further,* That when the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks, carriers, watchmen, messengers, or laborers at first and second class post offices they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on 1 day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

SEC. 5. That messengers, watchmen, and laborers in first and second class post offices shall be divided into two grades, as follows: First grade, salary, $1,500; second grade, salary, $1,600: *Provided,* That watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1: *Provided further,* That the pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour.

SEC. 6. That employees in the motor-vehicle service shall be classified as follows: Superintendents, $2,400, $2,600, $2,800, $3,000, $3,400, $3,600, $3,800, $4,000, and $5,000 per annum; assistant superintendents, $2,500, $2,600, and $2,800 per annum; chiefs of records, $2,200, $2,300, $2,400, $2,500, $2,600, $2,800, and $3,000; chiefs of supplies, $2,200, $2,300, and $2,400; chief dispatchers, $2,300 and $2,500; route supervisors, $2,400, $2,500, and $2,600; dispatchers, $2,100, $2,200, and $2,300; chief mechanics, $2,400, $2,500, $2,600, $2,800, and $3,000; mechanics in charge, $2,200, $2,300, and $2,400; and special mechanics, $2,100, $2,200, and $2,300: *Provided,* That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,000 per annum.

That general mechanics employed in the motor-vehicle service shall be divided into three grades: First grade, salary, $1,900; second grade, salary, $2,000; third grade, salary, $2,100; and clerks employed in the motor-vehicle service shall be divided into five grades, as follows: First grade, salary, $1,700; second grade, salary, $1,800; third grade, salary, $1,900; fourth grade, salary, $2,000; fifth grade, salary, $2,100: *Provided,* That in the readjustment of grades for clerks in the motor-vehicle service to conform to the grades above provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided,* That general mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively

after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, at the respective offices where employed, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *Provided further*, That at first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary, $2,200; grade 2, salary, $2,300: *Provided further*, That in the readjustment of grades for special clerks to conform to the grades herein provided, special clerk, grade 1, shall include present special clerk, grade 1, and special clerk, grade 2, shall include present special clerk, grade 2.

Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum: *Provided*, That on satisfactory evidence of their qualifications after one year's service mechanics' helpers shall be promoted to the first grade of general mechanics as vacancies may occur.

That driver-mechanics employed in the motor-vehicle service shall be divided into five grades: First grade, salary, $1,600; second grade, salary, $1,700; third grade, salary, $1,800; fourth grade, salary, $1,900; fifth grade, salary, $2,000; and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary, $1,550; second grade, salary, $1,650: *Provided*, That in the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5: *Provided further*, That driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade at the respective offices where employed: *Provided further*, That garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade at the respective offices where employed, and promotions of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

That the pay of substitute, temporary, or auxiliary employees in the motor-vehicle service shall be as follows: Special mechanics, at the rate of 75 cents per hour; general mechanics, at the rate of 70 cents per hour; clerks and driver-mechanics, at the rate of 65 cents per hour; and garagemen-drivers, at the rate of 55 cents per hour.

That special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duties of the employees shall be regulated accordingly: *Provided further*, That in cases of emergency, or if the needs of the service require, special clerks, clerks, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *Provided further*, That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by 306, the number of working days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916; the quotient thus obtained will be the daily compensation which, divided by eight, will give the hourly compensation for such overtime service: *Provided further*, That when the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics in charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays.

SEC. 7. That the annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $4,500; assistant division superintendents and assistant superintendents at large, $3,600; assistant superintendent in charge of car construction, $3,300; chief clerks, $3,300; assistant chief clerks, $2,800: *Provided*, That the clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at $2,800 salary.

That railway postal clerks shall be divided into two classes, class A and class B, and into seven grades, with annual salaries as follows: Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; grade 7, salary $2,700.

Laborers in the Railway Mail Service shall be divided into two grades, with annual salaries as folows: Grade 1, salary $1,500; grade 2, $1,600.

Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1: *Provided*, That in the readjustment of the service to conform to the grades herein provided for laborers, grade 1 shall include laborers in present grade 1, and grade 2 shall include laborers in present grade 2.

Substitute railway postal clerks shall be paid for services actually performed at the rate of $1,850 per annum, the first year of service to constitute a probationary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position.

All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of 306 days in the next lower grade.

In the readjustment of the service to conform to the grades herein provided, grade 1 shall include clerks in present grade 1, grade 2 shall include clerks in present grade 2, grade 3 shall include clerks in present grade 3, grade 4 shall include clerks in present grade 4, grade 5 shall include clerks in present grade 5, and grade 6 shall include clerks in present grade 6.

That hereafter, in addition to the salaries provided by law, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after 10 hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $3 per day.

Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed $3 per day, while on duty away from such headquarters. When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run.

Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6: *Provided*, That lines in present class A shall be continued in class A, and lines in present class B shall be continued in class B.

Terminal railway post offices shall be divided into two classes, class A and class B; those having less than 20 employees shall be assigned to class A, and those having 20 or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

Transfer offices shall be divided into two classes, class A and class B; those having less than five employees shall be assigned to class A, and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5, and two clerks to grade 6.

Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk: *Provided*, That service of clerks shall be based on an average of not exceeding 8 hours daily for 306 days per annum, including proper allowance for all service required on lay-off periods. Clerks required to perform service in excess of eight hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service shall be required to work not more than 8 hours a day, and that the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and that in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day,

and for such additional service they shall be paid in proportion to their salaries as fixed by law.

That clerks assigned to road duty shall be credited with full time for delay to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run.

That section 3 of the act approved June 19, 1922 (41 Stat. p. 660), providing for leaves of absence of employees in the Postal Service, be amended by adding the following proviso: "*Provided*, That hereafter not exceeding 5 days of the 15 days' annual leave with pay, exclusive of Sundays and holidays, granted to railway postal clerks assigned to road duty each fiscal year may be carried over to the succeeding fiscal year."

RURAL MAIL DELIVERY SERVICE

SEC. 8. That the salary of carriers in the Rural Mail Delivery Service for serving a rural route of 24 miles, six days in the week shall be $1,800; on routes 22 miles and less than 24 miles, $1,728; on routes 20 miles and less than 22 miles, $1,620; on routes 18 miles and less than 20 miles, $1,440; on routes 16 miles and less than 18 miles, $1,260; on routes 14 miles and less than 16 miles, $1,080; on routes 12 miles and less than 14 miles $1,008; on routes 10 miles and less than 12 miles, $936; on routes 8 miles and less than 10 miles, $864; on routes 6 miles and less than 8 miles, $792; on routes 4 miles and less than 6 miles, $720. Each rural carrier assigned to a route on which daily service is performed shall receive $30 per mile per annum for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage, and each rural carrier assigned to a route on which triweekly service is performed shall receive $15 per mile for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage.

Deductions for failure to perform service on a standard rural delivery route for 24 miles and less shall not exceed the rate of pay per mile for service for 24 miles and less; and deductions for failure to perform service on mileage in excess of 24 miles shall not exceed the rate of compensation allowed for such excess mileage.

In addition to the salary herein provided, each carrier in Rural Mail Delivery Service shall be paid for equipment maintenance a sum equal to 4 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

A rural carrier serving one triweekly route shall be paid a salary and equipment allowance on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary and equipment allowance on the basis of a route one-half of the combined length of the two routes.

SEC. 9. That the salary of requisition fillers and packers in the division of equipment and supplies shall be as follows: One foreman, $2,100 per annum; 10 requisition fillers and 9 packers at $1,800 each per annum.

SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,150 to $1,350 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 50 cents per hour.

SEC. 11. Employees in the Postal Service shall be granted 15 days' leave of absence with pay exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of 30 days shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General.

The 15 days' leave shall be credited at the rate of one and one-quarter days for each month of actual service.

Whenever an employee herein provided for shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year.

Whenever the promotion of an employee herein provided for is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period.

Hereafter when the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

All employees herein provided for in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this title.

The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged.

Substitute clerks in first and second class post offices and the Railway Mail Service and substitute letter carriers in the City Delivery Service when appointed regular clerks, railway postal clerks, or carriers shall have credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1.

Postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade 1. This provision shall apply to such postal employees and substitute postal employees who were in the Postal Service on October 1, 1920.

No employee in the Postal Service shall be reduced in rank or salary as the result of the provisions of this title.

SEC. 12. That the sums appropriated for salaries and compensation of postmasters and employees of the Postal Service in the act making appropriations for the fiscal year ending June 30, 1925, approved April 4, 1924, shall be available for the payment of salaries and compensation of postmasters and postal employees at the rates of pay herein provided; and such additional sums as may be necessary are hereby authorized to be appropriated to carry out the provisions of this title.

INCONSISTENT ACTS REPEALED

SEC. 13. All acts and parts of acts inconsistent or in conflict with this title are hereby amended or repealed.

TITLE II.—POSTAL RATES, FIRST-CLASS MATTER

PRIVATE MAILING CARDS

SEC. 201. The rate of postage on private mailing cards described in the act entitled "An act to amend the postal laws relating to use of postal cards," approved May 19, 1898, shall be 2 cents each.

SECOND-CLASS MATTER

SEC. 202. (a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per cent of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sales—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound or fraction thereof.

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first, second, and third zones, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 9 cents.

The rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

(b) Where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section, when deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law, and nothing in this act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may hereafter require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing.

(d) With the first mailing of each issue of each such publication, the publisher shall file with the postmaster a copy of such issue, together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon.

SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publishers or news agent, shall be 2 cents for each 2 ounces or fraction thereof, for weights not exceeding 8 ounces, and for weights of such matter exceeding 8 ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto.

SEC. 204. Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed 1 pound the rate of postage shall be 1 cent.

SEC. 205. The zone rates provided in section 202 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages.

THIRD-CLASS MATTER

SEC. 206. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 207.

(b) The rate of postage thereon shall be 1½ cents for each 2 ounces or fraction thereof up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants shall be 1 cent for each 2 ounces or fraction thereof.

(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account of classification.

FOURTH-CLASS MATTER

SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying the same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

(b) That on fourth-class matter the rate of postage shall be by the pound as established by and in conformity with the act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "Special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class.

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

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

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

MONEY ORDERS

SEC. 208. Section 3 of the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, as amended, is amended to read as follows:

"SEC. 3. A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows:

"For orders not exceeding $2.50, 5 cents.
"For orders exceeding $2.50 and not exceeding $5, 7 cents.
"For orders exceeding $5 and not exceeding $10, 10 cents.
"For orders exceeding $10 and not exceeding $20, 12 cents.
"For orders exceeding $20 and not exceeding $40, 15 cents.
"For orders exceeding $40 and not exceeding $60, 18 cents.
"For orders exceeding $60 and not exceeding $80, 20 cents.
"For orders exceeding $80 and not exceeding $100, 22 cents."

REGISTERED MAIL

SEC. 209. (a) The first sentence of section 3927 of the Revised Statutes is amended to read as follows:

"SEC. 3927. Mail matter shall be registered only on the application of the party posting the same, and the fees therefor shall not be less than 15 nor more than 20 cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct."

(b) Notwithstanding the provisions of such sections, as amended, the Postmaster General may fix the fee for registered mail matter at any amount less than 20 cents.

SEC. 210. Section 3928 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 3928. Whenever the sender shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

INSURANCE AND COLLECT-ON-DELIVERY SERVICE

SEC. 211. (a) The fee for insurance shall be 5 cents for indemnification not to exceed $5; 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery.

(b) The fee for collect-on-delivery service shall be 12 cents for collections not to exceed $10; 15 cents for collections not to exceed $50; and 25 cents for collections not to exceed $100.

(c) The provisions of the act entitled "An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924, and of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, with respect to the insurance and collect-on-delivery services, are hereby continued in force.

SPECIAL DELIVERY

SEC. 212. (a) To procure the immediate delivery of mail matter weighing more than 2 pounds and not more than 10 pounds, stamps of the value of 15 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 11 cents may be paid to the messenger or other person making such delivery.

(b) To procure the immediate delivery of mail matter weighing more than 10 pounds, stamps of the value of 20 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 15 cents may be paid to the messenger or other person making such delivery.

(c) For the purpose of this section the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations of 15 and 20 cents.

SEC. 213. The act entitled "An act making certain changes in the postal laws," approved March 2, 1907, is amended to read as follows:

"That when, in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or covering ordinary postage stamps of any denomination equivalent to the value fixed by law to procure the immediate delivery of any mail matter, with the words 'special delivery' or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster General may prescribe, said letter or package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp."

SEC. 214. The Postmaster General is hereby authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually as far as practicable and pay the cost thereof out of the appropriation for inland transportation by railroad routes.

REPEALS

SEC. 215. The following acts and parts of acts are hereby repealed:

(a) Sections 1101 to 1106, inclusive, of the revenue act of 1917;

(b) The act entitled "An act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent," approved June 9, 1884; and

(c) The act entitled "An act to amend an act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes,' approved March 9, 1914," approved April 24, 1914.

EFFECTIVE DATE

SEC. 216. This title, except section 217, shall become effective on May 1, 1925.

SEC. 217. A special joint subcommittee is hereby created, to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place, and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per 100 words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. This section shall become effective upon the enactment of this act.

Mr. RUBEY rose.

The SPEAKER pro tempore (Mr. BEGG). The question is on the suspension of the rules and passage of the bill.

Mr. RUBEY. Mr. Speaker, I desire to make a point of no quorum.

The SPEAKER pro tempore. The gentleman from Missouri makes the point that there is no quorum present. Clearly there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Berger	Jones	Newton, Mo.	Stalker
Clark, Fla.	Kendall	O'Connor, La.	Sullivan
Croll	Kent	Perkins	Taber
Cummings	Kerr	Rainey	Tydings
Curry	Lampert	Reed, N. Y.	Vare
Edmonds	Langley	Reed, Ark.	Wertz
Evans, Iowa	Larson, Minn.	Reed, W. Va.	Wolff
Favrot	Lehlbach	Roach	Wood
Fish	Lilly	Rogers, Mass.	Wurzbach
Gilbert	McNulty	Rogers, N. H.	Yates
Griest	Mapes	Rouse	Zihlman
Griffin	Michaelson	Sanders, Ind.	
Johnson, W. Va.	Nelson, Wis.	Schall	

The SPEAKER pro tempore. Three hundred and eighty Members have answered to their names; a quorum is present.

Mr. MOORE of Ohio. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The motion is to suspend the rules and pass the bill. Is a second demanded?

Mr. RAMSEYER. Mr. Speaker, I demand a second.

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. CAREW. I object, Mr. Speaker.

The SPEAKER pro tempore appointed Mr. MOORE of Ohio and Mr. CAREW to act as tellers.

The House divided; and the tellers reported—ayes 186, noes 2.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. MOORE] is recognized for 20 minutes.

Mr. MOORE of Ohio. Mr. Speaker, I promised to yield five minutes to the gentleman from Georgia [Mr. BELL] to utilize as he sees fit later. I make that announcement now, and I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, in the very few moments I have I simply want to assure the House that this bill is not the result of any hasty action on the part of the committee. It has been said that no hearings have been held and that the interests which are affected by the increased rates proposed in the bill have not had an opportunity of being heard. Gentlemen, nothing could be farther from the fact. There have been 500 pages of hearings on Senate bill 3674 before a joint committee of the Senate Post Office Committee and the House Post Office Committee. Before the consideration of this bill was taken up the cost ascertainment report of the Post Office Department was submitted to the committee. The cost ascertainment is the result of an investigation costing $500,000. The cost ascertainment commission ascertained exactly the cost of carrying each class of mail and the loss and profit on each of the classes.

The report was submitted the early part of December, 1924. It covers every phase of the handling of mail and has an appendix containing 80 tables showing in detail just how the cost was ascertained. This report is perhaps the first of its kind in the history of our Post Office Department. It gave for the first time an inkling of the cost for handling each class of mail. Heretofore the best that Congress could get on the question of cost was an estimate or a guess. The investigation was the result of a demand for it by Congress and an appropriation, as I stated before, of $500,000. The fact that it was called for suddenly and that the work had to be planned and instituted made it perhaps more costly. There has been some criticism directed against the cost ascertainment report. Personally I believe that it is as near accurate as a report of this kind is possible. In order, however, to keep the benefit of the initial cost and to check up on the figures the bill now before us, under section 214, authorizes the Postmaster General to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter.

With that report before us and after having given everyone concerned a hearing, the bill now before you was drafted, carefully considered by the committee, and it is as well balanced a bill as it is humanly possible to prepare considering, gentlemen, the conditions and the parliamentary situation.

That both sides of the House were pledged to a salary increase for postal employees I do not believe anyone in the House will deny, and after having passed a salary increase bill, which was vetoed by the President, the only thing for the committee to do was to draft a new bill meeting the objections raised by the President in his veto message. That we have endeavored to do. Of course, there is going to be complaint. Every time you pass a tax bill, a revenue bill, or a tariff bill the parties who are affected by the increases are going to complain, but if you want to give the postal employees an increase under the present situation and existing conditions, we present to you a well thought out and well balanced bill which will bring the necessary revenue to meet the increases. [Applause.]

The salary increase features of the bill are well known to you. Title I of the bill is exactly as the original salary increase bill passed by the House and Senate. The retroactive provision of the original bill, fixing July 1, 1924, as the date the salary increase becomes effective, was changed to January 1, 1925. Personally, I hated to see this change. In fact, I was keenly disappointed. I felt all along that these men were entitled to the raise; that Congress had voted an increase; and that we should keep faith with our original bill, including the date fixed therein. But, gentlemen, I, with other of my colleagues on the committee, had to take the parliamentary situation into consideration. The real friends of the bill understood perfectly that in order to pass a bill which would meet

with Executive approval we had to bring in a bill that would be well balanced, raise the necessary revenue, and free from any objectionable provision, regardless of what our personal views in the matter may be. In that spirit the committee worked, and for that reason the date was changed from July 1, 1924, to January 1, 1925. I know from my own experience that what the postal employees want is an increase in their pay, and that alibis, explanations, vetoes, parliamentary questions are all of absolutely no comfort to them. The bill provides the same salary schedules contained in our original bill, and I need dwell on Title I no longer.

As to the changes in postal rates, I desire to call to the attention of the House that the bill raises additional revenue to the amount of $61,222,768. This figure is as near correct as is possible to estimate any future revenue. The figures have been examined by the Post Office Department experts, and not only do they all agree that the new rates will bring that much more revenue, but that it is a conservative estimate. And right here, gentlemen, I want to say that no Member in this House or in the department worked harder, longer, and with greater skill in rearranging the postal rates and finding the way to obtain additional revenue with the least possible disturbance to existing condition than the gentleman from Pennsylvania the Hon. CLYDE KELLY, our colleague on the committee. Mr. KELLY is not only a true and good friend to the postal employees, but in my opinion he is one of the greatest experts on postal business and postal rates in the whole country. I want to now express my appreciation and admiration for the splendid services and hard work contributed by the gentleman from Pennsylvania [Mr. KELLY] in the drafting of the bill now before us.

The increased rates, it is my belief, will not disturb in the slightest the business of any establishment or of any line of commerce or industry. Of course, we can not pull $61,000,000 out of the air. It has to come from somewhere, and the committee has taken it from sources that can pay it and that are getting services and full value for every penny that is charged. Ten million dollars is placed on first-class mail. We do not raise the postage on letters, the 2-cent usual letter or the penny drop letter. We add a cent additional charge for picture post cards, technically known as private mailing cards. The 1-cent mailing card may still be obtained from the Post Office Department. There can really be no justifiable complaint on this schedule. Why, gentlemen, there will be just as many souvenir picture cards, Easter, Christmas, New Years, and birthday cards mailed with the additional penny stamp as heretofore, and without causing any hardship on anyone.

In the second-class mail we believe we can increase the revenue by nearly $4,000,000. Gentlemen, bear in mind we have not touched the "free in county delivery." That was, is, and continues to be free. Personally, I can understand why many of my colleagues want to retain the free in county delivery. It was urged that the rural subscribers derive a direct benefit therefrom in obtaining his local county publications at a lower rate. Personally I have my doubts. However, that involves a question of policy. I am ready to join with anyone on a revision of the entire second-class mail matter rates. It could not be done at this time. We provide in this bill for a commission to thoroughly study the entire question and I hope that in time we will courageously, intelligently take up the subject of second-class mail, bearing in mind its relation to other classes of mail and agree on a policy which will be equitable and fair, not only to the users of second-class mail, but to the other classes of mail as well.

In the third-class mail rates I do not believe that the changes are as drastic as some of the critics say. There has been a demand for years that third and fourth class mail matter be consolidated. This bill places all present third-class matter above 8 ounces in the fourth class and applies the parcel-post rates. It rearranges the zones and while we expect to raise $18,000,000 from this class I believe that business will very soon adjust itself to the new rates.

In the fourth class which is the parcel post I venture the opinion that there will be no complaint. I give way to no man on this floor in my interest in parcel post. I was for it when it was unpopular to be for it. I was for parcel post when the express companies were mighty and powerful in my city. I was for parcel post when it was denounced as socialistic. You can bet, if I may use a common expression, that as long as I am a member of the Post Office Committee I shall keep my eyes open in the interest of and for the maintenance of parcel post. We have simply applied a 2-cent service charge on each parcel. I have carefully compared this additional 2-cent charge to the existing rates, with the express company rates and we are way below the express company rate. Not only that, but we give better service. It is wrong to say that we are passing the additional charge to the farmers. It is not only wrong, it is unfair to make any such statement. All through this bill and in every place where we could make an exception on behalf of the farmers we did so. Why gentlemen we even exempt the farmer of the 2-cent service charge on parcel post when the package is collected on a rural route.

In this rate we increase the revenue $13,000,000 and I repeat that it will in no way cause any hardship, disturb any business or lose any of the benefits of the parcel post. We have provided a new feature in parcel post. That is a special service. For an additional fee of 25 cents a package shipped by parcel post will be carried with first-class mail. This means that instead of going the slower route the package will be rushed with all the dispatch of first-class mail. Personally I believe that this new feature will become exceedingly popular, be of great convenience to the public generally.

The rest of the increases in the rates of C. O. D. service, money order, and registry are simple, and a mere comparison of the old rates and the provisions of the bill will explain the changes. About $8,000,000 or $9,000,000 will be realized from these service charges, and likewise without undue hardship on any business or individual. Gentlemen, this briefly covers the changes in existing rates. It is my belief that under the circumstances and in view of all the obstacles ahead of us we could not have brought anything else which would have met with your approval and capable of taking the hurdles ahead of it.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. MOORE of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. SITES], a member of the committee.

Mr. SITES. Mr. Speaker and Members of the House, first I desire to say that my colleagues, Mr. CROLL, Mr. CUMMINGS, and Mr. KENT, are unavoidably absent. Were they present, they would vote to pass this bill. Personally I have not taken up much time of the House at either of the sessions of the Sixty-eighth Congress in discussing legislative measures. I have been a consistent listener. However, as a member of the Post Office and Post Roads Committee I want to say that we have very thoroughly gone into the postal salary bill now before you, and I think we have brought out a very, very good bill.

During my eight and one-half years' service as postmaster of Harrisburg, Pa., from June, 1913, to February, 1922, I learned a great deal about conditions among the men and women of the great Postal Service. I am and have always been very sympathetic toward the employees of that service, and I do not believe there is a man on the floor of the House to-day who has been any closer to the postal workers during the past 10 years than I. I feel I am also familiar with the rates and with the needs of the Postal Service.

During a trip through the New England States last fall I saw poorly clad letter carriers on the streets of certain cities, and to my mind it is an outrage that men doing the class of work that we require our postal men to do are obliged to wear such clothing and a blot on the character of Uncle Sam as an employer. This condition does not apply to New England alone, of course; it is general.

The loyalty, efficiency, and industry of the postal workers is admitted. I believe no one will contradict me in that statement. There is not a better class of workers in any industry in the country, on the whole. They deserve fair and just treatment from their employer. Are they getting it? Let us see.

The postal revenues for the fiscal year 1913 were $266,619,525; for the fiscal year 1923, $532,827,925, an increase of 100 per cent. In 1913 there were 183,842 postmasters and classified postal workers; in 1923, 264,340 such employees, an increase of 44 per cent. With an increase of 100 per cent in business the Postal Service is handling it with an increase in personnel of only 44 per cent. So much for that.

According to figures issued by the United States Department of Labor, the cost of living since 1913 has increased from 65 per cent to 80 per cent, varying in different localities. During this period the postal workers have been increased in salary 50 per cent, and they did not get that until only 4½ years ago.

The above figures speak for themselves. The postal worker is handling proportionately a great deal more work than he or she did in 1913. According to increases in living the postal worker has actually suffered a reduction in salary since 1913. This is the condition we desire to correct, and I am very glad to note that there is scarcely any opposition to this bill on

the part of Members of the House, and I predict it will pass this body to-day. Furthermore, I sincerely hope it is enacted into law before this Congress expires on March 3 next.

It is really a serious question, gentleman, and one that should not be allowed to slide at this session. A man can not do his best work and give the best that is in him when his salary is such that he can not maintain the same standards which men in other lines of his brain and capacity are maintaining. It is against human nature. Where this salary is even such that he can no longer maintain a decent standard of living, as living conditions are judged in the United States to-day, when he can not give his wife and loved ones some of the modern day comforts and pleasures, then it most seriously hurts his work. His self-respect suffers, and he gets in the proverbial rut, and his usefulness to the community, generally, declines. It is such a condition that we face in the Postal Service to-day, and I believe this bill will correct it.

The people expect, and have a right to expect, the most efficient mail service possible. I maintain such service can only be furnished by paying the employees responsible for it salaries commensurate with their work, and salaries sufficiently attractive to prevent excessive turnover in personnel, which postal workers are not receiving at present.

The rates in the pending bill are not equitable, in all cases, in my opinion. However, they are the best that we could work out on such short notice. The bill carries a provision for a special joint committee to investigate and report recommendations for a permanent schedule of postal rates at the next session of Congress. No doubt, any inequalities which exist in the present bill in the matter of rates can then be corrected. Without doubt, the time has come when there must be an increase on those classes of mail matter which show a loss. The price of everything else has advanced in the last 10 or 12 years; postal rates have remained almost stationary. There is certain to be opposition to any increases in rates; it is also certain that no increased salary bill for postal workers will receive the approval of the President without increases in rates to meet the cost. We are all agreed that postal workers should have an increase. The only alternative, therefore, is to increase the rates to raise the revenue. We have done our best on short notice to make the increases in rates in this bill as equitable as possible.

In closing, gentlemen, I want to say it is my honest opinion that the United States Postal Service is nearer the hearts of the American people than any other Government activity. It touches the human side of life, and I believe that its fullness and beauty of service is characterized by and made possible only by the spirit of sacrifice and unselfish devotion to duty of its capable employees. Let us give them the proverbial "square deal" that we all believe in. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. BELL. Mr. Speaker, I yield one-half minute to the gentleman from New York [Mr. CAREW].

Mr. CAREW. Mr. Speaker, I have asked for this time in order that I might make plain to the House and to the world the attitude of two of my colleagues from the city of New York, who are compelled by reason of illness to be absent to-day. If they were here, they would be very glad indeed to vote for this rule and for the bill. I ask that I may be permitted to incorporate in the body of my remarks two telegrams I have received to that effect, one from Mr. KINDRED and one from Mr. SULLIVAN.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to incorporate in his remarks the two telegrams referred to. Is there objection?

There was no objection.

The telegrams referred to follow:

DELAND, FLA., *February 10, 1925.*

JOHN O. SNYDER,

Pair Clerk, House of Representatives, Washington, D. C.:

Illness prevents my being present to-day to vote and work for bill to increase salaries of postal employees. Will you kindly be sure to pair me in favor of this bill?

JOHN J. KINDRED,
Member of Congress.

MIAMI, FLA., *February 10, 1925.*

JOHN O. SNYDER,

Democratic Pair Clerk, House of Representatives, Washington, D. C.:

Continued illness prevents me from being present to vote for the postal salary increase bill. Be sure and pair me in favor of this legislation.

C. D. SULLIVAN.

Mr. BELL. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, the most discordant notes in opposition to this bill seem to come from those sources that were loudest in proclaiming the "Coolidge or chaos" slogan prior to the last election. We now find them shouting "chaos" at the suggested change in postage rates, despite the fact that these changes are due entirely to the insistence of President Coolidge that revenues be increased to offset the cost of the pay increases.

We find further that many of the newspapers, especially the smaller papers in the rural communities, who berated Congress for failing to follow the President, are now refusing themselves to follow him on this particular issue. We are told time and again by many of the learned publishers of the country that the judgment of the Chief Executive is better and more trustworthy than the judgment of the Congress, yet these gentlemen are tearfully pleading to Congress to save them from the direful effects of the judgment of the President—namely, that postal income and outgo must balance.

The preelection slogan of Coolidge or chaos has already become Coolidge and chaos, if we are to take at face value the predictions of the publishers relative to the harmful effects of this Coolidge policy on their business. [Applause.]

Mr. Speaker, I have no patience and little sympathy with the pleas of these groups that gloried in the policies of our President a few short months ago and that now ask us to flatly repudiate his judgment just because it hits their own money profits.

I never subscribed to the Coolidge-or-chaos doctrine—much as I like our President—neither will I now, at the behest of publishing and wealthy mail-order concerns, subscribe to the new doctrine of these interests—Coolidge and chaos. The President will never bring chaos to the American people. [Applause.]

The principal beneficiaries of the parcel-post service are the mail-order concerns. Several of the largest of these, located in Chicago, showed increases in revenues above 30 per cent for the past year. This postal activity, then, is a virtual subsidy for these large corporations who use it to enrich themselves and not to benefit the ultimate consumer.

The farmer uses the Parcel Post System but little. He is just lugged into this controversy as a smoke screen to hide the real benefactors of the Parcel Post System—the gigantic and rich mail-order houses that use a cheap transportation facility to steal away the small-town merchant's business.

The professional farmer and the suave gentlemen who profess to speak for the farmers in Washington are shouting "chaos" because it is proposed to take away some of the extortionate profits by this parcel-post rate increase from the mail-order concerns that have been fattening on the farmer.

These gentlemen, like the publishers, joined in the "Coolidge or chaos" chant in the preelection days. Have they told the farmers, whom they are supposed to represent, that this parcel-post rate increase is the President's idea, and Congress must meet it because of the President's insistence?

Mr. Speaker, Congress did not want to link up postal revenues and postal wages. Our record is clear. There were but six votes against the postal pay bill last May in this House. There were only three votes against it in the Senate. The President exercised his veto power, insisting, among other things, that the revenues should be provided. The Senate failed by one vote to override this veto. Therefore we are now confronted with the necessity of passing this revenue wage bill in order to give to the postal employees the increases they so justly deserve.

It comes with mighty poor grace, Mr. Speaker, from those who heretofore chided Congress for its reluctance to follow the President to now berate us for following him in this matter. [Applause.]

Mr. Speaker, I will vote for this bill because I know it means some relief to underpaid deserving employees. My views on the merits of the pay section of this bill are known to the postal employees of my city. I am sorry it was necessary to eliminate a portion of the retroactive pay. But this is a strong argument in favor of its passage. For if the postal employees can afford to lose $34,000,000, the total of the pay increase from July 1, 1924, to January 1, 1925, then certainly the publishing and the mail-order interests can afford to pay for the approximate cost of the service they get from the Government.

That the rural press does not approve of this subsidy that is being granted to mail-order concerns is indicated by the following comment from the Sioux Falls (S. Dak.) Argus-Leader of December 15, 1924:

Shortly before the raise in newspaper rates there was a decrease in the rate on mail-order house catalogues from 34 cents to 8 cents per

catalogue. Within the past eight months 12 carloads of mail-order catalogues have been cleared through the Sioux Falls terminals for one mail-order house alone. Figuring these cars at 20,000 catalogues each, the saving to the mail-order house on this one shipment alone was $57,600. Have the mail-order houses a friend at court? It would appear so. It is estimated that the decreased postage on mail-order catalogues has been worth $1,000,000 a year to one mail-order house alone and that the decreased income to the Government resulting from this cut amounts to $5,000,000 a year. In passing around the increases the mail-order catalogue should come in for its share of upward revision.

NEWS EXPRESSIONS

Mr. Speaker, I am inserting with my remarks some newspaper comments that are in point:

[From the Boston Telegram of January 14, 1925]

POSTAL UNDERPAY CRIME

Yesterday every Boston newspaper printed the story of a Federal judge in New York who freed four postal workers, arrested for theft, on the ground that a niggardly Government so underpaid them as to force them into dishonesty.

What an arraignment of the very Government that paid his own salary.

And what an argument for increased wages for postal workers.

Judge Winslow, of the United States district court, in giving the four men their freedom, said:

"Their pay is scandalous and virtually compels them to be dishonest. They do not belong to the criminal class. I shall not send them to prison to become part of that class. I wish some of our welfare societies would look into the troubles of postal clerks instead of trying to reform habitual criminals in Sing Sing."

The four men testified they were getting salaries of $2,000 in one case and $1,800 in the other three. The $2,000 man had been in Government service for 21 years.

Boston postal workers are to-day faced with the same conditions as those four New Yorkers. How long will Boston men, struggling to maintain families on the wages an ordinary day laborer earns, be able to withstand temptation? How long will it be before Boston clerks, in despair, throw up their hands, shed themselves of their reputation built up through the long years of toil at letter racks, and steal to make both ends meet?

How many spies are at work in the Boston office seeking to ferret out workers who can not hold out against the odds?

And how long is Congress going to pass the buck and waste time in meaningless gestures? It is hoped every man in Congress saw the story of those New York workers and realized they were, in part, responsible for their dereliction.

A few days ago 475 extra clerks and carriers were laid off in the Boston postal district. The Simon Legree "Taylor" system of handling mail was put into effect to further tear just a little more labor from the tired bodies of the workers without added expense.

More "efficiency" experiments will follow.

But the suave alibi that everything is running smoothly in Boston still emanates from the post-office building to blind the public. Just more bunk.

[From the Boston American, January 13, 1925]

TIME OFF POSTMAN'S ONLY OVERTIME PAY—BACK BAY CARRIERS WHO HELPED OUT ON CHRISTMAS CAN GO OUT AND SIT IN THE SNOW FOR AN HOUR DAILY NOW

Boss, may I have my overtime?
Yes, dear letter man.
While cold winds blow,
Go sit in the snow,
Try and get more if you can.

(Rhyme of a Back Bay letter carrier.)

In other words, the letter carriers at the Back Bay postal station are peeved, and that's not the half of it.

It seems, according to the carriers, among them William Norton, that some of them were compelled to work overtime on Christmas Day. They asked for overtime pay, but were informed that they would be given time off to make up for the overtime.

One of Boston's well-known snowstorms had just started to drift in when Mr. Norton asked for his overtime off.

And the information was given out that the overtime would be given in the form of an extra hour for lunch each day until the time was made up.

And so Mr. Norton took himself out into the snow and the wind and sat down and watched the starlike flakes dropping gently to earth and pondered.

He wondered why that hour couldn't have been given at the close of the day.

"Oh, ———," sighed William.

[From the Springfield (Mass.) Daily News, February 4, 1925]

SCANDALOUS ACTIONS

If ever there was a deserving measure which has been booted around without cause from one place to another it is the postal pay and rate increase bill. The thing is scandalous, almost. Certainly it is little short of disgusting to watch the maneuvering that has been going on. If the postal employees of the country, who have been inadequately compensated beyond any question of doubt, are not thoroughly disgusted by this time they are the most patient and forbearing persons in the world. The jockeying of this bill, which has been a football of the politicians and alleged statesmen all too long, is one of the most discreditable things that we have encountered in years. And the poor postal men finally and solemnly believed that when election was out of the way a method would be found with reasonable promptness to do them justice. Their confidence in fairness and justice must be pretty nearly destroyed by this time unless they are veritable angels in disguise.

Mr. BELL. Mr. Speaker, I yield one-half minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I believe in playing the game fair. I do not believe in camouflages and subterfuges. For several years Congress has been promising the 350,000 postal employees of this Nation an increase in salaries. They have relied upon our promises. These are worthy citizens in every congressional district in the United States. They are good citizens. They are law-abiding citizens. They are for morality and decent, right kind of living. They are honored in every community in which they live. But for several years it has been a serious problem with them to make their income cover the necessary expenses of life. Members of their families have had to scrimp and deny themselves and make daily sacrifices in order to make ends meet. Some of their little children, even, have felt the sacrifice. They have not been able to have the kind of food, and the kind of clothing, and the kind of medical attention, and the kind of dental attention, and the kind of schooling that other children get, and these faithful, loyal, efficient public servants have felt the injustice.

I gave my pledge to them several years ago that I would support their bill for a living wage. I have supported it whole-heartedly and without reservation. I have done everything within my power to have it brought before the House, and have helped to pass it every time it has had its interests presented to the House for a vote.

It should not have been vetoed by the President of the United States, when it passed both the House and Senate last year. The President has signed many bills which took more money out of the Treasury that has been spent and will be spent for purposes not so worthy.

It is true that I would like to amend this bill, so as to place a proper charge upon the big magazines of the country so as to make them pay at least as much as it costs the Government to carry their publications. I could name several magazines which are now costing the Government about $1,000,000 more than it receives for handling their regular issues. They should be made to pay the full expense. But if this bill were defeated, it would not cause them to pay. It would not bring in a bill to make them pay. It would just deny the salary increase due the postal employees. And I am not going to stand for that. Let us give these just salary raises, and then try to remedy the question of making these big magazines pay more by passing another bill.

