

## NORTH CAROLINA

David J. Lewis to be postmaster at Rocky Point, N. C., in place of P. H. Duncan. Office became third class October 1, 1924.

## NORTH DAKOTA

Daisy Thompson to be postmaster at Carpio, N. Dak., in place of D. B. Stromstad, resigned.

Roy Wigness to be postmaster at Fortuna, N. Dak., in place of C. C. Gilday. Office became third class July 1, 1923.

Leland Q. Perkins to be postmaster at Wilton, N. Dak., in place of G. C. Gray, resigned.

## OHIO

Hattie L. Davison to be postmaster at Magnolia, Ohio, in place of C. W. Kennedy, resigned.

## OKLAHOMA

Albert H. Williams to be postmaster at Loco, Okla., in place of S. H. Singleton, resigned.

## PENNSYLVANIA

Howard D. Rushong to be postmaster at Collegeville, Pa., in place of H. L. Saylor, resigned.

## RHODE ISLAND

James T. Caswell to be postmaster at Narragansett, R. I., in place of E. W. P. Greenman. Incumbent's commission expired August 5, 1923.

## TENNESSEE

Loyd T. Cornelius to be postmaster at Middleton, Tenn., in place of J. M. Antwine, deceased.

## TEXAS

Robert C. Howard to be postmaster at Dodd City, Tex., in place of R. H. Mills. Office became third class October 1, 1924.

Mary P. Vernon to be postmaster at Hermleigh, Tex., in place of A. R. Vernon, deceased.

## VIRGINIA

Nellie C. Trevey to be postmaster at Big Island, Va., in place of J. M. Denton, declined.

Virginia L. Harman to be postmaster at West Graham, Va., in place of J. F. Dudley. Office became third class July 1, 1924.

## WISCONSIN

William S. Cochrane to be postmaster at Delavan, Wis., in place of Maurice Morrissey, deceased.

Leonard M. Foster to be postmaster at Grandmarsh, Wis., in place of L. M. Foster. Office became third class January 1, 1924.

Alfred Froseth to be postmaster at Washburn, Wis., in place of F. E. Wieman, declined.

Rufus A. Jones to be postmaster at Black River Falls, Wis., in place of J. H. Lewis. Incumbent's commission expired June 5, 1924.

Percy L. Miner to be postmaster at Pepin, Wis., in place of P. L. Miner. Incumbent's commission expired May 28, 1924.

Frank L. Rolson to be postmaster at Ellsworth, Wis., in place of M. M. Sanderson. Incumbent's commission expired March 22, 1924.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 27 (legislative day of February 26), 1925*

## COLLECTOR OF CUSTOMS

Irving A. Caswell to be collector of customs, district No. 35.

## UNITED STATES ATTORNEY

George Neuner to be United States attorney, district of Oregon, vice John S. Coke, resigned.

## PROMOTION IN THE NAVY

## NAVAL RESERVE FORCE

George A. Berry to be lieutenant commander.

## POSTMASTERS

## COLORADO

William B. Edwards, Erie.

## GEORGIA

Karlene Fowler, Acworth.

Wesley S. Kicklifer, Alma.

Essie C. Ware, Austell.

Mae Gibbs, Broxton.

Henry F. Bullard, Cochran.

James L. Dunson, Commerce.

Luther A. Jenkins, Crumps Park.

Abbie F. Beacham, Glenwood.

Beulah L. McCall, Hinesville.  
Stella Phelps, Nashville.  
Mark A. Greene, jr., Tallapoosa.  
William T. Pilcher, Warrenton.  
James H. McWhorter, Wrightsville.

KENTUCKY  
Morris Browning, Greasy Creek.

MARYLAND  
Shadrach G. Sparks, Sparks.

MASSACHUSETTS  
Richard B. Eisold, Ludlow.

MINNESOTA  
Fred C. Nehring, Paynesville.  
Joseph A. Schoenhoff, Sauk Center.

MISSISSIPPI  
Will N. Guyton, Blue Mountain.  
Scott H. Speck, Blue Springs.

MISSOURI  
Minnie Rice, Irondale.

MONTANA  
Ernest M. Hutchinson, Whitefish.

NEBRASKA  
Catherine Tunberg, Verdel.  
Ernest J. Kaltenborn, Waco.

NEW JERSEY  
William H. Brown, Beachwood.  
Harvey E. Harris, Bloomfield.

NEW YORK  
Alexander Angyal, Monsey.

NORTH DAKOTA  
Harry A. Hart, Ray.  
Carrie E. Kempshall, Taylor.  
Katherine Ritchie, Valley City.

SOUTH DAKOTA  
Thomas A. Krikac, Dupree.  
Emmett O. Frescoln, Winner.

TENNESSEE  
Anna G. Spears, Normal.

WISCONSIN  
Lawrence A. Fjelsted, Colfax.  
Thomas D. Smith, Fairchild.  
William F. Pfleuger, Manitowoc.

## HOUSE OF REPRESENTATIVES

FRIDAY, February 27, 1925

The House met at 10:30 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Heavenly Father, that all is well. Therefore we lift our breath to Thee in common thanksgiving and bless Thee for daily care. Gladden all hearts and direct all minds. Always lead us with a gentle constraint to bear and forebear. So abide with all of us that we may work with courage and understanding; endure all hardship with patience and crown all faithful service with success. May goodness and gratitude be the expressions of our daily conduct. Amen.

The Journal of the proceedings of yesterday was read and approved.

## ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF LEXINGTON AND CONCORD

The SPEAKER. By authority which was given to the Chair by a recent vote passed by the House the Chair appoints Mr. JOHN J. ROGERS, of Massachusetts, a member of the committee to attend the celebration of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord. As the committee now stands it consists of Mr. ROGERS of Massachusetts, Mr. DALLINGER, Mr. MORTON D. HULL, Mr. GALLIVAN, and Mr. MONTAGUE.

## REREFERENCE OF A BILL

Mr. JONES. Mr. Speaker, I desire to prefer a unanimous-consent request. Day before yesterday the Senate passed Concurrent Resolution No. 36, providing for a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes. That

resolution was handled by the Committee on Agriculture in the Senate. A similar resolution was introduced in the House and referred to the Committee on Rules. I desire to ask unanimous consent that that resolution be referred from the Committee on Rules to the Committee on Agriculture.

The SPEAKER. The gentleman from Texas asks for a rereference of the resolution as indicated. Is there objection?

Mr. SNELL. Mr. Speaker, that would be entirely contrary to the custom and practice of the House, and therefore I shall have to object.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following letter:

FEBRUARY 26, 1925.

Hon. FREDERICK H. GILLETT,  
*Speaker, House of Representatives,*  
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as a member of the Committee on the Post Office and Post Roads.

Respectfully,

FIORELLO H. LAGUARDIA.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present. We ought to have the membership of the House here to take up these bills, some of which are very important. I insist on the point of order.

The SPEAKER. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Anthony	Edmonds	Kunz	Roach
Barbour	Evans, Mont.	Lampert	Robinson, Iowa
Berger	Fairchild	Langley	Rogers, Mass.
Boies	Fairfield	Lee, Ga.	Rogers, N. H.
Britten	Favrot	Lilly	Salmon
Browne, N. J.	Fitzgerald	Linthicum	Sanders, Ind.
Browne, Wis.	Fredericks	Logan	Sanders, Tex.
Buckley	Freeman	Lowrey	Schall
Butler	Fuhrmann	McLeod	Scott
Byrnes, S. C.	Funk	McNulty	Sears, Fla.
Canfield	Gallivan	Madden	Sites
Carter	Gambrill	Magee, Pa.	Snyder
Casey	Garber	Milligan	Sproul, Ill.
Celler	Garner	Mills	Sullivan
Clancy	Gasque	Minahan	Sweet
Clark, Fla.	Geran	Moore, Ill.	Swoope
Cole, Ohio	Green	Nelson, Wis.	Taylor, Colo.
Cooper, Ohio	Greenwood	Nolan	Tinkham
Corning	Guyer	O'Brien	Tucker
Croll	Howard, Okla.	O'Sullivan	Tydings
Crowther	Hull, William E.	Peavey	Vare
Curry	Hull, Tenn.	Perkins	Voigt
Davey	Johnson, Ky.	Phillips	Ward, N. Y.
Dempsey	Johnson, S. Dak.	Prall	Wolf
Dickstein	Johnson, W. Va.	Quayle	Wood
Dominick	Jost	Ransley	Wurzbach
Doyle	Kent	Rathbone	
Drane	Kiess	Reed, Ark.	
Eagan	Kindred	Reed, W. Va.	

The SPEAKER. Three hundred and sixteen Members have answered to their names; a quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 11444. An act 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; and

H. R. 10020. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2879. An act for the relief of James E. Jenkins;

S. 2503. An act for the relief of W. H. King;

S. 1573. An act for the relief of Samuel S. Weaver;

S. 2527. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; and

S. 1237. An act 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 message also announced that the Senate had passed the following Senate concurrent resolution:

Senate Concurrent Resolution 34

*Resolved by the Senate (the House of Representatives concurring),* That there is hereby established a joint congressional commission to be known as the "Joint Commission for the Investigation of the Public Domain" to be composed of five Senators appointed by the President of the Senate, and five Members elect of the House of Representatives for the Sixty-ninth Congress, to be appointed by the Speaker. The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including the cession of the public lands to the States, grazing lands, forest reserves, and other reservations and lands withdrawn from entry. The commission shall elect a chairman from among its members, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment.

For the purpose of this resolution, the commission, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to employ such experts and clerical, stenographic, and other assistants, to cause such maps to be prepared, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as the commission deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. It shall be the duty of any governmental establishment, upon request by the commission, to cooperate with and render assistance to the commission in carrying out the provisions of this resolution. The expenses of the commission 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 vouchers properly approved. The commission shall make final report to the Congress as to its findings and such other reports, together with recommendations for such legislation as it deems necessary. The commission shall cease to exist upon the presentation of its final report but not prior thereto.

Attest:

GEORGE A. SANDERSON, *Secretary.*

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1948. An act 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;

H. R. 5261. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12300. An act to amend section 281 of the revenue act of 1924.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bill and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4264. An act 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 Military Affairs.

S. Con. Res. 34. Concurrent resolution providing for joint commission for investigation of the public domain; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5236. An act for the relief of Mrs. M. J. Adams;

H. R. 5261 An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Ban-

ner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12300. An act to amend section 281 of the revenue act of 1924.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, 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. 8522. An act granting to certain claimants the preference right to purchase unappropriated public lands;

H. R. 12192. An act to authorize the creation of game refuges on the Ozark National Forest in the State of Arkansas;

H. R. 11978. An act granting the consent of Congress to the Commissioners of McKean County, Pa., to construct a bridge across the Allegheny River;

H. R. 11706. An act to authorize the construction of a bridge across the Pend d'Oreille River at or near the Newport-Priest River Road crossing, Washington and Idaho;

H. R. 9634. To provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve;

H. R. 9535. An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes; and

H. R. 11753. An act 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 CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

The first business on the Consent Calendar was the bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians.

The Clerk read the title of the bill.

The SPEAKER. 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 in his discretion to sell and to convey title on behalf of the United States of America, to the city of Los Angeles, certain lands in California heretofore purchased by the Government for the relief of homeless Indians, namely: Lot 55 of the Owens Valley Improvement Co.'s subdivision No. 1, as shown on a map filed in book No. 1, page 41, of the map records of Inyo County, containing approximately 16.61 acres; and the northerly 429 feet of lot 141 of the Owens Valley Improvement Co.'s subdivision No. 2, as shown on a map filed in book No. 1, page 42, of the map records of Inyo County, containing approximately 13 acres: *Provided*, That the consideration to be received for the lands shall be determined by the Secretary of the Interior and the amount for which the entire area may be sold shall not be less than the total cost of the lands and of the improvements to the Government: *Provided further*, That the sum of \$1,060.75 shall be segregated from the proceeds of this sale and deposited in the Treasury to the credit of the reimbursable appropriation by the act of May 24, 1922 (42 Stat. L. p. 560), for irrigation work on miscellaneous projects in district No. 4: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to use the remainder of the proceeds, exclusive of the sum of \$1,060.75 expended for irrigation improvements, in purchasing other land in California, with such improvements as may be appurtenant thereto, for the relief of homeless Indians of that State, and the money when deposited in the Treasury shall be set apart and reserved for that purpose.

The bill was ordered to be read a third time, was read the third time, and passed.

REIMBURSEMENT OF CERTAIN CIVILIAN EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6723) to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to reimburse civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed through the fire which occurred

in the light-drill department of said station on February 20, 1923: *Provided*, That the expenditures herein authorized shall be paid from the unexpended balance of the appropriation "Pay, miscellaneous, 1923."

The bill was ordered to be engrossed and read a third time, was read the time time, and passed.

ISSUANCE OF MEDALS OF HONOR, DISTINGUISHED SERVICE CROSSES, ETC.

The next business on the Consent Calendar was the bill (H. R. 10526) 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.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman reporting the bill if there is any particular reason why that should be extended to this time? I desire to point out to the gentleman that as time passes on friendships, connections, and all sort of factors enter into the awards of these medals, and I believe there should be a dead line sometime, somewhere.

Mr. REECE. Well, it was the idea of the committee that a dead line ought to be made at the expiration of two years.

Mr. LAGUARDIA. Does not the gentleman believe that now, when it is seven years since the armistice, another year would give the War Department an opportunity? Would the gentleman accept such an amendment?

Mr. REECE. Yes. If the House thinks that is sufficient time, it will be agreeable to me.

Mr. LAGUARDIA. I will offer an amendment at the proper time, if the House does not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the eighth paragraph under the caption "Medals of honor, distinguished-service crosses, and distinguished-service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons or the representatives of deceased persons who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of three years from and after the approval of this act.

SEC. 2. Proportional representation on the board of awards shall be given to all component parts of the Army of the United States.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment, to strike out "three" and insert "one."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 2, strike out "three" and insert "one."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer an amendment at the end of line 10, on page 1.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 1, at the end of line 10, insert "or to any person otherwise entitled to receive it who distinguished himself during the World War by exceptionally meritorious services rendered to the Government, and a civilian in a position of great responsibility."

Mr. BLANTON. Mr. Speaker, I make a point of order against that. It is not germane to the purposes of the bill or of any paragraph in it.

The Speaker will note that this bill is only for ex-service men who were engaged in one of the branches of the service. The amendment of the gentleman from Missouri [Mr. DYER] seeks to extend this privilege not only to ex-service men but to civilians, and this bill has no connection whatever with civilians. It is not to grant any relief whatever to civilians or to confer any distinction on them.

The SPEAKER. The Chair will hear the gentleman from Missouri.

Mr. DYER. Mr. Speaker, the provision I have offered is contained in the original statute under which the medals were formerly issued, and this is only to extend the time of the

whole statute instead of a part of the statute. Service medals have been issued to civilians as well as to those who served in the Military Establishment, and while under the bill of the gentleman from Tennessee [Mr. REECE] it limits it to military men, this is to extend it to both, as the statute originally provided, and is satisfactory to the gentleman from Tennessee.

The SPEAKER. Is the original statute the same, both in war and in peace?

Mr. DYER. The original statute provided for the issuance of these service medals to those who served in the Military Establishment and to those who had rendered distinguished service.

The SPEAKER. Is it in one section?

Mr. DYER. It is in the same section.

The SPEAKER. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Speaker, I wish to be recognized in opposition to the amendment.

The SPEAKER. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Speaker, in the confusion and noise perhaps some gentlemen have not realized the purpose of the amendment offered by the gentleman from Missouri [Mr. DYER].

Under the statute the President is authorized to award distinguished-service crosses for conduct in action over and beyond the call of duty; also the distinguished-service medal, as the name of the medal implies, for distinguished military service.

Now, gentlemen, the War Department has been rather careful in awarding these crosses. It is now seven years since the armistice, and if you are going to open the doors so that civilians, Y. M. C. A. representatives, and contractors, if you please, can come in seven years after the war and make claims to medals of honor, then you are going to so lower the value of that medal that boys who risked their lives to get it will not consider it worth anything.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. They will soon be granting these medals to these cost-plus 10 per cent cantonment men?