I do not like the provision in this bill that increases the burden upon our newspapers at home. It should not have been placed there. These home papers are the mouthpieces of their people locally, and they should not have been made to bear this burden. And I shall do everything within my power later on to remove it and to shift the burden to the big publications that are now escaping just charges by having the Government carry their issues at a loss.

I do not like the provision that increases the cost of parcel-post service. It should not be increased, and this burden should not be placed upon the farmers of the country; and I shall do everything within my power to have it removed by the passage of another bill later on that will be brought before the House for that purpose.

I can not understand why it is that every time it is necessary to place a burden upon a service to raise revenue to pay its cost the burden is always placed by the committee upon the class that already bears the most of the tax burdens of the Government and is least able to pay. It is always the rural citizens who must bear the brunt. It is he who is called upon to pay.

Oh, but it is said that if this burden is placed upon the big magazines the Senate would not pass the bill. Why is it that the Senate would not pass it? Why is it that the Senate would not be willing to make the big magazines pay the full expense of the service accorded them and not let the Government continue to furnish such service at a loss of over a million dollars a year? Because the Senate might take such and such a stand is no reason why our House committee should do something that it does not want to do and something which it knows ought not to be done.

Because this bill to increase postal salaries has been loaded down with improper provisions and is placed before us under such circumstances that we must pass it just as it is without changing a word in it or else kill it and refuse the just increases due these men is no reason why we should not grant the increases due these men. It is not our responsibility. It is the responsibility of the committee that so framed the bill. It is the responsibility of the President of the United States, who commanded that the bill be so written. It is the responsibility of the Republican steering committee, that permitted it to be so framed. It is the responsibility of the Rules Committee, which forced it to be thus called up and passed in the House under a suspension of rules, where it can not be amended and where it must receive a two-thirds vote to pass.

It is the responsibility of the Republican Speaker of the House who thus permits this program to be carried out, for he is not compelled to recognized this committee chairman to call up this bill, but has done so under a prearranged agreement and program arranged by the Republican administration. The Committee on Rules could have brought in a special rule, making this bill in order, and permitting reasonable general debate, and permitting amendments and reasonable debate under the five-minute rule, and then we could have framed a proper bill, and made it carry only the provisions that the majority of the House Members want in it. But the Committee on Rules refused to do this. They force us to swallow this bill just as it is, or else refuse to give just increases to the postal employees.

I am going to keep my pledge to these 350,000 postal employees. I am going to play the game fair and square. I am not going to take a stand that will deprive them and their families of what is justly due them. I am going to vote to give them a living wage. Passing this bill is the only chance to do it. If this bill fails of passage they will not get an increase. We will be going back on our pledges to them. We will not be doing what some of us have promised would be done.

If I had my way about it I would change this bill so that these increases would begin July 1, 1924, which was the date that they should have had the increases. If the President had not vetoed their bill last spring they would all have received these increases on July 1, 1924. And we are not doing them right in depriving them of such increases for six months between July 1, 1924, and January 1, 1925, which this bill does. But we can not amend it. We have to accept it as it is written. If under the rules it could be amended, I would exhaust every means permitted under the rules of this House to force such an amendment into it. These 350,000 postal employees are thus deprived of just increases for six long months. But they know where to fix the blame. They will find out just who caused it, and who is responsible for it.

Mr. Speaker, I have been for this postal salary legislation since it was first proposed. This bill has been footballed and battledored and shuttlecocked between the House and Senate and White House long enough. We can pass bills later on to remove these barnacles from it. I do not care how much fungus they have put in this bill, I am going to vote for it right straight on down the line until it becomes a law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BELL. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I think there is only one issue here, and that is whether we shall keep faith, keep faith with the postal employees of this country. You say that a bill has been passed similar to this. I say what of that? If that bill was a gold brick, if it carried nothing, if there was nothing in the satchel, what did it amount to? Discard that, and give these people a well-merited increase, which they deserve at your hands.

We should be a model employer. We should have here a model city. Therefore, vote and pass this bill in order that these employees so richly deserving of this increase may receive it in order that other fields of industry may emulate the Government and give a proper, decent, and living wage.

For many years these men and women have knocked at the doors of Congress. Are they going to knock in vain? Are we going to disregard the summons now that we have an opportunity to help and to assist them? I believe we will respond. I believe that the humanitarian views of the Members of this House will respond, and respond in an overwhelming manner, so that it will go without any equivocation to the other side of this building that it is the sentiment of the House of Representatives that these deserving employees receive this richly deserved and well-merited increase. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. MOORE of Ohio. Mr. Speaker, I ask that the gentleman from Iowa [Mr. RAMSEYER] use some of his time now.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes.

Mr. RAMSEYER. Mr. Speaker, I rise in opposition to the bill. I appeared in opposition to the postal pay bill last May. I filed a minority report and was one of six who voted against the bill on the final roll call. I do not care to go over the reasons that I presented then for my attitude toward that bill.

Title I of this bill is identical with the postal salary bill which the President vetoed, with the exception that the date the bill is to go into effect has been changed from July 1, 1924, to January 1, 1925. The gentlemen who were in favor of that bill then—that is, who favored a nation-wide flat increase of the postal salaries—can hardly be opposed to the provisions of Title I of the bill before the House now.

One of the reasons the President vetoed that bill was that it made no provision for raising revenue to meet the additional burden on the Treasury. The purpose of incorporating Title II in this bill is to overcome that one objection of the President, although the President urged other objections in his message sustaining his veto.

If you are going to pass Title I of the bill, I want a provision to raise the revenue to go with it. I voted in favor of the motion for the previous question, and I voted for the rule. My chief reason for that attitude was that the only thing before us was to either face this proposition to-day under suspension or next Monday under suspension, and I am just as ready to face it to-day as next Monday; and I was not anxious to give Members who were in favor of Title I of the bill and opposed to Title II an apportunity to reduce the revenue to take care of this bill. I want you to take Title II with Title I. If you want Title I, I propose to make you raise the revenue. I want to say in all frankness to the committee that reported this bill that Title II of the bill is a great improvement over the Senate bill, and I think it is an improvement over the rate provisions recommended by the Post Office Department. Furthermore, this bill does raise the necessary revenue.

I have a few objections to Title II of the bill that I think are fundamental. Nearly four years ago we set the machinery into operation to get the cost ascertainment. I made a motion in the Committee on the Post Office and Post Roads to create a subcommittee to start that work, and as a result of that beginning we did finally get the cost ascertainment which the Post Office Department reported to Congress last December. The objects of getting the cost ascertainment were first to get the cost of handling the different classes of mail and the cost of rendering the special services and the revenues derived from those various classes of mail and services and to get the gain or loss on each; and, secondly, and more important than the first, was to bring about reforms in the Post Office Department to improve the efficiency of the service and to establish business methods in handling the different classes of mail and performing the special services.

Title II, I think, violates at least in two respects the second object of getting the cost ascertainment. I shall refer briefly to class 4, the parcel-post matter in the bill and the method of handling it. Parcel-post rates in this bill provide for an addition of 2 cents for each package. You pay 2 cents additional whether the package weighs 9 ounces or 70 pounds There is no defense of that except that it will produce revenue. Two cents on each package—and at present we handle more than a billion packages a year. So if we have the same number of packages in parcel post when this bill becomes law, as now under existing law, it would make an increase of $20,000,000 in revenue.

But why should Congress take charge of rates on parcel post at all? Under existing law the Postmaster General has the power to propose changes in rates, zones, and classifications, or fourth-class or parcel-post mail, and to place them in effect as soon as the Interstate Commerce Commission approves. In my way of looking at it there is no more reason for dragging the parcel-post rates into Congress to be made the football of politics than for us to assume to regulate the freight rates or express rates throughout the country. It is a highly technical undertaking, and for that reason we have referred the freight and express rates to the Interstate Commerce Commission. Congress about eight years ago in its wisdom referred the rates on parcel post to the Postmaster General with the approval of the Interstate Commerce Commission. I tried to find out from the Post Office Department why this matter was referred up here, and no satisfactory answer was given. The only excuse was that the Postmaster General thought that inasmuch as Congress was going to revise the entire postal-rate schedules that he might as well pass the fourth-class rates to us in connection with the other classes of mail. In my opinion, for Congress to undertake to legislate on parcel-post rates is a step backward and unfair to the users of that class of mail.

In the next place with reference to the rates on second-class matter I do not object so much to the rates. Maybe they are fair. It is a mere guess. I have been urging before the joint subcommittee and our Committee on the Post Office and Post Roads that the subject of postal rates on second-class matter, which has been the subject of bitter controversy in Congress for years, should receive the same treatment as the rates on parcel post, to wit, that that matter should be referred to some nonpolitical expert commission for adjudication. We will never have peace between the publishers and Congress until that matter is so referred.

As I stated before, the rates on second-class mail subject to zone rates are a guess. Those rates in the first and second zones are increased 50 per cent and are put into effect within 60 days after this bill becomes law. In fairness to the publishers, whose subscriptions are sold for a year or more and with advertising contracts covering months, they should have more time to adjust themselves to these increases. The same applies to users of other classes of mail. I am strongly in favor of making the Post Office Department self-sustaining, but in bringing this about we should be fair to the users of the mail.

As to the fourth-class matter, the users of the parcel post would be better satisfied with the action of a nonpolitical commission than a body like this. They will not take kindly to a change in parcel-post rates in any event, but if the rates are increased by a nonpolitical expert body, the users of the parcel post would accept it with better grace even though higher than if this body fixes them. Second-class matter should be referred in a similar manner to a nonpolitical expert body. I asked the publishers that appeared before the joint subcommittee, nearly every one of them, if they were ready to subscribe to the policy that the publication they represented, which, of course, did not include the free-in-county publications and the religious, educational, and so forth, publications, if they were willing to subscribe to the policy that their publications should pay the Government the cost of handling their mail. Nearly every one of them subscribed to the policy if it could be referred properly to a body that would consider that proposition on its merits and free from political considerations.

I have the testimony here of Mr. Thomason, the manager of the Chicago Tribune and president of the American Newspaper Publishers' Association, to that effect. Some publishers contended before the subcommittee that under existing rates they are paying the Government more than the actual cost of handling their publications. Mr. Baldwin, president of the National Publishers' Association, made that statement and offered to prove it if given an opportunity. Then there are many publishers who contend that if the problem of transportation costs were properly studied and properly corrected the Post Office Department could save from 25 per cent to 50 per cent of the amount which to-day it pays to railroads. The railway transportation costs the Government over $100,000,000 annually. If the publishers can make good this statement, and they assert very strongly that they can, we would save to the Government each year between twenty-five and fifty million dollars. I realize I have discussed this big problem before the House very inadequately, but, gentlemen, I have promised to yield to my colleagues some of my time. I am the only one who has sought time in opposition to this bill. I know everything is set to put this bill over. I have given you, in a general way, a few and only a few of my reasons for my continued opposition, not so much in the hope of influencing your votes to-day but with the hope that those who study the problem will in the future give consideration to the things I am presenting here to-day. [Applause.]

Mr. Speaker, I reserve the balance of my time. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. RAMSEYER. Mr. Speaker, I yield seven minutes to my colleague, Mr. MOORE of Ohio, to distribute as he sees fit.

Mr. MOORE of Ohio. Mr. Speaker, of those seven minutes I yield three minutes to the gentleman from Georgia [Mr. BELL].

Mr. BELL. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, we have just heard from the gentleman from Iowa [Mr. RAMSEYER], who has illustrated more than once on this floor the fact that he is a fearless advocate of popular rights, a fact illustrated again to-day. He has shown that in this bill which was reported within the last few days injustice probably lurks—injustice of a flagrant character. Yet we are invited to vote at once upon the bill, including Title II, without anything that can be considered an adequate discussion. We are voting, many of us, in the dark. Most, if not all, of us favor increasing the compensation of the postal employees, but it can hardly be supposed that in doing them justice we are anxious, or should be willing, to do injustice to the agricultural and other interests that are involved.

I can not add anything to a statement of the general objections already urged against the manner in which the bill is now being considered, and let me say this: I think the rules of this House ought to be modified so that when any bill or resolution is brought before the House the right shall be accorded to offer and vote on amendments. [Applause.] At the beginning of the last Congress I suggested such a modification of the rules. I thought, though perhaps in this I was mistaken, that I had the assurance of the chairman of the Committee on Rules that when the Congress reconvened in the present session the matter of changing the rules in the particular indicated and in other particulars would be taken up, but it has not been taken up. In the next Congress I shall renew the suggestion and submit a resolution designed to prevent the suspension of the rules to the extent of forbidding the opportunity to offer amendments, except, perhaps, during the last six days of the session. [Applause.]

Mr. MOORE of Ohio. Mr. Speaker, the membership of this House is familiar with the efforts we have made to pass legislation increasing the salaries of our faithful and efficient postal employees. We well recall that, without any attempt to raise any revenue, in the last session of the Congress we passed a bill which did not meet Executive approval and was vetoed by the President, chiefly because the bill did not provide additional revenue. I think it is highly desirable to conclude the consideration of this legislation. Because of limited time, repeated efforts, and the necessity for the revenue we face "a condition and not a theory." We recall the bill that passed the Senate recently, and which was returned, and we know the estimate of the amount of revenue that that bill would raise seemed insufficient. I think we should be honest with ourselves. If we are to get any postal-pay legislation we must provide approximately the necessary revenue to pay it, or there will not be any, for the President has insisted the revenue shall be provided if salaries are increased. No one would contend, I think, that this is a perfect bill, but the gentleman from Iowa [Mr. RAMSEYER], who has made a study of this legislation, says he thinks this is the best bill we have had. When we review the history of this legislation we find the press of the country and the people generally recommending an increase in salaries for our postal employees. The board of directors of the largest chamber of commerce in my district favored the increase and so did many of our newspapers. The press has said that the postal employees are entitled to an increase. These newspapers further told us that we should wait and find out the cost ascertainment by the Post Office Department. That has been done and the report made. The estimate of the Post Office Department is that on second-class matter, exclusive of what is termed "transient," the proposed rates on newspapers and periodicals will raise less than $3,000,000 additional revenue, and this is far below the cost ascertainment. Some who have carefully gone over the situation think that not more than $65,000,000 will be needed to pay the increased cost for the postal pay to our employees, but the Post Office Department estimates it at $68,000,000 and states this bill should raise over $61,000,000 additional revenue.

The trouble with those who advocate the increased pay is that everybody apparently wants it and nobody wants to pay it.

"In honor preferring one another," but hardly in the scriptural sense! If the postal employees get this increase, some one must pay for it, and as we look at the second-class rates proposed I do not think anyone will say that the amount added there is exorbitant if the cost ascertainment is accepted. So far as the weekly country newspapers are concerned, they will have the privilege that they have had in the county.

I come now to where some objection has been made to the service charge on fourth-class matter. There is contention there. I know the interest that this Congress has and that the country has in agriculture. We know that some opposition has developed in respect to the rates proposed in this bill. I am sure that I share the interest in the farming sections of the country. I can remember at home on my father's farm, where he still lives, when they tacked up the first rural mail box, and the rural carrier still plods through the mud there, but I would remind our farmer friends, in fairness, that the rural service given them costs $50,000,000 more than is realized from the rural routes. We are not complaining, but merely stating the facts. When this is studied, when it is seen that we do not increase the zone rates, but simply add what is called a service charge of 2 cents and then exclude packages collected on rural routes from paying it, I think there will not be so much objection. There are many things in this bill for special services that have the approval of the Post Office Department. I honestly feel, in the interest of the postal employees and of the business of the country, this legislation should be considered and something definite done. Every business interest, every man, woman, and child in America is interested in the morale and efficiency of the Postal Service. Nothing will so destroy the morale of our faithful and efficient postal employees, who are waiting anxiously to see what, if anything, Congress is going to do for them, as to know there will be no postal-pay legislation. Unquestionably, especially in our large cities, increased salaries are needed if our postal employees are to provide adequately for their families and be able to save something.

I do not want to consume more time in the discussion of this bill. In the RECORD of yesterday, on page 3331, I put in, under extension of remarks, a comparison of the rates under the present law with the proposed rates in this bill, and you can find them there for reference. This comparison was made by the Post Office Department. If we believe in an increase of pay for our postal employees, we know we will not get a bill which will meet the approval of the Post Office Department and the President unless it provides the revenue to pay the increase in salaries. This bill does that, approximately, and with the increase in the postal revenues that comes each year we feel that these rates as applied by the Post Office Department will make the service almost self-sustaining during the next year. The retroactive feature has been taken out of this bill from last July and made January 1 last. The rates are not temporary, but they are permanent until changed by law. In the interest of settling this for the Post Office Department, for the business world, and for the country, in order that we may have a settled policy until other facts are gathered for a change in rates, I urge the passage of this bill. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. MOORE of Ohio. I yield the balance of my time to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker and gentlemen, the time has come to pass upon this bill just as it stands. I believe with all my heart that after the difficulties and delays of the past year and three months this bill is going to be enacted into law. I believe that it will be approved by the President after certain items have been harmonized and agreed upon by the House and Senate in conference. It is a gratifying thing to know that in this entire debate no Member of this House has made the argument that the postal employees are not entitled to this fair increase in their compensation. Every one has agreed that they are entitled to it. We are making no undue increases in salaries. We are only bringing them back to 1913. There is not a dollar of increase in purchasing power in the schedules of compensation granted by this bill over the pay these workers had in 1913. Now, Mr. Speaker, the gentleman from Iowa [Mr. RAMSEYER] has made the point in opposition to this bill that we should provide that the Postmaster General and the Interstate Commerce Commission fix the rate upon advertising portions of second-class mail matter. He seemed to argue that because we did that in 1912 on fourth-class matter and it proved an utter failure that we should abdicate still further our authority and grant still more opportunity for futile effort. There was some reason for giving authority to the Postmaster General and the Interstate Commerce Commission to decide fourth-class rates. That is a merchandise service, wholly commercial. It was declared the governmental policy in the original parcel post act that it should pay the cost of operation. What happened? The Postmaster General abolished the distinctive stamp, so we could not determine the revenue received. Next he lowered the rates so that they were almost 50 per cent less than the original rates. Then he increased the size and weight limits, which operated to reduce the rates still further. In the end these various exercises of authority granted by Congress placed the department in such a position that they could go no further. Mr. RAMSEYER says he tried to find out why they come to Congress now to establish new rates and could not find out. I can tell him why. It was because the Postmasters General decreased the rates to a place where they would not pay, and they became such a tangle that the department came to Congress and said, "You shoulder the burden and fix proper rates." What did they suggest in regard to parcel post? They wanted a 4-cent increase in the first pound in the first and second zones. They wanted to put what was actually a parcel fee of 4 cents on every parcel sent out by a farmer over a rural route, or by a small business man. We refused to do it. We put on a 2-cent parcel fee and exempted the farmer from payment.

Mr. Speaker, there is a vast difference between parcel-post and newspaper matter and there is no reason in the world why we should give any appointed officials the right to decide policies as to second-class matter. It is said it is advertising, but that advertising makes the publication. Without advertising the publications could not exist. All these questions will come before the commission which is provided by this bill. We will have to decide permanent policy. We could not accept the cost ascertainment commission's report and we did not. The Post Office Department did not accept it itself in its rate proposals. It is imperative to decide on a policy of whether we are going to conduct the Post Office Establishment as a profit-making enterprise or an institution for the service of the American people.

Mr. CONNERY. Will the gentleman yield?

Mr. KELLY. I will.

Mr. CONNERY. I just want to ask the gentleman one question. If the postal employees have been waiting all this time for an increase in their salaries, why did the committee take out the retroactive proposition back to July 1 and bring it up to the present time?

Mr. KELLY. The committee realized that these post-office employees should have had their increased pay last July, but we also realized that it was not done by Congress. The committee considered it carefully, and believing that there would be danger of this entire measure failing if we made the pay retroactive to the extent of $34,000,000, we decided in all fairness to the employees and the Government to make it retroactive to January 1. We believe that is the best possible action under all the circumstances.

Mr. Speaker, my friend the gentleman from Tennessee [Mr. GARRETT] misunderstood me as saying I thought these postage rates perfect. I do not think so. We decided that there should be a permanent policy established for the Postal Service, and in due time the commission empowered to examine these matters will make their report, and I trust that that report will do full justice to all the people who use this great service. In the meantime here and now we are going to do justice to 350,000 employees in the Postal Service of the United States. [Applause.]

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

AMENDMENT TO THE AGRICULTURAL CREDITS ACT

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12000.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 12000, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12000) to amend the agricultural credits act of 1923, approved March 4, 1923

Be it enacted, etc., That paragraph 1 of section 202 of the agricultural credits act of 1923, approved March 4, 1923, be amended by inserting after the word "State," in line 5 of said paragraph, the words "or of the Government of the United States," so that the paragraph as amended will read:

"(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural pro-

ducers, organized under the laws of any State or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock."

The SPEAKER. Is a second demanded?

Mr. WINGO. I demand a second, Mr. Speaker.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. O'CONNOR of New York. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects. The question is on ordering a second. The gentleman from Pennsylvania [Mr. McFADDEN] and the gentleman from New York [Mr. O'CONNOR] will take their places as tellers. As many as are in favor of ordering a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 122, noes 0.

The SPEAKER. A second is ordered.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum is present. The gentleman from Pennsylvania [Mr. McFADDEN] is recognized for 20 minutes and the gentleman from Arkansas [Mr. WINGO] for 20 minutes.

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, I do not care to take up the time of the House on this very worthy measure. The bill simply amends the agricultural credits act of 1923.

You will recall that that act provided for two classes of financial institutions to give relief to the farmers of the country to finance themselves. It provided for the agricultural credit banks and the intermediate credit banks, but in the drafting of the bill there seemed to be some objection at that time to the granting of the right to rediscount with the intermediate credit banks the paper that was created and rediscounted from the agricultural credit banks. As the result of leaving that provision out of the bill none of these agricultural credit banks have ever been organized, notwithstanding the fact that national banks were to a limited extent authorized to subscribe to the capital stock of those banks.

The immediate consideration of this bill is brought about through the recommendation contained in the preliminary report of the agricultural conference on agricultural legislation. In their report, under date of January 28, they reported to the President, amongst other things, that this amendment be passed. Immediately that was called to the attention of the Committee on Banking and Currency; a meeting was called, and careful consideration was given to the reporting out of that bill; and I am happy to say to you that a unanimous report from the committee backs this bill.

Now I yield five minutes to the gentleman from Kansas [Mr. STRONG], the author of the amendment.

The SPEAKER. The gentleman from Kansas is recognized for five minutes.

Mr. STRONG of Kansas. Mr. Speaker and gentlemen of the House, in the closing days of the Sixty-seventh Congress there were three bills pending in the Commitee on Banking and Currency that we very much desired to see passed in the interest of furnishing a better credit system for agriculture. They were: The Capper bill, which provided for "national agricultural credit corporations"; the bill prepared by the committee on agricultural inquiry, which provided for a rural credit system, with the organization of 12 Federal intermediate credit banks; and a bill of my own, providing for the improving and liberalization of the Federal farm-loan system.

Because of the limited time ensuing before the adjournment of Congress, these three bills were woven together and the parliamentary advantage secured by reporting them out as one bill and sending them to a single conference committee, the report of which was approved by both Houses and the bill signed by the President on the last day of the session.

It was the intention to permit the "national agricultural credit corporations" referred to in the law to rediscount approved paper representing loans to farmers presented by State banks, cooperative associations, or other agricultural organizations through the Federal intermediate credit banks, but the Farm Loan Board held that the bill was not broad enough to permit this to be done; hence no agricultural credit corporations have been organized; but it is thought that if such rediscount privileges are granted, that many national agricultural credit corporations will be formed, and the agricultural commission appointed by President Coolidge has recommended the amendment carried in this bill, so that such credit corporations may be organized and give relief to the further needed financing of the stockmen and farmers of the Nation.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. WILLIAMSON. Is it not a fact, as a result of that provision not being in the law, that the agricultural credit corporations have not been organized?

Mr. WINGO. Of course, the gentleman from South Dakota does not mean that, because the act itself created 12 banks.

Mr. STRONG of Kansas. I think you did not understand the gentleman. The gentleman from South Dakota, I am sure, means the national agricultural credit corporations and not the Federal intermediate credit banks, as you no doubt understood.

Mr. WINGO. That is quite a different horse.

Mr. STRONG of Kansas. The purpose of this bill is to encourage those national agricultural credit corporations to be formed and rediscount their paper through the national agricultural credit banks. If it does so, a great assistance will be rendered to agriculture.

I have introduced it for that purpose. It has the approval of the President and the Agricultural Commission and the Federal Farm Loan Board, and I hope it will pass by the required two-thirds vote. [Applause.]

Mr. WINGO. Mr. Speaker, I yield myself 10 minutes. I want to say a few words to you Democrats. There is no use in talking to our Republican friends, but I want to show how loosely a Republican thinks when he is buncoing the farmer. My very able and learned friend from South Dakota [Mr. WILLIAMSON] got up just now and seriously asked my amiable agricultural friend from Kansas [Mr. STRONG] whether this trouble with the law was not the reason why no intermediate credit banks had been organized. Of course, I called his attention to the fact that we created and established by the intermediate credit act 12 banks and put them on their feet. Then somebody called his attention to the fact that he evidently meant the agricultural credit corporations. That illustrates how loosely our Republican friends think when they are playing their usual bunco game on the American farmer.

You Democrats can vote for this bill without violating either your conscience or the Constitution, but without any assurance whatever that the cattle growers are going to get any very great relief out of it.

Those of you who were here two years ago, when we passed this intermediate credit bank act, will recall I took the position—and, as a matter of fact, we Democrats joined with the Republicans in order to put through the bill, because it was the only thing the administration would stand for—and at that time warned you that you should not mislead the farmers into believing that that act was going to solve all the ills of American agriculture.

Now, what are the national agricultural credit corporations? They are one of the sets of corporations that the intermediate credit act authorized. They were known as the so-called Capper banks. Of course, whenever you strike a politician from Kansas he can always find a remedy to meet the distress of a farmer, whatever the distress may be. So two years ago, when the cattle industry was languishing, when the farmers were bankrupt, and when the cattle growers of the West faced ruin, our ingenious friend from Kansas, my friend STRONG, and his Senator, Senator CAPPER, said, "Why surely; we are the friends of the farmer, and we will solve that trouble, Mr. Cattle Grower. We are going to put you on your feet."

Mr. HUDSPETH. Will the gentleman yield?

Mr. WINGO. Wait until I finish this story. They were asked, "How are you going to do it?" Oh, my friends from Kansas, the ingenious Senator and his ingenious Congressman, my friend STRONG, said, "Here is what we are going to do. We are going to do it, Mr. Cattle Grower, through the so-called Capper bill, which is embodied in the intermediate credit act," and which we are amending to-day. They said, "We will authorize five of you cattle growers to get together. It is true you are busted, and it is true you are bankrupt; but we will authorize any five of you cattle growers to get together, put up $50,000 apiece, or $250,000, and start a bank of your own."

That is what they did, and now they have the gall to tell the American farmer, to tell the cattle growers of Texas and the cattle growers of Kansas, that one reason why those busted cattle growers have not organized these Capper banks is because the Department of Justice has ruled on this section and

has held that those banks, even if they did organize, could not rediscount with the other little sets of banks that were created under the same act. So here comes my friends from Kansas charging down to Congress like a scared stud out of a burning barn and say, "Why, we will fix it now, old Reuben." They have let him suffer for two years and they knew this was wrong, and finally the President's commission told them they were wrong, and they now say, "If you will just authorize the intermediate credit banks to rediscount the paper of these $250,000 cattle banks to be organized everything will be lovely and the cattle farmer will be on his feet."

Now I will yield to my friend from Texas.

Mr. HUDSPETH. Does this act provide that after these national agricultural credit banks are organized they must loan to the cattlemen without any collateral whatsoever?

Mr. WINGO. Oh, no.

Mr. HUDSPETH. Then the cattlemen will not be benefited. Higher prices for their cattle are what the cattle growers need to put them on their feet.

Mr. WINGO. Do not misunderstand me. I voted for the intermediate credit act because I thought it would be of some value, but I then warned the farmer that it was not going to solve all of his troubles, and I warn the farmer and the cattle grower to-day that this is not going to solve their troubles.

Why, gentlemen, think of the absurdity of contending that the cattle growers have refused to organize the Capper banks simply because they did not have the rediscount privilege with the intermediate credit banks. Why, gentlemen, there is not a cattle-growing State in the South or West but where those same farmers could have gotten together and put up $10,000—in one State I believe they require $15,000—to organize a State bank, and there is no doubt that under the law that State bank could have rediscounted cattle growers' paper with intermediate credit banks. Do you mean to say that the intermediate credit banks shall confine relief to the cattle grower through the so-called Capper banks that he is to organize? No; you should not do that. You should give him the relief that comes from his different organizations, his State banks, national banks, and his cooperative organizations; the relief that comes from the different credit corporations that are organized under State law; from the different State banks, from the different national banks in the cattle districts, and under the law they have the power now to do it.

Well, what is the trouble? Why do not they do it? Oh, you remember how our friends over here cussed and abused us because they said we did not extend relief to agriculture in the last year of Woodrow Wilson's administration, and yet just the very moment they got in power they put through a deflation policy that brought wreck and ruin and bankruptcy to the cattle growers and the wheat growers and the cotton growers. Then they let the riot run for two years, and not until March, 1923, did they finally pass the intermediate credit act, and they would not have passed it then if it had not been for the Democrats. Nobody can challenge that statement that was on the conference committee. I do not claim any particular credit for myself, but nobody can challenge a statement I make that if it had not been for the gentleman from Alabama [Mr. STEAGALL] and myself they would not have gotten the intermediate credit act passed. They intended to unload. They intended to kill the bill and unload the blame on the Democratic conferees. We refused to be the goats, because we sincerely wanted to do something for the farmer and meet his needs as far as you Republicans would permit.

Now, let us see what this bill does. Some of my Democratic friends may say, "Now, WINGO, you are asking us to go along and support this bill, what does it do?" I will tell you what it does. It adds the words "or of the Government of the United States." In other words, in the discount section of the intermediate credit act where it authorizes them to rediscount paper from certain institutions, banks, and agricultural credit corporations, the Department of Justice has held that the provision with reference to agricultural credit corporations being immediately connected with another provision that says, "organized under the laws of the States" relates back to the agricultural credit corporations, and inasmuch as these national agricultural credit corporations are organized under the laws of the United States, that you have got to put in the words "or of the Government of the United States" in order to authorize such rediscounting. This bill does what we intended. It carries out what was the intention of Congress two years ago. It took our Republican friends two years to find out what was the matter with the cattle grower.

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. WINGO. Mr. Speaker, I yield myself five minutes more.

As I have suggested to you before, the poor Republican President was harrassed; he saw our Republican friends floundering around here at the last session of Congress because they could not agree on anything, and anything that a good many of them agreed on the President would not stand for, and so, finally, the President acted very wisely. At the beginning of this session he said, "I can not depend on you Republicans in Congress, and I will just get me up a little commission of my own to find out what kind of farm legislation to have." He named his commission and his commission came in and reported, and this is one of the first things they asked. The very moment they reported it, we Democrats on the Committee on Banking and Currency said to the Republicans, "All right; we are willing to carry out the President's wishes in this matter and we are willing to carry out the recommendation of the agricultural commission." In other words, the position that your Democratic representatives on the committee take is that we stand ready, free from any partisanship, to go along and do anything that is sane and sensible that promises any relief for the distressed condition of agriculture that has arisen under the Republican administration, even if they can only hold out very little hope.

This is the position of your Democratic members on the Banking and Currency Committee, and we ask you Democrats to go along and vote for the bill hoping that it may do some good, but warning you that you must not tell your cattle growers that it is a panacea for all their ills. It is the best our Republican friends will permit. [Applause.]

I reserve the balance of my time, Mr. Speaker.

Mr. McFADDEN. Mr. Speaker, unless there is some gentleman who desires time——

Mr. LAGUARDIA. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members are present, not a quorum.

Mr. TINCHER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 59]

Allgood	Fairfield	Martin	Rogers, N. H.
Ayres	Favrot	Michaelson	Rouse
Berger	Foster	Montague	Schall
Bland	Geran	Moore, Ill.	Scott
Britten	Gilbert	Morin	Sears, Nebr.
Butler	Griest	Morris	Sproul, Ill.
Casey	Haugen	Nelson, Wis.	Stalker
Celler	Johnson, W. Va.	Nolan	Stengle
Clark, Fla.	Kent	O'Sullivan	Sullivan
Clarke, N. Y.	Kerr	Park, Ga.	Taber
Cole, Ohio	Kindred	Parks, Ark.	Taylor, Colo.
Collins	Knutson	Peavey	Tydings
Corning	Langley	Perkins	Upshaw
Croll	Larson, Minn.	Phillips	Vare
Cummings	Lehlbach	Porter	Ward, N. C.
Curry	Lyon	Pou	Wertz
Deal	McKenzie	Reed, N. Y.	White, Me.
Dominick	McKeown	Reed, Ark.	Wolff
Eagan	McNulty	Richards	Woodruff
Edmonds	McSwain	Roach	Zihlman
Evans, Iowa	Madden	Rogers, Mass.	

The SPEAKER. Three hundred and forty-eight Members have answered to their names; a quorum is present.

Mr. TINCHER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4203. An act to authorize the Port of New York authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey.

The message also announced that the Senate had passed without amendment the bill of the following title:

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes.

SENATE BILL REFERRED

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey; to the Committee on Interstate and Foreign Commerce.

DEPORTATION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11796) to provide for the deportation of certain aliens, and for other purposes.

The SPEAKER pro tempore (Mr. CHINDBLOM). The gentleman from Washington moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted etc., That this act may be cited as the "Deportation act of 1925."

SEC. 2. Sections 18, 19, and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," are amended to read as follows:

"SEC. 18. (a) Every alien who upon arrival in the United States is not found to be entitled to enter the United States shall be excluded, and deported in accommodations of the same class as in which he arrived. Deportation shall be immediate unless the deportation of such alien is suspended in pursuance of subdivision (c) of this section or subdivision (c) or (d) of section 20. Deportation shall be on the vessel bringing such alien to the United States, unless it appears to the satisfaction of the immigration official in charge at the port of arrival that deportation on such vessel is not practicable or proper, in which case deportation shall be on a vessel owned or operated by the same interests, unless it appears to the satisfaction of such official that deportation on such a vessel is not practicable or proper, in which case deportation shall be made otherwise. No alien employed on board a vessel arriving in the United States shall in any case be deported on such vessel or on any vessel owned or operated by the same interests, unless it appears (under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor) to the satisfaction of the immigration official in charge at the port of arrival that deportation in any other manner would be impracticable.

"(b) If an excluded alien, certified by an examining medical officer to be helpless on account of sickness, mental or physical disability, or infancy, is accompanied by another alien whose protection or guardianship is required by such excluded alien, such accompanying alien may also be excluded and deported in the same manner as if personally subject to exclusion and deportation.

"(c) An alien employed on board any vessel arriving at a port of the United States who is certified by a medical officer of the United States Public Health Service to be afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, shall be placed in a hospital designated by the immigration official in charge at the port of arrival for treatment at the expense of the owner, agent, or consignee of the vessel without deduction from his wages. Upon certification by such a medical officer that the alien has been cured, he shall be permitted to enter the United States temporarily under the same conditions and limitations as if the vessel had arrived on the day of his discharge from the hospital; but if it appears to the satisfaction of the immigration official in charge at the port of arrival that it will not be possible within a reasonable time to effect a cure, such alien shall be deported subject to the same conditions and limitations as in the case of any other alien subject to exclusion and deportation by reason of being afflicted with such disability or disease, except as otherwise provided in subdivision (a).

"(d) The cost of the maintenance of every alien removed from the vessel bringing him, pending examination for admission to the United States, or pending deportation when he has been ordered deported, or while deportation is suspended under subdivision (c) of section 20, or while he is in hospital under the provisions of subdivision (c) of this section, including in all the above cases medical and hospital treatment and burial expenses not to exceed $125 in case of death, the case of his removal to and from the vessel, and the cost of his deportation, shall (except as otherwise provided by subdivision (c) or (d) of section 20) be borne by the owner, agent, or consignee of the vessel bringing him. If any vessel bringing aliens to the United States attempts to depart while the status of aliens brought by it remains undetermined or while the deportation of any such alien is suspended, the immigration official in charge at the port of arrival may, under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, require the owner, agent, or consignee of such vessel to give bond to the United States in an amount estimated by such immigration official to be necessary to cover all such costs, with surety to secure the payment thereof approved by the collector of customs, conditioned that such costs shall be duly paid, and no such vessel shall be granted clearance until such bond is given or a sum equal to the estimated amount of costs is deposited with the collector of customs. Such immigration official may from time to time require such additional bond or sums as he estimates may be necessary to cover such further costs as may accrue. If the vessel has been granted clearance, such vessel, if subsequently arriving in a port of the United States, or any other vessel owned or operated by the same interests, may, subject to the same conditions, be denied clearance. If the owner, agent, or consignee of a vessel fails or refuses to pay promptly all such costs, such costs may be paid from the appropriation for the enforcement of this act and recovered by the United States from the owner, agent, or consignee of such vessel.

"SEC. 19. (a) At any time after entering the United States (whether the entry was before or after the enactment of the deportation act of 1925) the following aliens shall be taken into custody and deported:

"(1) An alien who at the time of entry was a member of one or more of the classes excluded by law from admission to the United States;

"(2) An alien who entered the United States at any time or place other than as designated by immigration officials, or who eluded examination or inspection, or who obtained entry by a false or misleading representation, or the failure to disclose material facts;

"(3) An alien who remains in the United States for a longer time than authorized by law or regulations made under authority of law;

"(4) An alien who is a public charge from causes not affirmatively shown to have arisen subsequent to entry into the United States;

"(5) An alien who, from causes not affirmatively shown to have arisen subsequent to entry into the United States, is an idiot, imbecile, feeble-minded person, epileptic, insane person, person of constitutional psychopathic inferiority, or person with chronic alcoholism;

"(6) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1925) for which he is sentenced to imprisonment for a term of one year or more;

"(7) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1925) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under one or more previous convictions of the same or any other offense (committed after the enactment of the deportation act of 1925), amounts to 18 months or more;

"(8) An alien who is convicted of a violation of, or conspiracy to violate (committed or entered into after the enactment of the deportation act of 1925), any statute of the United States or a State or Territory prohibiting or regulating the manufacture, possession, sale, exchange, dispensing, giving away, transportation, importation, or exportation of intoxicating liquors for beverage purposes, for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under one or more previous convictions of a violation of or conspiracy to violate any of such statutes (such previous violations or conspiracies having been committed or entered into after the enactment of the deportation act of 1925), amounts to one year or more;

"(9) An alien who was convicted, or who admits the commission, prior to entry, of an offense involving moral turpitude;

"(10) An alien who has, after the enactment of the deportation act of 1925, violated or conspired to violate, whether or not convicted of such violation or conspiracy, (A) the white slave traffic act, or any law amendatory of, supplementary to, or in substitution for, such act; or (B) any statute of the United States prohibiting or regulating the manufacture, possession, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves;

"(11) An alien who is found practicing prostitution or is an inmate of, or connected with the management of, a house of prostitution, or who receives, shares in, or derives benefit from, any part of the earnings of any prostitute, or who manages or is employed by, in, or in connection with, any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes or where prostitutes gather, or who in any way assists any prostitute, or protects or promises to protect from arrest any prostitute, or who imports or attempts to import any person for the purpose of prostitution, or for any other immoral purpose, or who enters for any such purpose, or who has been convicted and imprisoned for a violation of any of the provisions of section 4 hereof;

"(12) An alien who conceals or harbors, attempts to conceal or harbor, or aids, assists, or abets any other person to conceal or harbor, any alien liable to deportation;

"(13) An alien who aids or assists in any way any alien to unlawfully enter the United States;

"(14) An alien who is found employed on a vessel engaged in the coastwise trade of the United States without having been admitted to the United States for permanent residence.

"(b) No conviction shall serve as a basis for deportation proceedings under paragraph (6), (7), or (8) of subdivision (a) unless such conviction is in a court of record and the judgment on such conviction has become final. In the case of a sentence for an indeterminate term in which the minimum term under the sentence is less than one year, the term actually served shall, for the purposes of paragraphs (6), (7), and (8) of subdivision (a), be considered the term for which sentenced. An alien who has been pardoned after conviction of an offense as specified in paragraph (6), (7), or (8) of subdivision (a) shall not be deported.

"(c) An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment.

"(d) Proceedings for the deportation of aliens under this section or under any law providing for the arrest and deportation of aliens after entry into the United States shall be begun by taking the alien into custody under a warrant of arrest issued (1) by the Commissioner General of Immigration, or (2) by any official authorized by the Commissioner General of Immigration to issue warrants of arrest. Every alien so arrested shall be given a hearing under regulations prescribed by the Commissioner General of Immigration, with the approval of Secretary of Labor, before an immigrant inspector designated under such regulations. The immigrant inspector shall, under such regulations, transmit the evidence taken at the hearing to the Secretary of Labor. The Secretary shall make an order releasing the alien or ordering his deportation, and his decision shall be based solely on the evidence taken at the hearing, except that he may send the case back to the immigrant inspector before whom the hearing was had for the taking of additional evidence, or order the case reheard by another immigrant inspector. The order of deportation shall refer to the particular provisions of law under which the alien is ordered deported and shall briefly state the ground upon which such provisions of law are applicable to the alien, but it shall not be necessary to state or summarize the evidence in the order. No alien shall be deported unless before the issuance of the order of deportation he was afforded, at the hearing before the immigrant inspector, an opportunity to be heard after notice upon the grounds stated in the order of deportation. The decision of the Secretary of Labor in every case of deportation under the provisions of this act or of any law or treaty shall be final. If any alien is arrested under the provisions of this section on the ground that he is found in the United States in violation of any other law of the United States which imposes upon him in any proceedings not under this section the burden of proving his right to remain in the United States, such alien in proceedings under this section shall have the burden of proving his right to remain in the United States.

"(e) Pending final decision of the case of any alien taken into custody for deportation, he may be released under a bond in the penalty of not less than $1,000, conditioned that such alien will be produced whenever required by immigration officials. Such bond shall have surety approved, under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, (1) by the Commissioner General of Immigration, or (2) by any official authorized by the Commissioner General of Immigration to approve such bonds.

"(f) Unless the deportation of an alien is made by reason of causes arising subsequent to entry, the owner, agent, or consignee of the vessel or transportation line by which such alien came to the United State shall (except as otherwise provided by subdivision (g) bear the expense of the deportation of such alien from the port of deportation, if deportation proceedings are instituted within five years after the entry of the alien, or, irrespective of the time of institution of such proceedings, if it can be shown that such owner, agent or consignee knew or could have known by the exercise of reasonable diligence that such alien would be subject to deportation. Where liability for the expense of deportation can not be ascertained or enforced, or where no liability for such expense is imposed by law, such expense shall be payable from the appropriation for the enforcement of this act.

"(g) If any alien was unlawfully induced to enter the United States, the deportation of such alien, including the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom such alien was unlawfully induced to enter the United States, or, if that can not be done, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port, if deportation proceedings are instituted within five years, shall be at the expense of the owner, agent, or consignee of the vessel or transportation line by which such alien came.

"(h) If any alien is liable to deportation upon any ground specified in any paragraph of this section he shall be deported whether or not he is liable to deportation upon a ground specified in any other paragraph or section of this act or in any other law, and any alien who is liable to deportation upon a ground specified in any law other than this act shall be deported whether or not he is liable to deportation upon a ground specified in this act.

"SEC. 20. (a) The deportation of aliens excluded or arrested and ordered deported shall, under regulations prescribed by the Commissioner General of Immigration with the approval of Secretary of Labor, be (1) to the country of which such aliens are citizens or subjects, or to the foreign port at which such aliens embarked for the United States, or (2) if such aliens entered from foreign contiguous territory, then to such territory, or to the country of which such aliens are citizens or subjects or to the foreign port at which they embarked for such territory, irrespective of whether such aliens have accepted a domicile in such territory, or (3) if such aliens entered foreign contiguous territory from the United States, and later reentered the United States, then to such territory, or to the country of which such aliens are citizens or subjects or to the foreign port at which they originally embarked for the United States, irrespective of whether such aliens have acquired a domicile in such territory. In lieu of any country specified above, such aliens may, under such regulations, be deported to the country (if any) in which they resided prior to entering the country from which they embarked for the United States or for foreign contiguous territory. The term "foreign port," as used in this subdivision, includes a port of an insular possession of the United States.

"(b) When, in the opinion of the Secretary of Labor, the mental or physical condition of an alien who is excluded or arrested and ordered deported is such as to require personal care and attendance, he shall, when necessary, employ a suitable person for that purpose, who shall accompany such alien to his final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed.

"(c) If it appears to the satisfaction of the Secretary of Labor, in the case of any alien excluded or arrested and ordered deported, that immediate deportation before hospital treatment for sickness or mental or physical disability would cause unusual hardship or suffering, he may suspend temporarily the deportation of such alien solely for the purpose of placing him in a hospital under the supervision of immigration or United States Public Health Service officials for treatment, until such time as, in his opinion, such sickness or disability has been relieved to such an extent that the deportation of such alien would not cause unusual hardship or suffering. In the case of an alien subject to deportation under subdivision (a) of section 18, such treatment shall be at the expense of the owner, agent, or consignee of the vessel bringing him, and in the case of an alien arrested and ordered deported it shall be defrayed in the same manner as the cost of removal to the port of deportation.

"(d) The Commissioner General of Immigration, upon conditions prescribed by him, may, with the approval of the Secretary of Labor, suspend the deportation of any alien subject to exclusion or deportation if, in his judgment, the testimony of such alien is necessary in the interests of the United States in any judicial or other proceeding. The cost of the maintenance of any such alien (including medical and hospital treatment, and burial expenses not to exceed $125 in case of death), and a witness fee of $1 per day to such alien for each day while deportation is so suspended may be paid from the appropriation for the enforcement of this act unless such suspension of deportation is requested by the Department of Justice, in which case such cost and witness fee shall be paid from the appropriation for the Department of Justice. During such suspension of deportation the alien may be released under bond, in the penalty of not less than $500, with surety approved in the same manner as provided in subdivision (e) of section 19, conditioned that such alien shall be produced when required as a witness and for deportation, and while so released the cost of his maintenance shall not be borne by the United States.

"(e) It shall be unlawful for any master, purser, person in charge, agent, owner, charterer, or consignee of any vessel to refuse or fail to receive or detain on board, and transport in the manner specified, and to the place designated, any alien ordered to be deported on such vessel in pursuance of law; or to fail to pay the costs imposed in pursuance of law in respect of any alien; or, in bringing any alien to the United States, to make any charge for the return of such alien or to take any security for the payment of such charge, or to take any consideration to be returned in case the alien is landed, or to fail to detain on the vessel or to remove temporarily such alien for examination, as ordered by immigration officials; or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to enter the United States.

"(f) If it appears to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, charterer, or consignee of any vessel has violated any of the provisions of subdivision (e) or of section 15, the master, purser, person in charge, agent, owner, charterer, or consignee of such vessel or of any vessel owned or operated by the same interests shall pay to the collector of customs of the district in which any such vessel may be found, the sum of $1,000 for each violation of any such provision. No such vessel shall be granted clearance pending the determination of such liability, or while such fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover the fine imposed. No such

fine shall be remitted or refunded. If clearance has been refused and the amount of the fine imposed has not been paid within 10 days after such imposition, the vessel may be forfeited by a proceeding by libel in rem in admiralty. If it appears to the satisfaction of the Secretary of Labor that the provisions of subdivision (e) are persistently violated by or on behalf of any vessel or transportation company, the Secretary shall deny to such vessel or company the privilege of landing alien immigrant passengers at United States ports for such period as in his judgment may be necessary to insure an observance of such provisions."

SEC. 3. The first sentence of the second paragraph of section 9 of such immigration act of 1917, as amended, is amended by striking out the words "the last proviso" and inserting in lieu thereof the words "subdivision (b)." The last two sentences of section 15 of such immigration act of 1917 are repealed. Such immigration act of 1917 is further amended by adding at the end thereof a new section to read as follows:

"SEC. 39. That this act may be cited as the 'immigration act of 1917.'"

SEC. 4. (a) Subdivisions (a), (b), and (c) of section 20 of the immigration act of 1924 are amended to read as follows:

"SEC. 20. (a) It shall be the duty of the owner, charterer, agent, consignee, or master of every vessel arriving in the United States from any place outside thereof to detain on board every alien employed on such vessel until the immigration officer in charge at the port of arrival has inspected such alien, such inspection in all cases to include a personal physical examination by the medical examiners. If it appears to the satisfaction of the Secretary of Labor that the owner, charterer, agent, consignee, or master has violated this provision, such owner, charterer, agent, consignee, or master shall pay the collector of customs of the district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while such fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover the fine imposed. No such fine shall be remitted or refunded.

"(b) An alien employed on any vessel arriving in the United States from any place outside thereof may be removed from the vessel to an immigration station or other appropriate place for examination subject to the same provisions of law in respect of such removal as in the case of any other alien, and the owner, charterer, agent, consignee, or master of the vessel shall be subject to the same provisions of law, including penalties, in respect of such removal as in the case of any other alien."

(b) Subdivision (d) of section 20 of the immigration act of 1924 is amended by striking out the letter "(d)" at the beginning of such subdivision and inserting in lieu thereof the letter "(c)."

SEC. 5. (a) Section 33 of the immigration act of 1917 is amended by striking out the words "the preceding section" and inserting in lieu thereof the words "section 20 of the immigration act of 1924, as amended" and a comma, and by inserting after the word "admitted" the words "for permanent residence."

(b) Section 34 of the immigration act of 1917 is repealed.

(c) The act entitled "An act to provide for the treatment in hospitals of diseased alien seamen," approved December 26, 1920, is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act.

SEC. 6. Whenever in any law heretofore enacted it is provided that any alien shall be deported, the arrest and deportation of such alien shall (regardless of the manner provided in such law) be made in the same manner as provided in sections 19 and 20 of such immigration act of 1917, as amended, and whenever in any law hereafter enacted it is provided that any alien shall be deported, the arrest and deportation shall, unless expressly provided to the contrary, be made in the same manner as provided in such sections 19 and 20.

SEC. 7. Nothing in this act shall affect any deportation proceedings in which the warrant of arrest was issued before the enactment of this act, nor relieve from deportation any alien who at the time of the enactment of this act was liable to deportation. That part of section 19 of such immigration act of 1917 which relates to the deportation of aliens convicted of a crime involving moral turpitude shall, notwithstanding the amendment of such section by this act, remain in force for the deportation of an alien where the crime was committed before the enactment of this act.

SEC. 8. (a) If any alien has been arrested and deported in pursuance of law he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 30 days after the enactment of this act, he shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed, or of the place to which he departed.

(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall be excluded and deported in the same manner as if he were an immigrant passenger, and shall be entitled to none of the landing privileges allowed by law to seamen.

(d) So much of section 3 of the immigration act of 1917 as reads as follows: "persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission" is amended to read as follows: "persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory, the Secretary of Labor has consented to their reapplying for admission."

SEC. 9. Any alien who enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

SEC. 10. Upon the final conviction of any alien of any offense in any court of record of the United States or of any State or Territory, it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

SEC. 11. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. CAREW. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore (Mr. CHINDBLOM). The gentleman from New York makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-nine Members present; not a quorum.

Mr. SNELL. Mr. Speaker, I ask for tellers.

Mr. CRISP. Mr. Speaker, I know of no rule that authorizes tellers when the want of a quorum has been declared.

The SPEAKER pro tempore. The Chair knows of no such rule.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

Mr. SNELL. And on that I demand tellers.

Mr. BLANTON. Mr. Speaker, I make the point that when the want of a quorum has developed the gentleman can not demand tellers. The Speaker has declared that there is no quorum present.

The SPEAKER pro tempore. The Chair overrules the point of order.

Tellers were ordered, and the Chair appointed Mr. JOHNSON of Washington and Mr. CAREW as tellers.

The tellers reported that there were 19 ayes and 160 noes.

Mr. CAREW. Mr. Speaker, I object to the vote because there is no quorum present. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the motion was rejected.

Mr. CAREW. I demand the yeas and nays on that motion.

The SPEAKER pro tempore. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 15, nays 287, answered "present" 5, not voting 124, as follows:

[Roll No. 60]

YEAS—15

Bloom	Eagan	Lindsay	Oliver, N. Y.
Boylan	Hill, Md.	Minahan	Sabath
Celler	Huddleston	O'Connell, N. Y.	Tucker
Cullen	LaGuardia	O'Connell, R. I.	

YEAS—287

Abernethy	Doughton	Kurtz	Sanders, Tex.
Ackerman	Dowell	Kvale	Sandlin
Aldrich	Doyle	Lampert	Schafer
Allen	Drane	Lanham	Sears, Nebr.
Allgood	Drewry	Lankford	Shallenberger
Almon	Driver	Larsen, Ga.	Shreve
Anderson	Elliott	Lazaro	Simmons
Andrew	Evans, Mont.	Lea, Calif.	Sinclair
Arnold	Fairchild	Leach	Sinnott
Aswell	Faust	Leatherwood	Smith
Ayres	Fenn	Lineberger	Smithwick
Bacharach	Fish	Linthicum	Snell
Bacon	Fisher	Longworth	Speaks
Bankhead	Fitzgerald	Lowrey	Sproul, Ill.
Barbour	Fleetwood	Lozier	Sproul, Kans.
Barkley	Foster	Luce	Steagall
Beck	Frear	McClintic	Stedman
Beedy	Free	McDuffie	Stengle
Beers	Freeman	McFadden	Stephens
Begg	French	McKenzie	Stevenson
Bell	Frothingham	McLaughlin, Mich.	Strong, Kans.
Bixler	Fulbright	McLaughlin, Nebr.	Strong, Pa.
Black, Tex.	Fuller	McLeod	Summers, Wash.
Bland	Fulmer	McReynolds	Sumners, Tex.
Blanton	Funk	McSweeney	Swank
Boies	Gambrill	MacGregor	Sweet
Bowling	Gardner, Ind.	MacLafferty	Swing
Box	Garner, Tex.	Madden	Swoope
Boyce	Garrett, Tenn.	Magee, Pa.	Taylor, Colo.
Brand, Ga.	Gasque	Major, Ill.	Taylor, Tenn.
Brand, Ohio	Gibson	Major, Mo.	Taylor, W. Va.
Briggs	Gifford	Manlove	Temple
Browne, N. J.	Goldsborough	Merritt	Thatcher
Browne, Wis.	Graham	Michener	Thomas, Ky.
Browning	Green	Miller, Ill.	Thomas, Okla.
Brumm	Greenwood	Miller, Wash.	Thompson
Buchanan	Guyer	Milligan	Tillman
Burdick	Hadley	Mills	Tilson
Burtness	Hall	Moore, Ga.	Timberlake
Burton	Hammer	Moore, Ohio	Tincher
Busby	Hardy	Moore, Va.	Treadway
Butler	Harrison	Moores, Ind.	Underhill
Byrns, Tenn.	Hawley	Morehead	Underwood
Cable	Hickey	Morgan	Vaile
Campbell	Hill, Ala.	Morris	Vestal
Canfield	Hill, Wash.	Murphy	Vincent, Mich.
Cannon	Hoch	Nelson, Me.	Vinson, Ga.
Carter	Holaday	Newton, Minn.	Vinson, Ky.
Chindblom	Hooker	Oldfield	Voigt
Christopherson	Howard, Okla.	Oliver, Ala.	Wainwright
Clague	Hudson	Park, Ga.	Watkins
Clancy	Hudspeth	Patterson	Watres
Cleary	Hull, Iowa	Peavey	Watson
Cole, Iowa	Hull, Tenn.	Peery	Weaver
Collier	Hull, Morton D.	Phillips	Wefald
Colton	Hull, William E.	Purnell	Weller
Connally, Tex.	Jacobstein	Quin	Welsh
Connolly, Pa.	James	Ragon	White, Kans.
Cook	Jeffers	Rainey	White, Me.
Cooper, Ohio	Johnson, Ky.	Raker	Williams, Mich.
Cooper, Wis.	Johnson, S. Dak.	Ramseyer	Williams, Tex.
Cramton	Johnson, Tex.	Rankin	Williamson
Crisp	Johnson, Wash.	Ransley	Wilson, Ind.
Crowther	Jones	Rathbone	Wilson, La.
Dallinger	Kearns	Rayburn	Wilson, Miss.
Darrow	Kelly	Reece	Wingo
Davis, Minn.	Kendall	Robinson, Iowa	Winslow
Dempsey	Kerr	Romjue	Winter
Denison	Ketcham	Rubey	Woodrum
Dickinson, Iowa	Kiess	Salmon	Wright
Dickinson, Mo.	Kopp	Sanders, Ind.	Wyant
Dominick	Kunz	Sanders, N. Y.	

ANSWERED "PRESENT" 5

Connery	Gallivan	Tague	Tinkham
Dickstein			

Not VOTING—124

Anthony	Edmonds	Kent	Montague
Berger	Evans, Iowa	Kincheloe	Mooney
Black, N. Y.	Fairfield	Kindred	Moore, Ill.
Britten	Favrot	King	Morin
Buckley	Fredericks	Knutson	Morrow
Bulwinkle	Garber	Langley	Nelson, Wis.
Byrnes, S. C.	Garrett, Tex.	Larson, Minn.	Newton, Mo.
Carew	Geran	Leavitt	Nolan
Casey	Gilbert	Lee, Ga.	O'Brien
Clark, Fla.	Glatfelter	Lehlbach	O'Connor, La.
Clarke, N. Y.	Griest	Lilly	O'Connor, N. Y.
Cole, Ohio	Griffin	Logan	O'Sullivan
Collins	Hastings	Lyon	Paige
Corning	Haugen	McKeown	Parker
Croll	Hawes	McNulty	Parks, Ark.
Crosser	Hayden	McSwain	Perkins
Cummings	Hersey	Magee, N. Y.	Perlman
Curry	Howard, Nebr.	Mansfield	Porter
Davey	Humphreys	Mapes	Pou
Davis, Tenn.	Johnson, W. Va.	Martin	Prall
Deal	Jost	Mead	Quayle
Dyer	Keller	Michaelson	Reed, Ark.
Reed, N. Y.	Rouse	Spearing	Wason
Reed, W. Va.	Schall	Stalker	Wertz
Reid, Ill.	Schneider	Sullivan	Williams, Ill.
Richards	Scott	Taber	Wolff
Roach	Sears, Fla.	Tydings	Wood
Robsion, Ky.	Seger	Upshaw	Woodruff
Rogers, Mass.	Sherwood	Vare	Wurzbach
Rogers, N. H.	Sites	Ward, N. Y.	Yates
Rosenbloom	Snyder	Ward, N. C.	Zihlman

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Rogers of Massachusetts with Mr. Montague.
Mr. Griest with Mr. Favrot.
Mr. Seger with Mr. Pou.
Mr. Lehlbach with Mr. Jost.
Mr. Newton of Missouri with Mr. Rouse.
Mr. Mapes with Mr. Morrow.
Mr. Wood with Mr. Carew.
Mr. Wurzbach with Mr. Mead.
Mr. Magee of New York with Mr. Tydings.
Mr. Williams of Illinois with Mr. Byrnes of South Carolina.
Mr. Hersey with Mr. Mansfield.
Mr. Fredericks with Mr. Davey.
Mr. Dyer with Mr. O'Connor of Louisiana.
Mr. Porter with Mr. Deal.
Mr. Roach with Mr. Prall.
Mr. Garber with Mr Glatfelter.
Mr. Reid of Illinois with Mr. Reed of Arkansas.
Mr. Scott with Mr. Humphreys.
Mr. Keller with Mr. Sears of Florida.
Mr. Stalker with Mr. Kincheloe.
Mr. Wertz with Mr. Sullivan.
Mr. Yates with Mr. Lee of Georgia.
Mr. Michaelson with Mr. Upshaw.
Mr. Zihlman with Mr. Black of New York.
Mr. Morin with Mr. Kindred.
Mr. Woodruff with Mr. Sites.
Mr. Vare with Mr. Johnson of West Virginia.
Mr. Larson of Minnesota with Mr. McKeown.
Mr. Taber with Mr. Cummings.
Mr. King with Mr. Garrett of Texas.
Mr. Perkins with Mr. Parks of Arkansas.
Mr. Anthony with Mr. Quayle.
Mr. Reed of New York with Mr. Howard of Nebraska.
Mr. Clarke of New York with Mr. Spearing.
Mr. Perlman with Mr. Hastings.
Mr. Evans of Iowa with Mr. Lyon.
Mr. Curry with Mr. Buckley.
Mr. Robsion with Mr. McSwain.
Mr. Cole of Ohio with Mr. Bulwinkle.
Mr. Fairfield with Mr. Martin.
Mr. Schall with Mr. Casey.
Mr. Snyder with Mr. Mooney.
Mr. Haugen with Mr. Davis of Tennessee.
Mr. Ward of New York with Mr. Collins.
Mr. Leavitt with Mr. O'Connor of New York.
Mr. Moore of Illinois with Mr. Crosser.
Mr. Nolan with Mr. O'Sullivan.
Mr. Paige with Mr. Geran.
Mr. LaGuardia with Mr. Richards.
Mr. Reed of West Virginia with Mr. Gilbert.
Mr. Edmonds with Mr. Hayden.
Mr. Knutson with Mr. Griffin.
Mr. Rosenbloom with Mr. Sherwood.

Mr. KING. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present, listening when his name was called?

Mr. KING. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, I object.

Mr. JOHNSON of Washington and Mr. SABATH were appointed to act as tellers.

The House divided; and the tellers reported—ayes 163, noes 0.

Mr. O'CONNOR of New York. Mr. Speaker, on that vote I make the point of order that there is no quorum present.

The SPEAKER. It is quite clear that there is a quorum present.

Mr. O'CONNOR of New York. Is not this latest vote by tellers the best evidence of whether or not a quorum is present?

The SPEAKER. It is not. The question is whether there is a quorum present.

So a second was ordered.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] is entitled to 20 minutes, and the gentleman from Illinois [Mr. SABATH] is entitled to 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I had intended to take some time and explain the bill. It is clear that efforts

are being made to defeat the bill by a filibuster. Therefore I reserve the remainder of my time. [Cries of "Vote!"]

Mr. SABATH. Mr. Speaker and gentlemen of the House, I appreciate that you have been under a terrific strain the entire day and that the hour is late and that you are desirous for a vote upon this bill. However, realizing that only a very few Members are familiar with the provisions of the bill and that it is the general impression of many that this is a measure which will effect the deportation of all criminal and undesirable aliens in the United States, I wish to call the attention of the House to sections 3 and 19 of the act of 1917, and to the provisions of the immigration act of 1924 which expressly provide for the deportation of criminal and undesirable aliens. More especially do I wish to try to bring to your notice, before you cast your vote, some of the extremely unreasonable, harsh, and unconstitutional provisions that appear in the bill under consideration.

The majority of the committee in its report states that "the immigration acts of 1917 and 1924 have made it possible, to a great extent at least, to limit the entry into this country of undesirable and dangerous aliens," and that the passage of this bill will help the immigration authorities in further preventing the entry of such aliens. This, however, is not so. There is nothing in this bill which will further prevent the entry of any aliens. Under section 3 of the 1917 act and under the quota act of 1924 no undesirable alien can enter the United States and there is nothing in this bill which will strengthen the law as to illegal entry.

Section 19 of the 1917 act and section 14 of the 1924 act, in absolute and unmistakable terms, provides for the deportation of any undesirable. The proponents of this bill will be obliged to concede, if they will but take the time to read the two sections referred to, that if any undesirables did enter or were not deported it was not because we lacked laws to prevent entry or effect deportation but to the failure of Congress to provide adequate appropriations which would permit of the proper enforcement of our existing laws. If in the past there has not been proper administration of the law owing to the limited immigration force which has to do with its enforcement, I can truthfully say that it has been remedied to a marked degree by the increase of the Immigration Bureau appropriation in the last and present Congresses whereby $1,000,000 has been specifically provided for an immigration border patrol. This is evidenced by the tremendous increase in the number of deportations, as shown by the report of the Commissioner of Immigration for the fiscal year of 1924 and for the first six months of the present fiscal year. This report I shall append to my remarks. I know that upon examination of these figures, which I hope you will make, you will find in the greater number of cases that it is not the aliens of the nationalities comprising the so-called newer immigration but those belonging to the older immigration, or so-called Nordic immigration, whose offenses have called for their deportation. These statistics will also show that very few of the newer immigration are being deported for crimes, but are being deported for being in excess of quota, becoming a public charge, or for failure to comply with certain technical provisions of the immigration law.

The act of 1924 restricts the number of immigrants from the southern and eastern European countries to a negligible number and gives unlimited authority to our consular officials abroad to thoroughly examine every alien applicant before issuing to him an immigration certificate, without which he can not legally enter the United States. Therefore I am at a loss to understand how or in what way this bill will "materially assist in further preventing the entry of undesirable and dangerous aliens."

If it had really been the intention of the committee to prevent the entry of undesirable aliens it should have acted upon the recommendations of Secretary of Labor Davis and should have embodied in this bill the provisions of the measure introduced by the gentleman from Texas, which provides that the restrictive quota provisions of the 1924 act should also be applicable to Mexico, Canada, and the South and Central American Republics, from which countries we are to-day receiving the great bulk of our immigration, in fact, six times as great as that which we permit to enter from Europe, outside of Great Britain and Germany. Immigrants from Mexico, Canada, and the Central and South American countries are permitted to enter the United States without examination or investigation on the part of our consular officials as is given to the European immigrants. This bill in no way restricts that immigration and does not in any manner strengthen the present law or in any way provide for better examination or investigation.

Mr. Speaker and gentlemen, great publicity has been given to the reports that hundreds of thousands of aliens are coming into the United States illegally and, notwithstanding that fact, there is nothing in this bill that would put a stop to the wholesale desertions of seamen from foreign ships which the report of the department shows amounted to 34,679 during the last fiscal year. Strenuous efforts have been made for some time by those interested, and I have joined with them to the best of my ability, to secure the adoption of an amendment by the committee which would put a stop to this illegal practice. If the committee desired and intended to stop this kind of illegal entry the opportunity was afforded when the committee considered this bill, but they refused and failed to incorporate the amendment in the bill. Therefore, by no stretch of imagination can it be stated that the bill will "further" prevent the illegal entry of undesirable aliens.

Mr. Speaker, the report of the majority of the committee fails to give the main object or underlying reason for this proposed legislation. I shall now hurriedly give you the principal reasons and the new provisions in the bill.

First. A change in the existing law is sought by the removal of the five-year limitation, which will make possible the wholesale deportation not only of those who entered illegally but to deport those who came and are here lawfully, not because they have committed any crime but because they may have suffered disability due to extremely hazardous employment or occupation and may have become temporary inmates of any of our public institutions. Under this proposed bill such aliens would be classed as public charges and be subject to deportation regardless of the time of their residence in the United States, regardless of the fact that they at all times had borne excellent reputations, regardless of their having married a woman of American birth, and regardless of the fact that they had born to them in this country one, two, or more children. We under our law outlaw the most heinous crimes other than murder in three and, in very few cases, in five years. And yet it is proposed in this bill that no limit of time shall prevent the deportation of an alien, regardless of the time when he entered the United States.

Second. I point out that this bill reverses the traditional policy of our Government by placing the burden of proof upon the alien. It will not only force the alien to prove himself innocent, but will compel him to disprove any groundless charges that may be made against him by any unscrupulous person who might make a charge because of a grudge or for the purpose of extortion or blackmail. If this bill should become a law, an alien who has been engaged in hazardous or dangerous employment, suffering from disability as a result of such employment and receiving hospitalization in any of our public institutions, should an expert make a diagnosis that he is suffering from psychopathic inferiority or any other of the many ailments which are a result of hazardous and dangerous employment, he would be subject to deportation. It would fall upon the alien to prove that his disability or condition has arisen from causes subsequent to his entry in the United States.

What opportunity will the poor alien, broken in health and physical condition, after giving his sinew and brawn and perhaps the best years of his life in American employment, have in affirmatively proving his case? He may lack the means to do so or his actual physical condition may be such as to prevent his appearance at the hearing ordered, and in either case the immigration inspector is fully empowered to enter a deportation order.

Third. Subdivision 10 of section 19 of the bill provides for deportation whether or not an alien has been convicted of an offense. The power given to immigration inspectors under this provision will permit them to overrule the findings or decision of a jury or court. I ask, do you believe that this is legislation in the right direction? I am convinced it is the most dangerous step we can take, even though it is aimed only against the unfortunate alien.

Fourth. Under subdivision 6 of section 19 an alien can be deported if guilty of an offense and sentenced to imprisonment for one year or more. Subdivision 7 of the same section provides that an alien may be deported if sentenced for more than one violation if the combined sentences received for all offenses total 18 months, but under subdivision 8 if he is sentenced for a violation of the Volstead Act and receives a sentence of 12 months he is to be deported. This is unjust discrimination. The bill at most should provide for a uniform time limit of sentence of conviction in all cases.

Mr. Speaker, I want to reiterate that I hold no brief for the undesirable or dangerous alien. Purge our shores of those

who do not believe in our institutions, who do not recognize the principles for which their own countrymen fought shoulder to shoulder with the American born; deport those who are lawless and morally unfit, but let not the green blood of prejudice shadow your vision to the end that the vast majority of aliens shall suffer for the sins of a few of their countrymen. I contend that this law will prove unjustifiably oppressive to thousands of good and upright aliens who are manfully striving for the high privilege of citizenship.

I refute the ofttime assertion that there are 10,000,000 aliens in the United States. The statistics will prove that there are less than 3,500,000 adult aliens in the United States, nearly half of whom are women. The word-painted pictures of the adroit writer or antialien propagandists, who for a paid consideration poisons and inflames the minds of the American public, are responsible for this proposed legislation. They have shut their eyes and stilled their memories as to the 400,000 alien residents who, in this country's hour of greatest need, with proud and uplifted heads followed our flag. Nearly all, excepting those whose last garb was that of our flag, are now citizens of the United States. Yet there are many whose families have not attained that high honor of citizenship who will be subject to the drastic provisions of this bill. It is time, I would say, gentlemen, that we stop to pause and consider the effect of inhumane legislation.

Mr. Speaker, the number of laws passed in the last decade has doubled the size of our statute books; our judiciary in all parts of the United States has been increased, and the dockets are filled to overflowing, and the cry is for more judges. With the passage of this bill would come what I might term the alien or immigrant hunter, who through the machinations of the despicable ilk of blackmailers and extortionists would utilize this law against the unfortunate aliens.

Though President Coolidge is in favor of drastic immigration laws, still in his last message to Congress he has recommended that the present law be humanized. May I inquire of those who are forcing this legislation if they are brave enough to say that there is any provision in this bill that will humanize the harsh immigration laws? Not only the President but thousands of prominent, well-meaning, and sincere citizens and organizations appeal for relief from the injustice done to 10,000 relatives of American citizens who, after receiving their passports from their own country and being subjected to thorough examination by our consular officials, received their visés in 1922, 1923, and 1924.

What consideration have the holders of these genuine American viséed passports received at the hands of this Congress? None whatever. You are forcing this legislation, ignoring the recommendations of the President, and the appeals from our most prominent civic organizations and thousands of citizens, who have requested the admission of those unfortunate relatives of American citizens who are being held in foreign ports and can not return to their own countries. I repeat, they hold passports regularly issued by their own country, and after thorough examination on the part of our consular officials have obtained the American visé upon the payment of the fee of $10. You have and are refusing to grant this relief, and by so doing you refuse to honor the American visés. You have even failed to pass a resolution to refund the moneys which they have paid as a fee for their visés and thereby you dishonor the action of our consuls. I sincerely hope that before Congress adjourns saner judgment will prevail, and that these unfortunate people who have been waiting in foreign ports for nearly two years will receive the good tidings that this Congress has enacted legislation which will permit their entry. Let us show by our action that this great Nation of ours does not repudiate its foreign officials and its legal acts.

Mr. Speaker, I repeat that the present laws, with the amendment adopted by the Senate a few days ago, which gives extraordinary power to the patrol border inspectors to arrest and deport without warrant or court proceedings, are adequate and stringent enough to deport any alien who might try to enter illegally or who has entered illegally, or who has committed any crime whatever. Consequently, I feel there is no justification for the passage of this bill at this time, and especially in view of the fact that the chairman of the Immigration Committee introduced a resolution a few days ago providing for the appointment of a commission, to be composed of Members of the Senate and House, to investigate and examine the workings of the present immigration laws and, in a general way, to investigate anything pertaining to the question of immigration and aliens within the United States. I have reason to believe that the resolution will pass, as we are creating all kinds of commissions, and with the commission created an investigation will be had. Should the commission make recommendations that will strengthen our immigration or deportation laws, I will gladly abide by the findings of any such unbiased commission that may be selected.