Mr. LAGUARDIA. Yes.

Mr. DYER. The gentleman knows that under the law the President can not issue these medals except to those who are otherwise entitled to receive them and who have rendered exceptionally meritorious service. It can not be tendered to anybody.

Mr. LAGUARDIA. If any civilian rendered meritorious service, I think we should know about it before this time.

Mr. HILL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. Mr. Speaker, I want to say to the gentleman, although it is somewhat embarrassing for me to object to this bill, that I am not in favor of it for the reason that we ought to know by this time that there were a great many men in the division who got awards who ought to have had them, and others who did not get them because it was put on the same comparative basis. I do not like to see the whole thing opened up and put upon a different basis.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. The purpose of the present bill is simply to extend the time granted in a former bill, and not to take in a lot of other people?

Mr. LAGUARDIA. Yes. I hope the amendment will be voted down.

Mr. GARRETT of Tennessee. Mr. Speaker, of course the gentleman from Missouri [Mr. DYER] is within his parliamentary rights in offering this amendment, and I make no criticism of him for so doing. But if it had been known that this amendment was to be offered I am sure it would have been objected to if there had been any probability of the amendment being adopted. Now, there is bitter opposition to the amendment, and I am wondering if the gentleman would be willing to withdraw it.

Mr. DYER. If the gentleman will permit—

Mr. GARRETT of Tennessee. The gentleman from New York has the floor.

Mr. LAGUARDIA. I will yield to the gentleman from Missouri.

Mr. DYER. This only extends the act itself, instead of a part of the act, as is contemplated by the bill of the gentleman from Tennessee. That bill extends a part of the act to the military, while this amendment extends the whole act, just as the law itself.

Mr. JEFFERS. Will the gentleman from New York yield?

Mr. LAGUARDIA. I yield to the gentleman from Alabama.

Mr. DYER. Mr. Speaker, at the suggestion of the gentleman from Tennessee I am perfectly willing to withdraw the amendment.

The SPEAKER. The gentleman withdraws the amendment. 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.

#### RELIEF OF PERSONS IN THE NAVAL SERVICE DURING THE WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT

The next business on the Consent Calendar was the bill (H. R. 11924) to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill affects 100,000 accounts which have been passed upon by the Comptroller General adversely. Some of them are meritorious, but there are many of them, involving large amounts, which are not meritorious, and for that reason I object.

Mr. ANDREW. Will the gentleman withhold his objection long enough for me to make an explanation?

Mr. BLANTON. I will withhold my objection if the gentleman wants to make a speech.

Mr. ANDREW. I do not want to make a speech, but I would like to make an explanation of the bill.

The SPEAKER. Does the gentleman from Texas intend to object?

Mr. BLANTON. I do.

The SPEAKER. Then the Chair thinks the gentleman ought not to take up the time of the House.

Mr. McSWAIN. I trust the gentleman from Texas will withhold his objection long enough for me to make a statement which, I think, will appeal to his good judgment.

Mr. BLANTON. I have some of these accounts in my office which I know the gentleman himself would not approve.

Mr. DENISON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. BLANTON. I object, Mr. Speaker.

#### CURRENT AND CONTINGENT EXPENSES OF THE BUREAU OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 5335) 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."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, because of the attitude of the department concerning this matter, I object.

#### MEDAL COMMEMORATIVE OF THE NORSE-AMERICAN CENTENNIAL

The next business on the Consent Calendar was the bill (H. R. 12160) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, is there anyone who can give me some information about this bill? Unless I can get some information about it I shall object.

Mr. KVALE. Mr. Speaker, I can give the gentleman information about the bill.

Mr. BEGG. What does the Secretary say about it?

Mr. KVALE. The Secretary is very willing to have this bill pass, I will say to the gentleman.

The SPEAKER. Is there objection?

Mr. BEGG. I shall not object, Mr. Speaker.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4230.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute a Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That a medal, not to exceed in number 40,000, with appropriate devices, emblems, and inscriptions commemorative of the arrival in the United States of the first shipload of Norse immigrants on board the sloop *Restaurationen*, which event is to be celebrated at the Norse-American Centennial on the Minnesota State Fair Grounds June 6 to 9, 1925, inclusive, shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia. The medals herein authorized shall be manufactured, subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the Norse-American Centennial (Inc.). The medals so prepared shall be delivered at the Philadelphia Mint to a designated agent of said Norse-American Centennial (Inc.) upon payment of the cost thereof.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill will be laid on the table.

There was no objection.

#### PENALTIES FOR VIOLATION OF THE NAVIGATION LAWS

The next business on the Consent Calendar was the bill (S. 2399) to provide and adjust penalties for violation of the navigation laws, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. 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 be added at the end of section 4472, Revised Statutes, as amended, the provision: "That the owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than \$500, for which the automobile shall be liable."

The bill was ordered to be read a third time, was read the third time, and passed.

#### AMENDMENT TO THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 5194) to amend the Judicial Code by adding a new section to be numbered 274D.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the legal effect of this bill?

Mr. MONTAGUE. If the gentleman will permit, this is a bill to incorporate into the Federal procedure a practice adopted by some 12 States of the Union, by a great many foreign countries, by Great Britain for about 35 years, and by Scotland for nearly 400 years, for the rendition of "declaratory judgments." It is intended to simplify, expedite, and economize Federal procedure by the exercise in the main of preventive remedies. It is to be put into effect by rules to be promulgated by the Supreme Court. It is a most wholesome and just procedure.

Mr. SABATH. And this has been recommended by the American Bar Association?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Does it apply only to procedure in the District courts?

Mr. MONTAGUE. It applies to Federal district courts and the courts of the District of Columbia.

Mr. MOORE of Virginia. I mean, does it only apply to courts of original jurisdiction?

Mr. MONTAGUE. Yes.

The SPEAKER. Is there objection?

Mr. COLLINS. I object, Mr. Speaker.

Mr. GRAHAM. Will not the gentleman reserve his objection?

Mr. COLLINS. I will reserve it.

Mr. GRAHAM. I would like to say that this bill was approved by the American Bar Association. It received the approval of the Judiciary Committee, and I understand is generally approved in the Department of Justice and also by the courts. It comes to us thus recommended, and in addition I want to say to the gentleman that a bill similar to the

provisions of this measure is in force in Scotland and has been for four centuries.

Mr. COLLINS. Mr. Speaker, I know what is in the bill, and I object.

#### BRIDGE ACROSS RAINY RIVER, MINN.

The next business on the Consent Calendar was the bill (H. R. 11702) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River.

The Clerk read the title of the bill.

The SPEAKER. 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 consent of Congress is hereby granted to the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rainy River at a point suitable to the interests of navigation, between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and Rainy River, Ontario, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Dominion of Canada.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS THE SABINE RIVER NEAR ORANGE, TEX.

The next business on the Consent Calendar was the bill (H. R. 11920) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill, S. 4087.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the act approved May 13, 1920, authorizing the Orange Chamber of Commerce, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Sabine River at or near the city of Orange, Tex., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date of approval hereof.

Sec. 2. The States of Texas and Louisiana, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and approaches thereto constructed under the authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States, or political subdivision or divisions, may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to revise and reenact the act entitled 'An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.'"

A similar House bill was laid on the table.

#### LEASING OF RESTRICTED INDIAN ALLOTMENTS NOT OVER 10 YEARS

The next business on the Consent Calendar was the bill (H. R. 10983) providing for the leasing of restricted Indian allotments for a period not exceeding 10 years.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. I object, Mr. Speaker.

Mr. WILLIAMSON. Will the gentleman withhold his objection a moment?

Mr. BEGG. I withhold it.

Mr. WILLIAMSON. By the act of June 25, 1910, there was a law passed which provided for a leasing period of five years. It has been found that that leasing period for all practical purposes can not be utilized upon the Indian reservations.

Mr. BEGG. That is the question that is causing the objection. Why is not a five-year period long enough time for any man to lease for grazing?

Mr. WILLIAMSON. It is long enough to lease for grazing, but the purpose of this bill is to lease it for purely agricultural purposes and to get white people to break up the land and cultivate it and put improvements on it and put it in shape for the Indians.

Mr. BEGG. Then I am certainly against it. I object, Mr. Speaker.

INDIANS OF CALIFORNIA TO SUBMIT CLAIMS TO COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12123) authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SABATH. I reserve the right to object, Mr. Speaker.

Mr. FREE. I make the objection, Mr. Speaker.

TO AUTHORIZE THE CROW TRIBE OF INDIANS OF MONTANA TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12129) authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, reserving the right to object, this bill is practically identical with the one we just passed over, and would not the gentleman from California withhold his objection a moment to the other bill?

Mr. FREE. I intend to object to both of these bills. If the gentleman wants to make a statement, I will withhold the objection; but I am going to object to both of them.

The SPEAKER. If the gentleman is going to object, I do not think he ought to take up the time of the House by withholding it.

Mr. FREE. I object, Mr. Speaker.

APPROPRIATING MONEY TO PURCHASE LANDS FOR THE CLALLAM TRIBE OF INDIANS IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. 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 appropriated, out of moneys in the Treasury of the United States not otherwise appropriated, the sum of \$600,000, to be paid per capita to the Clallam Indians of the State of Washington upon enrollment of said Indians to be made under the direction of and to be approved by the Secretary of the Interior: *Provided*, That before payment to the individual Indians they shall relinquish in writing all claims of any nature against the United States under any treaty, agreement, or act of Congress and agree to accept such payment in full satisfaction of any and all claims whatsoever ag'inst the United States: *And provided further*, That the shares of minor children shall be retained in the Treasury of the United States, where they shall draw interest at the rate of 3½ per cent per annum until such minors reach the age of majority under the laws of the State of Washington, after which such minors shall be paid their shares upon application to the Secretary of the Interior; that not more than 10 per cent of the amount appropriated, and in no event not more than \$15,000 thereof, shall be paid to the attorney employed by the tribe under contract approved by the Secretary of the Interior.

The Clerk read the following committee amendments:

Page 1, line 5, strike out "\$600,000" and insert "\$400,000."

Page 2, line 3, strike out the word "and."

Page 2, line 5, strike out "3½" and insert "4."

Page 2, line 9, after the word "Interior," insert "*And provided further*, That the interest accumulated at the end of any fiscal year to the credit on the shares of any minor child may be disbursed, under the direction of the Secretary of the Interior, to the parent or parents or guardians of such minor child or children."

Page 2, line 9, after the word "That," strike out all down to and including the word "event" in line 10.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

GEORGE W. ENGLISH

The next business on the Consent Calendar was the 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.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I call attention of the House to the futility of investigating Federal judges. We appointed a special committee to investigate Judge Baker, of West Virginia. That committee spent a lot of the people's money investigating. The evidence showed that whisky and intoxicating liquors confiscated by the court was used by the court and his officers personally, yet there has not been a single move made to remove this man from office. What is the use of investigating Federal judges just when we are about to adjourn, unless some move is made for the removal of the offenders? Is it just for a junket? I object to taking this bill up. And under the permit granted me to extend my remarks, I want to show enough about the investigation of Judge Baker to show my reason for objecting. With all due respect to the subcommittee handling this Baker investigation, I firmly believe that they have whitewashed this Federal judge, when they should have taken action to remove him from office.

THIRTY-THREE SPECIFIC CHARGES AGAINST JUDGE BAKER

Hon. T. A. Brown is the United States attorney in that district. In April, 1924, he sent to the Speaker of this House a letter and complaint, which letter I quote as follows, to wit:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE UNITED STATES ATTORNEY,  
Parkersburg, W. Va., April 19, 1924.

Hon. FREDERICK H. GILLETT,

*Speaker of the House of Representatives, Washington, D. C.*

SIR: I herewith inclose you copy of charges preferred against William E. Baker, judge of the United States District Court for the Northern District of West Virginia, concerning which I called to see you a short time since. I am sending these charges direct to you, hoping that you may find some way whereby action may be taken thereon.

The conditions existing in this judicial district have become a notorious scandal, not only a disgrace to the judiciary but a disgrace to the country that "smells to heaven."

I will not attempt to review these charges in this communication; I only ask you to read them. They speak for themselves. I believe you will agree with me that if these charges are true and can be sustained by proof that Judge Baker should be impeached and removed from office. If they are not true and are falsely made against him, then I as a public official should be unceremoniously dismissed from the office that I now hold. If Judge Baker is an innocent man, he and his friends at this moment—in fact, long ago—should have demanded a hearing on these charges, to the end that he might be vindicated; but instead of them pursuing this course they have been moving heaven and earth to prevent a hearing.

These charges, in the form of a report on conditions in this district, were filed by me with the Attorney General more than a year ago. The Department of Justice regarded the document with such seriousness that it was transmitted to the Judiciary Committee of the House of Representatives, the Attorney General saying at the time, as I am informed, that the Department of Justice would not take the responsibility of withholding the report from Congress. What recommendation or what communication accompanied my report when the same was filed with the Judiciary Committee I am unable to say, as I have never seen it nor have I had any intimation as to its contents. The Department of Justice took the position that the only power that could act in a matter of this kind affecting a Federal judge was through Congress. I am therefore formally calling your attention to these charges, which can be established by competent evidence.

As United States attorney, it is my duty to enforce the Federal laws to the best of my ability in this judicial district against all offenders, high and low, rich and poor, and the powerful as well as the weak. In presenting the case of Judge Baker to the Congress of the United States I am appealing to the only tribunal that possesses the power, under the Constitution, to enforce the law against a Federal judge as to offenses of the kind and character involved in these charges.

The substance of these charges is generally known and discussed not only throughout this judicial district but throughout the State of West Virginia. From time to time they have been mentioned and, in a veiled way, discussed in the public press of the State. If they are untrue and can not be substantiated by competent evidence, an investigation of them can in no way injure Judge Baker, but under the circumstances a vindication will relieve him of the stigma under which he now rests. On the other hand, if they are true, his punishment should be speedy and decisive.

When I felt compelled from a sense of duty and decency to file with the Department of Justice a report as to conditions in this judicial district involving the judge of the district court, it was not a pleasant task; it is not a pleasant task on my part now to formally file these charges with you, but as an officer of this Government it is my duty to do so, and that duty is now performed.

T. A. BROWN, *United States Attorney.*

The charges made by said United States attorney against said Judge Baker, which he originally filed with the Department of Justice, embraced in detail 33 specific charges of misconduct, and were duly sworn to by said attorney, under the following form of affidavit, viz:

T. A. Brown personally appeared before me this — day of April, 1924, and being by me first duly sworn, did depose and say that he is now the United States attorney for the northern district of West Virginia; that he has read and inspected the charges above set forth against William E. Baker, judge of the district of West Virginia Court of the United States for the Northern District of West Virginia, and that he believes said charges to be true as is therein alleged; that the same can be sustained by ample and proper proof; that he has personal knowledge of many of the offenses and violations charged therein, and that he has interviewed various persons residing in West Virginia relative to said charges, who state that they are familiar with the said charges and the facts of the same, and that said charges are true, and that the said persons are ready to appear and testify to the truth of the same before any committee or other body authorized to administer oaths, and that in many instances information concerning said charges have been voluntarily brought to this affiant by persons who apparently thought it was their obligation as a citizen of the United States and of the State of West Virginia to give such information that justice should be done in the premises. (P. 387 of hearings.)

I wish that I had the time to analyze the evidence given before the subcommittee and to explain its probative effect, but at this particular moment I have not the time. I do want to call attention to some of the evidence submitted relative to this Federal judge drinking intoxicating liquor, being under its influence, and confiscating to his own use liquor taken from others by prohibition officers.

**SWORN EVIDENCE OF J. FRED CLAYTON**

**STATE OF WEST VIRGINIA,**

*County of Ohio, to wit:*

This day personally appeared before me the undersigned authority, J. F. Clayton, who, being of lawful age and by me first duly sworn, deposes and says as follows: That for several years prior to January 1, 1924, he was a State prohibition officer for the State of West Virginia, and as such appeared frequently as a witness in the Federal court over which William E. Baker presided as judge; that he frequently appeared as such witness in cases of violations of the Volstead Act, assisting Federal prohibition officers, and by reason of his frequent appearance in the said Federal court became quite well acquainted with the officers thereof, and particularly the said Judge William E. Baker.