TABLE 1.—*Aliens deported from the United States after landing during the fiscal year ended June 30, 1924, and six months ended December 31, 1924, by causes*

Causes	Number for fiscal year ended June 30, 1924	Number for 6 months from July 1 to Dec. 31, 1924
Insanity, epilepsy	612	273
Imbeciles, feeble-minded	19	2
Constitutional psychopathic inferiority	57	15
Other mental conditions	36	31
Loathsome or dangerous contagious diseases	101	51
Professional beggars and vagrants	3	2
Likely to become a public charge	2,092	1,307
Public charges not specified	52	123
Entered without inspection	605	481
Contract laborers	54	29
Accompanying aliens (under sec. 18)	3	1
Assisted aliens	12	20
Under 16 years of age and unaccompanied by parents	26	11
Stowaways	16	4
Polygamist	1	2
Criminals	525	331
Anarchists, and violations of war-time legislation	81	16
Prostitutes and aliens coming for any immoral purpose	106	59
Supported by or received the proceeds of prostitution	3	1
Aliens who procure or attempt to bring in prostitutes or females for any immoral purpose	88	26
Prostitutes after entry or inmates of houses of prostitution	80	52
Imports or attempts to import, or assists, or protects, or promises to protect prostitutes from arrest	5	3
Received proceeds of prostitution or connected with the house of prostitution or other place habitually frequented by prostitutes	44	24
Found in the United States after having been deported as a prostitute or procurer, or as having been connected with the business of prostitution	13	5
Entered the United States within 1 year of previous deportation	190	90
Unable to read (over 16 years of age)	345	208
Under passport provisions of section 3	44	16
Geographically excluded classes	53	22
Under provisions of Chinese exclusion act	172	33
Without proper passport (under State Department regulations)	218	275
Under last proviso of section 23	270	61
Under provisions of narcotic act	21	14
Under per cent limit act of May 19, 1921, as extended "Excess quota"	462	260
Without proper visé (under act of 1924)		600
Total	6,409	4,448

TABLE 2.—*Race or people who have been deported, July to December, 1924*

African (black)	89
Armenian	15
Bohemian and Moravian (Czech)	16
Bulgarian, Serbian, and Montenegrin	61
Chinese	151
Croatian and Slovenian	70
Cuban	4
Dalmatian, Bosnian, and Herzegovinian	10
Dutch and Flemish	114
East Indian	16
English	531
Finnish	40
French	241
German	286
Greek	171
Hebrew	154
Irish	290
Italian (north)	68
Italian (south)	287
Japanese	52
Korean	4
Lithuanian	9
Magyar	37
Mexican	690
Pacific Islander	3
Polish	71
Portuguese	38
Rumanian	42
Russian	43
Ruthenian (Russniak)	20
Scandinavian (Norwegians, Danes, and Swedes)	202
Scotch	220
Slovak	56
Spanish	156
Spanish American	23
Syrian	69
Turkish	9
Welsh	18
West Indian (except Cuban)	3
Other peoples	69
Total	4,448

TABLE 3.—*Aliens deported to countries whence they came after entering the United States, fiscal year ended June 30, 1924, by races or peoples and causes*

Race or people	Deportation compulsory within 5 years after entry—Members of excluded classes at time of entry																														
						Loathsome or dangerous contagious diseases																									
	Imbeciles	Feeble-minded	Insane or have been insane	Epileptics	Constitutional psychopathic inferiority	Tuberculosis (contagious)	Trachoma	Others	Chronic alcoholism	Likely to become a public charge	Professional beggars	Stowaways	Assisted aliens	Accompanying aliens	Excess quota under per cent limit act of 1921, as extended	Under narcotic act	Without proper passport, under State Department regulations	Under last proviso of section 23	Contract laborers	Under 16 years of age at time of entry, unaccompanied by parents	Criminals	Polygamists	Anarchists	Prostitutes and aliens coming for any immoral purpose	Supported by or received the proceeds of prostitution	Aliens who procured or attempted to bring in prostitutes or aliens for any immoral purpose	Entered the United States within 1 year of previous deportation	Geographically excluded classes (natives of that portion of Asia and islands adjacent thereto described in section 3)	Under passport provision of section 3	Unable to read (over 16 years of age)	Total members of excluded classes at time of entry
African (black)					6					54		1	1				1				2			1		2	1			8	77
Armenian								1		2					8		1	3									3			1	19
Bohemian and Moravian (Czech)					1					5					1		2	1								2				1	13
Bulgarian, Serbian, and Montenegrin						1				5					8		2	10			2									7	35
Chinese					1			1		42		1				12					1						1	1		5	65
Croatian and Slovenian			1	1				1		25					7		5	16						1		2				4	63
Cuban					1					10							2			1											14
Dalmatian, Bosnian, and Herzegovinian																		4												1	5
Dutch and Flemish		1		1	1					36				1	14		9			1	2			2		3	1			2	74
East Indian								1		4																		52		2	59
English			1	3	5	1			1	196			1		23		10		5	3	35			40		24	26			12	386
Finnish					1					10		3	1		1		14									1	4				35
French	2	1		1				2		204					1		2	1	7		8			5	1	8	49			34	326
German			1		5			2		133		1	2		11		14	19	2	1	5			3		1	7			5	212
Greek						1		3		37					52		4	14		3	2			1	2	2	1			3	125
Hebrew	2				1			1		57			1		9	1	15	10			3					1	9			3	113
Irish			1	2	3					114			2		24		28		2		9			4		1	11			2	203
Italian (north)		1			2			2		26					18		5	36	1		1						1			4	97
Italian (south)		2			9	1	1	1		194			1		96		45	53			9		2	2		8	7			37	468
Japanese										13						1													44		58
Korean										2						1															3
Lithuanian										9					6			3												2	20
Magyar		1		1	4					7					1		1										1				16
Mexican		1	1	2	2		3	22		448		1	1	1		2		2	29	12	28			33		21	34			147	790
Polish	2							1		39					6		9	11	3		1			1		2	1			6	82
Portuguese		1					1	1		15		1			22			2						1						2	46
Rumanian										13		1			6		5	7								1	1			6	40
Russian								1		26		2			4		4	2		1				2			6			6	54
Ruthenian (Russniak)										30					1		4				1						6			3	45
Scandinavian (Norwegians, Danes, and Swedes)		1	1	1	3			1		57			2		4		19				1			3		1	4			1	99
Scotch		2	2		2	1		2		119					18		7		2	4	9			6		7	8			2	191
Slovak		2			3			1		15				1	5		2	2													31
Spanish					4			4		89		4			88	4	5	44	1		2						5			11	261
Spanish American										12		1					2													1	16
Syrian							1			11	1				17		1	20	1		1						1			10	64
Turkish							1	3		1					4			4												2	15
Welsh					1					7																	2			1	11
West Indian (except Cuban)										2																					2
Other peoples				1	2					23	2				7			6	1		2	1		1		1				14	61
Total	6	13	8	13	57	5	7	51	1	2,092	3	16	12	3	462	21	218	270	54	26	124	1	2	106	3	88	190	53	44	345	4,294
Deported from Philippine Islands																					103										103

Number of arrests and number of persons convicted of aiding aliens to illegally enter the United States on the Canadian and Mexican borders from July 1, 1923, to December 1, 1924

Section of law violated	Number of arrests	Number of convictions	Sentences imposed	Fines assessed
CANADIAN BORDER				
Sec. 4, act of 1917	25	14	8 years 2 months 2 days	$2.00
Sec. 8, act of 1917	134	63	44 years 3 months 14 days.	28,737.00
Sec. 8, act of 1917 and sec. 11, Chinese exclusion act.	34	5	6 years 7 months 1 day	1,102.00
Sec. 4, act of 1917 and white slave act.	2	1	5 months 23 days	
Secs. 4 and 8, act of 1917	9	7	9 months 1 day	276.00
Sec. 37, Penal Code	3	2	4 years 10 days	
Sec. 8, act of 1917 and passport law.	60	49	6 years 2 months 10 days	4,079.00
MEXICAN BORDER				
Sec. 4, act of 1917	31	14	7 years 6 months 3 days	1,107.00
Sec. 8, act of 1917	149	98	68 years 8 months 16 days.	13,554.00

Number of arrests and number of persons convicted of aiding aliens to illegally enter the United States on the Canadian and Mexican borders from July 1, 1923, to December 1, 1924—Continued

Section of law violated	Number of arrests	Number of convictions	Sentences imposed	Fines assessed
MEXICAN BORDER—con.				
Sec. 37, Penal Code	30	17	7 years 10 months 3 days	$900.00
Sec. 22, act May 26, 1924	3	2	120 days	
Sec. 8	35	80	66 years 10 months 11 days.	2,950.00
Sec. 4, act of 1917	8			
Sec. 37, Penal Code	34			
Passport law	38			
Total	595	352	221 years 9 months 7 days.	52,707.00

Mr. JOHNSON of Washington. If there is no more time going to be used, Mr. Speaker, I ask for a vote.

Mr. SABATH. I am going to use my time. I yield three minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen of the House, I know that every man here is fair-minded; I know

that there is not a narrow-minded bigoted man in this House. I know that everybody here believes in fair play; I know at the same time that there is not 5 per cent of the Members of this House who know what is in this bill.

The very fact that certain forcible and exceptional methods are used to pass it without a chance even to get close enough to it to glance at it shows that it was conceived with some other—some ulterior—purpose than the real control of immigration.

There is not a man in any legislative body in this country, I will wager, who wants an undesirable or criminal alien to enter this country. There is not a man in this body or any other similar body who desires that a man who is an undesirable alien criminal should remain here. But you come before this House to-day with a rule to make this suspension day, and this bill is designated as the fourth bill to be taken up; suddenly, however, the distinguished Speaker sees fit to recognize the advocate of this bill out of the regular order, and then with a pell-mell rush we are called upon in this deliberative body to take this bill as it is without any opportunity to point out its errors. Oh, gentlemen, I fear some hidden force outside of this Chamber is moving and urging that this bill be passed.

I submit it is not fair. If opportunity were given to analyze its contents, some of us who are seeking an opportunity to know more about it might vote for it. Those who are urging delay and asking that deliberation be had are not necessarily opposed to this bill. But no man sitting here, outside of a handful, the distinguished members of the Committee on Immigration, knows what is in the bill. I understand that some of the members of that committee did not know until to-day that this bill was to be taken up. This being a deliberative body and a fair-minded body, it being a body which is concerned with all the people whom you represent, I submit that this is no way to pass a bill involving such a proposition as this may be.

I am not in a position to say that I am opposed to the bill. I have not had time to read it or understand it, and, not having had that opportunity, I can take no position at this time except to oppose it. [Applause.]

Mr. SABATH. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker and members of the committee, I am glad to have this opportunity to enlighten the Members of this House as to what this bill is about, and I venture to say that many Members of this House not on the committee would not be able to answer three questions as to this bill, containing 22 pages, and what particular changes in the law are attempted to be made by this legislation.

I want you to know, gentlemen, that the minority of the committee is in favor of deporting every undesirable alien in the United States. The minority has also urged the committee to provide certain provisions for the deportation of the undesirable. But we speak for those aliens who have been lawfully admitted into the United States, aliens who have been here six or eight years, aliens who did not have the opportunity to become naturalized citizens of the United States. What does this bill say? It provides that if by chance or by circumstance they should be compelled to apply for charity—if by circumstance they should become a public charge through no fault of their own—you are absolutely at liberty under the proposed legislation to deport them from the country.

What is the underlying reason for this proposed legislation which removes the five-year limitation and thus making possible wholesale deportation, not only of those who entered illegally, but I am referring particularly to those who entered legally? It seems a person who entered the country legally, through circumstances and no fault of his own he happens to become a public charge, although marrying an American wife and raising American children, he would be subject to deportation, unless he can affirmatively prove that the ailment or disabilities have arisen from causes subsequent to his entry in the United States, which means that after a lapse of many years the burden is cast upon him and that he must gather witnesses and engage counsel in order to establish some evidence which has long disappeared.

Under our laws, the most heinous crime other than murder would be outlawed in three years (U. S. R. S., secs. 1043, 1044), and yet it is now suggested that no limit of time shall deter the deportation of an alien after he has entered the United States, regardless of the time of entry, by pursuing drastic summary proceedings specified in this bill. I seriously doubt whether such provision is constitutional and valid. It bears all the objectionable features of an ex post facto law. While in not so many words a criminal proceeding, it is, in effect, the equivalent of such a proceeding.

Moreover, in so far as it repeals what was formerly a three-year limitation and is now a five-year limitation, and deprives those in whose favor the bar of the statute has run of immunity from deportation, it would be contrary to all precedent to lift that bar and to permit the arrest and deportation of those who at the time of the passage of the proposed act were exempt from prosecution and deportation. This is not even permitted where a mere property right is concerned. (Germania Savings Bank *v.* Suspension Bridge, 159 N. Y. 362; Wheeler *v.* Jackson, 137 U. S. 245.)

How much more should such a principle apply to a case virtually involving life and liberty.

Such legislation is inequitable and unjust, and, therefore, un-American. So long as our public policy protects even the worst criminal from prosecution for a wrong committed against society after the lapse of time specified in our criminal legislation, it is awful to contemplate that one who is claimed to belong to one of the classes excluded by law from admission to the United States, and whose sole dereliction has been a desire to come to this country and has carried out that design, is to be regarded as having committed an offense punishable for all eternity, one which the lapse of time will not mitigate or alleviate and which, like a charge of murder against an individual, will never be wiped out no matter how much time may elapse. Under the terms of this bill it is immaterial whether he was entirely honest and free from fraud, deceit, and misrepresentation. He may have been passed by immigrant inspectors and physicians in due course, who acted in good faith and honestly believed that he should be admitted. He may have been admitted in consequence of an appeal to the Secretary of Labor, or to his predecessor, the Secretary of Commerce and Labor. A court may have legally established his right to admission.

The deportation of all aliens guilty of any crime or offense involving moral turpitude has our sincere approval. But we deprecate the removal of time limit in all causes, as well as the placing the burden of proof upon the alien, and forcing him not only to prove himself innocent but also compelling him to disprove many groundless charges that may be made against him by any unscrupulous person who might make them because of a dislike or grudge, or for the purpose of extortion or blackmail and vesting our immigration inspectors with power to override the findings and judgments of our courts.

To make our position clear and to familiarize the unbiased members more fully with what we term unnecessarily harsh provisions of this bill, I will set forth our views and objection, not in the order of their importance but in the order in which they appear in the bill.

(1) Section 19 materially changes the present deportation act. It provides that "at any time after entering the United States, whether the entry was before or after the enactment of the deportation act of 1925, the following aliens shall be taken into custody and deported." Then follows an enumeration of 14 classes, the first of which is exceedingly comprehensive. It includes all aliens who at the time of entry belonged to one or more of the classes excluded by law from admission to the United States.

That harks back to section 3 of the immigration act of 1917, and includes, among others, illiterates, persons suffering from a physical defect of a nature which may affect the ability of such alien to earn a living, and persons of constitutional psychopathic inferiority. While section 19 of the present law fixes a limitation of five years after entry within which the aliens affected may be deported, the section as sought to be amended removes all time limitation and permits such deportation proceedings to be taken at any time, first, after the alien has entered the United States, and secondly, whether such entry was before or after the enactment of the deportation act of 1925.

Therefore, if a person was admitted into this country 10 years ago and is an illiterate, or is regarded as likely to become a public charge, or is of constitutional psychopathic inferiority, he may be deported, regardless of whether he has been admitted by a judgment of the court or has been self-supporting, law-abiding, and otherwise unobjectionable. While it is true that the literacy test was not enacted until 1917, yet the language of the amendment is so broad as to invite an interpretation that if the alien at the time of entry belonged to one or more of the classes excluded by law from admission to the United States, which means belonging to one of the categories set forth in section 3 of the act, he may be deported, regardless of the time when he entered the United States.

It may well be that the immigration inspectors regarded the alien as sufficiently literate to warrant admission; the alien may have been here many years and he is now thoroughly literate; yet under the proposed measure he could be deported if it were now found that he was illiterate at the time of his entry.

Yet if it is charged 10, 15, or 20 years after the event that a mistake was made, or that the immigrant in fact should not have been admitted and could have been excluded under the then existing law, the dire decree of banishment may be pronounced and carried into effect, and the decision rendered by the Secretary of Labor, in the language of the bill (p. 10, lines 18-20), "shall be final."

If this feature of the bill becomes a law, then immigrant hunting as a sport will take the place of witch hunting and heresy hunting.

Subdivision 9 provides for the deportation of "an alien who was convicted, or who admits the commission, prior to entry, of an offense involving moral turpitude." Here, again, it is to be borne in mind that the statute does not relate to exclusion at the time of arrival, but to deportation at any time after entry. What seems to me objectionable in the phrase which permits the deportation of an alien "who admits the commission, prior to entry, of an offense involving moral turpitude." That means that, even though there may be no actual proof of conviction, if an enemy of an alien or a Secret Service agent should state that an alien has admitted to him the commission of such an offense before he came to this country, he may be deported, regardless of corroboration of the alleged confession or admission and regardless of the time when the alleged offense is claimed to have been committed. Twenty years after coming to this country it might be claimed that an alien who has become the father of a family and has gained an excellent reputation, admitted that when a boy in England, Ireland, or in Germany committed a theft. And yet under this clause of the bill he would be subject to deportation.

Subdivision 10 deals with the deportation of an alien who has violated or conspired to violate the white slave traffic act or the narcotic act "whether or not convicted of such violation or conspiracy." In other words, a person may have been arrested or indicted for a violation of these acts and may have been acquitted by a court or a jury, yet he may be deported if an immigrant inspector desires him to be deported.

Without seeking in any way to minimize the importance of these laws, it is a matter of common knowledge that advantage is often taken of both of them by blackmailers. Is it intended to convert the deportation act of 1925 into a royal road for the accomplishment of the vile purposes of blackmailers? Why select these two crimes from the myriad of others upon our statute books? If the provision were general as applicable to all crimes, our immigration department would become a court of last resort in criminal cases and would be enabled to convict after a jury has acquitted or after a public prosecutor has concluded that there is a lack of sufficient evidence to warrant a conviction. In the case of previous acquittal it is clear that this provision would be unconstitutional, because it would violate that part of the fifth amendment to the Constitution of the United States which declares, "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb," as construed by the courts.

Coming now to the proceedings for the deportation of an alien, the provisions for which are to be found in lines 15 to 25, on page 9 and on page 10, it is properly provided (p. 10, lines 14-18) that "no alien shall be deported unless before the issuance of the order of deportation he was afforded, at the hearing before the immigration inspector, an opportunity to be heard after notice upon the grounds stated in the order of deportation." There is, however, a significant absence of the provision affording him the right to be represented by counsel at such a hearing. That is implied in the requirement of the Constitution that no person shall be deprived of life, liberty, or property without due process of law. The nature of the proceeding is likewise one which comes within the spirit of the sixth amendment, which entitles an accused to have the assistance of counsel for his defense. While it is not technically a "criminal prosecution," it is in its effect the equivalent of one.

The fact that the decision of the Secretary of Labor is to be final makes it essential, for the protection of the alien who is proceeded against under the drastic provisions of this bill, that he be represented by counsel in these proceedings.

Referring to section 20, which provides for the actual deportation of aliens, attention is directed to lines 3 to 8 of page 13, which provide that if the aliens entered the United States "from foreign contiguous territory" they are to be returned to such territory or to the country of which such aliens are citizens or subjects or to the foreign port at which they embarked for such territory, irrespective of whether such aliens have acquired a domicile in such territory. In other words, if an alien acquired a domicile in Mexico or Canada 5 or 10 years ago and came to the United States from there, he may be returned, not to Mexico or Canada, but to the country of which he is a citizen or subject prior to acquiring any domicile in Mexico or Canada, or to the foreign port at which he embarked for Mexico or Canada. This is highly punitive, unreasonable, and inhuman.

The same is true of the following subdivision, lines 8 to 14 of page 13:

Section 8 (a), on page 20, provides that if an alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States, whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 30 days from such enactment he shall be guilty of a felony, subject to fine and imprisonment.

As this section reads, it could be made to apply to persons who attempted to come to this country but were deported because of the exhaustion of quotas under the act of 1921 or the immigration act of May 26, 1924. It is a matter of common knowledge that there were many who sought to enter the United States who were deported because on the very day on which they arrived the quotas from their countries were exhausted. In fact, in November, 1923, several hundred were deported, although the quotas for Russia had not been exhausted. It certainly can not be contemplated that such persons shall be excluded from admission or be subject to conviction for felony should they again attempt to come to the United States.

I also call attention to the fact that, although under the present section 19 it is declared that its provisions relating to the deportation of aliens convicted for a crime involving moral turpitude shall not apply to one who has been pardoned, there is no equivalent of this character in the bill now under discussion. It would seem that such a provision is fair.

I have given considerable thought to this subject because of my anxiety that our legislation in respect to the drastic and summary remedy of deportation shall not involve unfair, unjust, or unreasonable provisions. I recognize the wisdom of having a clear and unambiguous codification of the law on this subject, but it should not be harsh or tyrannical or contrary to the best traditions of America.

Now, another point: If a man has been convicted of a crime, we will say, under the so-called Volstead Act, and his punishment is a sentence of one year, the act, under section 18, subdivision 8, gives the department the right to deport him.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN I have not the time to yield.

Mr. JOHNSON of Washington. The gentleman knows that the conviction must be after the passage of the proposed act.

Mr. DICKSTEIN. If the gentleman will give me five minutes, I will answer every question he wants to ask.

Now, another thing: I call the attention of this House to the clear language contained in the bill under section 19, subdivisions 7 and 8, which provides in substance that an alien convicted of any offense, committed after the enactment of the deportation act of 1925, which is the bill in question, for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under one or more previous convictions which amounts to 18 months, is subject to deportation.

In other words, the man who commits burglary, who goes into a house with ulterior motives to steal or rob or murder, that man, if convicted, must have a total sentence of 18 months before you can deport him out of this country.

Yet, under section 18, subdivision 8, an alien who is convicted for violation or conspiracy to violate any statute of the United States or Territory prohibiting or regulating the manufacture, possession, sale, or exchange or dispensing or giving away intoxicating liquor for beverage purposes, for which he is sentenced to imprisonment for a term which, if added to the sentence of one or more previous convictions, violations, or conspiracy to violate any such statute, amounts to one year, he is subject to deportation.

Why discriminate between the man who violates the Volstead Act, who must be deported at the end of his sentence or sentences of one year, in favor of the burglar and other criminals whose sentence or sentences must total 18 months before being subject to deportation?

We are not pursuing a proper policy in the hasty consideration of this act. The rule under which this bill is being passed is not fair to the Members of this body nor to the minority members of the committee who were prepared to offer such amendments as would meet the desired legislation without objection. This measure is of vital importance to the future prosperity and policy of this Government, and this bill should have been given more careful consideration. Why this haste I am unable to understand; as a matter of fact, all the committee hearings were not even printed, so that the Members might have had an opportunity to read the testimony and discussion on both propositions.

I want to legislate for the interest of the United States under calm and careful consideration, especially since we are dealing with human lives, but it appears to be the policy of the majority of the committee to dispose of this legislation without further consideration to the objections pointed out by the minority, of which I have the honor to be a member.

Further, I venture to say that we will see the serious effect of this measure in the near future if it should ever become a law.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker, I believe there are but two minutes remaining. I am opposed to this bill because I believe it will create a reign of terror among the aliens out of whom we are trying so hard to make good citizens. By this bill you will remove the statute of limitations as to the time during which the department might start proceedings against them. We are putting the power in the hands of an immigration inspector to be a judge, to take evidence, hold hearings, and render decisions, and then we are taking out of the control of the courts any real power to review the evidence such inspector may have; and upon the say so of that man, approved by the Secretary of Labor, a man might be ripped out of his home, from the bosom of his family, ripped out of his business, and sent back to his own homeland, no matter how long a time has elapsed between his offense and his so-called trial.

Now, we often argue here about the autocratic power we are giving to the executive departments of the Government. I say that when you give autocratic power, give it reluctantly to responsible officials, give it to men high in the departments; but here you are giving it to the lowest kind of an official you can find in the department, and you are giving him a greater power than that given any of the judges of the United States, the power to banish men from this country of ours. Then, of course, you are supplementing the Volstead Act by giving the power to the Department of Labor to send an alien out of this country because he has been convicted of some offense against that act and served in jail for a year. You do not take away a man's citizenship because he violates the Volstead Act. You do not try to put a man out of Congress because he votes dry and drinks wet. No; you pick out an alien, and you put a penalty on him that you would not dare put on any other people of the country. You are creating a reign of blackmail, a reign of terror, and a reign of graft, and I say we will all be heartily ashamed when this law is enacted, for America will be driving its aliens with a whip which she would not dare raise against her own citizens. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WATKINS. Mr. Speaker, by the immigration act of 1924 we have materially restricted immigration to this country. The very restriction of aliens has brought about a greater number of unlawful entries, so determined are these foreigners to gain admission into the United States. Not only that but the stricter the law the more exacting becomes its enforcement and more difficult the deportation feature.

The pending measure will largely solve the problems confronting the immigration officials, as well as diminish crime throughout the United States.

The deportation of criminal and undesirable aliens is a matter of self-defense, for they constitute a menace to our institutions and a burden on our Government. The riddance of this rubbage will tend to promote law and order in this country. Nobody objects to a law of this kind but the affected alien, and he is not entitled to a day in court.

Violations of our immigration laws have grown to an alarming proportion, and a deportation statute with teeth is needed as well as vigorous enforcement. Since 1920 reports have been received of 99,134 deserting seamen. In 1924, 34,679 were reported as deserting, whereas only 6,409 aliens of all classes were deported.

Section 18 deals with the exclusion and deportation of aliens who are found not to be entitled to admission to the United States. It might be called the exclusion section of the bill. It is a revision of existing law.

Section 19 catalogues the aliens subject to arrest and deportation. If there is any criminal, undesirable, or not-wanted alien not included, I promise to pay a reward to anyone so naming such alien, in the hope that he may be provided for. Subsections 1, 2, 3, 4, 6, 9, 11, and 14 are revamped sections of the present law, whereas subsections 5, 7, 8, 10, 12, and 13 are new sections.

Assuming that the present laws are satisfactory to everyone, I shall not consume your time on the revamped sections, but briefly explain the new subsections.

Subsection 5 pertains to insane aliens; 12, to aliens who conceal, and so forth, other aliens subject to deportation; and 13, to aliens who aid aliens to enter the United States unlawfully. I am confident that no one will question the virtue of these clauses. Subsection 7 pertains to aliens convicted of any offense committed after the enactment of this law for which he is sentenced to imprisonment for a term which, when added to one or more previous convictions, amounts to 18 months or more.

Subsection 8 pertains to aliens convicted of liquor laws where imprisonment of one or more convictions equals to one year or more.

Subsection 10 deals with aliens who violate the white slave traffic act and the drug act.

Now, gentlemen, I do not look to see many deportations under this law, but I do expect to see a great wave of obedience to law. In the final analysis that means a reduction of taxes. Of course, if the aliens within our borders do not obey our laws, it means kicking them out of this country, and I for one heartily indorse that procedure.

We have had too much crime, too many alien paupers, idiots, illiterates, criminals, scalawags, and undesirables, and the time has come for us to clean house, ship back to Europe the scum within our borders, and require every alien henceforth to obey our laws or get out.

The Attorney General's report, 1923, for fiscal year states that of prisoners received there were 1,975 foreign born and 1,511 native born. And his report for 1924 shows there were 5,014 native born and 1,616 foreign born received as prisoners. Of these, 209 were convicted under the Mann Act, 102 under the Volstead Act, and 2,031 under the drug act.

The following tables indicate in some measure the manner and extent to which the aliens have become a burden to our Government as well as a menace to our institutions:

Illiterate persons, 10 years of age and over, 1920

	Total	Native parents	Mixed parents	Foreign born
New England	289,700	13,185	13,759	257,207
Middle Atlantic	865,382	52,924	24,048	760,010
East North Central	495,470	88,793	28,390	342,832
West North Central	193,221	59,954	14,678	86,760
South Atlantic	1,212,942	352,907	3,878	39,757
East South Central	854,450	299,025	2,626	6,457
West South Central	773,637	199,408	35,021	128,725
Mountain	132,659	35,163	5,697	55,422
Pacific	123,435	8,516	4,600	86,570
Grand total	4,931,905	1,109,875	132,697	1,763,740

Negro illiterates, all sections, 1,842,161.

Paupers in public almshouses on January 1, 1910

	Total	Native white	Foreign born	Negro	Others
New England	11,886	5,997	5,706	178	5
Middle Atlantic	23,772	11,369	11,712	678	13
East North Central	21,358	12,238	8,388	716	16
West North Central	6,366	3,644	2,371	342	9
South Atlantic	8,100	4,458	644	2,578	6
East South Central	4,266	2,676	232	1,356	2
West South Central	1,630	983	268	352	27
Mountain	1,652	829	791	19	13
Pacific	5,562	2,415	2,993	62	92
Grand total	84,198	44,609	33,125	6,281	183

Sentenced prisoners in penal or reformatory institutions on January 1, 1910

	Total	Native white	Foreign born—		Negro	Others
			Number	Per cent		
New England	10,588	6,314	3,814	36	433	27
Middle Atlantic	23,673	13,042	7,486	31.8	3,101	44
East North Central	16,250	10,396	3,257	20	2,535	62
West North Central	9,329	6,039	1,116	11.95	2,095	79
South Atlantic	17,878	3,752	407	(1)	13,710	9
East South Central	11,341	2,574	69	(1)	8,698	-------
West South Central	9,602	2,926	473	(1)	6,081	122
Mountain	4,503	2,926	1,107	24.4	336	134
Pacific	6,430	4,415	1,480	23	289	246
Grand total	111,498	53,359	19,438	17.43	37,874	827

[1] Less than 10 per cent.

Insane in hospitals on January 1, 1910

	Total	Native white	Foreign born	Negro	Others
New England	19,580	12,604	6,639	314	23
Middle Atlantic	52,380	30,939	19,872	1,520	49
East North Central	41,246	28,096	12,151	970	29
West North Central	22,683	14,899	7,133	579	72
South Atlantic	19,952	13,159	1,475	5,308	10
East South Central	9,759	6,938	282	2,537	2
West South Central	8,413	6,096	720	1,531	66
Mountain	3,574	2,047	1,422	57	48
Pacific	10,204	5,350	4,402	94	358
Grand total	187,791	120,128	54,996	12,910	657

Statistical Abstract of the United States, 1921, pages 77–78.

In the hearings before the Commitee on Immigration of the Sixty-eighth Congress, Serial 5–A, page 1276, Doctor Laughlin had the following to say with reference to cost in New York State alone for the care and maintenance of the insane in her several State hospitals:

In New York State in 1922 the State government expended $15,831,773.67 for the care and maintenance of the insane in her several State hospitals. Of these insane in these hospitals, 45.6 per cent, or 3,199 persons, of the first admissions were foreign born. Roughly, if we ascribe the same cost for the maintenance of native and foreign-born inmates, we would say that 45.6 per cent of this sum—$7,219,288.94; roughly, $7,000,000—were expended in 1922 by New York State for the care of the alien insane in her State hospitals only. This excludes the municipal and private institutions. It includes only the insane. It does not take into account the cost of maintaining other types of inadequates—the feeble-minded, the criminalistic, and the like—and this is for New York State only, the most populous and richest out of 48. The point is that if the same amount of money which New York State expends on her foreign-born insane could be used by the whole Nation to perfect the selection of immigrants in our immigration service, a much more thorough selection, in reference to all defects, could be secured. The second point is that whereas the Nation possesses the authority and the responsibility for saying who may and who may not enter the United States, it devolves upon the several State governments to maintain, at their own expense, any alien inadequates which need custodial care. If this continues, finally the States may ask permission to sue the Federal Government for reimbursement.

In other words, we find 26.83 per cent of the population of New York furnishing in one year to the insane hospitals of New York 45.6 per cent of the first admissions.

The thirty-fourth annual report of New York State shows that persons of foreign-born parentage represented 4,390 individuals, or 62.6 per cent, of the total admissions.

The following table, found on page 1322 of these hearings, justifies beyond question the proposed measure:

State institutions for the insane—Native-born, foreign-born, and negro inmates in the insane institutions of two Northern and two Southern States

	1920 census		Institutional population		Number inmates expected	Quota fulfillment by per cent
	Number	Per cent of total	Number	Per cent of total		
MICHIGAN						
Total	3,668,412	100.00	5,713	100.00	5,713	100.00
Native born, native parentage	1,670,447	45.54	1,489	26.06	2,602	57.23
Foreign born	726,635	19.81	1,947	34.08	1,132	172.00
Negroes	60,082	1.64	86	1.51	94	91.49

State institutions for the insane—Native-born, foreign-born, and negro inmates in the insane institutions of two Northern and two Southern States—Continued

	1920 census		Institutional population		Number inmates expected	Quota fulfillment by per cent
	Number	Per cent of total	Number	Per cent of total		
NEW YORK						
Total	10,385,227	100.00	11,980	100.00	11,980	100.00
Native born, native parentage	3,668,266	35.32	2,769	23.11	4,231	65.45
Foreign born	2,786,112	26.83	5,052	42.17	3,214	157.19
Negroes	198,483	1.91	212	1.77	229	92.58
LOUISIANA						
Total	1,798,509	100.00	1,949	100.00	1,949	100.00
Native born, native parentage	941,724	52.36	1,766	90.61	1,020	173.14
Foreign born	44,871	2.49	113	5.80	49	230.61
Negroes	700,257	38.94	608	31.20	759	80.11
VIRGINIA						
Total	2,309,187	100.00	3,544	100.00	3,544	100.00
Native born, native parentage	1,534,494	66.45	1,715	48.39	2,355	72.82
Foreign born	30,785	1.33	100	2.82	47	212.77
Negroes	690,017	29.88	1,710	48.25	1,059	161.47

Now, there might be some excuse for insanity, but surely none for crime. The following table, found on page 1323 of these hearings, make imperative the enactment of the pending bill:

State institutions for the criminalistic—Native-born, foreign-born, and negro inmates in the criminalistic institutions of two Northern and two Southern States

	1920 census		Institutional population		Number inmates expected	Quota fulfillment by per cent
	Number	Per cent of total	Number	Per cent of total		
Michigan: Total	3,668,412	100.00	1,965	100.00	1,965	100.00
Native born, native parentage	1,670,447	45.54	1,190	60.56	895	132.96
Foreign born	726,635	19.81	365	18.57	389	93.83
Negro	60,082	1.64	289	14.71	32	903.12
New York, total	10,385,227	100.00	5,812	100.00	5,812	100.00
Native born, native parentage	3,668,266	35.32	3,015	51.88	2,053	146.86
Foreign born	2,786,112	26.83	1,937	33.33	1,559	124.25
Negro	198,483	1.91	440	7.57	111	396.40
Louisiana, total	1,789,509	100.00	1,356	100.00	1,356	100.00
Native born, native parentage	941,724	52.36	1,298	95.72	710	182.82
Foreign born	44,871	2.49	24	1.77	34	70.59
Negro	700,257	38.94	1,059	78.10	528	200.57
Virginia, total	2,309,187	100.00	1,577	100.00	1,577	100.00
Native born, native parentage	1,534,494	66.45	1,461	92.64	1,048	139.41
Foreign born	30,785	1.33	58	3.68	21	276.19
Negro	690,017	29.88	912	57.83	471	193.63

In the hearings before this same committee of the Sixty-seventh Congress, Serial 7–C, page 751, Doctor Laughlin has the following to say with reference to the cost of native and alien institutional inmates:

Doctor LAUGHLIN. The last complete survey of State expenditures for custodial institutions was one which I made for the Bureau of the Census on expenditures for the year 1916. We find that, on the average, in that year the several States spent 17.3 per cent of all of their State government expenditures in maintaining State custodial institutions for the socially inadequate. This per cent varied from 30.5 in Massachusetts, 5.4 in Alabama, and 3.5 per cent in the District of Columbia. The total State expenditures for maintaining the State custodial institutions in 1916 was $75,203,239. Prices and costs, both of private living and of State government, have increased greatly since 1916. We do not know what a new survey would show in actual money—doubtless not less than $100,000,000. But, with the best figures we have, if we maintain the percentage relations of 1916, we find that the States are expending 17.3 per cent of their total expenditures on custodial institutions. At present 20.63 per cent of these inmates are foreign born. If, therefore, it costs on the average the same to maintain an alien as a native in a custodial institution, then we would find the several State governments expending on the average 3.57 per cent of their expenditures for all purposes in maintaining aliens in State institutions.

The percentage of alien stock—that is, the persons of foreign birth and those with one or both parents of foreign birth—who were found in custodial institutions by our present survey amounted to 44.09 per cent of the whole institutional population. These persons are generally designated as foreign stock. On the same plan of reasoning we find that the foreign stock in State custodial institutions—excluding the municipal and private institutions of all sorts—is costing the several State governments 7.63 per cent of all their expenditures for all purposes.

Now, gentlemen, in the face of these facts surely nothing else need be said to demonstrate the necessity of more stringent measures to cope with conditions confronting us.

Our country might be likened unto our household. It is ours to invite whom we please, but the invitation presupposes proper conduct on the part of our guests, whose every right to remain is forfeited forthwith on the slightest infraction. It is our duty to expel the unfit, the undesirable, the criminal. This bill provides the power. I urge your approval.

Mr. CELLER. Mr. Speaker, with most of the provisions of the deportation act (H. R. 11796) I am in utter accord. I do, however, register emphatic protest against the methods used in the enforcing of this bill. The Immigration Committee deliberated two months thereon and yet only 40 minutes was allowed for debate among 435 Members and under suspension of rules we are not even allowed to offer an amendment. The bill is supposed to be, therefore, the acme of perfection and we are to be sandbagged and dragooned into taking it or leaving it. We are not even given the privilege of reading all the hearings on the bill, because the hearings have not as yet been completely printed. One rather suspects the provisions of a bill that is thus forced upon us with no opportunity for genuine reflection or debate.

With few exceptions the bill is meritorious, and were it amended into a proper bill it would have my vote.

I am opposed to those provisions of the bill now being considered by this committee which provide for immediate deportation of aliens who have been convicted more than once for any violation of or conspiracy to violate the Volstead Act. You seek to amend the previous law, which justly and properly provided that aliens should be deported if guilty of a commission of a felony or other crime or misdemeanor involving moral turpitude. Moral turpitude, in my opinion, should be the sole test. Is a man guilty of moral turpitude if he violates the prohibition act? If so, then thousands upon thousands of citizens are thus branded. From general observations and judging from the vast and increasing number of violations, detected and undetected, the whole country seems to thumb its nose at prohibition.

It is not only aliens who are the worst offenders. American blue bloods are just as lawbreaking. Go to any department store or jewelry shop anywhere and ascertain the many silver flasks and cocktail shakers that are sold. You will find the demand and sale most enormous. The alien does not violate the law with such implements.

Heretofore we have had percentage immigration and percentage prohibition; the two remained separate. Now they are to be joined in unholy wedlock.

An alien bootlegger is about to fill an order for a bank president. En route to the banker's fashionable residence he is caught. The banker, who is as guilty as the bootlegger, is unwhipped of justice. His partner in crime, if this is his second offense, is deported. What of his wife and children who may be here? They remain behind to become public charges. Maybe the bank president will give them a few crumbs from his table.

It is notorious that at banquets and social functions where so-called 100 per cent Americans foregather in habiliments known as full dress, cocktails inaugurate the festivities and champagne usually sets conversation agoing. Aliens are conspicuous by their absence at such lawbreaking parties.

The "dry" farmer in Kansas can drink his hard cider unmolested, but the newly arrived alien in New York City—let him make some wine in his home; it will go hard with him. Immediate deportation is what he faces for a second offense.

The charge that aliens are the real prohibition offenders is silly drivel. Those caught, it is true, are perhaps mostly aliens, but only because they can not slip through the toils of the law as easily as the richer native. The prohibition law is like a cobweb. It catches the little flies, but the big ones break through.

Drinking knows no creed, race, or color; it is all-encompassing. Drinking means buying, and buying means selling. It is also charged that the aliens do the selling; that also is buncombe. But suppose it were true; who does the buying? Mostly citizens and natives. The one is as guilty as the other. Punishment should be equal, otherwise you undermine the alien's faith in our institutions and destroy every honest plan of so-called Americanization. Deportation of the seller and not the buyer means justice with scales unbalanced.

Is it not time to leave off harassing the alien? Should we not let them work out their own salvation with a little less drastic interference? It is claimed they do not Americanize fast enough, as though that process were an overnight affair. Americanization is an imperceptible change like the blending of dawn into day. It is not accomplished by strait-jacket methods, by dragooning and deportation. By such methods you make the alien timid and afraid and suspicious of you. Every time you pass this sort of law, in equal degree you rob the alien of his confidence in you.

Some one has stated that the difficulty of Americanization is due to a lack of model. After whom should the alien pattern himself? Shall he fashion his life after Members of the House, the Senate, or the Immigration Committee—I wonder?

Mark Twain said that "there is so much good in the worst of us and so much bad in the best of us that it ill behooves any of us to talk about the rest of us."

Thomas Huxley (Evolution and Ethics, p. 39) says:

I sometimes wonder whether people who talk so freely about extirpating the "unfit" ever dispassionately considered their own history. Surely one must be very "fit," indeed, not to know of an occasion, or prehaps two, in one's life when it would have been only too easy to qualify for a place among the "unfit."

Let us therefore, pause and think well before we attempt to extirpate by deportation the socalled "unfit"; that is, violators of the Volstead Act. I am sure that many of us applying that test would find ourselves in the category of "unfit."

We were told that when the immigration law of 1924 was passed that that law would totally solve the immigration problem. The print of the statute is not yet dry and now we are told that further restrictions are necessary, and the alien is to be deported for violation of a law, which at best is unenforceable because it lacks the respect of the majority of people, citizens and noncitizens alike, throughout the land.

Mr. JOHNSON of Washington. Mr. Speaker, this is a bill that has been demanded by the people generally. It is not an unfair bill; it is carefully drawn, and I ask for a vote.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. SABATH and Mr. CAREW demanded the yeas and nays.

The SPEAKER. All those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty Members have risen, not a sufficient number.

Mr. SABATH. The other side, Mr. Speaker.

The SPEAKER. The Chair counted the other side. The yeas and nays are refused.

Mr. SABATH. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 213, noes 39.

So two-thirds having voted in favor thereof the rules were suspended and the bill was passed.

ENDOWMENT OF AGRICULTURAL EXPERIMENT STATIONS

Mr. PURNELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 157) to authorize the more complete endowment of agricultural experiment stations, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultural experiment stations, the sum of $20,000 for the fiscal year ending June 30, 1926; $30,000 for the fiscal year ending June 30, 1927; $40,000 for the fiscal year ending June 30, 1928; $50,000 for the fiscal year ending June 30, 1929; $60,000 for the fiscal year ending June 30, 1930; $60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products, and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological

investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches.

SEC. 2. That the sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified by the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per cent of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

SEC. 4. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any and all of the provisions of this act.

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that the Members of the House may have five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Members of the House may have five legislative days in which to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, I am sure it will be cheering news to the American farmer that the Sixty-eighth Congress has at last decided to do something for him besides sending him nice little printed speeches full of sympathy and eloquent utterances bewailing his said plight and expressing the deep conviction that some one ought to try to alleviate his sad condition. The farmer is fed up on sympathy and promises never meant to be kept when they were made. What the farmer wants is fewer printed speeches and more action.

It is well for us to recall that the failure of this Congress to enact intelligent and economically sound legislation for the relief of agriculture is because the administration itself has had no definite objective in this respect and consequently has not been able to lay before the legislative branch of the Government any plan of relief.

The President when he addressed Congress on December 6, 1923, at the beginning of the Sixty-eighth Congress, made this illuminating observation—

Simple and direct methods put into operation by the farmer himself are the only real sources for restoration.

In other words, Mr. Farmer, pick yourself up by your boot straps and jump out of the mess you find yourself in. And yet again in the same message—

No complicated scheme of relief, no plan for Government fixing of prices, no resort to the Public Treasury will be of any permanent value in establishing agriculture.

And yet, right in the teeth of this presidential utterance the steering committee of the Republican party brings out the McNary-Haugen price-fixing monstrosity, that would have, if enacted, destroyed the very class of people it sought to benefit; brought to us with the understanding we should pass that or nothing, well knowing that had it gotten through both branches of Congress it would have promptly received the presidential veto.

So Mr. Speaker, I feel justified in reiterating, the administration has had no plan or serious idea of trying to help the farmer.

Again, when we met here on December 3, 1924, for the second session of the Sixty-eighth Congress, after the elections, and received the message of the President, we find the remarkable statement from the Chief Executive:

No more important development has taken place in the last year than the beginning of a restoration of agriculture to a prosperous condition. Every business has its risks and its times of depression. It is well known that in the long run there will be more even prosperity and a more satisfactory range of prices under the natural working out of economic laws than when the Government undertakes the artificial support of markets and industries.

I do not mean, Mr. Speaker and gentlemen of the House, to be unduly partisan in my remarks upon the subject; however, the Republican Party is the party in power. They have been given the right to govern, and with the right to govern comes the duty to govern, and upon them falls the responsibility of answering to the farmers of America for a failure to initiate and enact wholesome legislation for their relief.

The President's assurance of December 6, 1923, that the farmer must help himself, and his observation a year later that agriculture was now restored, will not be accepted by the farmer and his friend. Indeed, even so distinguished a champion of the President and his party as Col. George Harvey, in a flaming editorial on February 5, last, in the Washington Post, sounds a note of warning to the administration:

To Republicans in Congress:

The Republican President and the Republican majority in Congress were elected largely by farmer votes on the pledge that the Republican Party, if returned to power, would work for the relief of American agriculture. The specific pledge in the Republican platform of 1924 was as follows:

> "In dealing with agriculture, the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. * * *
>
> "The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success."

The Republican President immediately after his election on this platform proceeded to work out plans for the relief of agriculture. He appointed a committee of agricultural specialists, who have reported comprehensive and practical recommendations for legislation.

Now the steering committee of Congress, consisting of a majority of Republicans, have advised the President that it is "impracticable" to push through farm legislation at this session of Congress. They point to many other measures as entitled to priority—such measures as the German commercial treaty, the Isle of Pines treaty, the Bursum measure for the retirement of disabled emergency officers, the $75,000,000 good roads bill.

The bill relating to prohibition enforcement, the bill authorizing the reduction of interest rates on Government loans to railroads, the civil service retirement bill, the bill for enlarging the Naval Reserve, the national banking bill, the Brookhart game refuge bill, the bill reorganizing Government departments, the French spoliation claims, and the Wadsworth amendment providing that constitutional amendments shall be ratified by the people instead of legislatures.

The steering committee of the House had advised the President, it is said, that it is "impossible" to enact agricultural relief bills in view of the pressure for the enactment of the foregoing measures and for the passage of the usual appropriation bills. What are the Republicans in Congress thinking of? Are they anxious to lose the elections in 1926? Are they eager to be thrown out of office to make room for a Democratic majority?

They could not adopt a better plan for this purpose than to violate their pledge to the American farmers. It is not necessary to pass laws embodying all the suggestions of the Agricultural Commission. The commission did not expect such action. But the commission made certain simple and specific recommendations, and President Coolidge has approved them and asked Congress to enact them into law. If Congress at this session turns its back upon the farmers of this country, Mr. Coolidge will not be to blame. The record will stand clear. Every Republican in authority in Congress who has ignored the pledge of 1924 will be a marked man in 1926. Are you anxious to be defeated in 1926, Chairman SNELL of the Rules Committee? Are you seeking retirement, members of the steering committees of the House and Senate? Very well, you may be accommodated two years hence if you deliberately flout the farmers of the United States.

The Agricultural Commission recommends that a Government commission be created to facilitate and encourage cooperative marketing in agricultural products. That could be accomplished by Congress in one day. It would prove to agriculturists that the Republican majority are in sympathy with agriculture and are trying to keep their pledge to place it upon a basis of economic equality with other industries. The Agricultural Commission recommends that steps be taken to readjust freight rates on agricultural products. That could be directed by Congress without debate.

It would show that the party in power is not a liar when it makes platform pledges to the farmer. Do the Republicans in Congress think the farmers of the United States are fools, to be gulled by campaign promises and then to submit to a betrayal of pledges without retaliation? The President asks Congress to keep faith with agriculture, representing 30,000,000 Americans. The party in power in Congress has an opportunity to keep faith. If it does not do so, it need not expect and will not deserve to remain in power.

Pretty rough words, Mr. Speaker, and of more significance when coming from so distinguished a Member of the party in power.

But, Mr. Speaker, I did not rise to consume the time of the House in a general discussion of the agricultural situation in general, but rather to give my hearty indorsement to the bill under consideration, known as the Purnell bill (H. R. 2243), introduced and sponsored by my good friend from Indiana, FRED PURNELL.

Now, I realize that when you tackle the problem of giving governmental aid to the farmer in a manner that is economically sound you are up against a big proposition, but here in this bill is at least one way that the Government can help agriculture and not run up against fundamental objections. This bill has for its purpose the more "complete endowment of agricultural experiment stations," and so forth.

I wish to incorporate here as a part of my remarks portions of a brief in favor of the Purnell bill prepared by a special committee of the experiment station section of the Association of Land-Grant Colleges. Analyzing the bill, the brief makes this observation:

What the Purnell bill provides:

(a) It broadens the scope of the Federal experiment stations so as to make provision for the newer lines of work which have become important since the Hatch and Adams Acts were passed. These acts contemplated investigations primarily in the fields of production. Their language emphasizes this responsibility. With the development of agriculture new fields have opened in which the demand for reliable knowledge, based on research, is insistent. Chief among these are the farmers' economic problems, including questions of farm management, grading and standardization, transportation, storage, marketing of farm products, and financing agricultural enterprises; the wide and varied fields of home economics; and the intricate social problems of country life. There are physiological and pathological, as well as economic, problems involved in the storage, handling, and transportation of fruits and vegetables which strike at the very base of our ability to prevent waste and losses. If the American farmer is to prosper and meet the world competition, he must be enabled to lower the costs of producing and of marketing his products. The whole Nation is interested in this accomplishment. In addition, new problems in production have arisen. The language of the Purnell bill better defines and broadens the range of activities of the Federal experiment stations.

(b) It increases the funds available to the experiment stations. Beginning with $15,000 a year to each State, there is an annual increment by $10,000 each year until at maturity the bill authorizes $85,000 to each State. In other words, beginning with $720,000 the first year for the entire country, the total appropriation at the end of seven years is $4,080,000.

This increase is necessitated for the following reasons: (1) The existing funds for research are totally inadequate for the needs. The Federal endowments for resident teaching and extension have attained large figures and resulted in the development of large staffs of workers for these purposes, the enrollments of students in the colleges have mounted rapidly since the institutions were established, and the cooperative extension service has multiplied the demands on the institutions for information and service. The facilities and the demands in the fields of resident teaching and extension have far outrun the facilities for research and have left the latter crippled and disproportionately small. The $30,000 of Federal money now going annually to the States under the Hatch and Adams Acts represents but a fragment of the moneys needed to meet the requirements of the present day.

(2) The purchasing power of money has so greatly diminished that the $30,000 of Federal funds now available to each State will do vastly less work than when these laws were passed.

(3) For 13 years the Federal Government has not added to its contributions to the agricultural experiment stations. These have been the years of most rapid advance in agriculture and the very greatest demands on the institutions. The calls on the experiment stations are steadily increasing and this must inevitably continue as the cumulative result of all the other service.

(4) The appropriations under the Hatch and Adams Acts are inadequate for keeping pace with the needs in old-established lines, while the newer problems in production, rural economics, home economics, and the social problems are demanding exhaustive research work.

Speaking of the need for the legislation the brief continues:

Why additional Federal aid is sought:

(a) The Federal experiment stations are creatures of the National Government. Congress has provided no additional funds to strengthen them during the last 13 years.

(b) The land-grant colleges and the agricultural extension services, which are now making overwhelming demands on the experiment stations, have been largely promoted by Federal acts, and additional Federal support is needed to develop the basic research agencies coordinately.

(c) Agricultural research is of nation-wide value. Its results are not restricted to State lines. The whole Nation is interested in and benefited by whatever results may be obtained from scientific investigations in agriculture in any State.

(d) Agricultural research strengthens the economic basis of the Nation.

(e) Modern commerce introduces new insect pests and plant and animal diseases which are seriously inimical to the agriculture of America. Means of discovery and control should be provided by the National Government.

(f) It is peculiarly important that in research, which for many problems is a long-time process, there should be assurances of long-continued uninterrupted maintenance. The Federal grants to the land-grant colleges have all the effects of permanent endowments and give a stability to the work, which is of first importance, thus making them the proper agencies through which research in agriculture and home economics should be directed.

Mr. Speaker, in 1888 there was organized in the State of Virginia the Virginia Agricultural Experiment Station at Blacksburg, Va. This station, in charge of a corps of highly trained experts, has been of an invaluable service to the farmers of our State. It has been in continual operation since that time, and has contributed in very substantial ways to the advancement of agriculture in the State.

Among the first agricultural problems which this experiment station undertook to consider was the use of commercial fertilizers to improve crop production and to increase soil fertility. This station has conducted work on this general problem up to the present time. Many bulletins and reports on this subject have been published and are now available to Virginia farmers. The facts thus acquired by investigations and research have gradually been incorporated in current farm practices in the State. These facts have enabled farmers to use fertilizer much more efficiently. In 1920 farmers in Virginia bought nearly one-half million tons of commercial fertilizers, at a cost around $20,000,000. The experimental information furnished farmers by this station enabled them to use this fertilizer with at least 10 per cent more efficiency than they otherwise might have done, and I confidently believe that the gain is far greater than this figure. It may readily be seen that the annual value of this line of investigation means very much to the farmer.

A few years ago diseases known as "wildfire" and "black fire" appeared in very destructive proportions in the tobacco

fields of Virginia. Tobacco is the leading cash crop grown in Virginia. This crop annually returns to Virginia farmers $25,000,000 to $40,000,000. In the year 1919 two diseases to which I refer above damaged the tobacco in the State to the extent of from $4,000,000 to $5,000,000. This experiment station immediately started an investigation and experiments with these diseases, studied out the life history of the germs which caused the diseases, and worked out a practical method by which these diseases might be very largely avoided. This controlling measure is now being employed by a great majority of the tobacco growers in the State. This experimental work has great economical value to the State.

I might cite a great many other cases showing how this experiment station has been of practical service to farmers, fruit growers, livestock raisers, and other agricultural groups of Virginia. I may say that heretofore the work of the experiment station has dealt largely with problems that affected production; in more recent years we have all come to realize the need of definite and authentic data bearing upon the economic side of farming. We have come to realize that the production of crops is only the first step in successful farming. Business methods and business principles must be employed in the game if our farmers are to realize the satisfaction which their efforts should rightly bring. Within the last two or three years this station has made a few investigations in the line of agricultural economics. In the summer of 1923 they made a survey of 300 tobacco farms in Virginia, with the view of making a business analysis of all operations and enterprises on these farms, and with the view of finding out facts which would enable tobacco farmers in the State to better organize their farm enterprises on the basis of cost, gross returns, and net returns per farm as brought out in this survey.

In 1924 they made an investigation of Roanoke City and its contiguous farm-trade territory with the view of showing the sources of all farm products consumed in the industrial city of Roanoke, the sources from which these farm products came, with the view of showing famers in the counties adjacent to Roanoke how they might utilize their local market. Information on this survey is now available to farmers and consumers in the State.

They began some studies last summer relative to the beef-cattle industry in southwest Virginia. Blue grass in the limestone valleys of the State constitutes one of the great and important natural agricultural resources of the State. The only way that our farmers can realize the natural resource is by pasturing livestock on the blue grass.

It is a well-known fact that cattle raisers in this territory have experienced hard times within recent years. It is desirable to ascertain the facts underlying the current practices in finishing beef cattle on grass with the view of showing farmers the various elements of cost which enter into the business and with the view of being able to advise them how to better readjust their farm enterprises. This is a large problem in agricultural economics and a satisfactory solution will require a great deal of thorough investigation.

The Purnell bill specifically provides for investigations and researches in agricultural economics, country life, and home economics. If the Purnell bill is passed, this experiment station will be enabled to proceed much faster and much more thoroughly along these lines. The State of Virginia is now putting into agricultural experiments and research approximately three dollars for each one that is put into this work by the Federal Government. That ratio, on the average, holds true throughout the United States. I believe it is an opportune time for the Federal Government to increase its support to the State agricultural experiment stations. The additional funds provided for in this bill will be used, I am sure, with faithfulness to the public interest, and these funds will enable the station to increase their services to agriculture, and this will not only be an important step in relieving the present depressed situation in which agriculture is now found, but it will prove to be a means of permanent and continuing benefit to our farmers, and it could easily be demonstrated that the benefit from such work is applicable to people in cities and towns just as much so as it is to farmers.

Mr. PURNELL. Mr. Speaker, on January 28, President Coolidge transmitted to the Congress of the United States the preliminary report of the agricultural conference which he recently called for the purpose of considering the agricultural situation. This preliminary report makes a number of recommendations for agricultural legislation to be considered at the present session of Congress. Among these recommendations is the following with reference to Federal aid for State experiment stations. I quote from the report:

The Federal Government has established a great fact-finding agency for agriculture consisting in part of the research work of the United States Department of Agriculture and in part of the State agricultural experiment stations. The latter are located in each of the States in order that there may be "due regard to the varying needs of agriculture" in the various parts of the country and that they may be in close contact with the agricultural teaching agencies of the several States. There has been no increase in Federal appropriations to these stations since 1909, during which time the purchasing power of money has declined so that these funds will now support much less research work than when they were first provided. Further, at the time these funds were appropriated, their use was limited to the study of problems of production which were then the major problems of agriculture. None of the Federal funds for the support of the State experiment stations can be used for work in agricultural economics, rural social problems, or home economics, which are now such all-important parts of agricultural business and farm life.

It is of utmost importance that knowledge concerning the business and social aspects of agriculture keep pace with that concerning its production problems if a well-balanced agricultural program is to be maintained. Hence the fact-finding research agencies for agriculture should now be given financial support to permit them to take up this new field of investigations. H. R. 157 authorizes Congress to make additional appropriations for this purpose under conditions and limitations which the experience of nearly 40 years show to be sound and practical to meet the desired end.

The conference therefore recommends the passage of H. R. 157, to authorize Congress to provide increased Federal aid for research in agricultural economics, rural sociology, and home economics at the State agricultural experiment stations, and suggests that the sums to be appropriated to each station in compliance with the act be fixed at $20,000 for the year ending June 30, 1926; $30,000 for the year ending June 30, 1927; $40,000 for the year ending June 30, 1928; $50,000 for the year ending June 30, 1929; and $60,000 annually thereafter.

The amendments which I have sent to the Clerk's desk are in conformity with the above report and carry the same authorizations as recommended by the President's agricultural conference. I am pleased to add that this bill comes before the House with the unanimous indorsement of the Committee on Agriculture. It has the indorsement, as far as I know, of all the leading farm organizations of the United States. Practically every farm paper in the country has at some time or other since the introduction of this bill commented favorably upon it. In addition, the agricultural commission of the American Bankers' Association has indorsed the bill in the strongest possible language, with the statement that—

There is nothing that will contribute more to the permanent solution of our agricultural problems than this increase for research work * * *.

I may also add that these indorsements and recommendations were given the bill as originally introduced and for greater amounts than are proposed by the agricultural conference and set out in the amendments now offered.

The purpose of this bill is to authorize the more complete endowment of agricultural experiment stations. As is more specifically set out in section 1 of the bill, the funds authorized to be appropriated hereby shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products, and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the result of said researches.

Among the most immediately valuable, far-reaching, and permanently productive investments which the National Government can make in the interests of all the people is to increase its grants for agricultural experimentation and research. The Government is committed to the policy of helping the States to develop agriculture through (a) collegiate instruction; (b) agricultural extension; and (c) agricultural research.

(a) The Morrill, or land grant act of 1862 provided for the establishment of at least one college in each State in which, as the act prescribes:

The leading object shall be, without excluding other scientific and classical subjects and including military tactics, to teach such branches

of learning as are related to agriculture and the mechanic arts * * * in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

From the sales of the public grants of land there is now available as a permanent principal approximately $14,000,000, yielding an annual interest of approximately $1,000,000 for the operating funds of these land-grant colleges. (The several States annually appropriate more than $40,000,000 additional funds for the maintenance of these institutions.)

By the second Morrill Act of 1890 and the Nelson amendment of 1907 the Federal Government makes available for the further endowment of the land-grant colleges $50,000 annually to each State, or a total of $2,500,000 for all the States.

Under the Morrill Act, the second Morrill Act, and the Nelson amendment combined, there is now available annually $3,500,000 of Federal funds for the maintenance of resident instruction at the land-grant colleges.

(b) Under the Lever Act for the establishment of cooperative extension service in agriculture and home economics between the United States Department of Agriculture and the land-grant colleges, and including some special appropriations directly to the Department of Agriculture for this purpose, the Federal Government contributes annually approximately $6,730,000. To this amount there was added by State and local appropriations within the States the sum of approximately $11,750,000 for the year 1922.

(c) By the Hatch Act of 1887 and the Adams Act of 1906, each carrying since maturity $15,000 annually to each State, the Federal Government is now appropriating annually $1,440,000 for the maintenance of Federal agricultural experiment stations created in connection with the land-grant colleges.

Research is the foundation on which the entire superstructure of resident teaching and agricultural extension service must rest. These latter services depend for their vitality, their "worthwhileness," and soundness on our ability to make progress in the discovery of new facts and their utilization in the solution of pressing problems in the field of agriculture. The present research foundation is wholly inadequate for the load it must bear. This is made doubly evident when it is recognized that research is generally the most exacting, most expensive, the most time-consuming of the three lines of effort. An adequate and far-sighted public policy dictates that it should be more generously supported in order that progress in knowledge may be kept in advance of the demands in utilization.

This bill broadens the scope of Federal experiment stations so as to make provision for the newer lines of work which have become important since the Hatch and Adams Acts were passed. These acts contemplated investigations primarily in the fields of production. Their language emphasizes this responsibility. With the development of agriculture new fields have opened in which the demand for reliable knowledge, based on research, is insistent. Chief among these are the farmers' economic problems, including questions of farm management, grading and standardization, transportation, storage, marketing of farm products, and financing agricultural enterprises; the wide and varied fields of home economics; and the intricate social problems of country life. There are physiological and pathological, as well as economic, problems involved in the storage, handling, and transportation of fruits and vegetables which strike at the very base of our ability to prevent waste and losses. If the American farmer is to prosper and meet the world competition, he must be enabled to lower the costs of producing and of marketing his products. The whole Nation is interested in this accomplishment. In addition, new problems in production have arisen. The language of the bill better defines and broadens the range of activities of the Federal experiment stations.

The increase authorized by this bill is necessitated for the following reasons: The existing funds for research are totally inadequate for the needs. The Federal endowments for resident teaching and extension have attained large figures and resulted in the development of large staffs of workers for these purposes; the enrollments of students in the colleges have mounted rapidly since the institutions were established; and the cooperative extension service has multiplied the demands on the institutions for information and service. The facilities and the demands in the fields of resident teaching and extension have far outrun the facilities for research and have left the latter crippled and disproportionately small. The $30,000 of Federal money now going annually to the States under the Hatch and Adams Acts represents but a fragment of the moneys needed to meet the requirements of the present date.

The purchasing power of money has so greatly diminished that the $30,000 of Federal funds now available to each State will do vastly less work than when these laws were passed.

For 14 years the Federal Government has not added to its contributions to the agricultural experiment stations. These have been the years of most rapid advance in agriculture and the very greatest demands on the institutions. The calls on the experiment stations are steadily increasing and this must inevitably continue as the cumulative result of all the other service.

The appropriations under the Hatch and Adams Acts are inadequate for keeping pace with the needs in old-established lines, while the newer problems in production, rural economics, home economics, and the social problems are demanding exhaustive research work.

In the earlier years of the experiment stations it has been possible to deal with the more apparent and more readily solvable problems. We have in a sense skimmed the surface. It is now necessary to go deeper. Many of the newer problems require more elaborate and more varied equipment and much more time.

It provides equal aid to all the States irrespective of size or population. This is justified because the results of research are in no sense confined to State lines, but are likely to be valuable any place throughout the country where similar conditions obtain. The smallest State may be able to administer research to the same degree as the largest and with equal value from the national standpoint.

The bill provides adequate Federal supervision to insure the expenditure of the funds for the purposes indicated and to avoid unnecessary and undesirable duplication among the stations. The Secretary of Agriculture is given identical powers of supervision and control as he now has under the Hatch and Adams Acts. Thirty-seven years of experience under these acts has shown this degree of supervision to be desirable, adequate, and to meet every requirement of the work.

Through supervision by the Secretary of Agriculture, the filing of research projects with him, the publication and interchange of bulletins and reports by and among the States, the widespread use of the Experiment Station Record in which are recorded the results of research on specific problems in all parts of the world, the maintenance of a joint committee on projects and correlation of research between the land-grant colleges and the United States Department of Agriculture, and the frequent conferences of workers, there is abundant provision to keep all workers fully informed on experiments under way at other stations and in the United States Department of Agriculture, and thus to eliminate undesirable duplication on the one hand and to promote cooperation and coordination on the other.

The investigator is interested solely in the discovery of new facts and the extension of the boundaries of knowledge. He seeks to take advantage of the progress made by all other investigators and to avoid repeating their work, except where local conditions make this desirable in order to test their local application or verify their conclusions.

The bill H. R. 157 introduces no new principle whatever and follows closely the language of the Hatch and Adam Acts, which has been fully tested by experience. It differs from these acts only by extending the language to include new fields, which are an essential part of the experiment stations, and by increasing the funds.

Let me suggest a few reasons why additional Federal aid is needed:

The Federal experiment stations are creatures of the National Government. Congress has provided no additional funds to strengthen them during the last 14 years.

The land-grant colleges and the agricultural extension services, which are now making overwhelming demands on the experiment stations, have been largely promoted by Federal acts, and additional Federal support is needed to develop the basic research agencies coordinately.

Agricultural research is of nation-wide value. Its results are not restricted to State lines. The whole Nation is interested in and benefited by whatever results may be obtained from scientific investigations in agriculture in any State.

Agricultural research strengthens the economic basis of the Nation.

Modern commerce introduces new insect pests and plant and animal diseases which are seriously inimical to the agriculture of America. Means of discovery and control should be provided by the National Government.

It is peculiarly important that in research, which for many problems is a long-time process, there should be assurance of long-continued, uninterrupted maintenance. The Federal grants to the land-grant colleges have all the effects of permanent endowments and give a stability to the work which is of first importance, thus making them the proper agencies through

which research in agriculture and home economics should be directed.

It has been suggested by some that the bill provides no State offset. This is true. The bill introduces no new principle with respect to the experiment stations. Congress has already established the policy of making all appropriations for work to be done directly at the land-grant colleges without a compulsory offset provision, as witness the Morrill Act, the second Morrill Act, the Hatch Act, the Adams Act, and the Nelson amendment.

The States without the requirements of offset are now matching Federal appropriations for research $6 to $1. The total revenue reported by the experiment stations from all sources for the fiscal year ending June 30, 1924, was approximately $10,000,000. This amount included $1,440,000 from Federal sources and $8,578,820 from the States. The stations in all the States received some State appropriation or allotment, the amount varying from a few thousand dollars up to several hundred thousand. The leading States in the amount of revenue provided in addition to the Federal funds were as follows:

Ohio		$667,425.26
California		589,385.14
Indiana		554,012.78
New York:		
Cornell	$273,795.50	
State	250,763.89	
		524,559.39
Illinois		456,929.50
Minnesota		430,228.51
North Dakota		412,489.97
Texas		384,947.66
Wisconsin		321,348.81
Iowa		319,101.08
Kentucky		258,546.62
New Jersey		243,853.54

As a member of the Committee on Agriculture I have heard every complaint and every remedy human ingenuity can devise. No body of men has ever given more careful or sympathetic consideration to any problem than has our Committee on Agriculture given to America's basic industry, agriculture. We have become a nation of curbstone diagnosticians. I can remember as a boy how every old grandmother could prescribe for any ill. The same is true to-day except our self-appointed doctors have taken in more territory and are now prepared to suggest cures for economic ills as well as physical ailments. We have learned that there is really very little we can do by legislation. We can no more legislate prosperity than we can legislate economy or morality into the people.

The solution does not lie in that direction. It lies through the already established but under-financed experiment stations. How strange it is that after finding the best means of developing the agriculture of our country we should all but abandon it. The United States is acknowledged to have the finest system of experiment stations in the world, but it is not making the best and most profitable use of these working plants at present because of failure to provide the necessary means. This is the opinion of experts and is concurred in by those in closest contact with the situation. Agricultural investigation has given so many striking evidences of its practical value that national attention is now being drawn to the weakened condition of the stations as a matter of vital interest.

Although farming is the oldest occupation of man, it was one of the latest, if not the very latest, to accept the applications of science as the basis for progress, but as a result of it authorities agree that more real progress has been made in agriculture in the past 60 years than in all the years that have gone before. And more of this progress has come in the last half of this 60 years than in the previous half, which was preparing the way for it.

The oldest experiment station in the world is less than 75 years old. The earliest one in the United States was founded less than 50 years ago. But these and some dozen others that followed so far convinced the farmers and the public of their usefulness that in 1887 Congress provided for a national system of stations connected with the agricultural colleges. This was only 37 years ago.

A live system of agricultural extension has been built up which is rapidly overtaking the supply of available information and presenting new questions to be answered. The problems are becoming more complex because the simpler things have been done. It is the larger and more difficult problem which the stations are now called upon to solve.

The "moon" farmer is almost a thing of the past. Moon farming which began in the middle ages has had to give way because of the steady advance of science. Few farmers are left who plant crops or carry on other agricultural operations "in the dark of the moon." They now have the benefit of the latest research and investigation of the experiment stations and the Department of Agriculture.

The thoroughness and vastness of the work done by these experiment stations is so little known by the general public that a few facts may be of interest.

The experiment stations are at this time carrying over 5,000 projects, each of which is practically on an individual basis and must be considered separately in passing on its merits. Judged by past experience, it is not unreasonable to assume that among these projects now under consideration there are a great many, any one of which when completed will justify the entire Federal appropriation for a single year. It is even possible that a single developed project may justify in dollars and cents every cent the Federal Government has spent upon experiment stations from the day they were established.

Time will not permit me to give as many illustrations as I should like of the benefits that have come from research work in agriculture since the passage of the Hatch Act. In fact, one can hardly select a list of illustrations without having many criticisms from agricultural workers for having omitted some of the most important ones.

Cotton is the most important agricultural export crop of this country and contributes a larger sum to our balance of trade than does any other one commodity. It is also used more extensively than any other fiber for domestic fabrics. The 17 States producing the bulk of this crop used in 1920 $250,000,000 worth of commercial fertilizers, the great bulk of which was applied to cotton. Practically all the knowledge that we have regarding the influence of fertilizer ingredients on farm crops, especially on cotton, has come from the experiment stations of these States. If we make the extremely modest assumption that there is a saving of 2 per cent in the cost of producing the cotton crop of the South, the total saving would be $5,000,000 annually, which is more than would be required to meet the payments of H. R. 157 at maturity in all of the States.

The Irish potato crop of the United States in 1920 was valued, according to census figures, at $461,778,000. The mere mention of this truck crop brings to mind many thoughts of the practical benefits of agricultural research work, such as the discovery of the formaldehyde treatment for the prevention of scab, efficient sprays for controlling the potato blight, poison for the potato beetle, and so forth. The utilization of this knowledge has many times resulted in the production of a profitable crop, where without it disaster to the farmer and high prices to the consumer for a short potato crop would have been inevitable. If we again make the very modest assumption that all this and other knowledge coming through research benefits the industry only 1 per cent, the net result will be a greater saving than is required to meet the payments of this bill at maturity in all the States.

Almost any specific illustration of the benefits accruing from the improvements made through breeding and selection of new strains of wheat, oats, or corn for a given region would incite the jealousy of regions not referred to. Everyone who is familiar with the agricultural history of the past quarter of a century can cite striking illustrations of increased yields of grains resulting from experimental breeding and selection, the net value of which would amount to enough in a single State every year to pay the appropriations of this bill for all the States.

A number of new crops have been introduced and established by the experiment stations, the United States Department of Agriculture cooperating. The velvet bean may be taken as an illustration of a recent introduction into the Southern States. The Gulf and South Atlantic States had in 1920 more than 1,000,000 acres of velvet beans, the seed of which was valued at $20,000,000. This gives no estimate of the amount used for hay. Sections of coastal plain areas that were comparatively unproductive before the advent of the velvet bean are now producing from 30 to 40 bushels of corn per acre in rotation with velvet beans. The expansion of our knowledge of how to grow alfalfa and other legumes through liming and inoculation where they could not be grown before has been equivalent to the introduction of new staple crops in large areas of the United States where dairying is a leading industry, and consequently where these legumes are of very great importance. The value of this work alone is equal to many times the amount that the bill calls for for enlargement of agricultural research.

The fruit industry in many portions of the United States would have been practically destroyed by insect pests and fungous diseases had it not been for the remedial measures developed by the experiment stations. The citrus crop of this country is dependent upon efficient fumigation and spraying. The crop of peaches, apples, and pears of the country for 1920

was valued at $380,534,000. If only 2 per cent of this value has been conserved by measures developed for fighting insects and fungous diseases and for pruning, packing, and standardizing the crops, the amount would represent a saving of more than one and one-half times the amount called for by this bill for the enlargement of scientific research.

As an illustration of the contributions that the experiment stations have made for the utilization of by-products from our field crops, I cite the following: Cottonseed meal is now almost universally fed in the dairy sections of the United States as a valuable part of feed rations for dairy cattle and beef cattle, and it is used extensively in the South as a fertilizer. Cottonseed oil is a very important item of commerce in all sections of the country. The cottonseed meal and cottonseed oil from the crop of 1920 represents a value of $250,000,000. When the experiment stations began their investigations of the possibilities of utilizing cottonseed and oil they had no established commercial value. The by-products of other crops developed through experiment-station research are annually worth many millions of dollars.

The experiment stations, in cooperation with the United States Department of Agriculture, have made some very valuable contributions to our knowledge of animal diseases and means of preventing them. Hog cholera, tuberculosis, anthrax, blackleg, milk fever, and so forth, all furnish striking illustrations of the value of agricultural research. In 1920 there were on the farms $728,380,000 worth of hogs. If we make the extremely modest estimate that by the control of hog cholera and internal parasites and other diseases we have saved or lowered the cost of production 1 per cent on these animals, the annual saving would be more than $7,000,000.

Among the mechanical devices that have been developed for advancing agricultural practice, a single illustration will serve our purpose: The Babcock machine, for testing the butterfat content of milk and cream, has put the dairy industry on a business basis that would otherwise have been impossible. The result of the tests in estimating the purchase price of milk and cream and in measuring the relative value of cows in the production of butterfat has been incalculable.

The contributions of the agricultural experiment stations of the United States to our knowledge of the composition of feedstuffs and the practicability of balanced rations for all kinds of livestock, and how to secure the most economical results, can scarcely be appraised, the figures would be so great. The proper apportionment of digestible nutrients and a knowledge of the composition and digestibility of American feed crops and by-products of the industrial enterprises utilizing farm crops has lowered the cost of production of the great staple products, such as milk, pork, and beef, to the extent of hundreds of millions of dollars annually, and yet this field of work is comparatively unexplored.

The effects of the benefits of agricultural research are not limited in their application to agricultural products and to rural people. Who can place a value on the protection from human infection of tuberculosis? Statistics show that a marked decrease in human tuberculosis has followed the control of tubercular infection among domestic animals, brought about by knowledge that has been gained largely through research by experiment stations and the United States Department of Agriculture. The attainments thus far in the control of malaria and the almost complete extermination of yellow fever, bubonic plague, and a number of other diseases that have exacted an enormous toll of human life, have indirectly resulted from research work in the field of agriculture. When it was fully demonstrated that the Texas fever cattle tick served as a secondary host for the germ that produces the fever, and was the agent through which the disease was transmitted from one animal to another, a new conception of the transmission of disease was established, and the pathway was blazed for some advancements in human medicine that have been the most remarkable in all history. Our knowledge of serums and antitoxins have largely been built upon foundations laid in agricultural research.