Affiant further says that during the — term, 1922, of the Federal court held at Wheeling he was asked by an attaché of said court to get some whisky or liquor for the said Judge Baker, and in accordance with said request on the same evening went with the said attaché to a certain room in the McLure Hotel in the city of Wheeling, taking with him 2 quarts of Canadian whisky and 1 quart of Gordon dry gin. Affiant says that shortly after he went into said room with the said attaché Judge Baker made his appearance herein with another attaché of the court, and at that time a bottle of the whisky was opened and all persons present took a drink therefrom, including the said Judge Baker. Affiant says that shortly afterwards he withdrew from the said room, leaving the said liquor and gin in the possession of Judge Baker and the said attachés.

Affiant further says that on another occasion, while the said William E. Baker was attending a term of the Federal court in Wheeling as the presiding judge thereof, affiant saw him in an intoxicated condition in the lobby of the said McLure Hotel; that affiant's attention had been called to the said Judge Baker's condition by Charles Sharp, a night officer or watchman in the business district of the city of Wheeling, and in company with the said Charles Sharp affiant went into the said hotel lobby and saw the said Judge Baker in the condition just described. Affiant says that the said Judge Baker's condition was so apparent that affiant and the said Charles Sharp commented on it at the time.

And further affiant sayeth not.

[SEAL.]

Taken, sworn to, and subscribed before me, the undersigned authority, this 6th day of May, 1924.

[SEAL]

WM. J. GOMPERS,

*Notary Public of, in, and for Ohio County, W. Va.*

My commission expires November 21, 1924.

This State prohibition officer, Clayton, either told the truth or he did not. If he told the truth, Judge Baker ought to be removed from office. If he did not tell the truth, then Clayton should be prosecuted for false swearing. Clayton corroborated in every detail the sworn evidence of United States Attorney Brown.

**TESTIMONY OF GEORGE L. HANNEN**

I quote excerpts from the testimony of Witness Hannen:

Mr. SCHUCK. When was it that you quit work as Federal prohibition officer?

Mr. HANNEN. On the last day of September, 1921.

Mr. SCHUCK. Previous to that time, I will ask you what, if any liquor, any bonded liquor, had come into your charge as Federal prohibition agent in the northern district?

Mr. HANNEN. I had bonded liquor.

Mr. SCHUCK. Shortly before the time that you quit your work as Federal prohibition officer, I will ask you if you had any bonded liquor in your charge; and if so, how much?

Mr. HANNEN. Well, I had quite a lot of it; I think around 800 quarts.

Mr. SCHUCK. Eight hundred quarts?

Mr. HANNEN. Yes.

Mr. SCHUCK. What was the kind of liquor that you had at that time that composed those 800 quarts?

Mr. HANNEN. Well, we had many different brands. We had Old Crow, McGuiness Bros., and Old Horsey liquor.

Mr. SCHUCK. Did you have any Overholt liquor?

Mr. HANNEN. Yes; Old Taylor liquor. We had quite an assortment.

Mr. SCHUCK. Sam Thompson liquor?

Mr. HANNEN. Yes; we had Sam Thompson. We had almost every good brand on the market.

Mr. SCHUCK. I will ask you how you had obtained that liquor.

Mr. HANNEN. Well, we captured it in different places, different parts of the district.

Mr. SCHUCK. As I understand, you were the agent in charge?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. And as such had charge of this liquor?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Just tell fully what became of the 800 quarts, so far as you know.

Mr. HANNEN. I had an order of court to turn them over to the United States marshal, Mr. Smith.

Mr. SCHUCK. What do you mean by an order of court?

Mr. HANNEN. It was an order issued at Martinsburg, dated September 27.

Mr. SCHUCK. By Judge Baker?

Mr. HANNEN. By Judge Baker, and signed by Mr. Coffman, his clerk.

Mr. SCHUCK. Have you still got that order?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Where is it now?

Mr. HANNEN. I think I have it here.

Mr. SCHUCK. Will you let us see it, please?

Mr. HANNEN. This is it.

Mr. SCHUCK. How was this liquor packed or crated, if you know?

Mr. HANNEN. That liquor was in suit cases, in grips, and gunny sacks, and boxes. There were, if I remember rightly, 10 cases that never had been broken, in pints. They were Old Chickencoop liquor that had never been opened. I had captured them just that way and stored them away.

Mr. SCHUCK. After the time that the liquor was surrendered, did you at any time see the liquor again?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. By the way, who were the marshals, if you know, that came for the liquor; who got it?

Mr. HANNEN. Mr. Adams—Howard Adams.

Mr. SCHUCK. You say that you saw the liquor subsequent to that; where was it?

Mr. HANNEN. In the city of Clarksburg.

Mr. SCHUCK. How long was that after you had surrendered the liquor?

Mr. HANNEN. I do not know. I had an office in that building and I came down one day out of the building and there was Howard Adams and John Koontz with a lot of liquor.

Mr. SCHUCK. Both of them were United States deputy marshals?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Did you identify or recognize the liquor that you had turned over to them as being the same liquor you saw there?

Mr. HANNEN. Yes; lots of the suitcases and grips were still there; sacks, boxes, and there were 8 or 10 of those pints. They were right there just like they had received them.

Mr. SCHUCK. Where had it been stored in the meantime, after you had delivered it up to the time you saw it, if you know?

Mr. HANNEN. I do not know; they brought it out of the bank.

Mr. SCHUCK. Was there any necessity for holding or keeping that liquor?

Mr. HANNEN. I did not think so.

Mr. SCHUCK. Was there, so far as you know, any use for it in the trial of cases?

Mr. HANNEN. We had no use for it at all.

Mr. SCHUCK. They were going to take part of it to Elkins?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Is that where Judge Baker was living at that time?

Mr. HANNEN. I presume he was.

Mr. SCHUCK. I will ask you whether there was any liquor that had been taken and held at Wheeling?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. How much was that?

Mr. HANNEN. Sixty-four quarts.

Mr. SCHUCK. I will ask you, Mr. HANNEN, If you were present one night in the McClure Hotel during a term of court at Wheeling, I believe, in May, 1921?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. I will ask you if you saw Judge Baker and others there in the lobby of the hotel that night?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. Who were there, that you saw, that were connected with the United States court?

Mr. HANNEN. There were Judge Baker; Mr. Coffman.

Mr. SCHUCK. Mr. Wade Coffman?

Mr. HANNEN. Yes.

Mr. SCHUCK. You mean the clerk of the court?

Mr. HANNEN. The clerk of the court. And Mr. Barrett here, the deputy clerk; Tom Joyce.

Mr. SCHUCK. Who was at that time a deputy marshal?

Mr. HANNEN. He was deputy marshal; and myself. I do not remember any others.

Mr. SCHUCK. What occurred that night, if you know, with reference to the taking of any liquor upstairs in the hotel by any of those gentlemen?

Mr. HANNEN. We were sitting around the hotel lobby in different squads, talking. Judge Baker and Mr. Coffman left the lobby, walked out. I did not pay any attention to where he was going. They were not gone but a few minutes until Tom Joyce went out, and while he was gone Judge Baker and his clerk came in and went upstairs on the elevator. Young Mr. Barrett here and myself sat around a little while and after a few minutes we decided that we would go to bed and retire. We walked over to the elevator, but before we got there Tom Joyce had entered from the street, coming in this way [illustrating]. I do not know what street it is from, toward the post office, and he had a package under his arm. It was a big envelope, like the one the judge has here. It was perhaps that big and it had the appearance of looking like bottles—quart bottles. Of course, I could not see; it was under his arm. When we got there and pushed the button to go up on the elevator, instead of Mr. Joyce going up on the elevator with us, he stepped back, and we went up on the elevator, but he did not go on the elevator with us. I do not know where Mr. Barrett went, but I went to my room.

Mr. SCHUCK. What did you do the next morning about that?

Mr. HANNEN. I did not do anything about it.

Mr. SCHUCK. What did you do with reference—

Mr. HANNEN (interposing). Oh, yes; I went over to see Mr. Conrad.

Mr. SCHUCK. Who was Mr. Conrad?

Mr. HANNEN. He was the deputy clerk that had this 64 quarts.

Mr. SCHUCK. That was part of this 800 quarts you are talking about?

Mr. HANNEN. Yes; part of the 800. I said to him, "John, you let the marshal have 2 quarts of that liquor last night, didn't you?" He said, "Yes. He came over and got a couple of quarts of it."

Mr. SCHUCK. Who did he say sent him for it?

Mr. HANNEN. He said Judge Baker wanted it.

Mr. SCHUCK. I will ask you if you saw Judge Baker on the bench the next morning?

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. What did his appearance indicate to you?

Mr. HANNEN. Well, he looked like he had a little party.

Mr. SCHUCK. What do you mean by that?

Mr. HANNEN. He looked like he had been drinking.

Mr. SCHUCK. What were the indications that led you to that conclusion?

Mr. HANNEN. Well, his eyes were red and he looked just like a man that had had too much liquor.

Mr. SCHUCK. Did you smell any fumes of liquor on him at that time?

Mr. HANNEN. No, sir.

Mr. SCHUCK. What have you to say with reference to an occurrence at Clarksburg sometime previous to that, to a demand made on you for liquor for Judge Baker?

Mr. HANNEN. There was a man came to me and wanted 2 pints of liquor for Judge Baker. I told him he could not get it.

Mr. SCHUCK. Who was that man?

Mr. HANNEN. It was the commissioner over there, Mr. A. L. Lohn.

Mr. SCHUCK. You mean the United States commissioner at that time?

Mr. HANNEN. I do not know whether he was commissioner at that time or not. I do not know whether he had left office or not; whether he had resigned or whether he was out.

Mr. SCHUCK. Were you in court at Clarksburg the next morning?

Mr. HANNEN. After he wanted the liquor?

Mr. SCHUCK. Yes.

Mr. HANNEN. Yes, sir.

Mr. SCHUCK. What took place there? Did the court open at the usual hour?

Mr. HANNEN. No, sir; we stood around waiting for Judge Baker quite a little bit. He came in about 11 o'clock or a little later.

Mr. SCHUCK. What was his condition at that time?

Mr. HANNEN. Well, he looked like he had had another party.

Mr. DYER. Mr. HANNEN, what do you mean by a party?

Mr. HANNEN. He looked like he had been drinking.

#### ABLE BRIEF FILED WITH COMMITTEE BY ATTORNEYS

I have not time now to quote other similar testimony from other witnesses, but after the subcommittee had taken 387 pages of testimony, most of the defensive evidence being of such character that little probative force and effect may be given to same, Messrs. J. Bernard Handlan, Charles J. Schuck, H. O. Hiteshew, and Howard D. Matthews, as attorneys for United States Attorney Brown, complainant, filed with the Committee on the Judiciary an able brief, showing that action should be taken against Judge Baker to remove him from office. They called attention to the fact that from Judge Baker's own defense witness, whom Judge Baker called to the stand, Mr. Welch, it was proven that Judge Baker drank liquor while holding court. Quoting:

Mr. SCHUCK. Did you ever smell it out of court?

Mr. WELCH. I have smelled his breath at the office at one time, in the evening, when I thought he had had a drink, but I don't know.

Mr. SCHUCK. From what you smelled, you felt reasonably sure he had?

Mr. WELCH. Well, it smelled like other people's breath when they take a drink once in a while.

Mr. SCHUCK. And that was during the term of court, was it not?

Mr. WELCH. It was in this office over there.

Mr. SCHUCK. It was during a term of court, was it not?

Mr. WELCH. Yes, sir.

I quote further from this able brief the following:

Charles Sharp, a disinterested witness, testified that he saw Judge Baker drunk in the McLure House in Wheeling during a term of court in October, 1922. Fred Clayton, a former prohibition agent, testified to the same fact. A. T. Barrett, chief clerk in the office of the United States marshal, testified to the same fact. W. B. Pierce, a Federal prohibition agent, testified that he saw Judge Baker in the Waldo Hotel in Clarksburg, during a term of Federal court, in April, 1924, under the influence of liquor. Charles J. Schuck, former special assistant in the United States attorney's office, Howard D. Matthews, former assistant in said office, H. O. Hiteshew, a former special assistant in said office, neither of whom are any longer connected with that office, all testified to having seen Judge Baker under the influence of liquor, and with the odor of liquor upon his breath while in the discharge of his official duties, not to mention the testimony of other persons still connected with the office of the United States attorney.

It is inconceivable that all of these persons would deliberately swear falsely against Judge Baker. No fair-minded person can read this testimony without coming to the conclusion that Judge Baker has indulged in the use of intoxicating liquor since he has been on the bench in violation of the law and of the Constitution. Indeed he admits having drank in private homes. In the absence of proof that such liquor was possessed by the owners of said homes prior to the adoption of the eighteenth amendment, the presumption is that the liquor was possessed in violation of the law. (See sec. 38 of title 2, national prohibition act.)

We insist that Judge Baker has not put himself in a position to claim that he was justifiable, under the law, in the use of the intoxicating liquor which he admits he did use. If the liquor which he admits he consumed in private homes was not in the lawful possession of his hosts, he not only violated the national prohibition act but he was guilty of being a party to a conspiracy to violate a Federal statute. He has not cleared his skirts on this point, and in the absence of evidence showing that the liquor he consumed was legally in the possession of his hosts, he stands convicted by his own testimony. The record as it now stands would justify a grand jury in

returning an indictment against him for violating the national prohibition act and for violating section 37, Federal Penal Code, which makes it a violation for two or more persons to conspire together to violate any Federal statute.

## CONFISCATION OF 800 QUARTS OF CONTRABAND LIQUOR

In reference to this charge we submit that the evidence taken before the subcommittee clearly shows that this large quantity of liquor seized by the prohibition agents was confiscated and converted to their own use by Judge Baker; John Koontz, United States deputy marshal; I. Wade Coffman, clerk of the district court, and others. It is true there is no direct evidence given by any witness who actually saw Judge Baker receive or have in his possession any part of this liquor, but it is shown that this liquor was in the possession of Federal Prohibition Agent Hannen, at Clarksburg, in April, 1921, and that it was no longer necessary to hold said liquor as evidence, as all of the cases in which it was involved had been disposed of. The prohibition agent informed Judge Baker personally of this fact and asked him for an order directing its destruction. It is further shown that the same prohibition agent importuned the court for a destruction order at the Wheeling May term, 1921, and also at the Elkins July term, 1921.

This order was refused. An order was entered at the Martinsburg September term, 1921, directing this agent to turn this liquor over to the United States marshal. This order was complied with. At the October Wheeling term, 1921, an order was entered by Judge Baker upon his own motion directing that all liquors seized by the Federal officers under the national prohibition act should be delivered into the custody of the United States marshal at Elkins, and there to be stored in a fireproof vault. There was no fireproof vault in the marshal's office in Elkins, the only one available being in the clerk's office. In fact, the marshal's office was at that time located at Fairmont. Upon this order Judge Koontz, who had been appointed a deputy at the special request of Judge Baker, and whose home is in Elkins, the same town in which Judge Baker resides, went to Clarksburg and took possession of the greater part of this liquor, took it to Elkins, stored it in the vault in the clerk's office, from which it disappeared.

It is shown by the testimony of A. T. Barrett, chief clerk in the marshal's office, that Koontz said Judge Baker sent him to Clarksburg after the liquor, and when asked what had become of the liquor, Koontz replied, "That they drank some of it, gave some of it to their friends, and that they still had some of it up there yet." This conversation took place more than a year after the liquor had been removed to Elkins.

Without going further into the evidence on this question, we submit that the facts before this committee are sufficient to convince any set of fair-minded men that Judge Baker and his associates are guilty of a conspiracy to obtain possession of this liquor for the purpose of converting it to their own use.

## JUDGE BAKER SHOULD BE IMPEACHED

It is my candid judgment that United States Attorney Brown made out his case against Judge Baker by evidence additional to his own and that this judge should be put out of office. I do not believe in whitewashes. I believe in applying the same rules to the high and low alike. If we are to spend thousands of dollars investigating judges and then whitewash them, the money is wasted. The foregoing are my reasons for objecting to this bill to have another investigation. Very likely Judge English deserves it. If he does, there will still be plenty of time when we convene again. But we are now almost ready to adjourn, and this investigation, after all, may turn out to be a junket sojourn in Chicago for several months during recess.