Illustrations might be multiplied almost indefinitely to show how wide the influence of research has been in every branch of agriculture. The farmers themselves can not solve the technical problems on which improved methods and agricultural progress depend, and there is no other agency to solve them for them. The large vital questions are not restricted to State boundaries and the results apply over wide regions or often the whole country.

Research underlies the entire system which has been built up in this country for agricultural teaching and extension. It is fundamental and absolutely essential to the growth of that system, for it is the only means for developing new information and interpreting it in practical methods. In view of this, the question is a very pertinent one, whether this country can afford to prevent the experiment stations from growing by continuing to withhold the necessary support. A system is no stronger than its weakest part, especially if that part is the foundation which sustains and supports it.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

SPEAKER PRO TEMPORE FOR EVENING SESSION

The SPEAKER appointed Mr. CHINDBLOM to preside as Speaker pro tempore at the session to-night.

APPOINTMENT OF TELLERS TO COUNT THE ELECTORAL VOTE

The SPEAKER. The Chair appoints as tellers to count the electoral votes to-morrow Mr. WHITE of Kansas and Mr. JEFFERS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MCKEOWN, for to-day, on account of illness.

Mr. MAPES, at the request of Mr. CRAMTON, indefinitely, on account of illness.

RECESS

Mr. LONGWORTH. Mr. Speaker, I move that the House stand in recess until 8 o'clock to-night.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House, under its previous order, stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore, Mr. CHINDBLOM.

The SPEAKER pro tempore. Under the order previously entered, the House is in session for the consideration of bills on the Private Calendar unobjected to, starting where the last call concluded.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that all bills be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all the bills be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Reserving the right to object, and I shall not object, I want to call the gentleman's attention to the fact that if he should get some of his colleagues riled up to-night it would take 218 Members for business, whereas if we go into Committee of the Whole it will only take 100. Has he thought about that?

Mr. EDMONDS. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first bill on the calendar.

FRANCIS KELLY

The first business on the Private Calendar was the bill (H. R. 9846) for the relief of Francis Kelly.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Francis Kelly shall be held and considered to have been honorably discharged from the naval service of the United States as a chief machinist's mate on July 4, 1902: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

EDGAR WILLIAM MILLER

The next business on the Private Calendar was the bill (S. 3170) for the relief of Edgar William Miller.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with

the advice and consent of the Senate, Edgar William Miller, now a major in the Medical Corps, Regular Army, a lieutenant colonel of the Medical Corps, Regular Army, to take rank at the foot of the list of lieutenant colonels, Medical Corps: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

CHARLES JAMES ANDERSON

The next business on the Private Calendar was the bill (H. R. 9112) for the relief of Commander Charles James Anderson, United States Naval Reserve Force.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Commander Charles James Anderson, United States Naval Reserve Force, on the retired list with three-fourths of the pay of his grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES RITZEL

The next business on the Private Calendar was the bill (H. R. 9228) for the relief of Charles Ritzel.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Charles Ritzel, on account of the death of his son, Charles Ritzel, jr., who was scalded to death on December 15, 1904, while employed as boiler maker on board the U. S. S. *Massachusetts*, at League Island Navy Yard, Philadelphia, Pa.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF CERTAIN LANDS IN MINNESOTA

The next business on the Private Calendar was the bill (H. R. 1579) authorizing the disposition of certain lands in Minnesota.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HASTINGS. I object.

CHARLES W. GIBSON

The next business on the Private Calendar was the bill (H. R. 1446) for the relief of Charles W. Gibson, alias Charles J. McGibb.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines Charles W. Gibson, alias Charles J. McGibb, shall hereafter be held and considered to have been honorably discharged from the service of the United States as a private of the United States Marine Corps, November 28, 1898; as a corporal of Company D, Thirty-fifth Regiment United States Infantry, May 2, 1901; and as fireman, second class, United States Navy, June 24, 1902.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FREDERICK S. EASTER

The next business on the Private Calendar was the bill (H. R. 10670) for the relief of Frederick S. Easter.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, why has not the gentleman a favorable report on this bill from the department?

Mr. STEPHENS. Because the department does not report favorably on bills of this character as a general rule.

Mr. BLANTON. Oh, yes; our friend Mr. BUTLER, of Pennsylvania, has passed one or two of them to-night where the department reported favorably not only by one Secretary but by two different Secretaries.

Mr. STEPHENS. I do not know whether the gentleman is correct.

Mr. BLANTON. Yes; that is so. I think all such bills—of course, this is the private opinion only of one Member out of 435—I think all such bills ought to have a favorable report from the department. Was the bill submitted to the department?

Mr. STEPHENS. The report of the department is here.

Mr. BLANTON. I could not find it in the report of the committee. I looked through it carefully. It is several pages long. I find lots of affidavits in it, but no report from the department. It is awfully easy to get affidavits.

Mr. STEPHENS. I was under the impression that we had a report from the department.

Mr. BLANTON. The committee did not put it in their report. The committee's report is almost five pages of printed matter.

Mr. STEPHENS. We had a naval officer before the committee, and the naval officer reported; that is, he was questioned, and he stated the facts as they occurred at Norfolk.

Mr. BLANTON. The distinguished gentleman has been here a good while and he knows that the usual mode of handling these cases is to send them down to the department and let the department pass on them. The gentleman states that was done. I imagine that the department reported adversely, because whenever a department reports favorably we usually find that favorable report in the report of the committee.

Mr. STEPHENS. I say that I am under the impression that the department has reported the matter.

Mr. BLANTON. We are going to have another consent day. Would the gentleman mind letting this go over?

Mr. STEPHENS. This is a very meritorious case. It is a case of a boy from Cincinnati who enlisted in the Navy when 16 years of age. He went to the front. He was gassed. He was wounded. He came back as a casual to Norfolk. He was in the hospital there and they put him out on duty in a shell-shocked condition. He went to sleep while on duty. He was given a bad-conduct discharge. His money was taken away from him; that is, his $90 that was coming to him. He boarded a frieght train and came home to a widowed mother, and the testimony shows that the mother did not know her own boy when he came in.

Mr. BLANTON. How old is the boy now?

Mr. STEPHENS. He was 16 years old when he went in in 1918.

Mr. BLANTON. What is he doing now?

Mr. STEPHENS. At last account he was working in some kind of a factory with his mother. His mother was working there, but he could not do the work of the girls who worked there.

Mr. BLANTON. And the gentleman is expecting, as soon as this bill is passed, to put him on the pension roll for life?

Mr. STEPHENS. No; I am not.

Mr. BLANTON. The gentleman states this in his bill:

Provided, however, That no pension shall accrue prior to the passage of this act.

That would indicate that as soon as the act passes a pension will accrue.

Mr. STEPHENS. I am not stating that as soon as it is passed he will receive a pension. I am merely saying that that boy fought, and his regiment was given a special citation for its action at the Argonne. He served his country, and now that he is back I want to relieve him of the stigma that will follow him during the rest of his life of a bad-conduct discharge.

Mr. BLANTON. I am not going to stand in the way of any boy that went to the front and who came back shell shocked. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Frederick S. Easter, late of One hundred and forty-fifth Company, Third Replacement Battalion, United States Marine Corps, World War, shall hereafter be held and considered to have been honorably discharged from the marine service of the United States.

With the following committee amendment:

Page 1, line 9, after the word "States," insert: "*Provided, however*, That no pension shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

J. B. PLATT

The next business on the Private Calendar was the bill (S. 1180) for the relief of J. B. Platt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Platt, of New Castle, Del., out of any money in the Treasury not otherwise appropriated, the sum of $170.37, said sum being due J. B. Platt for merchandise furnished to the Reedy Island naval station mess during the months of September and October, 1917, and the months of October, November, and December, 1918.

The bill was ordered to be read a third time, was read the third time, and passed.

MAJ. EARL L. NAIDEN

The next business on the Private Calendar was the bill (S. 1370) authorizing the granting of war-risk insurance to Capt. Earl L. Naiden, Air Service, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and hereby is, authorized and directed to accept the application for war-risk insurance of Capt. Earl L. Naiden, now on active duty in the Air Service, United States Army, who during the late war was on detached active service in Italy, and was not notified of the opportunity to secure war-risk insurance within the period of 120 days fixed by section 401, article 4 of the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917: *Provided*, That application for such insurance be made within 60 days after the approval of this act: *And provided further*, That this act shall have no retroactive effect and shall confer no right to insurance against injuries or disabilities heretofore suffered by Captain Naiden.

The committee amendment was read, as follows:

On page 1, line 5, strike out the word "captain" and insert in lieu thereof the word "major."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk calls attention to the fact that the same amendment should be made in line 8, page 2.

Mr. STRONG of Kansas. Mr. Speaker, I move that that amendment be made.

The SPEAKER pro tempore. Without objection the amendment will be agreed to.

There was no objection.

The bill was ordered to be read the third time, was read the third time, and passed.

The title was amended so as to read: "An act authorizing the granting of war-risk insurance to Maj. Earl L. Naiden, Air Service, United States Army."

HENRY T. HILL

The next business on the Private Calendar was the bill (H. R. 9471) for the relief of Henry T. Hill.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. And the Chair will say under the order we are acting that right would be allowed to bills even if there was objection.

MRS. M. J. ADAMS

The next business on the Private Calendar was the bill (H. R. 5236) for the relief of Mrs. M. J. Adams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. M. J. Adams, mother of O. L. Adams, deceased, of the county of Tippah and the State of Mississippi, the sum of $10,000, in full compensation for the death of her son, O. L. Adams, who as a civilian in the service of the United States was killed in a fight with Army deserters in Tippah County, Miss., in 1918.

The committee amendment was read, as follows:

In line 7, strike out "$10,000" and insert in lieu thereof "$2,500."

Mr. HUDSPETH. Mr. Speaker, I desire to amend the committee amendment by offering an amendment to strike out "$2,500" and insert in lieu thereof "$3,000."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment: Strike out the figures "$2,500" and insert in lieu thereof the figures "$3,000."

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. BLANTON. I know my colleague is sincere in offering this, but I want to call the gentleman's attention to the fact that where the committee brings in a bill of this kind with a committee amendment cutting down the amount the practice since I have been here is to presume the committee is going to insist on that amendment. Now, if this bill had been $10,000, like it was originally introduced, I should have objected to it.

Mr. HUDSPETH. Maybe if my colleague will let me explain the amendment he would not object.

Mr. BLANTON. I just wanted to call the attention of the gentleman to the practice which prevails. Some of us might have objected if we had known of the amendment.

Mr. HUDSPETH. I want to state that I am a member of War Claims Committee, and this is the record of this case. Here is an old woman in this county in Mississippi bereft of her son. She is now 79 years old. He was discharging his duty as a sworn officer in arresting draft evaders, and he was murdered by one who decoyed him into a house against the protest of the deceased and others. They arrested one of these draft evaders. This man Green said, "Let me go back in the house and get some clean clothes." This boy Adams and one of the soldier boys went with Green into the room, and this man Green opened a trunk and got a pistol and killed him. When the committee figured on this and allowed $2,500 they figured on the expectancy of five years at $20 a month, as I recall now. It since has developed that her expectancy, according to the life-insurance rules, would be greater than that and would amount to the sum of $3,000 at $20 a month. Is there any gentleman going to object to giving this old woman $3,000, $20 a month on her expectancy, on account of the fact that her son was murdered in the discharge of his duties and she has not a soul on earth to take care of her? I do not believe you will feel that way about it.

Mr. BEGG. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. BEGG. On the same argument the gentleman is making every soldier who was killed in the war prior to the adoption of the insurance ought to be compensated or his heirs ought to be compensated $3,000. Now, I think the gentleman from Texas [Mr. BLANTON] is correct. I think it is unfair—I do not mean to say that the gentleman has taken an unfair advantage, my statement should not be so misconstrued—but when a bill is brought in, just as the gentleman from Texas said, with a committee amendment of $2,500, I would have joined with the gentleman from Texas in objecting on $5,000. I do not know it is such a serious proposition in an increase of $500, but I think it is unnecessary.

Now the committee found that $2,500 was a fair amount.

Mr. HUDSPETH. But, as I understand, that was under a false assumption as to the expectancy of this old lady, the mother of the deceased.

Mr. LOWREY. Mr. Speaker, will the gentleman permit me to say a word?

Mr. BEGG. Allow me first to finish my statement.

Mr. LOWREY. I want to make a statement.

Mr. HUDSPETH. Let me finish.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Here is the situation: If this young man had been married, his mother would not have gotten a cent.

Mr. HUDSPETH. But he was not married.

Mr. BLANTON. I say if he had not been married, and if he had lived another day, and then had married——

Mr. HUDSPETH. He did not do that. [Laughter.]

Mr. BLANTON. My colleague and I come from the same part of the West, and we understand this lingo. If he had not married and lived he would not have paid his mother probably as much as $20 a month.

Mr. HUDSPETH. He was taking care of her.

Mr. BLANTON. He might possibly have paid her $20 a month out of his wages, but if he had gone to the front abroad and had taken out insurance and had a wife, his mother would not have got a cent. She got some allowance, probably, during the war, but not over $20 a month. The allowance of very few soldiers who went abroad amounted to more than $20.

Mr. HUDSPETH. We are just trying to give her such a sum as would compensate her for the rest of her life, according to her expectancy, at the rate of $20 a month. Are you going to give her enough to live on for the rest of her life and be buried decently when she dies?

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WOODRUFF. The gentleman has called attention to the fact that if this man had been at the front and had insurance his mother would not have gotten anything. I want to say that under the veterans' law he would have received compensation at the rate of $20 a month.

Mr. BEGG. What is going to happen if she dies next year?

Mr. HUDSPETH. She will be dead if she dies next year.

Mr. BEGG. But what is going to happen to the money?

Mr. HUDSPETH. She will be buried decently with it.

Now, gentlemen, I have no personal interest in this, but I contend that if the committee had fully understood it the committee would have given her $3,000 at this time.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. McSWAIN. I am not now a member of the committee, but I was formerly a member, and at that time the bill was before the committee, and I was for it, because if this man had been at the front and had not availed of the war-risk insurance act his mother would have been entitled to $20 a month. I think we ought to pay her $3,000.

Mr. HUDSPETH. As a member of that committee, I suggested at that time that we give her $3,000, and they said "No." They said that her expectancy would only require the payment of $2,500. That is, as I say, gentlemen, the prime motive which inspired me to offer this amendment, to give her, according to the expectancy which we now have presented to us by the gentleman from Mississippi [Mr. LOWREY], the sum of $20 a month to take care of this old lady over there on that red-land farm in Mississippi. She has no support whatever at the present time.

Mr. STRONG of Kansas. Mr. Speaker, I rise in opposition to the amendment.

Mr. LOWREY. Mr. Speaker, will the chairman of the committee let me explain how the amendment originated? Then if he wants to oppose it I will be with him.

Mr. STRONG of Kansas. If you do not take up too much of my time I will yield. You can take three minutes of my time.

Mr. LOWREY. Give me five minutes.

Mr. STRONG of Kansas. No. I would like to make my statement, and I think as I have only five minutes I had better make it now. I want to say that the members of the Committee on War Claims have been devoting a great deal of time to these bills and have given them very conscientious and careful consideration. They have been somewhat disappointed at the way they have been treated by the House with respect to objections and to the manner in which bills are passed upon, but they gave this bill a great deal of consideration. They agreed to report it out at $2,500, but I think there is some justice in the claim of the gentlemen who appoint themselves as conscientious or conscienceless objectors. [Laughter.] That the House has a right to expect that when the committee has agreed upon a bill and reported it at a certain amount, and objection is waived, that an amendment should not be offered, by a member of the committee at least, raising the amount. The bill has been reported by the War Claims Committee at $2,500, a unanimous report, and as the chiarman of the committee I think the report of the committee should stand.

Mr. TINCHER. Is the gentleman in favor of an amendment to the rules of the House so that a claims bill will not be amended on the floor?

Mr. STRONG of Kansas. I think if a bill is agreed upon and the amount reported to this House by a unanimous report of the committee, members of the committee, after objection is waived, should not offer amendments to increase the amount. I am just stating, as the chairman of the War Claims Committee, what I think is fair.

Mr. HUDSPETH. When we figured this amount we did not figure it on the basis of the correct expectancy that this old lady had. As I understand it, the basis of expectancy that we assumed was accepted on an erroneous calculation. I was there when the bill was reported.

Mr. STRONG of Kansas. My recollection is that after considering the amount the committee finally said, "We will make it $2,500," and that amount was agreed to.

Mr. HUDSPETH. My amendment is based on the fact that the expectancy was of longer duration than we at first supposed.

Mr. LOWREY. I want to set myself right with the statement of the chairman. Here is what happened in the committee—I want the gentleman from Kansas to get this: It was agreed that we ought to give this old lady what would amount to $20 a month for the rest of her life, because that is what she would have received if her boy had been killed in France. We had to calculate that on the lump sum offhand. We thought that about $2,500 would do that. Since that time the gentleman from Texas [Mr. HUDSPETH] has said that the old lady's expectancy was much more, and I looked into the insurance statistics and found that her expectancy from the time of her son's death would be 12 years at the age of 72 and then to calculate $20 a month for her expectancy according to the insurance reports would have made it over $3,000, instead of $2,500. We figured it offhand without anybody's knowing what the legal expectancy was. But the principle we acted upon was that she was entitled to $20 a month for the rest of her life—just what she would have been entitled to if her boy had been a soldier.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. BEGG. Would the gentleman be willing to accept an amendment I will offer in place of the committee amendment? Strike out the figures "$2,500" and insert "$20 per month for the remainder of her natural life." Would the gentleman be willing to accept that?

Mr. LOWREY. What would you call her natural life?

Mr. BEGG. As long as she lives.

Mr. LOWREY. But, you see, the trouble is the thing is not done that way, and she has nobody to administer it for her.

Mr. BEGG. Then the gentleman is not really after $20 a month, but wants a lump sum in order to pay some relatives who may have taken care of her?

Mr. WOODRUFF. The difficulty about that is that she would not receive any payment from the date of her son's death.

Mr. LOWREY. Yes; that is true. She would receive no payment from the date of her son's death, and you can not do it in that way, because it is not administered through the Veterans' Bureau. It has to be done through a congressional appropriation.

Mr. STEPHENS. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. STEPHENS. Would it be fair to say $20 a month from the date of the boy's death?

Mr. LOWREY. To when?

Mr. STEPHENS. To the date of her death.

Mr. LOWREY. Well, who would pay her the $20 a month? You have got to do it through a lump sum. Now, let me say that if the chairman of the committee thinks I ought to withdraw the amendment, I will withdraw it, and I know the gentleman from Texas [Mr. HUDSPETH] will be willing to withdraw it. All we are trying to do is to shape it exactly on the principle the committee agreed on, $20 a month for life, and her expectancy, according to insurance reports, would make it $3,000 or more.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. STRONG of Kansas. I want to say this: I do not want to accept the gentleman's amendment, because I do not know who would pay it, and I think she should be paid in a lump sum. The statement I made was in fairness to the Members of the House, and after having made my statement I want to say I have no objection if the House wants to raise the amount.

Mr. BLANTON. Mr. Speaker, I offer a substitute for the committee amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas in the nature of a substitute.

Mr. O'CONNELL of New York. Mr. Speaker, the gentleman from Texas [Mr. HUDSPETH] has an amendment pending.

Mr. BLANTON. But this is a substitute for the committee amendment and is in order.

The SPEAKER pro tempore. The Chair is aware that an amendment is pending. The Clerk will report the proposed amendment in order that the Chair may determine whether it is a substitute or not.

The Clerk read as follows:

Substitute offered by Mr. BLANTON: Page 1, line 7, strike out "$2,500" and insert in lieu thereof "$20 per month for the rest of her natural life, commencing at the date of her son's death, to be paid through the United States Veterans' Bureau."

The SPEAKER pro tempore. The Chair will state that a substitute for the amendment to the amendment is not in order.

Mr. BLANTON. But, Mr. Speaker, I offered this as a substitute for the committee amendment.

The SPEAKER pro tempore. It appears from the Clerk's reading of the substitute that it is offered as a substitute for the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

Mr. O'CONNELL of New York. And there is an amendment pending.

Mr. BLANTON. Mr. Speaker, if that is so, the Clerk misread the substitute. I offered it as a substitute for the committee amendment and so stated when I offered it.

Mr. LOWREY. Will the gentleman from Texas yield to me?

Mr. BLANTON. In just a minute. It is a substitute for the committee amendment and is in order. There is always an amendment, an amendment to the amendment, and a substitute in order, and my substitute is within the rules.

The SPEAKER pro tempore. As a substitute for the committee amendment the Chair will hold it in order.

Mr. BLANTON. I ask recognition.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker, why is not this amendment proper, and why does it not cover the case? They say they want to pay this mother $20 a month from the date of her son's death on through for the rest of her natural life. My amendment does that. It gives her $20 a month beginning from the very time her son died, and if you pass this amendment the Veterans' Bureau, when this law is enacted, will determine the amount due her from the date of her son's death up to that date and send her an adjustment check just like it sends to them all, and then the Veterans' Bureau will pay her $20 a month every month thereafter during the remainder of her natural life. Why is not that proper and why does not that cover the case?

Mr. LOWREY. Will the gentleman yield to me?

Mr. BLANTON. Yes.

Mr. LOWREY. She has been without this money for seven years.

Mr. BLANTON. But this will give her $20 a month for every month since her son died.

Mr. LOWREY. I wanted to say that I offered to withdraw the amendment and let the $2,500 stand. I am willing to do that after having made my statement, and the gentleman still objects.

Mr. BLANTON. Does the distinguished gentleman from Mississippi want to give her more than $20 a month?

Mr. LOWREY. No.

Mr. BLANTON. From the date of her son's death?

Mr. LOWREY. I think she ought to have reasonable interest on it, however.

Mr. BLANTON. She will receive an adjustment check from the date of her son's death up to the time this bill is enacted into law and then $20 a month thereafter during the remainder of her natural life. This is exactly the way we treat the widows of the World War; it is exactly the way we treat mothers and sisters of the deceased soldiers of the World War who had insurance policies while serving our Army abroad.

Mr. LOWREY. Will the Veterans' Bureau accept that?

Mr. BLANTON. Will the Veterans' Bureau accept it? Why, of course. They will have to accept it.

Mr. O'CONNELL of New York. If it is the law of Congress they will have to accept it.

Mr. BLANTON. The Veterans' Bureau is the creature of Congress, and when Congress sends them an order they obey it. That is all I care to say.

The SPEAKER pro tempore. The question is on the amendment to the committee amendment offered by the gentleman from Texas [Mr. HUDSPETH].

Mr. BLANTON. Mr. Speaker, may we have the amendment again reported?

The SPEAKER pro tempore. Without objection, the amendment will be again reported. The Chair will say the vote is first on the amendment to the committee amendment and then on the substitute.

There was no objection.

The amendment to the committee amendment was again reported.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—ayes 65, noes 12.

So the amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the substitute of the gentleman from Texas [Mr. BLANTON] to the committee amendment as amended.

The substitute to the committee amendment as amended was rejected.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NEW YORK SHIPBUILDING CORPORATION

The next business on the Private Calendar was the bill (H. R. 9969) for the relief of the New York Shipbuilding Corporation for losses incurred by reason of Government orders in the construction of battleship *No. 42*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. PATTERSON. Will the gentleman reserve his objection?

Mr. BLACK of Texas. I will reserve it; but I intend to object, and I think it will save time if I object now.

Mr. PATTERSON. If the gentleman intends to object, of course there is no use making any explanation of the bill.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill on the calendar.

EDWARD B. SAPPINGTON

The next business on the Private Calendar was the bill (H. R. 8294) for the relief of Edward B. Sappington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I would like to have some explanation of the bill.

Mr. BLANTON. I object.

Mr. FRENCH. Will the gentleman withhold his objection a moment?

Mr. BLANTON. Does the gentleman want to pay this man $5,000?

Mr. FRENCH. No; if the gentleman will notice the bill, as reported, he will see that it carries a provision that this man shall come under the provisions of the employees' compensation act.

Mr. BLANTON. That is merely a proposed committee amendment.

Mr. FRENCH. That is a committee amendment, and I think it ought to be adopted.

Mr. BLANTON. But the House does not pay any attention to committee amendments. The House goes on and gives the sum requested in the bill, and that is why we can not afford to let these bills go by.

Mr. FRENCH. Let me say to the gentleman that I hope the House will adopt the committee amendment.

Mr. BLANTON. I know that; and so did my friend, the gentleman from Mississippi [Mr. COLLIER], hope that; but the House would not do it. I feel constrained under my duty to object, Mr. Speaker.

Mr. FRENCH. Will the gentleman withhold his objection and let me explain just what this bill provides?

Mr. BLANTON. Yes; I withhold it.

Mr. FRENCH. This man Sappington in 1910 was working for the Forest Service and through a glance blow of an axe that was in the hands of a fellow employee his foot was badly cut and he sustained injuries that are permanent. If that man had been working for the Bureau of Mines, he would have received compensation under a law that had been passed in 1908.

If the accident had occurred a little more than two years later than it did in the Forest Service, at the time the Bureau of Mines act was extended to the Forest Service, he

then would have had his compensation adjusted under the law. On the other hand, if the accident had occurred in 1916 or since that time, his case would have come under the employees' compensation act. The fact is it occurred in 1910 when no one of those laws was applicable to the case.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. Let me first finish this statement. The bill I introduced proposed a flat settlement. The bill was referred to the Department of Agriculture and the department referred it to the Bureau of the Budget, where it was suggested that in spite of the fact that these injuries occurred prior to the enactment of the employees' compensation law it would probably be a desirable thing to make the case subject to the provisions of that law, as the Congress had done in connection with other similar cases. I agreed to the suggestion, and the committee has reported the bill in that form.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. I will be glad to yield.

Mr. BLANTON. This accident occurred back in 1910.

Mr. FRENCH. Yes.

Mr. BLANTON. That was 15 years ago, and during that time the distinguished gentleman has been here, not only an active Member of the House but has been an active member of this special fraternity that we call the Committee on Appropriations, any member of which can get almost anything he wants at almost any time, and yet during these 15 years the gentleman has not been able to pass this bill. Why?

Mr. FRENCH. I will tell the gentleman.

Mr. BLANTON. Because it is not meritorious?

Mr. FRENCH. No; I will tell the gentleman why.

Some 10 years ago I undertook the passage of a relief bill for Mr. Sappington. But this man was rather an obscure man. I had assembled part of the evidence in support of the case, and then attempted to reach Mr. Sappington by further letters but the letters came back to me. In other words, the man whom I am trying to help is a poor back woodsman whose address was not well known to the post office from which he originally wrote. The letters I wrote came back to me as unclaimed. The result was I had to abandon the case because I could not get the evidence.

Mr. BLANTON. The gentleman means to have the House infer that it takes 10 years for him to get a letter from one of his constituents?

Mr. FRENCH. The gentleman can draw his own conclusions. And now I have the evidence. In the early part of the Congress friends of Mr. Sappington revived the case, and we were able to get the evidence The case has the approval of the department and as well the Bureau of the Budget.

Mr. BLANTON. If the gentleman assures us that he feels strong enough to get the committee amendment passed I shall not object. We will try one more case.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. O'CONNELL of New York. The bill has the support of the entire committee?

Mr. FRENCH. Yes.

Mr. O'CONNELL of New York. And the support of the department?

Mr. FRENCH. Yes.

Mr. O'CONNELL of New York. Then I do not see why any one should object.

Mr. BLANTON. They seem to have the gentleman from Ohio gagged, hobbled, and hogtied. [Laughter.]

Mr. BOX. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BOX. I want to ask whether this bill was once before the Committee on Claims?

Mr. FRENCH. I suppose so; I introduced the bill as indicated, but was compelled to abandon it because I could not get in touch with the gentleman because of his inability to get the letters.

Mr. BOX. I call the gentleman's attention to the handling of the claim during the Sixty-sixth Congress; was it not referred to a subcommittee?

Mr. FRENCH. Probably it was.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward B. Sappington, Newport, Wash., the sum of $5,000 on account of injuries sustained by him in connection with forest fires in the Kaniksu Forest, and that this amount be accepted by the said Edward B. Sappington as full compensation for injuries sustained.

The following committee amendment was read:

Page 1, line 3, strike out all after the enacting clause and insert the following:

"That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Edward B. Sappington, who suffered injuries on May 19, 1910, while patrolling a fire on the Kaniksu National Forest, the provisions of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, compensation to be provided hereunder as if the provisions of the act approved September 7, 1916, had been operative on May 19, 1910."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES SPENCER

The next bill on the Private Calendar was the bill (H. R. 5660) for the relief of Charles Spencer.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BLANTON. May I ask my colleague whether he is going to allow this committee amendment to pass?

Mr. HUDSPETH. I am going to let this one stand. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Spencer, Presidio, Tex., the sum of $789, the said sum representing the value of certain arms and ammunition belonging to said Spencer and seized by military authorities of the United States, and said arms on being returned to said Charles Spencer being water-soaked, marked, and so abused as to be of no value, and said ammunition being destroyed by the ordnance depot, United States Army.

The following committee amendment was read:

Line 6, strike out "$789" and insert in lieu thereof "$667.33."

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

CLARENCE W. SESSIONS

The next business on the Private Calendar was the bill (H. R. 11193) to provide for the retirement of Clarence W. Sessions, judge of the District Court for the Western District of Michigan.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, there is only one objection to this bill, and that is if it passes and this judge is retired it will add one more judge to the pay roll of the Government.

Mr. SUMNERS of Texas. As this bill is drawn, and as the amendment which we assure the gentleman will be adopted——

Mr. BLANTON. Does my colleague know that he can adopt that amendment?

Mr. SUMNERS of Texas. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4056, be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that for the pending House bill there may be substituted the Senate bill, S. 4056. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Western District of Michigan, whose

compensation, duties, and powers shall be the same as now provided by law for other district judges, and said judge shall be held and treated as if senior in commission to the present judge of said court, and shall exercise such powers and perform such duties as by law may be incident to seniority.

SEC. 2. The present district judge for the western district of Michigan shall be held and treated as if junior in commission, and upon the death, resignation, or retirement of the present district judge for the western district of Michigan the vacancy caused by such death, resignation, or retirement of the said present judge shall not be filled.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill H. R. 11193 was laid on the table.

THOMAS VINCENT COREY

The next business on the Private Calendar was the bill (H. R. 4927) for the relief of Thomas Vincent Corey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

LIZZIE M. NICKEY

The next business on the Private Calendar was the bill (H. R. 6044) authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickey, a resident of De Soto Parish, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, why is it that the recommendation made by the Secretary of the Interior is not carried out with respect to protecting the mineral rights in the property?

Mr. SANDLIN. It is.

Mr. VINSON of Kentucky. It is in there.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Lizzie M. Nickey, a resident of De Soto Parish, La., the southwest quarter of northeast quarter, southeast quarter of northwest quarter, northeast quarter of southwest quarter, and northwest quarter of southeast quarter of section 12, township 13 north, range 13 west, Louisiana meridian, containing 160 acres, more or less, land which she and her grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years: *Provided*, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

With the following committee amendment:

Page 1, line 6, after the word "Louisiana," insert "with a reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, drill for, and remove the same."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FLORA HORTON

The next business on the Private Calendar was the bill (H. R. 6045) authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Flora Horton, a resident of De Soto Parish, La., the north half of the north half of section 14, township 13 north, range 13 west, Louisiana meridian, containing 160 acres, more or less, land which she and her grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years: *Provided*, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

With the following committee amendment:

Page 1, line 5, after the word "Louisiana" insert: "with a reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, and remove the same."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRED F. ROGERS

The next business on the Private Calendar was the bill (H. R. 9375), granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, as nobody seems to be in charge of the bill I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. That would be the order, if there is objection.

Mr. STEPHENS. Mr. Speaker, I shall be very glad to answer any questions the gentleman may ask, although I have not charge of the bill.

Mr. BLANTON. Mr. Speaker, it is against the law for this man to accept this decoration now, is it not?

Mr. STEPHENS. Yes; I think it is.

Mr. BLANTON. Why does the gentleman want to break the law? The gentleman is sworn to uphold the law.

Mr. STEPHENS. We are not breaking the law exactly; we are bending it a little bit.

Mr. BLANTON. Why not repeal the law, and let everybody accept the things from foreign governments?

Mr. STEPHENS. I am agreeable to a repeal of the law.

Mr. BLANTON. I am not, and I object to the bill.

JOSEPH F. BECKER

The next business on the Private Calendar was the bill (S. 747) for the relief of Joseph F. Becker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, will the gentleman from New York give us any information as to whether this man is now drawing money from the Government in the way of compensation?

Mr. BLACK of New York. Mr. Speaker, Mr. Becker, who seeks relief in this bill, was for 10 years in the United States Navy, regularly enlisted. When the war broke out he was taken into the Naval Reserve Corps, and he became an ensign. While an ensign the law of the United States applying to retirement of the Naval Reserve officers was the same as that which applied to the regular naval forces. And they all said that a Naval Reserve officer who became incapacitated in the line of duty would have the same retirement compensation rate as a regular man in the Navy. In 1921 in the naval apropriation bill there was placed a retroactive rider running back three months that required a man should be hurt in the Naval Reserve Force in time of war. This man was not hurt in time of war, and he is one of the few men affected by that rider. If it had not been for that ex post facto proposition, he would have had the same retired compensation as a regular naval man.

Mr. BLACK of Texas. Is he drawing compensation now from the Government?

Mr. BLACK of New York. My information is confined to the report. The gentleman from Georgia [Mr. VINSON] stated he had a business engagement and asked I should take charge of the bill. I can not go into that question, but I rather think he is not.

Mr. BLACK of Texas. The report is not clear on this case, and I hope the gentleman will allow it to go over without prejudice. I dislike to object, but I shall be compelled to object if the gentleman insists on its present consideration.

The SPEAKER pro tempore. Without objection, the bill will be passed over——

Mr. BLACK of New York. Mr. Speaker, may I call it up again this evening?

Mr. BLACK of Texas. At present I shall have to object, because the report is too incomplete.

Mr. SEARS of Nebraska. It is my understanding the officers of the department have been before the committee and are in favor of it.

Mr. BLANTON. Oh, the department makes no report; there is no favorable report from the department. I do not think the committee report contains any recommendation whatever from the department.

Mr. SEARS of Nebraska. This young man served as a commander——

Mr. BLACK of Texas. Can the gentleman give information as to whether he is now drawing any compensatior from the Government for the injuries which the report alleges he received while in the service?

Mr. SEARS of Nebraska. I do not know.

Mr. BLACK of Texas. It will have to go over until we can get more complete information than the report discloses.

Mr. BLACK of New York. This man could not be drawing any compensation lawfully, because he has been absolutely precluded by this ex post facto provision, and this is the only way he can do it.

Mr. BLACK of Texas. The report is so very incomplete that I shall have to object.

The SPEAKER pro tempore. Objection is heard.

OWNERS OF THE BARGE "ANODE"

The next business on the Private Calendar was the bill (S. 78) for the relief of the owners of the barge *Anode*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Raritan Copper Works, owner of the American barge *Anode*, against the United States for damages alleged to have been caused by collision between said barge and the U. S. transport *Buford*, on the 18th day of January, 1919, between Governors Island and Bedloes Island, in New York Harbor, N. Y., may be sued for by the owner of the said barge in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest, and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American barge *Anode*, or against the owner of the said American barge *Anode* in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was read, as follows:

Page 2, line 2, strike out the words "including interest."

The committee amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

OWNERS OF THE STEAMSHIP "COMANCHE"

The next business on the Private Calendar was the bill (S. 82) for the relief of the owners of the steamship *Comanche*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., owner of the American steamship *Comanche*, against the United States for damages alleged to have been caused by collision between said vessel and the United States battleship *Indiana* and the United States destroyer *McCall* on the 14th day of December, 1917, off Nortons Point, N. Y., may be sued for by the said Clyde Steamship Co. in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdicton to hear and determine such suit and to enter a judgment or decree for the amount of such damages, including interest and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steamship *Comanche*, or against the owners of the said American steamship *Comanche* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The commitee amendment was read, as follows:

Page 2, line 2, strike out the word "Including interest."

The committee amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

THOMAS VINCENT COREY

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent to go back to No. 316. The gentleman from Ohio has looked into the matter and has withdrawn his objection and I would like to have it considered at this time.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to return to Calendar No. 316. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman one question. I notice in the report that the department recommends adversely against this case. Why is that?

Mr. BEGG. I will say to the gentleman the reason I withdrew the objection is that a year ago we passed an identical bill for another man, and I do not think we ought to do one thing for one man and not do it for another.

Mr. BLANTON. Does the gentleman think it is a wise policy to submit a bill to a department and when we have their recommendation that it be not passed that we should go over the head of the department?

Mr. PRALL. I think the gentleman would approve it with the understanding that the usual objection is made by the department when they can not see their way exactly clear.

Mr. BLANTON. Well, the gentleman from Ohio [Mr. BEGG] appeared yesterday as the economy spokesman of the President of the United States, and if he is going to let this bill go by, let the responsibility rest on the White House. [Laughter.]

Mr. O'CONNELL of New York. If it is as important as that I would like very much to see it passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That so much of section 6 of the naval appropriation act, approved July 12, 1921, as provided that the application for retirement of officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred, or who may hereafter incur, physical disability in line of duty in time of war, shall be filed with the Secretary of the Navy not later than October 1, 1921, be, and hereby is, waived in the case of Ensign (temporary) Thomas Vincent Corey, United States Navy, inactive, and his case is hereby authorized to be considered and acted upon under the remaining provisions of said section if his application for retirement is filed not later than 60 days from the approval of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BLACK of Texas. That is Calendar No. 316. I objected to it a while ago.

Mr. O'CONNELL of New York. The objection was made by the gentleman from Ohio [Mr. BEGG], and he withdrew it.

Mr. BLACK of Texas. How did it happen to be called up again?

Mr. O'CONNELL of New York. I called it up by unanimous consent.

The SPEAKER pro tempore. The Chair will state that the gentleman from New York [Mr. O'CONNELL] asked unanimous consent to return to this bill. The Chair took a great deal of care to state distinctly that we were to return to this particular bill, and the Chair turned his eyes in the direction of the gentleman from Texas.

Mr. BLACK of Texas. Mr. Speaker, I want to say this, that we have hundreds of bills on this calendar, and when we pass one there are others to consider. I do not want to get up here and make an arbitrary objection, but I feel that this

is taking an unfair advantage. If that is the thing to be attempted here to-night, I will make a point of no quorum right now. That is not keeping faith with me. I do not object arbitrarily, but on account of what I think is lack of merit; and while I was——

Mr. MEAD. I will say to the gentleman that the bill he objected to was Calendar No. 310.

Mr. O'CONNELL of New York. The gentleman is not at all interested in No. 316.

Mr. BLACK of Texas. It was the Becker bill that I referred to. I beg the gentleman's pardon. While I had that marked up and would have objected if the gentleman from Ohio had not, yet since he withdrew his objection, I have no complaint to make. I will admit that.

Mr. BEGG. The gentleman from New York talked me out.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

OWNERS OF THE STEAMSHIP "CEYLON MARU"

The next business on the Private Calendar was the bill (S. 84) for the relief of the owners of the steamship *Ceylon Maru.*

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of Nippon Yusen Kabushiki Kaisha, owner of the Japanese steamship *Ceylon Maru,* against the United States of America, for damages alleged to have been caused by collision off Trompeloupe, France, on November 2, 1918, between the said vessel and the American steamship *Jeannette Skinner,* owned by the United States of America, and being then operated by the War Department in its transport service, may be sued for by the said Nippon Yusen Kabushiki Kaisha in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and such court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damage, including interest, and costs, if any, as shall be found to be due against the United States in favor of said Nippon Yusen Kabushiki Kaisha, or against the said Nippon Yusen Kabushiki Kaisha, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That in the suit authorized by this act any and all of the testimony taken in the suit of Nippon Yusen Kabushiki against the steamship *Jeannette Skinner* begun by the filing of a libel in the District Court of the United States for the District of Maryland on March 1, 1919, may be offered by or in behalf of the Government or the owner of the *Ceylon Maru* and shall be admissible in evidence: *And provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act.

With a committee amendment, as follows:

Page 2, line 3, strike out the words "including interest."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE EASTERN TRANSPORTATION CO.

The next business on the Private Calendar was the bill (S. 785) for the relief of the Eastern Transportation Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Eastern Transportation Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the barge *Sweetser Linthicum,* against the United States for damages alleged to have been caused by collision between the said barge and the United States barge *Old Dominion,* in tow of the United States tug *Sagamore,* in Chesapeake Bay on the 25th day of August, 1918, may be sued for by the said Eastern Transportation Co. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Eastern Transportation Co., or against the Eastern Transportation Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

EMMA LAMEE

The next business on the Private Calendar was the bill (S. 833) for the relief of Emma LaMee.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, it occurs to me that this amount is about twice what the gentleman from Pennsylvania [Mr. EDMONDS] usually allows.

Mr. EDMONDS. Not in the case of a death. The general amount for death is $10,000. This is a case of death. This man died three days afterward.

Mr. SEARS of Florida. Mr. Speaker, I hope the gentleman from Texas will not object to the bill. I am sure he will not if he has read the report.

Mr. BLANTON. The report appeals to me. I was interested only in knowing what was the customary limit.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emma LaMee, widow of the late Frank W. LaMee, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as full compensation to her, the said Emma LaMee, for and on account of the death of the said Frank W. LaMee, caused by his falling in an open elevator shaft in the United States post-office building at Jacksonville, Fla., on December 3, 1919.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

BROOKLYN EASTERN DISTRICT TERMINAL

The next business on the Private Calendar was the bill (S. 1038) for the relief of the Brooklyn Eastern District Terminal.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Brooklyn Eastern District Terminal, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the city of New York, in said State, owner of the tugboat *Integrity,* against the United States for damages alleged to have been caused by collision between the said tugboat and the United States hopper dredge *Raritan* in New York Harbor, N. Y., on or about the 30th day of September, 1920, may be sued for by the said Brooklyn Eastern District Terminal in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due against the United States in favor of the Brooklyn Eastern District Terminal, or against the Brooklyn Eastern District Terminal in favor of the United

States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

SCOW "W. T. C. NO. 35"

The next business on the Private Calendar was the bill (S. 1039) for the relief of the owner of the scow *W. T. C. No. 35*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of William T. Charlesworth, a citizen of the State of New York, and owner of the scow *W. T. C. No. 35*, alleged to have been injured in Hell Gate, New York Harbor, N. Y., by reason of damages sustained in the collision with the U. S. S. *Lake Tahoe* on the 23d day of July, 1918, for and on account of the alleged damage to said *W. T. C. No. 35* by reason of said collision with the U. S. S. *Lake Tahoe*, may be submitted to the United States District Court for the Southern District of New York, under and in compliance with the rules of said court sitting as a court in admiralty, and said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, and damage, if any, shall be found to be due said owner on the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That the libel in the suit herein authorized shall be filed not later than six months after the passage of this act.

With the following committee amendment:

On page 2, strike out lines 9 and 10 and insert the following:

"That such notice shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in said district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

NEW YORK SANITARY UTILIZATION CO.

The next business on the Private Calendar was the bill (S. 1040) for the relief of the owners of the New York Sanitary Utilization Co. scow *No. 14*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the New York Sanitary Utilization Co., owner of scow *No. 14*, alleged to have been injured in a collision with the United States dredge *Raritan* in the upper bay of New York, on the 9th day of March, 1916, for and on account of the alleged damage to said scow *No. 14*, by reason of said collision, may be submitted to the United States District Court for the Southern District of New York, under and in compliance with the rules of said court, sitting as a court of admiralty; and said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any, shall be found to be due said owner, on the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That the libel in the suit herein authorized shall be filed not later than six months after the passage of this act.

With the following committee amendment:

Page 2, strike out lines 7 and 8, and the word "act," in line 9, and insert the following: "*Provided*, That such notice shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Speaker, I want to take just a moment to commend my colleague from Massachusetts [Mr. UNDERHILL] for the splendid work he has done and is doing on this committee. If you will notice the calendar, he reported this bill and he has reported at least a half dozen others that we have passed to-night, and many others which are yet to come up, and in every one the interests of the Government have been properly safeguarded. He causes committee amendments to be placed on them in such a way that the Government's interests are protected. He is one of the most careful and painstaking Representatives of the people I have had the pleasure of serving with for a long time, and I want to commend his splendid work. It saves us who look into these bills a whole lot of trouble. Whenever we get a bill that is reported by the gentleman from Massachusetts [Mr. UNDERHILL] the chances are that we do not have to bother with it very much, because we can usually depend on it being in proper shape. I think this ought to be said of him while he is now getting refreshments. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

SAN DIEGO CONSOLIDATED GAS & ELECTRIC CO.

The next business on the Private Calendar was the bill (S. 1930) for the relief of the San Diego Consolidated Gas & Electric Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why should not this case go to the Court of Claims for a hearing? Is there any objection to sending it to the Court of Claims?

Mr. EDMONDS. Why does the gentleman want it to go to the Court of Claims? The department acknowledges the loss.

Mr. BLANTON. Well, the bill calls for over $2,600.

Mr. EDMONDS. This is not a boat claim.

Mr. BLANTON. I understand that, but a case of this kind ought not to be tried here without the Government's side of the matter being brought to the attention of Congress.

Mr. EDMONDS. I call the gentleman's attention to the letter written by Mr. Denby, in which he states that the damage occasioned amounts to $2,600, and he acknowledges it. If it had been $250 he would have paid it himself.

Mr. BLANTON. The gentleman knows this is not a legal claim, but is a gratuity on the part of the Government. This is a mere gratuity that the Government is paying, and there is no law for it. If there was a law for it there would be some other way of getting it than by action of Congress.

Mr. EDMONDS. Does the gentleman contend that some apparatus belonging to the Government can go out and ruin somebody's property without the Government paying for it? It is not a gratuity if you pay a man for the damage resulting from some Government apparatus ruining his property.

Mr. BLANTON. Here is the idea: I am willing to pay an individual that gets hurt by reason of the Government's action, but a business concern ought to be willing to come into court and let its case be passed upon. A poor person has no chance to hire attorneys, go into court, put up a bond, and pay court costs, but a rich corporation does have the means to do that.

Mr. EDMONDS. What defense would the Government have in court when the department itself acknowledges the loss?

Mr. BLANTON. I know how easy it is for a department to acknowledge a loss when our Government attorneys are not there to represent our legal interests.

Mr. EDMONDS. And the gentleman would be willing to go to the expense of having the case tried in court without any chance of getting a cent in return?

Mr. BLANTON. Oh, I have known of cases where large amounts have been paid to parties by departments of the Government where they could not have gotten a 5-cent piece in a courthouse.

Mr. LEA of California. Will the gentleman yield?

Mr. BLANTON. Is this the gentleman's bill?

Mr. LEA of California. No; but I was asked to appear here and tell what I know. The gentleman will notice that the

Secretary of the Navy says that this is a reasonable amount and there is no question about the liability.

But the particular point I want to call to the gentleman's attention is that only recently I heard an officer of the Government estimate that each contest in the Court of Claims costs the United States about $12,000, based upon an investigation of the claims disposed of through the Court of Claims.

Mr. BLANTON. Are not these the facts in this case? An airplane struck a transmission line and broke some wires and a pole.

Mr. LEA of California. Yes; and the towers on each side.

Mr. BLANTON. They were ordinary, high-powered transmission line towers?

Mr. LEA of California. Yes; and that caused a short circuit and various repairs had to be made.

Mr. BLANTON. They had to repair the two poles. You call them towers, but they were just poles, after all.

Mr. LEA of California. This was a long-distance transmission line over railroad tracks.

Mr. BLANTON. It was a long-distance high-powered transmission line and they broke some of the wires and two poles, and we are about to pay them $2,600 for it.

Mr. LEA of California. And, of course, it would cost the Government much more than that to contest it in the Court of Claims.

Mr. BLANTON. And therefore I am not going to object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the San Diego Consolidated Gas & Electric Co., of San Diego, Calif., the sum of $2,632.57, in full satisfaction of all claims of such company against the United States, on account of injuries to pole tower structures and high tension transmission lines of said company north of San Diego, caused on September 15, 1922, by the collision with such transmission lines of an airplane piloted by Ensign Jack Shafer, deceased, in the course of his regular duties while attached to the naval air station at San Diego, Calif.

The bill was ordered to be read a third time, was read the third time, and passed.

STAPLES TRANSPORTATION CO.

The next business on the Private Calendar was the bill (S. 1937) for the relief of the Staples Transportation Co., of Fall River, Mass.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Staples Transportation Co., of Fall River, Mass., owner of the steam tug *Eureka*, against the United States for damages alleged to have been caused by collision between the said steam tug and the United States pilot guard auxiliary boat *No. 1229*, approaching Broad Sound Channel, Boston Harbor, on or about December 24, 1917, may be sued for by the said Staples Transportation Co. in the District Court of the United States for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability and costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

OWNER OF STEAM TUG "O'BRIEN BROTHERS"

The next business on the Private Calendar was the bill S. 2079) for the relief of the owner of the American steam tug *O'Brien Brothers*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of O'Brien Bros. (Inc.), owner of the American steam tug *O'Brien Brothers*, against the United States for damages alleged to have been caused by collision between said vessel and the U. S. destroyer *Henley*, on the 4th day of January, 1919, off Pier 3, Hoboken, N. J., may be sued for by the said O'Brien Bros. (Inc.) in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States, in favor of the owner of the said American steam tug *O'Brien Brothers* or against the owner of said American steam tug *O'Brien Brothers* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

OWNER OF THE FERRYBOAT "NEW YORK"

The next business on the Private Calendar was the bill (S. 2130) for the relief of the owner of the ferryboat *New York*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to get some information about the bill.

Mr. BLANTON. This bill simply gives them the right to sue in the admiralty court.

Mr. LAGUARDIA. How does the gentleman from Texas know?

Mr. BLANTON. And the gentleman from Massachusetts [Mr. UNDERHILL] reported it and I am willing to accept his report.

Mr. LAGUARDIA. Is the gentlemen acting for the gentleman from Massachusetts?

Mr. BLANTON. Oh, no.

Mr. LAGUARDIA. On the assurance of the gentleman from Texas, I shall not object.

Mr. O'CONNELL of New York. As long as the "admiral" does not object to it, the major should not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the United States Housing Corporation, owner of the ferryboat *New York*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States ship *Wasp*, on the 19th day of August, 1919, in the Elizabeth River, Portsmouth, Va., may be sued for by the said United States Housing Corporation in the District Court of the United States for the District of Virginia, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the owner of the said ferryboat *New York*, or against the owner of the said ferryboat *New York* in favor of the United States, upon the principles, and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

BEAUFORT COUNTY LUMBER CO. OF NORTH CAROLINA

The next business on the Private Calendar was the bill (S. 2254) for the relief of the Beaufort County Lumber Co. of North Carolina.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Beaufort County Lumber Co. of North Carolina, a North Carolina corporation, owner of the tugboat *Atlantic City* and the barge *Flora*, against the United States for damages alleged to have been caused by collision between the said tugboat and barge and the United States Coast and Geodetic Survey steamer *Lydonia* in the harbor of Wilmington, N. C., may be sued for by the said Beaufort County Lumber Co. of North Carolina in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Beaufort County Lumber Co. of North Carolina, or against the said Beaufort County Lumber Co. of North Carolina in favor of the United States upon the same principles and measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

LEHIGH VALLEY RAILROAD CO.

The next business on the Private Calendar was the bill (S. 2293) for the relief of the Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.).

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Lehigh Valley Railroad Co., as carrier and bailee of a quantity of steel billets laden on board the barge *McAllister No. 85*, against the United States for damage to and loss of said billets, and the claim of McAllister Lighterage Line (Inc.), as carrier and bailee of a quantity of steel billets laden on board the barge *McAllister No. 85* and as owner of the barge *McAllister No. 85*, against the United States for the loss of and damage to said steel billets, and for losses sustained by reason of damage to the barge *McAllister No. 85*, all alleged to have been caused by collision on the 7th day of November, 1917, between said barge and the U. S. S. *Aeolus*, then in the possession and control of the United States and being operated by the Navy Department in its transport service, in the slip adjoining No. 1 pier, Hoboken, N. J., may be sued for by Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in the suits heretofore commenced in the said district entitled "Lehigh Valley Railroad Co., as bailee of a quantity of steel billets laden on board the barge *McAllister No. 85*, libelant, against steam tug *J. P. McAllister*, her engines, boilers, etc., McAllister Lighterage Line (Inc.), claimant," in which the steamship *Aeolus* has been impleaded and the United States of America has appeared as claimant, and "McAllister Lighterage Line (Inc.), libelant, against steamship *Aeolus*, United States of America, claimant"; and such court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amount of such damage, and costs, if any, as shall be found to be due against the United States in favor of said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.), or against the said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.) in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of proceeding with the said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such notice of proceeding with the said suits shall be given, and proceedings in said suits shall be commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

CANADA STEAMSHIP LINES (LTD.)

The next business on the Private Calendar was the bill (S. 2860) for the relief of the Canada Steamship Lines (Ltd.).

THE SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Canada Steamship Lines (Ltd.), owner of the British steamship *Rosedale*, against the United States of America, for damages arising from the alleged loss of said vessel and her cargo, claimed to have been caused by collision on April 18, 1919, in Bristol Channel, England, between said vessel and the American steamship *Luella*, then in the transport service of the United States War Department, may be sued for by the said Canada Steamship Lines (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the said Canada Steamship Lines (Ltd.), or against said Canada Steamship Lines (Ltd.) in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

BERWIND-WHITE COAL MINING CO.

The next business on the Private Calendar was the bill (S. 2992) for the relief of the Berwind-White Coal Mining Co.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

Mr. BLANTON. I want to call my colleague's attention to the fact that this is merely sending the case to the court for trial.

Mr. LAGUARDIA. I want to look into it further.

Mr. BLANTON. It is just giving the parties a trial in court.

Mr. LAGUARDIA. I am aware of that fact.

JERE AUSTILL

The next business on the Private Calendar was the bill (H. R. 4913) to pay to Jere Austill fees earned as United States commissioner.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jere Austill the sum of $777.55 for fees earned as United States commissioner for the southern district of Alabama during the year 1922.

Mr. THOMAS of Oklahoma. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 1, line 6, after the dollar mark strike out the figures 777.55, and insert in lieu thereof the figures 772.35.

Mr. THOMAS of Oklahoma. Mr. Speaker this is to make the bill conform to the report of the department. The department suggests that there is a duplicate of a $5 charge and two debit errors of 10 cents each, and the amendment is to make the bill conform to the report of the department.

Mr. BLANTON. Let me say that whenever the gentleman from Oklahoma runs for United States Senator I am going to vote for him, because it is the first time I ever heard of the author of a bill proposing to reduce it.

Mr. McDUFFIE. Mr. Speaker, I want to say that the amendment is agreeable so far as I am concerned.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EDWARD R. WILSON

The next business on the Private Calendar was the bill (H. R. 5637) for the relief of Edward R. Wilson, lieutenant commander, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward R. Wilson, lieutenant commander, Supply Corps, United States Navy, the sum of $1,504.32, being an amount stolen by a person or persons unknown between July 23 and July 25, 1910, from the funds of the United States then in the custody of William J. Garrity, paymaster's clerk, United States Navy, the lawfully detailed deputy of said Edward R. Wilson, on the United States steamship *Philadelphia*, receiving ship at the navy yard, Bremerton, Wash., which amount was charged on the books of the Treasury against the accounts of the said Edward R. Wilson, then a passed assistant paymaster, United States Navy, and which he deposited in the Treasury of the United States on demand of the accounting officers of the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HENRY OATS

The next business on the Private Calendar was the bill (H. R. 7969) for the relief of Henry Oats.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the bill be stricken from the calendar. It has already been taken care of under general legislation since the bill was reported in the committee, and I ask that the bill be laid upon the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

OSCAR P. STEWART

The next business on the Private Calendar was the bill (H. R. 8651) for the relief of Oscar P. Stewart.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMONDS. Mr. Speaker, I make the same request in respect to this bill, for the same reason, that it be stricken from the calendar and laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE BARKENTINE "MONTEREY"

The next business on the Private Calendar was the bill (H. R. 9238) for the relief of the owners of the barkentine *Monterey*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MACLAFFERTY. Mr. Speaker, I ask unanimous consent to substitute and consider in lieu of the House bill the Senate bill 3310, an identical bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to substitute the Senate bill in lieu of the House bill. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, is the Senate bill identical?

Mr. MACLAFFERTY. Yes. I presume the gentleman is referring to the matter of interest?

Mr. BEGG. Yes.

Mr. MACLAFFERTY. That is stricken out in the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the claim of the Charles Nelson Co., a corporation, owner of the barkentine *Monterey*, arising out of a collision between said barkentine and the U. S. S. *Henderson* in the Straits of Juan de Fuca on or about July 28, 1923, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine by reason of damages to said barkentine, may be submitted to the United States District Court for the Northern District of California under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability with interest and costs as in like cases in admiralty between private parties, with the same right to appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With the following committee amendment:

Page 2, line 6, strike out the words "with interest."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read a third time, and passed.

The House bill H. R. 9328 was laid on the table.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that No. 432, on the calendar, which is a Senate bill, be stricken from the calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WILLARD THOMPSON

The next business on the Private Calendar was the bill (H. R. 1960) for the relief of Willard Thompson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

THORNTON JACKSON

The next business on the Private Calendar was the bill (H. R. 2225) to correct the military record of Thornton Jackson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, the report upon the bill is very meager. It states that the man did in fact desert, but that the evidence on file in the committee discloses that on or about July 28 he returned to his home and remained there for only 22 days. What is the nature of that evidence on file in the committee? Is that a report from the War Department or simply the affidavit of the man himself?

Mr. REECE. It consists of affidavits.

Mr. GARRETT of Tennessee. The affidavit of the soldier himself? What do the records of the War Department show?

Mr. REECE. The records of the War Department show that he was absent for the period of 22 days, and that he did return to the command, as I remember it.

Mr. LAGUARDIA. What happened to him?

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the consideration of the bill.

WILLIAM J. DUNLAP

The next business on the Private Calendar was the bill (H. R. 2739) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object for the purpose of learning more about the bill. Is this a desertion case?

Mr. REECE. Yes.

Mr. GARRETT of Tennessee. It seems to me that the record in this case is complete. It shows that the man was in an insane asylum.

Mr. REECE. And the War Department did not hold him as a deserter.

Mr. GARRETT of Tennessee. He was ordered to be discharged. The record is very complete.

Mr. LAGUARDIA. Was he committed to the insane asylum?

Mr. GARRETT of Tennessee. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing in the military record at the War Department of William J. Dunlap, late a member of Company F, Tenth United States Infantry, and issue to him an honorable discharge therefrom.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged

soldiers, William J. Dunlap, formerly a member of Company F, Tenth United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on May 26, 1902: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HENRY SHULL

The next business on the Private Calendar was the bill (H. R. 3541) for the relief of Henry Shull.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask a question or two about this bill. This, Mr. Speaker, is a bill to correct a military record of one who was in the Missouri Militia, not in the United States Army.

Mr. ROMJUE. If the gentleman will permit, I am not so familiar with the bill, but I know some of the Missouri Militia were made part of the Union forces. I am not prepared—I have not investigated this case sufficiently to say——

Mr. BLANTON. If the gentleman will yield, I notice this man's captain testified as follows:

That in 1864 in the winter the company was stationed at Springfield, Mo.; that the company got marching orders, and when the company marched Henry Shull, private and company smith of said Company F, was left at Springfield, Mo., at the time said company left the city; and that said Henry Shull went home and was unable to return to his command on acount of sickness, as reported to the company by letters at various times. Lieutenant Kidwell, who was in command, told me he had given Henry Shull leave to go home and remain until he got well.

I am satisfied that Henry Shull was wrongfully marked and reported as a deserter. He was a true soldier as long as he was able to perform duty, ever loyal to the Government, and what he did was by the consent and direction of Lieutenant Kidwell. I was not in command of the company at the time, but was with the company every day or two and was familiar with all that transpired. I know from personal knowledge that Henry Shull was not able for duty at time he went home.

Mr. GARRETT of Tennessee. Whose testimony was that?

Mr. BLANTON. That is the testimony of Capt. Christopher C. Owen, captain of Company F, Eighth Missouri State Militia Cavalry, in command of this young man's company.

Mr. ROMJUE. I am quite sure the question of the militia is not involved in that.

Mr. LOZIER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will yield.

Mr. LOZIER. I will say a great many of the Missouri militia companies were mustered into the Union Army and a great many members of that militia served under regular officers of the United States Army, and whether they did or not the Federal Government compensated the State of Missouri for all this service, and the records of the general accounting officers of the military divisions will show that fact.

Mr. GARRETT of Tennessee. Mr. Speaker, I am sure there is going to be another opportunity to consider these Private Calendar bills, and I am going to ask——

Mr. GREEN. Will not the gentleman before making objection yield a little further. The bill, I understand, only brings the man within the provision of the general pension law which includes certain Missouri organizations, and unless he belongs to one of those organizations he would not get any benefit. The only benefit he could possibly get would be under the general pension law. You just simply remove this bar of alleged desertion.

Mr. GARRETT of Tennessee. Let me say this to the gentleman from Iowa and to other gentlemen with reference to these cases, if I may. On the last occasion when the Private Calendar was up for consideration I was unable to be present. My attention was directed to the fact that it seemed to me that an unusual number of these correction cases, these cases removing the charge of desertion, had gotten upon the calendar.

I was not able to complete the investigation of all those cases and I asked the gentleman from Texas in my absence to be good enough to object and put the responsibility upon me for objecting until I could look into them. Now, I want to say this: When I first began coming here to Congress you just simply could not get one of these desertion bills through. It was the most difficult thing in the world, and there is a good reason for it, and that is that it goes to the very elementary question of military discipline and to the integrity of your Army. Now, in cases where a man actually served and through some technicality his record has gotten wrong, of course there ought not to be any objection to that, but in case where a man did not serve we can not just out of sympathy—of course, I have no personal interest in these matters, could not possibly have any sort—but we can not hold out the idea for the Army of the present by our treatment of the soldiers of the past that actual desertion can take place without its putting a permanent stain upon a man's military record. That is the thing that runs through my mind about this. And I am not satisfied about this case. I am sure there will be another opportunity to take them up, and I am——

Mr. GREEN. If you will allow me one moment there, the gentleman would not apply that to the last case where the man charged with desertion was insane?

Mr. GARRETT of Tennessee. The bill introduced by the gentleman?

Mr. GREEN. Yes.

Mr. GARRETT of Tennessee. No; I did not object, but called the attention of the gentleman from New York myself to the fact that the record in that case was very clear.

Mr. GREEN. That the man was in the insane asylum.

Mr. GARRETT of Tennessee. That he is in the insane asylum. I object to this bill for the present.

ANDREW CULLIN

The next business on the Private Calendar was the bill (H. R. 3727) for the relief of Andrew Cullin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I should like to have a little more information about that than appears here from the report. I do not find anything from the War Department about this.

Mr. REECE. Mr. Speaker, I wish to say in regard to these cases that I was a member of the subcommittee of the Committee on Military Affairs that examined some of these cases, and I happen to be the only member here to-night on account of the illness of the other members. These cases were all gone into rather carefully by the subcommittee, but it is impossible for me to retain in my mind the details of each one of these bills, and it is difficult to put all the intimate details into the reports.

I do not misunderstand my colleague from Tennessee [Mr. GARRETT] at all. Like him, neither I nor any other member of the subcommittee has any personal interest whatever in any of these bills, and the question resolves itself into a question of what is the attitude of the House on these bills, in my judgment.

The man involved in this case now under consideration served during the Civil War, and was confined in Libby Prison for a time, and rendered distinguished service during the Civil War. About the close of the war he and another boy, according to their testimony, played a boyish prank and got into the captain's boat and were carried out into the ocean by the tide, and when they were on the ocean, carried out by the tide, a revenue cutter or another such boat arrested them and brought them back. This man was given a dishonorable discharge, but he afterwards reenlisted and served honorably, and we thought it would be all right to clarify his record.

Mr. GARRETT of Tennessee. Let me call my colleague's attention to the fact that there seems to be nothing at all in the report of this matter except the affidavit of the gentleman himself. I do not mean to reflect upon his integrity in any way. I know nothing about it. But as a rule I have observed that the War Department is usually able to give us some record about these matters, and I think there ought to be, as part of the report, something in the record of what the War Department itself says.

Mr. O'CONNELL of New York. Would not the gentleman from Tennessee be willing to accept the word of the member of the committee who has carefully considered the case?

Mr. GARRETT of Tennessee. My colleague from Tennessee [Mr. REECE] has one of the most distinguished records of any man in the United States in the World War, but he was not in this war back there and he does not know the facts about it.

Mr. O'CONNELL of New York. His opinion should suffice for the other gentleman from Tennessee.

Mr. BLANTON. This man testified that he enlisted in September, 1863, that he was made a sergeant in 1864, and that his service continued on until he was doing scout duty, when he was arrested and put in prison. But The Adjutant

General of our War Department testified differently. The Adjutant General says that the application for the desired relief was denied and now stands denied on the ground that the soldier did not serve until May 1, 1865.

Mr. GARRETT of Tennessee. There is not anything from the War Department on this case. I shall have to object to the consideration of this bill. I know there will be opportunity to get these cases up later, when we may get a chance to make these records more complete. What I want is complete records here.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will report the next bill.

BENJAMIN F. YOUNGS

The next business on the Private Calendar was the bill (H. R. 7934) for the relief of Benjamin F. Youngs.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

WILLIAM LENTZ

The next business on the Private Calendar was the bill (H. R. 10763) for the relief of William Lentz.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARRETT of Tennessee. I make the same objection.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will report the next bill.

ED JOHNSON

The next business on the Private Calendar was the bill (H. R. 2905) to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon the transfer by Ed Johnson to the United States of title to lots Nos. 19, 20, 21, 22, 23, and 24 of block 35, of the town of Eagle, Colo., the Secretary of the Interior is authorized, upon approval of the Secretary of Agriculture, to issue a patent to Ed Johnson for the southwest quarter of section 31, township 3 south, range 84 west, sixth principal meridian: *Provided*, That the patent issued shall reserve to the United States or its grantees or lessees all coal, oil, or other mineral deposits in the lands patented as well as the right to prospect for, mine, and remove the same.

With a committee amendment, as follows:

Page 1, line 7, strike out "the southwest quarter of" and insert in lieu thereof "lots 19, 20, 21, 22, 23, and 24 in."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

EXPORT OIL CORPORATION

The next business on the Private Calendar was the bill (S. 1599) for the relief of the Export Oil Corporation.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear, consider, and render judgment in the matter of the claim of the Export Oil Corporation, a corporation organized under the laws of the State of Delaware, against the United States, growing out of an alleged contract between the said corporation and the United States through the Director of Purchase and Storage of the Quartermaster Corps of the War Department of the United States in the year of 1919, whereby the said corporation agreed to furnish and the United States to accept and pay for at a stipulated price a certain quantity of gasoline to be delivered to the United States tanker *Weildrecht* at New Orleans, La., on or before May 5, 1919, which contract it is alleged was breached by the United States to the damage of the said corporation. For the purposes of considering this claim, the Court of Claims is directed to disregard the provisions of Revised Statute 3774 requiring such contracts to be in writing, and shall base its judgment as to the legality of the contract wholly upon the law of contracts as applied in commercial usages. If the court finds that there was such a contract and that there was a breach thereof by the United States, and that because of said breach the said corporation was damaged, then the judgment shall be in such amount as may to the court seem proper to compensate the corporation therefor: *Provided*, That the judgment shall be limited to the amount of the actual cost of the gasoline on the date of its final sale, including shrinkage, demurrage, insurance, freight and storage charges, less the amount received therefor. Notice of such suit shall be served on the Attorney General of the United States who shall appear and defend the suit on behalf of the Government.

The bill was ordered to be read a third time, was read the third time, and passed.

ROBERT E. A. LANDAUER

The next business on the Private Calendar was the bill (H. R. 2415) to correct the military record of Robert E. A. Landauer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. I object, Mr. Speaker.

OWEN J. OWEN

The next business on the Private Calendar was the bill (H. R. 6230) for the relief of Owen J. Owen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object. What are the facts in this case?

Mr. RAGON. The facts are simply these: This soldier had a captain by the name of Worthington, and Worthington married the sister of this soldier. The soldier made some investigation—the captain, apparently, was a stranger in that country—and he discovered that the captain was married to some woman in Missouri or Indiana, I have forgotten which State it was. The captain was about to be court-martialed on a bigamous charge, and he ordered this private in his company sent to the State of Indiana, where he kept him until the captain was himself killed. He stationed him there. There are the affidavits here of two or three of the members of the company as to the facts in this case and as to the truthfulness of that statement. The soldier did not know of the death of the captain until practically the cessation of the war.

Mr. GARRETT of Tennessee. Do I understand that when this soldier went away he was acting under military orders?

Mr. RAGON. Yes; he was acting under the orders of the captain. I might add that the captain was subsequently tried by court-martial but because of the absence of this soldier he was acquitted.

Mr. GARRETT of Tennessee. May I ask the gentleman whether the records indicate anything of collusion between them?

Mr. RAGON. Between the captain and the soldier?

Mr. GARRETT of Tennessee. Yes.

Mr. RAGON. No; the facts are to the contrary.

Mr. GARRETT of Tennessee. Their relations were very strained?

Mr. RAGON. Yes; very strained. I will state to the gentleman from Tennessee that this bill was introduced by me at the request of the gentleman from Missouri [Mr. LOZIER] who happens to have in one of the cities in his district a son of this soldier, and he is perhaps, really more familiar with the facts than I am. I only know the facts as I get them from the record. However, I have read the facts carefully and I feel this is a meritorious case.

Mr. GARRETT of Tennessee. Is there anything from the department on this bill?

Mr. RAGON. Yes; there is a report from the department which covers the matter.

Mr. LOZIER. Will the gentleman yield to me?

Mr. GARRETT of Tennessee. Surely.

Mr. LOZIER. There is no collusion in this case. The evidence shows that the captain feared or apprehended physical violence, and he not only sent this soldier to the State of Indiana but he also sent the soldier's brother there. I have here the affidavit of the orderly sergeant to the effect that the captain told him that he had sent this soldier away and

that he would call for him whenever he wanted him to return. He also testified that he sent him away in order to take his children into the State of Indiana.

The orderly sergeant states that the captain instructed him not to mark this soldier absent when he called the roll, and that he proceeded to call his name for months during his absence, and that he was marked absent with leave by direction of the captain. The evidence further shows that he was carried on the rolls, notwithstanding that absence, until after the captain was promoted and became a major and transferred to another company. Shortly thereafter he was killed, and he was also carried on the rolls as absent by leave after the new captain took charge of the company.

Mr. GARRETT of Tennessee. Did he ever return to the company or was it mustered out before he could return?

Mr. LOZIER. The company was mustered out before he received any notice to return.

Mr. RAGON. This captain was killed and the new captain did not know of his whereabouts.

Mr. LOZIER. If the gentleman from Tennessee will permit, I will read this from the report:

Capt. John J. Worthington told affiant—

The orderly sergeant—

not to carry Owen J. Owen as deserter, and he, John J. Worthington, would send Owen J. Owen notice to return to the command when he wanted him, and affiant states that he as orderly sergeant called Owen J. Owen's name on the rolls.

The SPEAKER pro tempore. The Chair would call attention to the fact that more than five minutes have been used under the reservation.

Mr. GARRETT of Tennessee. I do not want to do anybody any injustice, but what did this man do while he was away from his company? Was he in uniform or in the service? What was he doing while he was away?

Mr. LOZIER. The evidence shows that Owen J. Owen was a poor man; that he had taken some children, including girls, from Missouri to Indiana by direction and by suggestion of the captain, and the captain told him to remain there until he sent for him. I do not think he was in the service in Indiana, but he was there awaiting the order of his captain to return.

Mr. GARRETT of Tennessee. He was subject to no military orders while in Indiana?

Mr. LOZIER. He was awaiting orders from his captain.

Mr. GARRETT of Tennessee. How old a man was he at that time?

Mr. LOZIER. I could not answer now, but he was a man who had two or three children, who were girls and, I think, motherless at the time.

Mr. RAGON. He was there under military orders, as I gather from the testimony. I might suggest further to the gentleman from Tennessee that there are two or three affidavits to the effect that those making the affidavits knew that this soldier was sent away by the captain and that he was sent away by the captain in order to get rid of him and keep him from testifying against him. So it appears he was there under the orders of his captain.

Mr. BEGG. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. BEGG. Is it not the fact that this captain who ordered him to stay there was tried by a court-martial on one or two charges and was acquitted?

Mr. RAGON. Yes.

Mr. BEGG. Then, was the captain culpable?

Mr. RAGON. That is the very reason suggested here that the man was sent away. This soldier was trying to stir up a court-martial proceeding against the captain, and when he got the soldier away all the testimony was gone.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws relating to the National Home for Disabled Volunteer Soldiers, Owen J. Owen, who was mustered into service August 14, 1863, as a private in Company H, First Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With the following committee amendment:

After line 9, insert: "*Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WALTER L. WATKINS, ALIAS HARRY AUSTIN

The next business on the Private Calendar was the bill (H. R. 7713) for the relief of Walter L. Watkins, alias Harry Austin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object to this bill. I would like to ask the author of the bill or the gentleman in charge for a statement of the facts about this case.

Mr. McREYNOLDS. I think the facts are very fully set out in the report.

Mr. GARRETT of Tennessee. What is the report from the War Department itself on it?

Mr. BLANTON. They do not put in any report from the War Department.

Mr. McREYNOLDS. The Military Affairs Committee had some one summoned from the War Department, who brought the court-martial record before them. I was there and examined the record before the committee, and the gentleman from Tennessee [Mr. REECE] was there. The history of this case is that this man, Walter Watkins, joined the Army during the Spanish-American War for the purpose of going to the Philippine Islands, and he got in the wrong place and he left there and walked over 100 miles so he could reenlist. He reenlisted under the name of Harry Austin. He was sent to the Philippine Islands, served three years, and came back honorably discharged. After he came back here he joined the Army again. In the meantime he had developed epilepsy, which he has to this day. He joined the Army, and while in the Army during his last enlistment he got a dishonorable discharge. The record shows that at some camp, I believe in Texas, he was given leave of absence to go to a show. He overstayed his leave and came back and was court-martialed. He was charged with being drunk while in uniform. He pleaded guilty. The proof was heard, however, and the record fails to show that he was guilty of that offense. He came before the committee himself and testified about the matter and said his condition was such he wanted to get out; that he was not drunk, but that he merely had one of his spells on him at the time. They gave him a dishonorable discharge, and a little later he went to Canada and joined the army there. They did not treat him as roughly there, and when he got in that condition they gave him an honorable discharge, stating, however, he was unfit for service.