Mr. DYER. Mr. Speaker, I wish to say a word with reference to the statement made by the gentleman from Texas, which does not correspond with the facts in reference to the investigation of Judge Baker. I do not think it is proper that a charge of that kind should be spread upon the records of the House, and I ask permission to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DYER. Mr. Speaker, in pursuance of the resolution of the House the Judiciary Committee made an investigation of the charges against Judge Baker. The subcommittee took the testimony of numerous witnesses, and there was no testimony presented to show that Judge Baker at any time had anything to do, directly or indirectly, with the use of any confiscated liquor. The report of the committee, composed of Democrats and Republicans, the subcommittee and the full committee, was unanimous.

Mr. BOWLING. Mr. Speaker, I ask unanimous consent for one minute on this proposition.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWLING. Mr. Speaker, in that connection I merely want to say that the charge that Judge Baker had anything to do with the consumption of liquor confiscated was abandoned by the prosecution and withdrawn on their own motion.

Mr. BLANTON. I object.

## MEDALS OF AWARD TO EXHIBITORS OF INTERNATIONAL EXPOSITION AT CHICAGO, ILL.

The next business on the Consent Calendar was House 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 Exposition of Chicago, Ill., held in December, 1924.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Resolved, etc.*, That the amount of the appropriation for the fiscal year 1925 for all necessary expenses for investigation and experiments in animal husbandry, authorized to be used for the purpose of awarding medals to exhibitors of champion and first prize winners at the International Livestock Exposition held in Chicago in December, 1924, with the view of stimulating livestock production along purebred lines and to commemorate the twenty-fifth anniversary of that great international exposition, is hereby authorized to be increased from \$1,000 to \$4,948.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

## SALE OF CORPUS CHRISTI HOSPITAL

The next business on the Consent Calendar was the bill (S. 2100) authorizing the sale of the United States Veterans' Hospital at Corpus Christi, Tex.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask who purchased this veterans' hospital, when it was liable to be inundated and it never had a patient in it?

Mr. GIBSON. Answering the gentleman, at the close of the war this hospital was taken over by way of lease by the Public Health Service.

Mr. BEGG. I would like to know what officer was responsible for such a blunder.

Mr. GIBSON. Later, by act of Congress, an appropriation was made for its purchase.

Mr. BEGG. Under and by whose recommendation?

Mr. GIBSON. I can not say; but it was purchased under an act of Congress for \$120,000. It has since been practically destroyed by a tropical storm. It is not now in use and there is no intention of using it.

Mr. BEGG. I would like to have it passed over, and I would like to find out something about it. What are they going to get for it?

Mr. GIBSON. From \$150,000 to \$160,000.

Mr. BEGG. Mr. Speaker, I withdraw my objection.

Mr. LAGUARDIA. Further reserving the right to object, at this same period of time there were others authorized, and now they are after authority to sell them. I shall not object to this, because I think it is the best thing for us to do, but I hope the membership of the House will be more careful in appropriating for these things hereafter.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Director of the United States Veterans' Bureau is hereby authorized to have appraised and after advertisement to sell to the highest bidder or bidders as a whole or in parcels, in his discretion and on such terms as he deems proper, the United States Veterans' Bureau hospital reservation at Corpus Christi, Tex., and to make, execute, and deliver all needful conveyances. The director shall have the right to reject any and all bids. The net proceeds of such sale or sales shall be paid into the Treasury of the United States as miscellaneous receipts.

The bill was ordered to be read a third time, was read the third time, and passed.

## REGULATING STEAM ENGINEERING IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11701) to amend the act entitled "An act to regulate steam engineering in the District," approved February 28, 1887.

The Clerk read the title of the bill.

The SPEAKER. 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 act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, is amended:

(a) By inserting in the title, after the word "steam," the words "and other operating."

(b) By inserting in section 1, after the word "steam," the words "and other operating."

(c) By inserting in section 2, before the words "steam boilers," the words "engines and" and by omitting after the words "steam boilers" in such section the words "and engines."

(d) By inserting in section 3, after the word "steam," the words "or other operating."

(e) By inserting in section 4, after the word "steam," the words "or other operating."

(f) By inserting after the word "steam," in both places where it occurs in section 5, the words "or other operating."

(g) By striking out in section 6 the words "steam boiler or engine" and inserting in lieu thereof the words "any engine or steam boiler," and by striking out the word "knowingly," in such section.

(h) By inserting after the word "such" where it occurs for the second time in section 6 the following: "or any person operating without a license or in violation of the provisions of this act."

(i) Insert between the words "steam" and "engine" the words "or other operating."

(j) Change the word "fifty" in section 6 to "forty."

(k) Omit the following words in section 6: "and in default of payment of such fine shall be confined for a period of one month in the workhouse of the District of Columbia."

(l) After the words "where the water returns to the boiler," in section 6, insert the words "by gravity" and omit the words "and which are worked automatically."

(m) By striking out the period at the end of section 7 and adding the words "having reciprocity with the District of Columbia."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### DONATIONS OF FURNITURE TO THE WHITE HOUSE

The next business on the Consent Calendar was S. J. Res. 163, to accept donations of furniture and furnishings for use in the White House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That with a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design, the officer in charge of public buildings and grounds is hereby authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House. All such articles thus donated to become the property of the United States and to be accounted for as such.

Sec. 2. The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, line 4, after the word "American," insert the word "all."

Mr. BLANTON (when the Clerk had read section 1). Mr. Speaker, I shall not take more than a moment. There ought not to be some one between the American people and the President to say what furniture shall be accepted and what shall be rejected. It ought to be left to the President himself, and furniture that is donated to the White House and sent there for the use of the President ought at least to reach the notice and attention of the President of the United States. Some intermediary officer ought not to be authorized to stop it and to never let it come to the attention of the President. I understand that some patriotic American citizen in the city of Baltimore sent to the White House a piece of furniture for the use of the President of the United States, for his own personal benefit and use, and that a secretary stopped it and will not even let the President know about it.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. I have examined the gentleman's amendment, and I think he has it in the wrong place. As it is now it would read, if adopted, "specimens of the early American all furniture." I think it must be in the wrong place.

Mr. BLANTON. But this was American furniture that I refer to. It was a hobbyhorse sent here from Baltimore.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk concluded the reading of the joint resolution.

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

#### MEMORIAL TO JOHN ADAMS AND JOHN QUINCY ADAMS

The next business on the Consent Calendar was the bill (H. R. 12261) authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, are there any precedents for appropriating money for the erection of memorials in the home cities of former Presidents?

Mr. LUCE. Not that I am aware of. We have taken notice of the burial places of former Presidents. We have just passed a resolution, which I think the President has signed within the last two or three days, in the matter of President Zachary Taylor at Louisville. Of course, the conditions differ in different places. President Taylor was interred in a field at some distance from the center of any town or city. The two Adamses, father and son, are interred in the Unitarian Church in Quincy, and, of course, in such a situation as that it is difficult to make the same provision as was made in the case of President Taylor.

Mr. FROTHINGHAM. Mr. Speaker, on the matter of precedents I cite to the gentleman that the same thing was done in the case of Thomas Jefferson, and \$10,000 was appropriated in the case of John Tyler.

The SPEAKER. 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 sum of \$5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### BRIDGE ACROSS THE HUDSON RIVER BETWEEN NEW YORK AND NEW JERSEY

The next business on the Consent Calendar was the bill (S. 4178) to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill if either the Legislature of the State of New York or the Legislature of the State of New Jersey has appropriated the initial expense to the port authority for the construction of any of these bridges?

Mr. PARKER. Mr. Speaker, in answer to the gentleman, I wish to state these are ordinary bridge bills in the ordinary form. The first step always in building a bridge over a navigable stream is to get the consent of the Congress to build a bridge. After that the money is raised, never before that I have ever known anything about. These bills are absolutely in the form that all bridge bills come before the House.

Mr. LAGUARDIA. The gentleman will recall a positive statement made on the floor of this House by the gentleman from New York [Mr. MILLS] that the New Jersey Legislature had passed one house and within two days from the time he was speaking that the New Jersey Legislature would appropriate the initial expenses. Since that time I am informed that the State of New Jersey sent back one of those bills and no action has been taken by the New Jersey Legislature.

Mr. PARKER. In answer to the gentleman, I wish to state that all we are doing anywhere is granting to the Port Authority of New Jersey and New York the right to build a bridge; that is all we do, and we are not depriving anybody else of any rights whatsoever.

Mr. LAGUARDIA. How is that? The gentleman says we are not depriving anyone of their rights whatsoever?

Mr. PARKER. Absolutely.

Mr. LAGUARDIA. Is the gentleman willing to put the time at two years?

Mr. PARKER. The ordinary period is three years.

Mr. LAGUARDIA. The gentleman knows you can not compare this project with any bridge bill that has ever been introduced in the history of the country.

Mr. PARKER. The gentleman wants me to confine it to two years or one year, but here is a project which entails an expenditure of probably \$150,000,000.

Mr. LAGUARDIA. Exactly.

Mr. PARKER. And it is absolutely impossible to limit it to less than the specified time of three years. I do not desire to take up the time of the House; if the gentleman is going to object, let him object.

SEVERAL MEMBERS. Regular order!

Mr. BEGG. If the gentleman will permit, the gentleman says nobody can be harmed by this bill at all.

Mr. PARKER. Not a bit.

Mr. BEGG. Now, we can grant this permit to the two States who are to build this bridge, and if there is any favoritism or anything liable to happen, the place for the gentleman to fight is in his own legislature.

Mr. PARKER. Absolutely.

Mr. LAGUARDIA. I am going to offer an amendment to reduce the term to two years.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and seventieth Street and One hundred and eighty-fifth Street, borough of Manhattan, New York City, with a point approximately opposite thereto in the borough of Fort Lee, Bergen County, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years and it shall be completed within seven years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 4, strike out the word "three" and insert the word "two"; and on that I would like to be heard.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word "three" and insert in lieu thereof the word "two."

Mr. LAGUARDIA. Mr. Speaker and gentlemen, I ask for an audience and a hearing on my amendment. Gentlemen, this project can not be compared with the ordinary bridge bill that comes before us and passes as a matter of routine.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I will in a moment. This is a bridge which will span the Hudson River and will be the largest bridge in the world. A few days ago the gentleman from New York [Mr. MILLS] made the positive statement on the floor of the House that the New Jersey Legislature had already appropriated for the initial expenses for the construction of this bridge. I took issue with him at the time. To date the New Jersey Legislature has not appropriated one cent, and neither has the Legislature of the State of New York. Now, what you are doing is you will delay for three years the bridge by passing this bill instead of expediting its construction. I submit to the House that if the State of New York and State of New Jersey are really in earnest about construction of this bridge, that two years' time is sufficient to grant the authority provided for in the bill before us now. There is no need of a three-year period. Gentlemen, I can understand your attitude, because you are not familiar with the local situation surrounding the so-called port authority.

Mr. WATKINS. Will the gentleman yield?

Mr. LAGUARDIA. There has not been one cent appropriated to date for construction purposes, and all they will do with this authority is to peddle it on the market as they have peddled the Shore Line Railroad, even before we authorized it. Now, in all good faith I appeal to the proponents of this bill, if they are really in earnest about it, not to oppose this amendment; and I say that two years' time granted to the Legislatures of the States of New Jersey and New York is sufficient to start this project going.

Mr. BEGG. The question I wanted to ask the gentleman is, Why is not this bridge project entitled to three years if every other bridge project gets three years?

Mr. LAGUARDIA. Because, I say to the gentleman, the time is ripe now to build this bridge and that the personnel of this agency that we are selecting is simply playing with it; that they have neither the ability nor the requirements to build this bridge or any other bridge.

Mr. BEGG. I will say to the gentleman that that is to be fought out in the States and not in a legislative tribunal like Congress.

Mr. LAGUARDIA. You gentlemen should be willing to at least hear the facts from the Representatives in the locality. I hope the amendment will be accepted.

Mr. PARKER. Mr. Speaker, I simply want to make a plain statement: That the whole delegation from New York State and the delegation from New Jersey are in favor of this proposition with the exception of the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. 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.

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] A quorum is present. The Clerk will report the next bill.

#### BRIDGES ACROSS ARTHUR KILL BETWEEN NEW YORK AND NEW JERSEY

The next business on the Consent Calendar was the bill (S. 4179) to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridges shall be commenced within three years, and they shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. 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.

#### BRIDGE ACROSS THE KILL VAN KULL

The next business on the Consent Calendar was the bill (S. 4203) 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 title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Kill Van Kull, at a point suitable to the interests of navigation, at or near Bayonne, on the New Jersey side, and at or near Port Richmond, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years, and shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. 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. The Clerk will report the next bill.

#### BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 11818) granting the consent of Congress to the construction of a bridge across the Rio Grande.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to W. J. Stahmann, Edgar D. Brown, L. N. Shafer, and associates, their successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rio Grande, at a point suitable to the interests of navigation, at or near a point 2 miles south of the town of Tornillo, Tex., in the lower San Elizario Grant, in the county of El Paso, on the American side of the river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Republic of Mexico.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. 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. The Clerk will report the next bill.

#### PAN AMERICAN CONGRESS OF HIGHWAYS

The next business on the Consent Calendar was the resolution (H. J. Res. 336) to provide for the expenses of delegates of the United States to the Pan American Congress of Highways.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

#### BRIDGE ACROSS THE ST. LOUIS RIVER

The next business on the Consent Calendar was the bill (H. R. 12025) to authorize the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a toll bridge and approaches thereto, for street railway, wagons, carriages, automobiles, vehicles, animals, foot and other passengers, across the St. Louis River, between the city of Superior, Wis., and the city of Duluth, Minn., said bridge to be constructed as a lift bridge or pivot drawbridge, from Belknap Street, or within one-half mile north or south thereof, in the city of Superior, Wis., to Leseur Street, or the vicinity thereof, in the city of Duluth, Minn., in accordance with the provisions of the act entitled

"An act to regulate the construction of bridges across navigable waters," approved March 23, 1906: *Provided*, That it shall be optional with the owners of said bridge as to whether the same is constructed so as to provide for street railway.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill granting the consent of Congress for the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn."

Mr. DENISON. Mr. Speaker, there was so much confusion that I did not hear the title of the bill read. If the Clerk is now reading No. 735 on the calendar, I desire to ask unanimous consent to take up the Senate bill in lieu of the House bill, The Senate bill is S. 4325, now on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto, across the St. Louis River at a point suitable to the interests of navigation, from Belknap Street, or within one-half mile north or south thereof, in the city of Superior, Wis., to Le Suer Street, or the vicinity thereof, in the city of Duluth, Minn., 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 cities of Duluth, Minn., and Superior, Wis., may jointly, or either may, with the consent of the other, at any time after 10 years after the completion of said bridge, purchase the same. The purchase price shall be the reasonable value of said bridge, including approaches, right of way, and accessory works. In such value the bridge shall be considered as having the license to continue, but such license or franchise shall not be considered to have a value of exceeding \$1,000, and nothing shall be allowed for going concern value. The item of cost of financing the construction shall be considered, but it is not intended that any specific sum of money therein expended must be added to the purchase price otherwise determined. Such value shall be determined by such board of arbitration as may be selected by the corporation and said cities, and in the event of disagreement, then upon request of either the bridge company or the cities by the Secretary of War. When such determination is made it shall be filed with the city clerks of the respective cities of Duluth, Minn., and Superior, Wis. The said bridge company shall file with the Secretary of War and the city clerks of the cities of Duluth and Superior within six months after the completion of said bridge and works an accurate report, verified by its treasurer, of the expenditures made by the company in such construction and purchase of right of way and accessories and cost of financing construction, and likewise shall file with the Secretary of War and the city clerks of such cities within said time after the expenditure thereof, verified report of any additional improvements afterwards made thereon. The books of said company shall be open to audit by either city at any time upon demand of proper officials.

In the event of any incumbrances upon said bridge property, the amount thereof, with accrued interest, but not to exceed the purchase price, shall be first paid direct to the owners or holders thereof and applied upon the purchase price: *Provided*, That if the amount of such incumbrances exceeds the purchase price, then the payment of such purchase price to the owners or holders of such encumbrances shall fully extinguish the same, and same shall be paid in order of their priority of lien.

Upon payment of said purchase price, within four months after the filing with said city clerks of the determination thereof, the said Twin Ports Bridge Co., its successors and assigns, shall execute and deliver a conveyance of said bridge to the purchaser or purchasers and assign all rights and grants hereunder. The limitation herein as to the four months shall not bar subsequent purchase under the provisions of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. 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. Without objection, the similar House bill will lie on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

## SALARIES OF OFFICERS AND EMPLOYEES OF DISTRICT OF COLUMBIA COURTS

The next business on the Consent Calendar was the bill (H. R. 8210) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON, Mr. MOORE of Virginia, and Mr. LOZIER objected.

Mr. GRAHAM. I hope the gentlemen will withhold their objection.

Mr. BLANTON. Five or six of us will object.

The SPEAKER. The Chair thinks if gentlemen are going to object, no more time should be taken on it.

Mr. GRAHAM. Mr. Speaker, not to pass this bill would be a great injustice to the employees of the Supreme Court of the District of Columbia.

Mr. BLANTON. We have abandoned all hope of cutting down taxes for the taxpayers of the United States unless we can stop some of these bills from passing.

Mr. GRAHAM. That statement is just about as reliable as the statements that the gentleman usually makes.

Mr. BLANTON. And that statement of the gentleman is just about as reliable as the bills he reports and the statements he usually makes.

The SPEAKER. Objection is made.

## ADDITIONAL JUDGE IN THE DISTRICT OF MARYLAND

The next business on the Consent Calendar was the bill (H. R. 5083) to create an additional judge in the District of Maryland.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. MOREHEAD, and Mr. ALLEN objected.

Mr. HILL of Maryland. Mr. Speaker, I ask the gentlemen to reserve their objection for just a moment.

Mr. BLANTON. We are unalterably opposed to the bill.

Mr. HILL of Maryland. I want to call the gentlemen's attention to the fact that this bill is unanimously reported favorably by the Judiciary Committee, both Democrats and Republicans. I ask the gentlemen to give us a chance to have the bill brought up for a vote.

The SPEAKER. Is there objection?

Mr. SUMNERS of Texas. Mr. Speaker, I shall also have to object.

## PAYMENT OF CLAIMS ARISING OUT OF THE OCCUPATION OF VERA CRUZ, MEXICO

The next business on the Consent Calendar was the bill (S. 2506) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KING, Mr. BLANTON, and Mr. MOREHEAD objected.

## PUBLIC BUILDING AT DECATUR, ALA.

The next business on the Consent Calendar was the bill (H. R. 374) to increase the limit of cost of public building at Decatur, Ala.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG, Mr. LOZIER, and Mr. LEAVITT objected.

## PURCHASE OF A PAINTING ENTITLED "PEACE"

The next business on the Consent Calendar was the bill (H. R. 4848) to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. MOREHEAD, and Mr. KING objected.

## DISCHARGE OR RETIREMENT OF CERTAIN WARRANT OFFICERS OF THE ARMY MINE PLANTER SERVICE

The next business on the Consent Calendar was the bill (H. R. 204) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3977, which is an identical bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill as follows:

*Be it enacted, That the Secretary of War is hereby authorized and directed to reappoint and immediately discharge or retire as herein-after directed all warrant officers, Army Mine Planter Service, discharged from such service pursuant to the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922: Provided, That warrant officers of the Army Mine Planter Service of less than 10 years' service be discharged with payment of one year's pay; or those of more than 10 years' and less than 20 years' service be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay, multiplied by the number of complete years of such service; or those of more than 20 years' service be placed on the unlimited retired list with pay at the rate of 3 per cent of their active pay, multiplied by the number of complete years of such service, not exceeding 75 per cent of their active pay: Provided further, That in computing length of service for retirement and in computing longevity pay under the provision of this act service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted: And provided further, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service.*

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

## PROBATION SYSTEM IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (S. 1042) to provide for the establishment of a probation system in the United States courts, except the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. MOREHEAD, and Mr. KING objected.

## RELIEF OF SUFFERERS FROM THE FIRE AT NEW BERN, N. C.

The next business on the Consent Calendar was the bill (H. R. 12029) for the relief of sufferers from the fire at New Bern, N. C., in December, 1922.

The Clerk read the title of the bill.

The SPEAKER. 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 action of the War Department in directing the issue and the issuance of quartermaster stores out of the reserve stores for the field service of the Army, of a value not exceeding \$10,546.56, and in directing the expenditure of \$11.74 from "Signal service of the Army, 1923," and of \$17.28 from "Army transportation, 1923," for the relief of sufferers from the fire at New Bern, N. C., in December, 1922, is approved; and credit for all such supplies so issued and funds so disbursed shall be allowed in the settlement of the accounts of the officers of the Army.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

## RELIEF OF SUFFERERS FROM CYCLONE IN NORTHWESTERN MISSISSIPPI

The next business on the Consent Calendar was the bill (H. R. 12030) for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, I reserve the right to object in order to ask unanimous consent that H. R. 12123, No. 721 on the calendar, and H. R. 12129, No. 722 on the calendar, retain their places on the calendar, the gentleman from California [Mr. FREE] having withdrawn his objection.

The SPEAKER. The gentleman from Montana asks unanimous consent that H. R. 12123 and H. R. 12129, to which the

gentleman from California [Mr. FREE] objected, be returned to the calendar, the gentleman from California having withdrawn his objection. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the bill last reported?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the action of the War Department in directing the issue and the issuance of quartermaster stores out of the reserve stores for the field service of the Army of a value not exceeding \$4,582.33 for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923, is approved; and credit for all such supplies so issued shall be allowed in the settlement of the accounts of the officers of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

POSTHUMOUS APPOINTMENT TO COMMISSIONED GRADES OF CERTAIN ENLISTED MEN

The next business on the Consent Calendar was Senate Joint Resolution 124, to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the resolution for some explanation of it.

Mr. WAINWRIGHT. Mr. Speaker, this resolution has a purely sentimental significance. It will require the expenditure of no public moneys. Its purpose is simply to authorize the Secretary of War to issue these posthumous commissions as a measure of solace to the bereaved families of those soldiers who had been actually appointed to commissioned grade or in the case of commissioned officers who had been recommended for promotion but died before actually receiving their commissions. It covers the cases of enlisted men who for valor or other meritorious service were appointed to commissioned grade, or who after having successfully completed the course at an officer's training camp were recommended for commission by the officer in charge; and in the case of officers, those who for similar cause were recommended for promotion where the recommendation was approved by higher authority. It has the full approval of the War Department and is reported unanimously by the Committee on Military Affairs.

Mr. HUDDLESTON. May I ask the gentleman a question? Will it affect the compensation to be paid to any of the dependents of these men?

Mr. WAINWRIGHT. Not at all. I call the gentleman's attention to the last paragraph of the bill, where it is provided that the enactment of this measure shall entitle no one to a bonus, gratuity, or any public money.

Mr. HUDDLESTON. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school, and through no fault of his own, was unable to accept the commission for such grade by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death.

Sec. 2. That the President be, and he is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for appointment or for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the

date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death.

Sec. 3. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any officer of the Army of the United States who, after having been examined and found duly qualified for promotion, died or shall die in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death.

Sec. 4. That no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of the resolution.

With the following committee amendments:

Page 1, line 8, after the word "grade," insert the following: "or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school."

Page 1, line 9, after the word "accept," strike out the word "such" and insert in lieu thereof the word "the."

Page 1, line 9, after the word "commission," insert the words "for such grade."

Page 2, line 11, after the word "for," insert the words "appointment or for."

Page 3, line 2, at the end of the line strike out the words "since April 6," and the figures "1917" on line 3.

The committee amendments were agreed to.

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

GARABED FREE-ENERGY GENERATOR

The next business on the Consent Calendar was the joint resolution (H. J. Res. 190) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, and so forth," approved February 8, 1918.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. BLANTON, Mr. MOREHEAD, and Mr. MERRITT objected.

APPROACH ROADS TO NATIONAL CEMETERIES AND NATIONAL MILITARY PARKS

The next business on the Consent Calendar was the bill (S. 2745) to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to have a little information about this. Why is this necessary?

Mr. HILL of Alabama. This simply saves the Federal Government spending money in the maintenance of these roads that are not used entirely for these parks.

Mr. BEGG. Where is this expected to be done?

Mr. HILL of Alabama. The Secretary of War did not so state in his letter. You will recall that last year this House appropriated \$50,000 for a road of this kind in Mississippi. Some of these roads are used for general purposes much more than for egress from or ingress to these military parks and cemeteries. Lots of them are parts of State highways or National highways, and this is to save the Government this money in maintenance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he hereby is, authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery or national military park: *Provided*, That prior to the delivery of any conveyance under this act the State, county, or municipality to which the conveyance herein authorized is to be made

shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

The bill was ordered to be read a third time, was read the third time, and passed.

APPOINTMENT OF A LEADER FOR THE ARMY BAND

The next business on the Consent Calendar was the bill (H. R. 11253) to provide for the appointment of a leader of the Army band.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to substitute the bill (S. 3824) which is similar to the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to appoint a warrant officer of the Regular Army leader of the Army band, who, while holding such appointment, shall receive, in lieu of any and all pay and allowances as warrant officer, the base pay and the allowances of a captain of the Regular Army in the third pay period and shall be entitled to longevity pay provided for an officer for each three years of service under such appointment plus any previous active commissioned service under a Federal appointment which the appointee may have had, but shall not be entitled to pass to a higher pay period. The leader of the Army band may be relieved from his appointment as such and returned to his former status at the discretion of the Secretary of War. Upon retirement he shall be retired as a warrant officer and shall receive the retired pay to which he would have been entitled had he not been appointed and received the pay and allowances of leader of the Army band: *Provided*, That no back pay or allowances shall be allowed to the leader of the Army band by reason of the passage of this act: *And provided further*, That nothing contained in this act shall operate to increase the authorized number of commissioned officers or warrant officers of the Regular Army, nor to decrease the number of warrant officers authorized by law.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

RELIEF OF PERSONS IN MILITARY SERVICE OF THE UNITED STATES DURING WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT NOT INVOLVING FRAUD

The next business on the Consent Calendar was the bill (H. R. 11923) to relieve persons in the military service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. HUDDLESTON, and Mr. BRIGGS objected.

WILD LIFE AND FISH REFUGE ON THE UPPER MISSISSIPPI RIVER

The next business on the consent calendar was the joint resolution (H. J. Res. 335) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge."

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SCHNEIDER, Mr. HUDDLESTON, and Mr. SCHAFER objected.

PROVIDING FOR THE EXTENSION OF PAYMENT ON HOMESTEAD ENTRIES, FORT PECK INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 11752) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. 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 all homestead entrymen (or entrywomen) being actual settlers within the boundaries of the said Fort Peck Indian Reservation are hereby granted an extension of time for payment of one-half the amount, including principal and interest, due and unpaid on their homestead entries until the 1st day of November, 1925, and for payment of the other half until the 1st day of November, 1926; all such amounts to bear interest until the payment dates, at 5 per cent per annum: *Provided*, That upon failure to make complete payment of either installment by any entryman (or entrywoman) the entry shall be canceled and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

Sec. 2. All entrymen (or entrywomen) who have abandoned residence on and cultivation of their entries and who are in arrears in any amounts are hereby required to make payment in full of both principal and interest on or before the 1st day of November, 1925: *Provided*, That all delinquent amounts of both principal and interest shall draw interest at the rate of 5 per cent per annum until paid: *Provided further*, That upon failure to make full and complete payment of both principal and interest on or before the 1st day of November, 1925, said entry or entries shall thereupon be canceled, and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

With the following committee amendments:

Page 1, line 3, strike out the words "homestead entrymen or entrywomen" and insert in lieu thereof "persons who have made homestead entries."

Page 1, line 4, strike out the word "said."

Page 2, line 3, after the word "any" insert "such persons."

Page 2, in lines 3 and 4, strike out "entrymen or entrywomen."

Page 2, line 7, strike out the words "entrymen or entrywomen" and insert in lieu thereof "such persons."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TO PAY CLAIMS TO SIOUX INDIANS FOR LOSS OF HORSES

The next business on the Consent Calendar was the bill (H. R. 12005) authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEGG, Mr. BLANTON, and Mr. HILL of Maryland objected.

MERGER OF STREET RAILWAY CORPORATION, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12087) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object. I want to ask the gentleman does he not believe that the bill is rather broad, there being no provision requiring a physical valuation or fixing the conditions on which nonpaying railroads may be assumed?

Mr. ZIHLMAN. That is taken care of in the general law giving the Public Utilities Commission the power to fix the valuation. This has been reported unanimously by the District Committees of the Senate and the House, and represents all that we can do this session.

Mr. LAGUARDIA. I am not familiar with the public service utility law, but if the gentleman will assure me that the Public Utilities Commission has the power to control the price at which the stock is taken over, I will not object.

Mr. ZIHLMAN. In the general law with reference to the Public Utilities Commission they are given the power to make a physical valuation, and any return is based on the physical valuation and not on the stock.

Mr. HUDDLESTON. Further reserving the right to object, this is a very important piece of legislation, and too important to be passed without consideration.

Mr. ZIHLMAN. This bill was on the calendar to be considered by the committee on District day, but it was impossible to get to it. It is a unanimous report from the District Committees of the House and of the Senate.

Mr. HUDDLESTON. The gentleman will remember that we had up a bill on this subject and it was highly controversial in its provisions. We have no time to consider it now.

Mr. ZIHLMAN. Let me remind the gentleman that this is merely permissive legislation.

Mr. HUDDLESTON. Mr. Speaker, I am constrained to object. The SPEAKER. Objection is heard. The Clerk will report the next bill.

MEMORIAL TO AVIATORS KILLED IN WORLD WAR

The next business on the Consent Calendar was the joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial of those who gave their lives to their country in the aviation service of the Army and Navy and Marine Corps in the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection.

Mr. BLANTON, Mr. LOZIER, and Mr. HILL of Maryland objected.

CREATION OF A LIBRARY OF CONGRESS TRUST FUND BOARD

The next business on the Consent Calendar was the bill (H. R. 12125) to create a Library of Congress trust fund board, and for other purposes.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill and committee amendments.

Mr. BLANTON. Mr. Speaker, I want to say a word on these committee amendments for the benefit of the other body that is to pass on this bill. Let it be understood that it is important, because there has been a donation of \$100,000 made to the Congressional Library. There is no trustee to receive it. Unless this bill passes we can not take charge of that donation. It is a very important bill, and I hope both Houses will consent to pass it.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Senate bill be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That a board is hereby created and established, to be known as the Library of Congress trust fund board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress.

The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library.

The moneys or securities composing the trust funds given or bequeathed to the board shall be received for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the Librarian for the purposes in each case specified; and the Treasurer of the United States is hereby authorized to honor the requisitions of the Librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however*, That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it.

Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per cent

per annum, payable semiannually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: *Provided, however*, That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of \$5,000,000.

SEC. 3. The board shall have perpetual succession, with all the usual powers and obligations of a trustee, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

SEC. 4. Nothing in this act shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified.

SEC. 5. Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes.

SEC. 6. Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to the proviso contained in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106; nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (39 Stat. L. p. 582).

SEC. 7. The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations.

The bill was ordered to be read a third time, was read the third time, and passed.

RELIEF OF PERSONS IN THE MILITARY SERVICE OF UNITED STATES DURING WAR EMERGENCY PERIOD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that Calendar No. 749, to relieve persons in the military service of the United States during the war emergency period from claims of overpayment not involving fraud may be placed back on the calendar, one of the Members who objected having withdrawn his objection.

Mr. BRIGGS. Mr. Speaker, I withdraw my objection.

Mr. HUDDLESTON. I object to the bill being returned.

The SPEAKER. Objection is heard.