This poor fellow is here in Washington and the man who is at the head of the American Legion in Washington, I am informed, has been taking care of him. He is unable to work on account of his epilepsy and that was really his trouble when he was in the Army the last time. He was down here in a soldiers' home for a short time, but he happened to have the wrong name as a Spanish-American War veteran and they could not keep him. It is a most pitiful case.

Mr. REECE. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. REECE. At the time he received the dishonorable discharge the record shows he had epilepsy, and had had it for some time.

Mr. MICHENER. Regular order, Mr. Speaker.

Mr. REECE. We went into this case very thoroughly and I am thoroughly satisfied in my own mind that it is a meritorious case.

Mr. BEGG. I object, Mr. Speaker.

SYLVESTER DE FOREST

The next business on the Private Calendar was the bill (H. R. 11425) to correct the military record of Sylvester de Forest.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object.

Mr. KETCHAM. Mr. Speaker, may I say I think all the information that is available is quite fully set out in the report, and I may say to the gentleman from Tennessee that, in order that I might anticipate his request for the report of The Adjutant General upon the case, I went to my office and undertook to get the files, but I found they were in the Military Affairs Committee and I went down to that room and found they were not there.

Therefore I can not bring the report of the War Department, but I will say that the facts stated here are very accurately stated.

Mr. GARRETT of Tennessee. What was the trouble, what are the facts?

Mr. KETCHAM. The facts briefly are these, that this young man, about 18 years of age at the time of enlistment, enrolled March 7, 1865, a few months before the war closed. He continued in the service until July of that year. The record is that he served faithfully. About that time he was taken sick, and the sickness is described in the report; owing to the fact that the hospital where he was sick was full, on the advice of his associates he went to a near-by home and was quartered there. In the meantime the company left, and being there alone he went to his home. The record is substantiated not only by his own statement but by neighbors who knew the facts.

Mr. GARRETT of Tennessee. That does not make out a case, and I will have to object.

ROBERTA H. LEIGH AND LAURA H. PETIT

The next business on the Private Calendar was the bill (H. R. 5786) for the relief of Roberta H. Leigh and Laura H. Petit.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BEGG. I reserve the right to object. What does the Secretary of the Interior mean when he says that "when all the facts are obtained from the investigation now being conducted no additional legislation will be found necessary"?

Mr. VAILE. That letter is dated March 22, 1894. The investigation has been going on and no facts have been developed that will relieve the situation, as far as that is concerned.

Mr. BEGG. I think there is a case, but the Secretary of the Interior says that we do not need any legislation.

Mr. COLTON. I think the department has found that they are unable to grant the relief without legislation.

Mr. BEGG. All I have here is the statement of the department.

Mr. BLANTON. Why do you not put an amendment on the bill to protect the mineral rights of the Government? That is not in the bill. The usual amendment protecting the mineral rights of the Government ought to be inserted.

Mr. VAILE. We have no objection to it, and I do not think it is usual.

Mr. BEGG. I do not think that that ought to go in here, because that is an entirely different proposition.

Mr. BLANTON. Every piece of land the Government sells has that protecting clause in it.

Mr. BEGG. But this is a different proposition.

Mr. BLANTON. Why should we not retain the mineral clause in the bill?

Mr. BEGG. Because these people were misinformed by the United States Government itself as to water.

Mr. COLTON. I would like to say to the gentleman from Texas that in this district that reservation is always contained in the patent. All this area is withdrawn so far as oil and other minerals are concerned, and every person who takes a patent in that district takes it with that reservation.

Mr. BLANTON. Then the gentleman would have no objection to putting it in here.

Mr. VAILE. There is no objection to it, but it is already covered in the general law.

Mr. BLANTON. We have put it in bill after bill, and the gentleman will not object to that, as I understand. With that statement, I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Roberta H. Leigh, who made desert-land entry, Vernal, Utah, series 0271, for the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 12; the northeast quarter of the northeast quarter of section 13, township 7 south, range 19 east of the Salt Lake meridian; and Laura H. Pettit, who made desert-land entry, Vernal, Utah, series 0287, for the west half of the southwest quarter of section 17; and the northwest quarter of section 20, township 7 south of range 20 east of the Salt Lake meridian, both of which entries were allowed at the United States land office at Vernal, Utah, be, and they are hereby, authorized to complete title to the lands embraced in their respective entries upon the payment of any balance unpaid of the sum of $1.25 per acre for the lands so entered to the receiver of the United States land office at Vernal, Utah, within 90 days from the approval of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

On page 2, line 5, after the word "act," strike out the period and insert a colon and add the following: "*Provided*, That all mineral rights in and to said land are hereby reserved to the United States Government."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, after the word "act," strike out the period and insert a colon and add the following: "*Provided*, That all mineral rights in and to said land are hereby reserved to the United States Government."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HOFFMAN PHILIP

The next business on the Private Calendar was the bill (H. R. 10869) to authorize Hoffman Philip, minister plenipotentiary and envoy extraordinary of the United States to Uruguay, to accept certain gifts from the French and British Governments.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Until the French Government pays the United States some of the interest on its debt, I do not want to accept any gift from that Government, and I object.

Mr. HILL of Alabama. This very Congress has passed bills similar to this.

Mr. BLANTON. It is time the French Government was waking up to the solemnity of its financial obligations.

Mr. WOODRUFF. Does the gentleman have an idea that if he objects to the consideration of this bill that the French Government will pay the United States what it owes us?

Mr. BLANTON. It will be a mild protest, and perhaps it will get in by the back window.

Mr. HILL of Alabama. I suggest to the gentleman that a speech along those lines would be much more effective than an objection to the consideration of this bill.

Mr. BLANTON. Mr. Speaker, there are over 315,000 people in my district, and every one of them expects the French Government to pay every dollar that it owes us.

Mr. HILL of Alabama. I quite agree with the gentleman, but I hope that he will not take this method of collecting the debt.

Mr. BLANTON. We do not want to accept anything from them. If I had my way about it, I would take those French vases in the Speaker's lobby and throw them out of the window. That is the way I feel about it.

Mr. HILL of Alabama. Let me suggest to the gentleman that the Government is not accepting anything under this bill.

Mr. BLANTON. I know it; but I object, Mr. Speaker.

NEAR EAST RELIEF

The next business on the Private Calendar was the resolution (H. J. Res. 262) to authorize the United States Shipping Board to adjust the claim of the Near East Relief.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. BLAND. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. BLANTON. No; I object.

HENRY D. CLAYTON

The next business on the Private Calendar was the bill (H. R. 11418) authorizing the Department of State to deliver to the Hon. Henry D. Clayton, district judge of the United States for the middle and northern districts of Alabama, and permitting him to accept, the decoration and diploma presented by the Government of France.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. HILL of Alabama. Does the gentleman assign the same reason for this objection as he did for the previous bill?

Mr. BLANTON. I do not want any citizen of the United States to accept anything from France except the interest and some of the money that they owe us.

SAMUEL FREIDMAN

The next business on the Private Calendar was the bill (H. R. 1948) for the relief of Samuel Freidman, as trustee for the heirs and devisees of B. Freidman and Henry Mills, and as trustee for the heirs and devisees of Emanuel Loveman, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman and Henry Mills, and as trustee for the heirs and devisees of Emanuel Loveman, deceased, conveying the northwest quarter of the northwest quarter, the east half of the northwest quarter, the northwest quarter of the northeast quarter, and the southwest quarter of section 9, in township 19 south, of range 8 west of the Huntsville meridian, Alabama, containing 319.72 acres, which lands they and their grantors and legal representatives have occupied under claim and color of title, and open and notorious possession for upward of 50 years: *Provided*, That the title conveyed shall inure to the benefit of the true owners of the land under the laws of Alabama as though patent had issued during the lifetime of said Friedman and Loveman: *And provided further*, That application and payment of $1.25 per acre be made for the use and benefit of all persons in interest within six months from the passage of this act.

With the following committee amendment:

Page 1, line 6, after the word "Friedman," insert the word "deceased," and after the word "Mills" strike out the word "and."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased."

F. JOSEPH CHATTERTON

The next business on the Private Calendar was the bill (H. R. 2416) for the relief of F. Joseph Chatterton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $12,500 to F. Joseph Chatterton, of New Haven, Conn., in compensation for injuries sustained May 17, 1922, in the city of New Haven, Conn., when struck by a United States Army motor cycle.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. Joseph Chatterton, of New Haven, Conn., the sum of $1,204.48, in full settlement against the Government for injuries sustained May 17, 1922, when struck by a United States Army motor cycle."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HANNAH PARKER

The next business on the Private Calendar was the bill (H. R. 258) for the relief of Hannah Parker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object. Is there anyone here who can give any information about the bill? Is this a case of mistaken identity?

Mr. REECE. Mr. Speaker, I do not remember the details of the bill. I have not taken occasion to go and get the report to familiarize myself with it, because I thought that all bills of this kind were going to be objected to.

Mr. GARRETT of Tennessee. I object.

L'ANSE AND VIEUX DESERT INDIAN RESERVATION, MICH.

The next business on the Private Calendar was the bill (S. 1237) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, I object.

HEIRS OF KO-MO-DAL-KIAH

The next business on the Private Calendar was the bill (S. 1705) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 80 acres of land within the diminished Colville Reservation, in the State of Washington, to Ko-mo-dal-kiah in lieu of portions of Moses agreement allotment No. 33 embraced within the patented entries of Francis M. Fulton and Carrie French.

The bill was ordered to be read the third time, was read the third time, and passed.

JACOB CREW

The next business on the Private Calendar was the bill (S. 3247) providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, whose bill is this?

Mr. HOWARD of Oklahoma. It is a Senate bill.

Mr. BEGG. Who can give us information in reference to it?

Mr. BLANTON. The Secretary of the Interior has a report here which says he does not see any reason why the legislation should not pass, and therefore I did not make objection.

Mr. BEGG. I would like to know by what right the Government went in there and took the crop, and why it did it against his will, and what was the condition of the crop when it was taken, and all about it?

Mr. HASTINGS. I am not really accurate about the facts, but let me say this was on an Indian reservation and this man had a corn crop upon it.

Mr. BEGG. Was that crop nearly ripe or just in process of getting ripe, or what about it?

Mr. HASTINGS. It was almost matured corn and it was taken for a town site and his crop destroyed, and the department recommends the payment of the amount.

Mr. BLANTON. Will the gentleman yield there? Dr. Hubert Work says:

In view of the fact that the claim appears to be just and reasonable and the matter is of long standing, the department is inclined to the opinion that it should be paid.

In view of that fact——

Mr. HOWARD of Oklahoma. I will say it was on the town site of Anadarko, Okla., and the Government sold this land and got paid for it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay Jacob Crew, of Anadarko, Okla., the sum of $606.97, out of any moneys unappropriated under his control belonging to the Apache, Kiowa, and Comanche Indians, the same being payment in full for the claim of said Crew for a corn crop which was upon said town site of Anadarko when said land was sold for townsite purposes.

The bill was ordered to be read the third time, was read the third time, and passed.

JACOB F. WEBB

The next business on the Private Calendar was the bill (H. R. 4932) for the relief of Jacob F. Webb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill for a few facts with reference to this case.

Mr. ROMJUE. I will state to the gentleman from Tennessee that this party, Jacob Webb, was mustered into the service in the spring of 1862, and that in the fall of that year, along about November, he was on duty in the military service, at which time he was taken sick and removed to the hospital in the neighborhood some 10 or 12 miles distant, and was in the same county. He was in the military service and on duty. The affidavits of his comrades show they were present when

he was in the hospital or went there when he was taken out of the hospital. His mother came for him, and the evidence disclosed that he was carried out on a stretcher and removed to his mother's home. There is no entry on the War Department military record at that time about his being out of the service. Some time later the War Department records disclosed that he was absent and was sick and was at his home. That was the record as shown by the War Department, and 20 days after that the War Department entered the record that he had deserted; that was 20 days after the record of the entry of his absence on account of sickness.

Mr. GARRETT of Tennessee. Did he return to the service?

Mr. ROMJUE. The evidence discloses by the affidavits of one or more of his comrades, that he wrote to his comrades some time during the next year and asked them to notify the commanding officer that he wanted to return to the service, and the commanding officer told his comrades, "Let him remain where he is," indicating that he did not think that he would ever get well.

Mr. GARRETT of Tennessee. Was he in such a physical condition that——

Mr. ROMJUE. As a matter of fact, his comrades said they did not think he was really in a physical condition then to return.

Mr. GARRETT of Tennessee. The gentleman has quoted all there is of the War Department record?

Mr. ROMJUE. The War Department recommended the introduction of the bill in its present form, but they made no recommendation except to quote the records.

Mr. GARRETT of Tennessee. Now, the records of the War Department, as I understand it, show that he was sick?

Mr. ROMJUE. Yes.

Mr. GARRETT of Tennessee. That is shown on the records?

Mr. ROMJUE. Yes.

Mr. GARRETT of Tennessee. And later on he was marked as having deserted?

Mr. BEGG. That was January 1, 1863. What was he doing during the other two years?

Mr. ROMJUE. I was stating that some time during that year he wrote to one of his comrades, so the affidavit of his comrade states, to the effect that he was ready to join his command.

Mr. BEGG. The only evidence to support that statement is that of some one in an official position now?

Mr. ROMJUE. No; one of his comrades.

Mr. LAGUARDIA. The report stated after two years that he was well?

Mr. ROMJUE. The evidence disclosed that he never really was able to return.

The SPEAKER pro tempore. The time of the gentleman has expired. Is there objection to the present consideration of this bill?

Mr. BEGG. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects. The Clerk will report the next bill.

ESTLE DAVID

The next business on the Private Calendar was the bill (H. R. 10611) to correct the military record of Estle David.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object to that bill. The department directly recommends against that.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will report the next bill.

JOHN T. O'NEIL

The next business on the Private Calendar was the bill (H. R. 11206) to correct the military record of John T. O'Neil.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I would like to have some explanation of that. There does not seem to be anything from the department on it.

Mr. REECE. Mr. Speaker, I may state that the War Department reports adversely on all these cases. They have not recommended favorably on one.

Mr. GARRETT of Tennessee. They do not report favorably, I know, but I think on the other bill they made a direct report against it.

Mr. REECE. It is suggested by the War Department that, if the bill is passed, it be put in the form it is in now. They do not directly recommend the enactment of the legislation, but as I say, they have suggested that if it be passed it be put in the form it is in now.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what does my military colleague from Connecticut [Mr. TILSON] say about this?

Mr. BLANTON. My experience is that whenever you can not find a report from the War Department you may bet that there is something in that record that is not favorable to the bill.

Mr. TILSON. This is a simple record, Mr. Speaker. It is all in one paragraph of the report. The man served one enlistment and was honorably discharged from the service. Later on he reenlisted, and was over in Porto Rico. The drinks served there were rather strong, it seemed, and he became intoxicated on one occasion.

Mr. LAGUARDIA. Then what happened to him?

Mr. BLANTON. I see this is a Connecticut case.

Mr. TILSON. He was dishonorably discharged.

Mr. GARRETT of Tennessee. This is not a desertion case?

Mr .TILSON. No. This is a dishonorable discharge case. Having been confined six months for drunkenness, he wants this stigma of a dishonorable discharge removed.

Mr. WOODRUFF. How long was he in the service?

Mr. TILSON. As I say, he served one enlistment and was discharged honorably. He enlisted again and served honorably for a time and then was given a dishonorable discharge.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. LAGUARDIA. What would the gentleman from Connecticut [Mr. TILSON], who has been a colonel of a regiment, do in a similar case?

Mr. TILSON. I would have done just as the officer in this case did. There is nothing mysterious about this case.

Mr. BLANTON. Mr. Speaker, in view of the fact that the constituent of the gentleman from Connecticut is on the water wagon, we will let this bill pass. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing on the records on file in the War Department against John T. O'Neil, late of Battery C, First Regiment Connecticut Volunteer Artillery, war with Spain, and grant him an honorable discharge.

With a committee amendment, as follows:

Strike out all of lines from 3 to 8, inclusive, and insert: "That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John T. O'Neil, late of Battery C, First Regiment Connecticut Volunteer Artillery, war with Spain, shall be held to have been discharged honorably from the military service of the United States on December 1, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended.

There was no objection.

The title was amended to read as follows: "A bill for the relief of John T. O'Neil."

OGDEN CHAMBER OF COMMERCE

The next business on the Private Calendar was the bill (S. 660) for the relief of the Ogden Chamber of Commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

Mr. EDMONDS. Will not the gentleman from Texas withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. EDMONDS. This is merely a bill to reimburse the Ogden Chamber of Commerce for the rent of a piece of ground which the Government occupied for a few months. The Government afterwards bought the ground, but in the beginning the Government had no funds available; they held the ground for some time and then the Government bought the ground. This is merely to pay the rent for the ground while the Government occupied it and before it was bought by the Government.

Mr. BLANTON. This is another case where a chamber of commerce got a site for the Government and then after the

Government erected buildings on the site they want to be paid for it. Is not that the case?

Mr. COLTON. If the gentleman will permit, that is not so in this case. This site is more than 5 miles from the city and was purchased at the time we were engaged in war. It was intended to store ammunition there and have a regular arsenal. The chamber of commerce of Ogden City simply did this as a patriotic duty. They went out and obtained this site for the Government.

Mr. BLANTON. Is the Government using it now?

Mr. COLTON. It is storing nothing there whatever.

Mr. BLANTON. How long will it be before there will be a bill introduced to make a park out of it?

Mr. COLTON. The buildings are there; the Government buildings are there, but owing to the freight rates they have never used them.

Mr. BLANTON. What does the chamber of commerce at Ogden, Utah, contemplate doing with this Government property?

Mr. COLTON. It is Government property and that is for us to say. I think the gentleman will find this is an absolutely just claim.

Mr. BLANTON. I will withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Ogden Chamber of Commerce, Ogden, Utah, out of any money in the Treasury not otherwise appropriated, the sum of $651.68, as reimbursement for expenses incurred by such chamber of commerce in connection with the purchase of land and water rights for the United States Government for the use of the Ogden arsenal.

The bill was ordered to be read a third time, was read the third time, and passed.

NASH MOTORS CO.

The next business on the Private Calendar was the bill (S. 1893) to refund certain duties paid by the Nash Motors Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I think I shall have to object, unless I can get some information to change my mind.

Mr. COOPER of Wisconsin. Will the gentleman withhold his objection?

Mr. BEGG. Yes.

Mr. COOPER of Wisconsin. I will be glad to furnish information which, I think, will convince the gentleman that the bill ought to go through. An identical bill has twice passed the House. The bill was introduced in the Senate this time by Senator LENROOT. The Nash Motors Co., of Kenosha, Wis., as the gentleman is aware, is one of the corporations of this country which has not only a high-class national but also a high-class international reputation. Its predecessor, the Jeffreys Co., sent a chassis over to London in 1915. It was kept there one year, remained untouched, was not increased in value in any way, and then was returned to this country.

Under paragraph 404 of the tariff act it was entitled to come in free of duty. It was consigned when it came back—very strangely, I think the gentleman from Ohio will agree with me—to a clerk by the name of Reeve, an employee of a firm of brokers in New York, who had been employed by the Nash Motors Co. The Nash Motors Co. knew nothing about Mr. Reeve, but it was consigned to him, a clerk, not to the brokers and not to the Nash Motors Co. But in order for any article thus returned to come in free, a certificate of export must be furnished by the consignee. This certificate of export, for some reason, was not furnished by Mr. Reeve nor by the firm who employed him. Finally the Nash Motors Co. was notified, and they furnished it. Meanwhile these brokers had given a bond to furnish this evidence, but they gave the bond without informing the Nash Motors Co. The Nash Motors Co. had not requested them to give a bond.

Mr. BEGG. Let me ask the gentleman a question. Does the Government lose anything to which it is entitled? I mean, are we refunding any tariff, such as is the case in the bills dealing with the bells proposition, which are protected in this country, and then some of them brought in and by special acts we refund the tariff?

Mr. COOPER of Wisconsin. No; not at all.

Mr. EDMONDS. This car was sent over as a sample, and undoubtedly from it we got a lot of sales. It was brought back here, and when it got back the broker's clerk, who should have attended to filing the bond to get the return of the duty, did not do it.

Mr. COOPER of Wisconsin. I will also say to the gentleman from Ohio that there was another remarkable incident in connection with this transaction. The evidence not having been furnished within the period of time mentioned in the bond, the Government seized this chassis and held it for the payment of the duty. Then the Nash Motors Co., being informed of the seizure, instructed the brokers to enter a protest, which they did, but with the protest there should have been paid a protest fee, and it was not paid until one day after the expiration of the period.

Mr. BEGG. I will withdraw my reservation.

Mr. BLANTON. Will the gentleman from Ohio yield?

Mr. BEGG. I have withdrawn my reservation. The gentleman from Wisconsin has satisfied me.

Mr. BLANTON. Both the Secretary of War and The Adjutant General recommend that this bill be paid.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Nash Motors Co., a corporation organized under the laws of the State of Maryland, the sum of $1,223.30 as full payment to the said Nash Motors Co. of all duties levied upon an automobile chassis, the property of said company, of American manufacture and entitled to free entry under the provisions of paragraph 404 of the tariff act, and paid by the said Nash Motors Co. upon the importation of the said automobile chassis into this country.

Mr. BEGG. Mr. Speaker, I move to strike out the last word. I only expect to take one minute, and I do this because I want to direct the attention of the gentleman from Texas [Mr. BLANTON] to the fact that the Secretary of War and The Adjutant General have nothing at all to do with tariff, and that the Secretary of the Treasury did not recommend the passage of this bill, but said that it was one of a class and had no more standing than any one of several other bills. I give this information so the gentleman will not make the error again.

Mr. BLANTON. Mr. Speaker, the bill that is before the House is for the relief of Walter A. Rich.

Mr. BEGG. I beg the gentleman's pardon; again the gentleman is in error. The gentleman has the wrong bill.

Mr. BLANTON. Mr. Speaker, there has been such a long colloquy or duet carried on between the gentleman from Ohio [Mr. BEGG] and the gentleman from Wisconsin [Mr. COOPER] we could not tell "where they were at."

Mr. BEGG. And the gentleman was unhappy unless he could inject himself into it. [Laughter.]

Mr. BLANTON. I did not ask for the regular order, but I thought we ought to get along.

The pro forma amendment was withdrawn.

The bill was ordered to be read a third time, was read the third time, and passed.

ESTATE OF WALTER A. RICH, DECEASED

The next business on the Private Calendar was the bill (S. 2139) for the relief of the estate of Walter A. Rich, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object, this is the bill that both the Secretary of War and The Adjutant General recomended should be passed, and I therefore shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Walter A. Rich, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement against the Government as compensation for the death of said Walter A. Rich, who was killed by the accidental discharge of a machine gun at the Interstate Fair at Trenton, N. J., October 2, 1920.

The bill was ordered to be read a third time, was read the third time, and passed.

SWEDISH FISHING BOAT "LILLY"

The next business on the Private Calendar was the bill (S. 2458) to authorize the payment of an indemnity to the

Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Sweden, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners and crew of the Swedish fishing boat *Lilly*, or any other parties pecuniarily interested, through the sinking of that vessel by the United States Army transport *Antigone* on March 23, 1920, an amount equivalent to 26,381 kroner on the date of the approval of this act, as recommended by the President in his message of January 3, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the various bills were passed was laid on the table.

ADJOURNMENT

The SPEAKER pro tempore. The hour of 11 o'clock having arrived, under the previous order of the House, the House will stand adjourned until 12 o'clock to-morrow morning.

Accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Wednesday, February 11, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

859. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting herewith a list of leases granted by the Secretary of War during the calendar year 1924, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GARBER: Committee on Indian Affairs. H. R. 5935. A bill to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922"; with an amendment (Rept. No. 1422). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 9160. A bill authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties, and otherwise; with amendments (Rept. No. 1423). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 10526. A bill to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; without amendment (Rept. No. 1424). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11355. A bill authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass.; without amendment (Rept. No. 1426). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 11826. A bill to provide for an additional district judge for the western district of Michigan; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 2835. An act to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917; without amendment (Rept. No. 1428). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 3180. An act to amend section 194 of the Penal Code of the United States; without amendment (Rept. No. 1429). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 3913. An act to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922; and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922; with an amendment (Rept. No. 1430). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11725. A bill to legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va.; without amendment (Rept. No. 1431). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 11977. A bill to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York; without amendment (Rept. No. 1432). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11978. A bill granting the consent of Congress to the Commissioners of McKean County, Pa., to construct a bridge across the Allegheny River; with amendments (Rept. No. 1433). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 3398. An act to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va.; without amendment (Rept. No. 1434). Referred to the House Calendar.

Mr. LEAVITT: Committee on the Public Lands. H. R. 11726. A bill to authorize the creation of a national memorial in the Harney National Forest; with an amendment (Rept. No. 1435). Referred to the Committee of the Whole House on the state of the Union.

Mr. WRIGHT: Committee on Military Affairs. H. R. 12063. A bill 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; with an amendment (Rept. No. 1436). Referred to the Committee of the Whole House on the state of the Union.

Mr. KVALE: Committee on Coinage, Weights, and Measures. H. R. 12160. A bill to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial; without amendment (Rept. No. 1437). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 12192. A bill to authorize the creation of game refuges on the Ozark National Forest in the State of Arkansas; without amendment (Rept. No. 1438). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 167. A joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who gave their lives to their country in the Aviation Service of the Army, Navy, and Marine Corps in the World War; with an amendment (Rept. No. 1439). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11818. A bill granting the consent of Congress to the construction of a bridge across the Rio Grande; without amendment (Rept. No. 1440). Referred to the House Calendar.

Mr. MONTAGUE: Committee on the Judiciary. H. R. 5194. A bill to amend the Judicial Code by adding a new section to be numbered 274D; with an amendment (Rept. No. 1441). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. Under authority of H. Res. 325, a report finding no cause for impeachment in the case of William E. Baker (Rept. No. 1443). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MORIN: Committee on Military Affairs. S. 3090. An act for the relief of Palestine Troup; without amendment (Rept. No. 1425). Referred to the Committee of the Whole House.

Mr. SHERWOOD: Committee on Military Affairs. H. R. 11944. A bill for the relief of John M. Wells; with an amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WYANT: A bill (H. R. 12230) to provide for the erection of a public building at New Kensington, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BLACK of New York: A bill (H. R. 12231) to regulate the value of gold coins; to the Committee on Coinage, Weights, and Measures.

By Mr. SALMON: A bill (H. R. 12232) for the improvement and enlargement of the Federal building and providing therein for a Federal court at Columbia, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. BULWINKLE: A bill (H. R. 12233) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the signing of the Mecklenburg Declaration of Independence at the city of Charlotte, N. C., on May 20, 1775, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; to the Committee on the Library.

By Mr. MADDEN: A bill (H. R. 12234) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920; to the Committee of Interstate and Foreign Commerce.

By Mr. GRAHAM: Joint resolution (H. J. Res. 347) providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois; to the Committee on the Judiciary.

By Mr. HAUGEN: Joint resolution (H. J. Res. 348) authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the international livestock exhibition of Chicago, Ill., held in December, 1924; to the Committee on Agriculture.

By Mr. JONES: Joint resolution (H. J. Res. 349) establishing a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 435) providing funds for carrying out the provisions of House Joint Resolution 347, "Providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois"; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislative Assembly of the State of Montana, favoring a retention of existing rates on linseed oil and flax; to the Committee on Ways and Means.

Also, memorial favoring the participation of the United States in the international conference for arbitration to be held in Geneva on June 15, 1925; to the Committee on Foreign Affairs.

Also (by request), enrolled joint memorial of the Legislature of the State of Wyoming, urging the construction and completion of the Casper-Alcova irrigation project; to the Committee on Irrigation and Reclamation.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, urging the Congress to give agriculture the same protection as is now afforded to industry and labor; to the Committee on Ways and Means.

By Mr. EVANS: Memorial of the Legislature of the State of Montana, favoring the participation of the United States in the international arbitration conference to be held in Geneva June 5, 1925; to the Committee on Foreign Affairs.

By Mr. LEATHERWOOD: Memorials from the Governor and Legislature of the State of Utah, asking favorable action on S. 2424, relating to grazing fees on national forests; to the Committee on Agriculture.

Also, memorial favoring S. 2327, an act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: Memorial of the Legislature of the State of Oregon, favoring development of harbors for purpose of commerce along the coast of Oregon; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Oregon, urging Congress to provide necessary funds to build a new hospital in Portland, Oreg.; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 12235) authorizing the appointment of S. D. Archer, first lieutenant, Quartermaster Officers Reserve Corps, as an officer of the regular United States Army; to the Committee on Military Affairs.

By Mr. HOWARRD of Nebraska: A bill (H. R. 12236) granting an increase of pension to Emily J. Farrar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12237) granting an increase of pension to Martha Jane McNeely; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12238) granting a pension to Joseph Houser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12239) granting a pension to James McCullough; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 12240) granting an increase of pension to Henry H. C. Meinshausen; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 12241) granting an increase of pension to Ellen A. Baker; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 12242) to authorize the Hon. Stephen G. Porter to accept a medal and diploma from the Government of Brazil; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3713. By Mr. FREDERICKS: Petition in behalf of veterans, widows, and orphan children of Indian wars; to the Committee on Pensions.

3714. Also, petition of citizens of Los Angeles County, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3715. By Mr. GALLIVAN: Petition of Boston Central Labor Union, P. H. Jennings, secretary, 987 Washington Street, Boston, Mass., recommending a full investigation of the social, political, and economical conditions in Porto Rico; to the Committee on Insular Affairs.

3716. By Mr. GARBER: Petition of representatives of public schools, Patron-Teachers Club, churches, chamber of commerce, Civitans Women's Clubs, and the W. C. T. U. of Perry, Okla., urging that the Senate Committee on Foreign Relations report out a resolution providing for the United States' adherence to the World Court on the basis of the Harding-Hughes resolution; to the Committee on Foreign Affairs.

3717. Also, petition of Fair Play, to adopt a fixed rule for the distribution of net earnings in order to protect investors and the public interest; to the Committee on Ways and Means.

3718. By Mr. GRAHAM: Petition of Philadelphia Board of Trade, protesting against the passage of the Pittman silver purchase bill; to the Committee on Coinage, Weights, and Measures.

3719. By Mr. HICKEY: Petition from Mr. L. E. Newman, 1819 Elizabeth Street, Elkhart, Ind., signed by citizens of Elkhart, Ind., protesting against the Jones Sunday bill; to the Committee on the District of Columbia.

3720. By Mr. KVALE: Petition of Mrs. A. Stremlow and 235 other residents of Wheaton, Minn., and Traverse County, Minn., protesting against enactment of the so-called Sunday observance law (S. 3218) by the House of Representatives; to the Committee on the District of Columbia.

3721. By Mr. LEA of California: Petition of 44 residents of St. Helena, Calif., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3722. By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, favoring the passage of the Pittman bill relating to the purchase of 14,437,000 ounces of American-produced silver at $1 per ounce; to the Committee on Coinage, Weights, and Measures.

3723. By Mr. MORROW: Petition of Charles H. Cooper, E. Pack, M. B. Goldenbreg, Joseph Conwell, Paul Dodge, Earl George, B. L. Francis, Jules A. Watson, S. S. Ghalson, and S. M. Wharton, all of Tucumcari, N. Mex., in favor of legislation in behalf of veterans, widows, and orphan children of Indian wars; to the Committee on Pensions.

3724. By Mr. RAKER: Petitions of Hazel Merrifield, president California Federation of Post Office Clerks, Vallejo, Calif., urging passage of postal salary increase bill; Mr. John J. Mulligan, of Brooklyn, N. Y., urging passage of the postal salary bill; Rosenberg Bros. Co., of San Francisco, Calif., protesting against any increase in parcel-post rates; J. I. Johnson, chairman joint committee post-office and railway-mail employees, Sacramento, Calif., urging passage of postal salary bill; to the Committee on the Post Office and Post Roads.

3725. Also, petition of California Development Association, San Francisco, Calif., urging passage of Senate bill 4099, for

the establishment of a forest experiment station in California; J. P. Churchill, secretary Associated Chambers of Commerce of Siskiyou County, Calif., and Yreka Chamber of Commerce of Yreka, Calif., urging passage of Senate bill 4099, for the establishment of a forest experiment station in California; to the Committee on Agriculture.

3726. Also, petition of Western Lithograph Co., of Los Angeles, Calif., indorsing and urging the passage of House bill 9629, the reorganization bill; to the Committee on Reorganization of Executive Departments.

3727. Also, petition of J. F. W. Unfug, adjutant, General Custer Camp, No. 4, National Indian War Veterans, San Francisco, Calif.; J. F. W. Unfug, national commander National Indian War Veterans, San Francisco, Calif.; James Williams, Fort Bidwell, Calif.; C. G. Lowell, Fort Bidwell, Calif.; Richard Hesse, Fort Bidwell, Calif.; and Henry Kober, Fort Bidwell, Calif., all indorsing and urging the passage of House bill 11798 and Senate bill 3920, for the relief of Indian war veterans, widows, and orphan children; to the Committee on Pensions.

3728. Also, petition of National Better Films Conference, New York City, protesting against legal censorship of motion pictures; to the Committee on Interstate and Foreign Commerce.

3729. Also, petition of F. J. Solinsky and Caesar Bertheau, of San Francisco, Calif., indorsing and urging support of Senate bill 1548, for the relief of San Francisco insurance claimants against German insurance companies; to the Committee on Interstate and Foreign Commerce.

3730. Also, petition of California White and Sugar Pine Manufacturers Association, of San Francisco, Calif., protesting against passage of Gooding bill (S. 2327); to the Committee on Interstate and Foreign Commerce.

3731. Also, petition of the Curtis Corporation, of Long Beach, Calif., protesting against bill introduced by Senator JONES of Washington to amend section 4426 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

3732. Also, resolution passed by the California State Board of American War Mothers, Richmond, Calif., indorsing the universal service draft law as proposed by the American Legion; to the Committee on Military Affairs.

3733. Also, petition of Mr. L. A. Anderson, of San Francisco, indorsing and urging passage of the Shreve bill (H. R. 8352); to the Committee on the Civil Service.

3734. Also, resolutions passed by the Reserve Officers' Association of the United States, at Columbus, Ohio, giving legislative recommendations; to the Committee on World War Veterans' Legislation.

3735. By Mr. WATKINS: Petition of citizens of Portland and Astoria, Oreg., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3736. By Mr. WYANT: Protest of Pennsylvania Real Estate Association, comprised of 36 real estate boards and 2,500 real estate men, against the enactment of Senate bill 3764, known as the rent control bill; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *February 11, 1925*

(Legislative day of Tuesday, February 3, 1925)

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

JOINT SESSION OF THE TWO HOUSES

Mr. CURTIS. Mr. President, I desire to submit a privileged motion.

I move that five minutes before 1 o'clock to-day the Senate proceed to the Hall of the House of Representatives, there to take part under the Constitution and laws in the count of the electoral votes for President and Vice President of the United States.

The motion was agreed to.

FINAL ASCERTAINMENT OF ELECTORS

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President of the United States from the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, which, with the accompanying documents, were ordered to lie on the table.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Secretary of Commerce, transmitted 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 the disposition of these papers the Senator from Washington [Mr. JONES] and the Senator from Florida [Mr. FLETCHER]. The Secretary will notify the House of Representatives thereof.

PETITIONS AND MEMORIALS

Mr. FRAZIER presented the petition of Emma Bloomquist and 35 other citizens of Fargo, N. Dak., praying for the passage of House bill 663, to provide for a library information service in the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of Minnesota presented the memorials of D. E. Ward and 52 other citizens of St. Paul; of George L. Budd and 62 other citizens of Alexandria; of Paul Bollman and 10 other citizens of Wendall; of J. I. Layman and 139 other citizens of Fulda, and of Mrs. Louis Hill and 119 other citizens of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a memorial of sundry citizens of Auglaize County in the State of Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4148) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes, reported it with amendments and submitted a report (No. 1070) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 3109) for the relief of Frank H. Walker and Frank E. Smith, reported it with amendments and submitted a report (No. 1071) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2688) providing for sundry matters affecting the naval service, and for other purposes, reported it with amendments and submitted a report (No. 1072) thereon.

Mr. CARAWAY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6853) to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama, reported it without amendment and submitted a report (No. 1074) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3927) granting public lands to the town of Silverton, Colo., for public park purposes (Rept. No. 1075); and

A bill (H. R. 9688) granting public lands to the city of Red Bluff, Calif., for a public park (Rept. No. 1076).

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

A bill (H. R. 7780) for the relief of Fred J. La May (Rept. No. 1077);

A bill (H. R. 8226) granting relief to the First State Savings Bank of Gladwin, Mich. (Rept. No. 1078); and

A bill (H. R. 8333) to restore homestead rights in certain cases (Rept. No. 1079).

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 2689) to consolidate certain lands within the Snoqualmie National Forest, reported it without amendment and submitted a report (No. 1080) thereon.

Mr. CAMERON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10590) authorizing the Secretary of the Interior to sell certain land to pro-