EXTENDING WAR FRAUD CASES

The next business on the Consent Calendar was the bill (S. 3913) 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.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINGO. Mr. Speaker, reserving the right to object, the Department of Justice has agreed to accept an amendment of one year, which I understand the gentleman from Pennsylvania is going to offer.

Mr. GRAHAM. Mr. Speaker, that is correct.

Mr. WINGO. With that amendment there is no objection to the bill on this side of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the last proviso of section 51 of the Judicial Code, as amended by the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, is amended to read as follows: *Provided further*, That this act shall be effective for a period of six years after September 19, 1922, after which said section 51, chapter 4, as it exists in the present law shall be and remain in full force and effect.

SEC. 2. That the last paragraph of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, is amended to read as follows:

"This amendment shall be effective for a period of six years after September 19, 1922, after which section 876 as it exists in the present law shall be and remain in full force and effect."

Mr. GRAHAM. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 7, strike out the word "six" and insert in lieu thereof the word "four."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

#### EXCHANGE OF LANDS IN CUSTER NATIONAL FOREST, MONT.

The next business on the Consent Calendar was the bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont.

The Clerk read the title of the bill.

The SPEAKER. 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 lands of the United States within the Custer National Forest, Mont., which have been withdrawn or classified as coal lands or are valuable for coal, may be exchanged under the provisions of the act of March 20, 1922 (42 Stat. L. p. 465), with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

The bill was ordered to be read a third time, was read the third time, and passed.

#### STATUS OF CERTAIN RETIRED OFFICERS, UNITED STATES ARMY

The next business on the Consent Calendar was the bill (H. R. 11546) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military science and tactics at educational institutions.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill No. 2865, an identical bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the authority for detail of retired officers of the Regular Army contained in section 40b and section 55c of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, shall, in either case, be construed to include authority to so detail retired officers of the Philippine Scouts.

SEC. 2. Duty performed by retired officers of the Regular Army and duty performed by retired officers of the Philippine Scouts pursuant to War Department orders issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and the act of May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," and the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service."

SEC. 3. Duty heretofore performed by retired officers of the Philippine Scouts pursuant to War Department orders purporting to have been issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of May 12, 1917, and the aforesaid act of June 10, 1922.

SEC. 4. Duty performed prior to July 1, 1922, by retired officers of the Regular Army and duty performed prior to June 10, 1922, by retired officers of the Philippine Scouts pursuant to War Department orders issued or purporting to have been issued under section 40b or section

55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of promotion of such retired officers on the retired list within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of June 10, 1922.

SEC. 5. Any administrative action heretofore taken by the War Department dependent for validity upon the above-mentioned constructions of the indicated statutes, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and that any pay otherwise due to any retired officers of the Regular Army or the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable.

Mr. REECE. Mr. Speaker, I offer the following amendment, which I send to the desk, to be added as a new section to the bill. The amendment consists of a bill which has already passed the House.

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, after line 4, add the following as a new section:

"That the act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words 'per cent,' in line 27 of section 24 thereof, the following: 'Provided, That any officer so appointed, who has been or may hereafter be retired for physical disability incident to the service, under the provisions of section 1251, Revised Statutes, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement: Provided, That no officer shall be retired for any cause unless the Secretary of War shall certify in writing that such officer is unable to render effective service in any branch or division of the Military Establishment.'"

Mr. MCKENZIE. Mr. Speaker, I make the point of order against the amendment that it is not germane to the bill. The bill under consideration is a bill affecting the active duty of retired Army officers, while the proposed amendment is a proposition to change the retirement law now in force in the Army.

Mr. BEGG. And it incorporates additional branches of the service.

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. REECE. Mr. Speaker, this section and previous sections of the bill amend the act of June 4, 1920.

The SPEAKER. Does this amend the same section?

Mr. BEGG. No.

Mr. REECE. I am not quite sure whether it amends the same section of the act or not, but both have to do with the status of retired officers of the Regular Army.

The SPEAKER. The Chair thinks it very clear that the amendment is not germane, and the Chair sustains the point of order.

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 bill H. R. 11546, a similar bill, was ordered to lie on the table.

#### INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. The gentleman from Indiana calls up a conference report upon the independent offices appropriation bill, which the Clerk will report.

The Clerk read the conference report.

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11505) making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have

agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 13, 14, and 15, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: On page 7 of the bill, in line 7, strike out "\$20,880" and insert in lieu thereof "\$26,880" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$90,000, of which not to exceed \$7,000 shall be available for printing the report of the American Historical Association"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 2, 5, and 11.

WILL R. WOOD,  
EDWARD H. WASON,  
JOHN N. SANDLIN,

*Managers on the part of the House.*

F. E. WARREN,  
REED SMOOT,  
W. L. JONES,  
LEE S. OVERMAN,  
CARTER GLASS.

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Appropriates \$50,000, as proposed by the Senate, for extraordinary repairs to and refurnishing the Executive Mansion, to be expended by contract or otherwise, as the President may determine.

On Nos. 3 and 4, relating to the Civil Service Commission: Appropriates \$32,000, as proposed by the Senate, instead of \$26,000, as proposed by the House, for the examination of presidential postmasters, and makes \$26,880, as proposed by the Senate, instead of \$20,880, as proposed by the House, available for personal services in the District of Columbia; and appropriates \$24,592, as proposed by the Senate, instead of \$21,875, as proposed by the House, for rent of the Civil Service Commission building.

On Nos. 6, 7, 8, 9, and 10, relating to the Smithsonian Institution: Makes \$26,840, as proposed by the Senate, instead of \$19,600, as proposed by the House, available for personal services in the District of Columbia in the appropriation for the astrophysical observatory; appropriates \$77,560, as proposed by the Senate, instead of \$74,560, as proposed by the House, for heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, and makes \$41,580, as proposed by the Senate, instead of \$40,780, as proposed by the House, available for personal services in the District of Columbia; corrects a total in the bill; and appropriates \$90,000, as proposed by the Senate, instead of \$67,000, as proposed by the House, for printing and binding of the Smithsonian Institution, and makes \$7,000 of this sum available for expenditure in the printing of the report of the American Historical Association.

On No. 12: Appropriates \$9,500, as proposed by the House, instead of \$13,500, as proposed by the Senate, for printing and binding for the Tariff Commission, and strikes out the language inserted by the Senate making \$4,000 of the appropriation available for printing an edition of the Dictionary of Tariff Information.

On Nos. 13, 14, and 15, relating to the Emergency Fleet Corporation: Provides for seven employees for the Emergency Fleet Corporation who may receive compensation at a rate not exceeding \$18,000 per annum, as proposed by the Senate, instead of five, as proposed by the House; and corrects the language of the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 2, relating to the detail to the Civil Service Commission of one part-time employee in New York City.

On No. 5, relating to the amendment of paragraph 4 of section 1 of the interstate commerce act, making it unlawful for any carrier to charge or collect a surcharge for accommodations in parlor or sleeping cars.

On No. 11, relating to the participation of members of the Tariff Commission in any proceeding before that commission in which he or any member of his family has any special, direct, and pecuniary interest.

WILL R. WOOD,  
EDWARD H. WASON,  
JOHN N. SANDLIN,  
*Managers on the part of the House.*

Mr. WOOD. Mr. Speaker, I move the adoption of the conference report.

Mr. OLDFIELD. Mr. Speaker, before that is done I have a question or two I want to ask the gentleman from Indiana. I notice on page 26 of the bill amendment No. 11 is with regard to the Tariff Commission. Do the lines from 6 to 13, inclusive, represent what the conferees have agreed upon?

Mr. WOOD. That is an amendment which was brought back to the House.

Mr. OLDFIELD. Does the gentleman expect to move to concur in amendment No. 11?

Mr. WOOD. Yes, with an amendment.

Mr. OLDFIELD. I want to concur in it without an amendment.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 6, line 17, after the figures "\$330,000," add the following:

"Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1926; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force."

Mr. WOOD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 20, amendment No. 5: After line 6 insert:

"That paragraph (4) of section 1 of the interstate commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment, No. 5.

Mr. BARKLEY. Mr. Speaker, I make a preferential motion. I move that the House recede and concur.

Mr. WOOD. Mr. Speaker, I move to divide the the question.

The SPEAKER. Without objection a division is made. The gentleman from Indiana is recognized.

Mr. OLDFIELD. How about time?

Mr. WOOD. I would like to agree upon time. Now is the time for us to agree upon time for discussing this proposition.

Mr. SANDLIN. What time would the gentleman suggest?

Mr. WOOD. I have been conversing with gentlemen both for and against the proposition, and the demands for time will consume about three hours. I ask unanimous consent that the debate upon this proposition be limited to three hours.

Mr. SANDLIN. How divided?

Mr. WOOD. One-half to be controlled by the gentleman from Louisiana and to be divided by him between those who are for and against, and the other half to be controlled by myself on this side, to be divided between those who are for and those against equally.

Mr. SANDLIN. Equally divided?

Mr. WOOD. Yes.

Mr. SANDLIN. That will be satisfactory to me.

The SPEAKER. The gentleman from Indiana asks unanimous consent that there be three hours of debate on this motion, that the time be divided, half to be controlled by the gentleman from Indiana and half by the gentleman from Louisiana, and each half to be divided equally between those for and against. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the necessity at this time when time is precious that there should be three hours debate on this proposition? It will not change a vote and every man in the House knows now how he will vote upon this proposition.

Mr. WOOD. So far as I am concerned I am willing to vote now. [Cries of "Vote!"]

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas [Mr. HOCH].

Mr. BEEDY. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BEEDY. I do not understand, and I do not think the House understood what the question is on which we are to vote.

The SPEAKER. The vote is on the question of receding from the House disagreement.

Mr. BEEDY. And the proposition to debate the proposition for three hours was abandoned?

The SPEAKER. No; that motion will come at the end of three hours.

Mr. HILL of Maryland. The question was divided?

The SPEAKER. Yes. The motion is simply to recede first.

Mr. CHINDBLOM. A parliamentary inquiry? Is this debate of three hours only on the question of receding?

The SPEAKER. It will be on the whole question.

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas.

Mr. BEEDY. Is a motion in order at this time to proceed to vote on the conference report?

The SPEAKER. The House has just agreed to debate the question for three hours.

Mr. BEEDY. The House was in a position to agree to vote without wasting three hours.

The SPEAKER. That was suggested, but the House agreed to the three hours' debate unanimously.

Mr. BEEDY. I move to reconsider the vote.

The SPEAKER. The Chair does not think the gentleman can make that motion. The House agree to the motion unanimously.

Mr. BEEDY. Then I ask unanimous consent—

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Kansas is recognized for 10 minutes.

Mr. HOCH. Mr. Speaker and gentlemen of the House, I appreciate the mood of the House and if you will give me your attention I will endeavor in a very few words to set out what seem to me to be the primary issues involved in this case. I shall take no time to refer to the criticisms which have been spoken in reference to the committee, for all committees are criticized at times, sometimes justly, and sometimes unjustly, and I believe that any man who will take the trouble to look into the facts will conclude that the criticism in this case is unjust. I want to devote myself entirely to the merits of this proposition. I want to state, in the first place, that there seems to be a considerable misapprehension in reference to when this surcharge was imposed. I have heard it frequently referred to here as a tax put on during the war. Now, it is true that there was a tax put on during the war, but this present surcharge has no relation to that tax and nothing to do with it. That tax was during the war for six months and removed in 1918, while this surcharge was put on by the Interstate Commerce Commission in 1920.

Mr. STEPHENS. Will the gentleman yield?

Mr. HOCH. Let me make my statement and then I will yield. In 1920 the commission had before it the whole matter

of revenues, affecting the railroads, and in the proceeding, which is known as *Ex parte 74*, or Increased rates, 1920, the commission determined upon a number of rate increases. In that proceeding the commission increased the basic passenger fare 20 per cent for the whole country—from 3 to 3.6 cents—which is still the fare throughout the country. In that same proceeding the commission increased by a flat horizontal increase all of the freight charges of the country from 25 per cent in some sections of the country to 40 per cent in other sections of the country.

In that same proceeding there was an increase of certain commodity rates, and in that very same proceeding the commission imposed, as a part of this general rate increase, this so-called surcharge upon passengers riding in Pullman cars. And so we have before us not a tax question, but we have simply a rate question.

Now, my friends, it seems to me there are two primary questions presented to us here upon which we are called to act. I have not the time to go into the various technical phases of this question, but I will say in passing that it is a very technical question, and other men here will perhaps go into the various technical phases of the matter.

But I think the issues before us as a legislative body to-day are comparatively simple. They are two, namely, first, Is it wise for the Congress to enter upon a policy of direct, specific, railroad rate making? That is the fundamental question presented to us. The second question is this: If we are, as a legislative body, to enter upon a policy of direct rate making, would we want, if we had the whole matter before us, to go into these increases made in 1920 and give from \$35,000,000 to \$40,000,000 relief to the people who ride in Pullman cars and give not a dollar of relief to anybody else who is burdened by freight or other rates in this country? In my opinion, there can only be one answer to both questions.

Now, it has been said that this is not a rate-making measure.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. HOCH. In a moment I will yield, if I have time. It is claimed that it is not a rate question. There is nothing in the hearing before the Interstate Commerce Commission to justify any such conclusion. When this extra rate, which amounts to about 10 per cent of the basic passenger fare, was imposed in 1920 the commission considered it a rate question, and always considered it to be a rate question. The Interstate Commerce Commission recently decided, after more than a year's investigation into this highly technical question, against at this time removing this surcharge. It is a simple rate question.

Now, let us consider very seriously what it would mean for us to embark upon a policy of specific rate making. Here we have set up a great commission to deal with the whole technical subject. There is none more complex before the Government. That commission is provided with facilities and expert help to go into a question of that sort. But here it is proposed, without those facilities and without that hearing, that Congress shall make an invasion into this domain of rate making and make a sole reduction for the benefit of people who travel in Pullman cars. If we enter upon that sort of policy, we can not consistently say to any other dissatisfied interest which may be dissatisfied with some other decision of the Interstate Commerce Commission or with any existing rates, we can not say to them when they come to us, "No; that is a matter for the Interstate Commerce Commission to determine." And if we establish the policy here proposed, we will have, my friends, railroad rate making not based upon facts, not based upon judicial hearings, but rate making based upon propaganda and politics. Do we propose, my friends, to enter upon that course?

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield there?

Mr. HOCH. Not quite yet.

So much for my first proposition. The second proposition is, assuming that we are to enter upon a rate-making policy by direct legislation, is it the desire of this Congress that we shall look with such preferential favor upon those who ride in Pullman cars? Every man that I speak to now knows, and especially my colleagues from the section of country from which I come know, of the burden of freight rates. You say, "This can be done without interfering with the general revision of freight rates." Gentlemen, we can not deceive ourselves about that. Can anyone contend that we can take from \$35,000,000 to \$40,000,000 from the railroads without affecting freight problems before the commission?

We have now before the Interstate Commerce Commission, for instance, nearing its conclusion, a hearing upon the livestock rates. I need not take time to tell you about the deplorable condition of the livestock industry, where the freight burden is unusually heavy. Its freight burden should be lessened. The need is urgent. Suppose we were to take \$40,000,000 off the revenues of the railroads to-day, now imposed upon people who travel in Pullman cars—

Mr. CONNALLY of Texas. Mr. Speaker, may I interrupt the gentleman now?

Mr. HOCH. In a moment.

We may very well have a situation where the Interstate Commerce Commission would say, "We might have been able to give some relief in this livestock case, but Congress has entered this field and taken away \$35,000,000 to \$40,000,000 from the railroads, and we very greatly regret the fact that we can not grant relief to the livestock industry."

Mr. CONNALLY of Texas. Will the gentleman guarantee that if the House refuses this relief the commission will reduce the rates on livestock? Can the gentleman answer that?

Mr. HOCH. I will answer that question. If we take \$40,000,000 of revenue away from the railroads and give it all to Pullman travelers, we shall have inevitably postponed and lessened relief to the livestock and other farm interests. [Applause.]

If the railroads can stand a reduction of \$40,000,000, then let us give it to those classes who are in most urgent need of a reduction, and not give it all to the favored few who ride in Pullman cars. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. SANDLIN. Mr. Speaker, I yield 45 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I do not want to use all of that time myself, but I am to have control of it. I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. The conference report on the independent offices appropriation bill for 1926 asks the House to reject the Senate amendment relating to the amendment of paragraph 4, section 1, interstate commerce act, making it unlawful for any carrier to charge or collect a surcharge for accommodations in parlor or sleeping cars. The House must squarely vote on the question whether we want the Pullman surcharge of 50 per cent on Pullman rates, which the Pullman Co. collects and turns back to the railroads, to remain in effect or whether we want it repealed. The words of the amendment are as follows:

It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars.

This matter was previously considered by the Interstate Commerce Commission (No. 14785, in the matter of charges for passenger traveling in sleeping and parlor cars; submitted November 24, 1924; decided January 26, 1925). The commission by a peculiar vote of its 11 members sustained the surcharge. Five voted to sustain, four voted to repeal, and two decided that the charge was unjustified to the extent of one-half the amount. It really is a verdict against the surcharge to the extent of one-half. Technically it is a majority opinion in favor of not disturbing the present arrangement.

The decision is most unjust to both sides. It resolves itself into a stalemate. The matter is now up to Congress, therefore, as a sort of appellate court where we shall either affirm or reverse the decision, as it were, of the Interstate Commerce Commission.

1. It is argued by the gentleman from Kansas [Mr. HOCH] and others that if Congress sustains this appeal Congress will then be going into the business of making railroad rates. It is argued that we created the Interstate Commerce Commission with administrative and judicial powers to go into all the facts and circumstances attendant upon rate making and that we did this because Congress had neither the time, inclination, nor the proper facilities for hearing and determining matters appertaining to charges and rates. With all that I quite agree, but this is not a proposition of rate making. It is a question of fixing a policy or principle, in pursuance of which the commission shall hereafter act. The amendment states

that the Interstate Commerce Commission shall no longer have the authority to superimpose upon an established rate any additional charge for Pullman car accommodations.

Furthermore, this supercharge is really a tax and not a rate. The idea of this supercharge harks back to the time of the war in 1918 when the Director General of Railroads (see opinion of Interstate Commerce Commission ex parte 74, in the matter of the applications of carriers in official, southern, and western classification territories for authority to increase rates, 1920, vol. 58, I. C. C. Reports, p. 241) on June 10, 1918, ordered a tax of one-half a cent per mile for Pullman service. The primary purpose of the Director General in setting this tax was to discourage travel. The purpose was to make riding on Pullman cars prohibitive because of the tax. All possible car space was to be used for mobilization purposes. Because of the howl and hue and cry all over the country the tax was repealed on December 1, 1918, after less than six months duration.

This tax was never heard of again until 1920 when the railroads made their general application for increased rates on practically all the kinds of service. Hearings were thereupon had and were about terminated when the Railway Labor Board issued its order increasing railroad labor costs over a half a billion of dollars. The railroads then talked the Interstate Commerce Commission into imposing a tax or surcharge of 50 per cent of the cost of Pullman service, which charge or tax was to be collected by the Pullman Co. and turned over to the railroads. There were no exhaustive hearings on this proposition and little or no deliberation.

The Interstate Commerce Commission had to find a source of revenue and permitted the reinstatement of this Pullman surtax. It was to be of temporary expediency. (See opinion of Interstate Commerce Commission ex parte 74, in the matter of increased rates, vol. 58 I. C. C. Reports, p. 245.) It was to be impermanent, for the duration of the period during which the high labor costs would have to be paid. The commission did not take into consideration actual railroad costs, including overhead, maintenance of way, salaries, interest on investment, and all other costs of operation, in determining this 50 per cent Pullman surtax. It just hit upon a flat tax. Ordinarily when the commission fixes a rate for milk or for railway-mail pay or for express or for any other service it definitely assigns or allocates to that part of the service the expenses reasonably incident to that service. There was no such application of expense incident to the Pullman surcharge. We are not, therefore, engaging upon an enterprise of fixing a rate; we are, more properly speaking, engaged in repealing a tax imposed temporarily, because of conditions which no longer obtain. It is interesting in this connection to note that from 1920 to 1924 the operating revenues of the carriers increased something like \$181,000,000, while during the same period the gross operating expenses decreased something like \$866,000,000. It is undeniable that the Pullman surtax was imposed primarily because of increase in wages granted by the labor board.

If there had been no decrease in railroad wages, or in other expenses making up the gross expenses of operating the roads, there might be some weight to the contention that the carriers need this revenue to meet the increases still in effect. But since the decision of the labor board in 1920, the same board, through its various decisions, has brought about a reduction in railroad labor wages of approximately \$575,000,000, or more than the increases granted in 1920 upon which this surcharge and other increased rates were based.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BARKLEY. Mr. Speaker, I yield the gentleman five minutes more.

Mr. CELLER. I thank the gentleman.

Mr. HUDSPETH. Will the gentleman yield for a brief question?

Mr. CELLER. Yes.

Mr. HUDSPETH. What per cent of this surcharge, or of the \$40,000,000, do the railroads get? I want to get that clear.

Mr. CELLER. All of it; they get all of this amount.

The Interstate Commerce Commission in its decision, attached Appendix B, wherein it is conclusively shown that of the \$37,490,869 raised by surtax in 1923 more than half thereof, or \$19,089,564, went to those great railroads earning over 5 per cent on their book values. I herewith insert this appendix:

## APPENDIX B

*Rate of return and surcharge collections of class I roads having sleeping or parlor car service and earning over 5 per cent on their book values in 1923*

Name of road	Book value, 1923	Net rail-way operating income, 1923	Rate of return on book value, 1923	Sleeping and parlor car surcharge collections, 1923
Detroit, Grand Haven & Milwaukee	\$8,833,912	\$646,654	7.32	\$13,100
Michigan Central	176,281,254	19,388,175	11.00	904,951
New York Central	1,169,916,004	70,667,192	6.04	4,135,789
Pittsburgh & Lake Erie	96,810,040	15,574,505	16.09	38,749
Cleveland, Cincinnati, Chicago & St. Louis	255,076,532	16,691,901	6.54	712,468
Philadelphia & Reading	224,547,213	21,813,109	9.71	72,500
Chesapeake & Ohio	321,907,452	19,135,359	5.94	321,902
Norfolk & Western	336,326,515	19,877,677	5.91	237,572
Richmond, Fredericksburg & Potowmac	25,803,310	2,811,335	10.90	187,956
Alabama & Vicksburg	6,995,350	554,723	7.93	15,004
Alabama Great Southern	30,209,043	2,469,543	8.17	68,017
Atlanta & West Point	5,283,841	345,712	6.54	29,429
Atlantic Coast Line	225,972,920	15,496,609	6.58	736,445
Cincinnati, New Orleans & Texas Pacific	56,047,359	4,856,706	8.67	152,891
Georgia Railroad	13,989,113	1,193,095	8.53	35,931
Louisville, Henderson & St. Louis	9,585,008	589,999	6.16	23,929
Northern Alabama	4,415,475	308,171	6.98	32
Tennessee Central	5,324,147	366,926	6.89	7,739
Western Railway of Alabama	7,178,089	505,889	7.05	39,153
Duluth, Missabe & Northern	47,634,369	10,632,788	22.32	798
Fort Worth & Denver City	30,418,296	2,877,039	9.46	73,923
Union Pacific	387,286,045	28,844,300	7.45	1,115,842
Beaumont, Sour Lake & Western	3,379,287	362,274	10.72	8,283
Gulf, Colorado & Santa Fe	61,082,942	3,963,151	6.49	105,510
Louisiana & Arkansas	13,482,045	850,188	6.31	81
Louisiana Western	10,114,219	932,136	9.22	45,684
New Orleans, Texas & Mexico	18,613,886	1,176,275	6.32	12,060
St. Louis, Brownsville & Mexico	16,568,842	1,905,563	11.50	38,585
St. Louis Southwestern	79,527,914	6,111,138	7.68	29,052
Texarkana & Fort Smith	4,906,527	854,269	17.41	4,854
Vicksburg, Shreveport & Pacific	10,160,160	690,832	6.84	16,820
Wichita Valley	6,033,384	398,106	6.60	1,714
Bangor & Aroostook	31,637,327	1,712,074	5.41	7,266
Delaware & Hudson	120,730,077	6,512,344	5.39	97,344
Delaware, Lackawanna & Western	239,455,375	13,443,543	5.61	248,488
Monongahela	18,038,287	915,772	5.08	2,928
New York, Chicago & St. Louis	182,096,826	9,198,854	5.05	43,528
Pere Marquette	132,012,752	7,086,372	5.37	121,709
Baltimore & Ohio	767,692,447	42,133,130	5.49	906,385
Buffalo & Susquehanna	11,071,602	564,699	5.10	19
Chicago, Indianapolis & Louisville	46,083,572	2,353,034	5.11	129,528
Virginia	122,727,076	5,872,002	5.02	5,266
Florida East Coast	60,867,811	3,165,911	5.20	262,883
Illinois Central	469,324,829	22,906,244	5.65	726,035
Louisville & Nashville	374,031,933	20,673,143	5.53	725,267
Mobile & Ohio	49,420,267	2,695,009	5.45	22,698
Southern Railway	532,521,275	28,128,137	5.28	1,209,894
Duluth & Iron Range	30,848,074	1,758,480	5.70	376
Great Northern	478,309,304	24,731,992	5.17	401,121
Atchison, Topeka & Santa Fe	786,527,018	40,815,194	5.19	2,660,740
Southern Pacific (Pacific system)	884,979,271	45,412,504	5.13	2,258,582
International-Great Northern	42,221,673	2,176,504	5.15	72,044
Total				19,089,564

This conclusively shows that this surcharge is intended for the benefit of the larger railroads that yield the greatest dividends. It also proves that the surcharge benefits those railroads who do not need this advantage. I am informed by officials of the Interstate Commerce Commission that the dividend yield in the above quotations are really higher than indicated. The book values of the company are always higher than the values determined upon by the Interstate Commerce Commission. In general, using the valuations of the commission, at least one-half of 1 full per cent can be added to the dividend yield indicated in the above figures. Note that the Michigan Central, which has a dividend yield of 11 per cent on its own valuation, receives almost \$1,000,000 of this surcharge. The Union Pacific, which on its own valuation yields 7.45 per cent dividend, received over \$1,000,000 of this surcharge. The New York Central, which yields on its own valuation 6.04 per cent dividends, received over \$4,100,000 of the surcharge.

Furthermore, I am informed by Examiner Keeler, Statistician Lorenz, and Commissioner Campbell, of the Interstate Commerce Commission, that in addition the above railroads receive from the Pullman Co. approximately \$12,000,000 for the services the Pullman Co. renders them. Thus these powerful roads who do not need this surcharge receive not only \$19,089,564 as their share out of the surcharge fund, but also \$12,000,000 more per annum.

Mr. WELLER. Will the gentleman yield?  
Mr. CELLER. Yes.

Mr. WELLER. Is the gentleman familiar with the provision of the interstate commerce act which provides that the commission shall have reasonable latitude in modifying or adjusting any particular rate which it may find to be unjust or unreasonable and to prescribe different rates for different sections of the country?

Mr. CELLER. I am very familiar with that provision, but what of it?

In a great many instances the smaller roads in their contracts with the Pullman Co. are compelled to pay the Pullman Co. before the Pullman Co. will allow the said smaller roads the use of the Pullman cars. In such cases the surcharge or a good portion of it does not go to the railroad company, but really goes to the Pullman Co.

The whole purpose of the surcharge in such instances is practically defeated. It is true that a number of the railroad companies have made disadvantageous contracts with the Pullman Co., and, therefore, in order to recoup the losses sustained as a result of improvident contracts, agitate against the repeal of this surcharge. There are all manners and kinds of contracts and arrangements existing between the Pullman Co. and the various railroads. For example, the Baltimore & Ohio Railroad in 1922 received no revenue from the Pullman Co., whereas in 1923 it received less than \$500 per car per annum, while its chief competitor, the Pennsylvania Railroad, received for each of those years \$2,500 per car per annum. The reason for the discrepancy is found in the fact that the Baltimore & Ohio had a much less favorable contract than its formidable competitor, the Pennsylvania Railroad.

It is earnestly desired that the Interstate Commerce Commission insist upon greater uniformity in the contracts between the Pullman Co. and the railroads. There is no good reason why, for example, the Southern Pacific should only participate in the Pullman earnings after the earnings average \$7,250 per car per annum, whereas on the Santa Fe there is no participation by the railroad until the average exceeds \$9,000 per car per annum.

3. Under the provisions of the Interstate Commerce Commission act there is due the United States each year under the "recapture clause" one-half of the net railroad operating income in excess of 6 per cent. In a publication known as the "Recapture Clause," printed by the Senate, Sixty-eighth Congress, second session, there is contained a communication by Doctor Lorenz, statistician of the Interstate Commerce Commission, addressed to the chairman of the Interstate Commerce Commission, dated December 19, 1924, which indicates the following figures as estimates of the amount of earnings subject to recapture by the Government:

1920	\$5,568,000
1921	12,500,000
1922	15,000,000
1923	36,000,000
Total	69,068,000

The figures for 1924, which are not included in this communication, are about \$37,000,000.

This would make a total of \$105,068,000 for the entire period 1920 to 1924, inclusive, subject to recapture. This \$105,068,000 is but half of the net railroad operating income in excess of 6 per cent for class 1 railroads. The full amount in excess would be twice that sum, or \$210,136,000. During that same period the same railroads received \$185,000,000 as Pullman surcharges (using \$37,000,000 as average per annum). Thus if there had been no surcharge these same railroads would have probably earned as net railroad operating income in excess of 6 per cent the difference between \$210,136,000 and \$185,000,000. Surely the roads therefore would not need this surcharge since the net railroad operating income in excess of 6 per cent was over \$25,000,000 beyond the total amount of the surcharge.

It is passing strange that the proponents of this surtax are using arguments appealing to class prejudice. Usually railroad owners wince and complain bitterly when class bias is directed against them. The railroads argue that only the wealthy use Pullman service. They can well afford to pay the extra charge. Since when do we charge for service in proportion to the ability of the passenger to pay? Since when do we subscribe to the proposition of charging what the traffic will bear? Shall we hereafter require from each passenger desiring to use a Pullman sleeper a copy of his income-tax return, if he has filed one, in order that a proper charge may be fixed? I shall not discriminate against Pullman riders even if it were true that only the wealthy ride in Pullman sleepers and parlor cars. I know and all of the Members of this House know, Mr. Speaker, that poor men also travel on Pullman cars at night.

Farmers, merchants, and thousands of commercial travelers—all of whom are in the main far from opulent—must travel at times across great distances in Pullman sleepers in their various callings and for a myriad of purposes.

Yesterday I received a communication from the Railroad Owners' Association's executive committee, stating in part, as follows:

According to our reports 75 per cent of the Pullman receipts of the Delaware & Hudson Railroad are derived from the week-end Montreal traffic, in which place many thousands of wealthy Americans are accustomed to spend one or two days each week in order that they may enjoy relaxation from the restrictions of the prohibition law.

I call this specious argument. It is also brazen effrontery. It is an appeal to the avowed prohibitionists in Congress. Is it not assinine, though, to contend that because a few journey on Pullmans to the land where the Wurzburger flows that the many thousands of users of Pullman service must be taxed. I wonder how many railroad officials and owners of railroad securities make the periodic hegira to Canada to get their rye and scotch and other delectable refreshments. It is interesting to note that recently the private car of a railroad vice president was seized in New York because it contained a quantity of contraband liquor.

5. If the Pullman rates are insufficient in amount let a separate application be made before the commission to increase them. Nobody would complain at that. It is, however, a rank subterfuge to charge the passenger his regular railroad transportation and then his regular Pullman fare and then superimpose upon those two charges an additional 50 per cent of the amount of the Pullman fare. In 1920 the regular transportation rate was increased from three cents to 3.6. The Pullman fare was increased 20 per cent. Now in addition you make the passenger pay 50 per cent of his Pullman fare which had heretofore been increased 20 per cent. In other words he pays his 50 per cent surcharge not only on the normal Pullman fare but also on the Pullman increase. Furthermore it is estimated that Pullman riders ride ten times as far as ordinary passengers and it is also estimated that 40 per cent of the regular passenger fares are paid also by the Pullman riders. They, therefore, deserve better treatment than they receive.

In conclusion let me quote from the opinion of Commissioner Campbell in his dissent from the majority opinion in the case before the Interstate Commerce Commission:

Although it is shown that, as compared with coach traffic, there is little in the record to justify the surcharge either from the standpoint of revenue or operating expense, there are additional reasons why in my judgment it should be discontinued. These are as follows: (1) Because it accrues principally to those roads which are receiving relatively the heaviest divisions of the Pullman charges proper; (2) because a large part of the \$37,000,000 collected in 1923 accrued to lines which earned in excess of the return contemplated by the Interstate commerce act; (3) because it is unfair as an extra charge against passengers using principally the lanes of travel of greatest traffic destiny, when, under the system of making passenger fares in this country, a practically uniform fare is charged for both the sparse and dense lanes of travel; and (4) because it is illogical to permit railroads to collect a separate charge for an alleged extra service, which is not shown to exist, the regular fare being collected for the transportation of the passenger and the Pullman fare for the extra conveniences afforded.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, the effect of the adoption of the amendment which is now before the House for consideration, would be to withdraw about \$37,000,000 from the annual net revenue of the railroads of the country. This would affect not only the roads which are making the standard return of 6 per cent, but it would also affect the less prosperous roads which are not now making the standard return. While this is an important question which is involved in the consideration of this amendment, yet to my mind there is another question involved which is of greater importance. It is the question as to whether or not in the future to come the power of Government regulation of railroad rate making is to be exercised by the Interstate Commerce Commission, who have the time and opportunity to inform itself before acting, and with a knowledge gained by long experience to guide them, or is Government regulation of railroad rate making to be exercised by direct action of Congress, which is not in any way qualified to pass upon the difficult and intricate problem of railroad rate making.

Again, it is important in this connection, to consider what will be the effect on the public if Congress passes legislation of this character. There are many different organizations and groups in our country to-day which maintain that the railroad rates which they have to pay are too high. They would like to secure reductions. Of course, if Congress passes a law reducing the passenger rates on Pullman-car travel, other classes who want reductions will insist that Congress act to relieve them from what they believe to be excessive rates. Again, if the House adopts this amendment which we now have before us it will be a radical departure from the existing methods of railroad regulation which has been in effect for many years, and brings Congress into the field of direct rate making, which I must confess Congress knows very little about.

Congress has delegated the rate-making power to the Interstate Commerce Commission. This is clearly revealed by the fact that not only have the duties and responsibilities of that commission been specifically increased from time to time, but also the tenure of office has been lengthened and the membership has been increased. To-day the commission represents an expert and experienced body of men equipped with facilities for investigation, for carrying on hearings, and for a thorough analysis of facts and details with respect to the many complicated questions that are referred to them.

A brief outline of their activities will reveal clearly the importance and the complexity of the economic problems which they face. Among the chief problems which the commission has to handle are the following:

1. The questions relating to the liquidation of Government operation of railroads.
2. The problems involved in the consolidation of railroads into systems, the coordination of rail-and-water routes, division of joint rates, control of extensions, and abandonments of line.
3. The problem of maintaining reasonable rates, adequate facilities, establishing proper classifications, and supervising the practice with respect to these questions.
4. The problems involved in contingent activities, such as the valuation of railroad property, the authorization of security issues, the standardization of accounts, the collection and analysis of statistics, and the making of special investigations as special problems arise.
5. The promotion of safety of employees, passengers, and property.

It would appear that Congress has wisely left more and more to the discretion and judgment of this experienced and informed administrative body. This is particularly true with regard to rate adjustments. In the complicated rate system of the country it is not possible to select and isolate a single rate and deal with it without disturbing a great part, if not the entire, rate system of the country. Rate adjustments to-day demand a comprehensive survey of rates and economic conditions as they exist throughout the country. Congress has neither the facilities, the accumulated and organized information, the experience, nor the time to make proper investigations required for a wise and sound solution of rate problems.

Since Congress has determined the guiding principles under which the commission is to determine just and reasonable rates, it would certainly be most demoralizing to that administrative body if Congress should overrule a decision of the commission, which had been arrived at after thorough and long-continued investigation and which had been made in accordance with the guiding principles established by Congress.

Again, it has been recognized that the determination of an individual rate by an act of legislature would practically result in "freezing" that rate into the rate system of the country. Direct legislative action, with respect to rates, means an inflexible and frozen rate system.

It has never been seriously suggested that the Congress, which by legal enactment created an administrative body such as the commission, should later act in the character of an appellate court from that commission.

If Congress should break away from its traditional attitude and undertake to specify individual rates or rate adjustments, nothing would more quickly undermine and destroy the financial and credit position of the carriers in the money market.

This fact undoubtedly has been one of the convincing arguments which have led Congress to rely upon its duly constituted administrative body and to supply that administrative body with the facilities and the personnel to carry on its regulative duty.

I have given a great deal of thought and careful consideration to this question. It may be that there are some grounds for seeking the removal of the surcharge, but I am convinced that it would be unwise for Congress at this time to embark

upon the difficult and intricate problem of railroad rate making. Therefore I can not support this amendment, which proposes to wipe out the Pullman surcharge by direct action of Congress.

Mr. BARKLEY. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Speaker, we hear a good deal in these speeches about rate making by Congress. Judge TUCKER, of Virginia, just made the suggestion to me before I rose to speak that he does not think the Congress ever intended to have the Interstate Commerce Commission make supersurcharges. So I dare say that Congress had no notion of permitting the Interstate Commerce Commission to write these supersurcharges on Pullman fares or anything else.

We are in this situation, gentlemen: The Interstate Commerce Commission has failed to function on this question. Only 5 of the 11 members of the commission have said in this decision that the surcharge on Pullman fares is proper.

Mr. BURTNES. Will the gentleman yield?

Mr. OLDFIELD. Four of them said it was improper and two of them said it ought to be cut in half, and therefore a majority of the commission has failed and refused to function on this proposition.

Mr. BURTNES. Will the gentleman yield now?

Mr. OLDFIELD. I can not yield. I have only five minutes.

I think the Congress made a mistake in 1920 when they wrote the transportation act. I think the railroads themselves had more to do with writing the transportation act than anybody else, and they have now a powerful lobby throughout this country trying to defeat this proposition. They are having everybody telegraphed to. They are appointing people as railroad doctors, railroad lawyers, railroad bondsmen, and they are getting everybody they can to see the chambers of commerce as well as some of the leaders of the farm organizations.

The gentleman from Kansas [Mr. HOCH] says if you do this there will be no chance to get any reduction in freight rates. If you leave it to the Committee on Interstate and Foreign Commerce of this House, of which Mr. HOCH is a member, you will never get any reduction, and if you leave it to the Interstate Commerce Commission you will never get any sort of reduction, and everybody in this House knows it, so why talk that kind of "bunk."

I heard the gentleman from Kansas [Mr. TINCHER] say the other day, "Oh, wait until they operate under the Hoch resolution." Hoch resolution! My goodness, the Hoch resolution does not do anything but authorize the Interstate Commerce Commission to do now what they already have the right and the power to do.

Thirty-seven million dollars will be lost to the railroads, \$20,000,000 of which is not needed by the railroads that lose it. There is no question about that. Interstate Commerce Commissioner Campbell was sent by the Interstate Commerce Commission all over the country to make this investigation. He took his experts and went to the various railroads, and went all over the country and made a thorough investigation, and when he came back and reported to the Interstate Commerce Commission they did not back him up and they have had a dog fall. They do not even have a majority against repealing the surcharge.

As to \$17,000,000 out of this \$37,000,000, Mr. Campbell, in his decision, here states that that amount is largely gobbled up by the contracts of the Pullman companies with the weaker railroads. They make their contracts with the weaker railroads on one basis and they make their contracts with the big railroads on an entirely different basis, and yet you say we ought not to take off this surcharge because only 4 per cent of the people use the Pullmans. Somebody has said and will say again here to-day that Pullman riding is de luxe riding. Silly argument! Everybody in this country when they travel, or when they do not travel, has the right to have some place to sleep, and they have the right to have this at a reasonable charge. The idea of charging a man 50 per cent extra for no service on earth. No one will say in this debate that they are giving any additional service for this 50 per cent. They do not even claim that. They simply say, "Oh, we do not want to have the Congress do any rate making"; yet the Interstate Commerce Commission will not do the rate making. They have failed and refused. They can not even get a majority on either side of this proposition; and I hope the membership of this House will vote to remove this surcharge. [Applause.]

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Speaker and gentlemen of the House, as has been stated before, the chief conten-

tion of those who are opposed to the recommendation of this surcharge is, first, that it might lead Congress into the field of rate making, and second, that if you remove this \$37,000,000 to \$40,000,000 income from the carriers you will have to put it on somewhere else and that it will be impossible for you to get a reduction of freight rates on that account.

I wish to submit first, gentlemen, that we can not reasonably contend that the removal of this surcharge, whereby we establish the principle that it is wrong for our rate-making body to tack onto one part of the railroad service in order to give it back to another one, we lay down the theory to them that we do not believe in that sort of a subterfuge. We are not going into the field of rate making. We have no notion of going into the field of rate making. As the gentleman from New York said awhile ago, when near the close of the hearings in 1920, the Railroad Labor Board brought in a report that the rates would have to be increased \$618,000,000 over what they had been before, the commission reached over in order to get a little more, without doing it in a scientific way, and adopted the surcharge on Pullman passengers and instructing the Pullman Co. to give it back to the railroads.

One of the errors that has been placed in the report of the committee, as was also shown in a letter that came out from a corporation in the District of Columbia, whose sole purpose it is to spread propaganda at the proper time, when railroad legislation is under consideration, says that only 3 per cent of the passengers of the railroads are Pullman passengers. The fact is that the fare paid and the miles traveled is 40 per cent instead of 3 or 4 per cent.

I was talking yesterday to one of the commissioners of the Interstate Commerce Commission, and he told me that in 1922, when they had up the question of the reduction of freight rates, the railroads came before the commission and made the plea that if the freight rates were reduced at all anywhere along the line it would ruin the roads; that they could not stand it. This commissioner told them that if the rates were reduced he was satisfied that the increase in tonnage would be more than enough by increase in the volume of business to make up for the revenue they lost. He told me that the record shows that the income to the railroads has been vastly more than they have before.

Mr. HAWES. Will the gentleman put the name of that commissioner in the RECORD?

Mr. McLAUGHLIN of Nebraska. It was Mr. Cox. At the last session of Congress we passed a bill requiring the railroads to issue interchangeable mileage books for the convenience of busy passengers. That was a mandate of Congress. Have they done it? No. They fought it, as they fight every effort of Congress or the commission or everybody else to get a reduction in cost or an increased service.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. NEWTON of Minnesota. Did not the Supreme Court of the United States sustain them in their suit?

Mr. McLAUGHLIN of Nebraska. Oh, yes; probably as Congress may do in this case. I hear some of my colleagues say that there has been such a large number of letters and telegrams coming from organizations of various kinds for the past few days that some of those who were very strongly in favor of repealing the surcharge, who were against the principle of rate making, find themselves in grave doubt as to what they are going to do. I began to get telegrams after the hasty hearing was called on this subject a few days ago from organizations, chambers of commerce, and bankers, and I wrote back to them telling them why I was in favor of a repeal of the surcharge. I stated to them that undoubtedly they had been making a study of it and that they could likely give me information; that maybe I was wrong and they could set me right. One of my friends wrote back and said that the railroad station agent had requested him to write, and that a representative of the railroad went through the town and asked them to write letters and send telegrams against this repeal. He said that undoubtedly I knew more about the subject than he did and to go ahead and use my own judgment.

I know that last spring, when bills were introduced for amendment of the transportation act, I began to get letters and telegrams systematically all down the line—all of the same kind. You got them by the hundreds, of course. They were all of the same tenor, namely, that they did not believe it advisable at this time to make any change in the Esch-Cummins Act. I wrote to them and stated why I believed there should be one or two changes and invariably when the answer came they said they knew nothing about it, that a representative of the railroad had gone through the town, and asked them as a personal favor to send the letter or telegram.

As a result of this propaganda, which is small when it comes to a comparison, I have received perhaps 100 telegrams from my district, where there are around 40,000 voters. On that basis that would be one-fourth of 1 per cent that seem to be interested in this, and that one-fourth of 1 per cent have been asked by the railroads to send in their telegrams. On a national basis that would be 250,000 telegrams coming in to Members of this House, about 500 each, which would mean one-fourth of 1 per cent of the population of the United States.

Mr. HASTINGS. Mr. Speaker, will the gentleman permit me to supplement what he says by stating further that if he investigated, he would find that nearly all those telegrams and letters were already prepared for the people to send, and the telegraphic charges were paid for them.

Mr. McLAUGHLIN of Nebraska. I am aware that the gentleman has stated a fact. The gentleman has stated the truth. These gentlemen to whom I wrote, and who wrote back and told me that they had no interest in it at all and knew nothing about it, were simply telegraphing at the request of somebody else. The question in my mind is this: Can members of a body like this, who, to all intents and purposes seemed two or three weeks ago to have their minds made up as to what they believed was right and wrong in this proposition, afford as a result of propaganda of this kind to turn face about? I know men here who are fighting this repeal of the Pullman surcharge who a year ago introduced bills to repeal it. How they can turn such complete somersaults I do not quite understand.

With reference to the contention that if this \$37,000,000 is taken from the railroads we shall be unable to reduce freight rates, because it will have to immediately make up that loss from some other source, we have shown, and this is a matter of record, that the decrease in operating expenses of the railroads since 1920 is around a billion dollars in round figures, and their increase in operating receipts is almost a billion dollars. Then they come right back to you, and seem to be serious when they say that if you take away this petty \$37,000,000 from that almost billion dollars increase in revenue, you never can reduce freight rates to the farmers. Oh, I have heard this. What do these railroad operatives and magnates say to the farmer when he comes to them for a reduction in freight rates. They say that they have thousands of widows and orphans who hold their stock, and that they have got to live on the income from that stock, and if you make a reduction in the rates they can not pay these stockholders a satisfactory amount of interest on which to live, and they make the plea to the farmer that they are doing a favor to the widows and orphans when they refuse a reduction of rates. Ordinarily we hear people say that the great industrial interests are against the interests of the farmer, and that what is to the interest of the industrialist is not to the interest of the farmer.

I do not agree to that, but we hear it all of the time. We hear about the influence of big business, and how it stands in opposition to the interests of the farmer, and now, when we are asking to establish the principle that the Interstate Commerce Commission should not be to "Rob Peter to pay Paul," that they should not take without reason from one class of service and tack it onto another and then give it back to the other—in other words, they should have had hearings and established rates in a scientific manner—we find that we are getting telegrams from the big business interests of the cities, from the manufacturers and the industrialists, and at the same time getting telegrams from the farmers to vote against the repeal of this surcharge. Nobody but the railroads could have brought about a situation like this, I am quite sure.

Mr. BURNESS. Mr. Chairman, will the gentleman yield? Mr. McLAUGHLIN of Nebraska. Yes.

Mr. BURNESS. Does the gentleman agree to the general principle that the public should pay for a service that is rendered by the carrier?

Mr. McLAUGHLIN of Nebraska. I do.

Mr. BURNESS. And should pay a reasonable amount?

Mr. McLAUGHLIN of Nebraska. I do.

Mr. BURNESS. If it is a fact that it costs the transportation company more to carry a passenger in a Pullman coach—

Mr. McLAUGHLIN of Nebraska. And that is not a fact, according to the hearings.

Mr. BURNESS. Than it does to carry a passenger in a day coach, would the gentleman admit that the charge ought to be more for the Pullman service?

Mr. McLAUGHLIN of Nebraska. I admit that he ought to pay to the transportation company, to the carrier, what it costs to carry him and a reasonable profit; and I believe this, that

if the Interstate Commerce Commission finds, after hearings, that you should pay more for Pullman service to the Pullman Co., then nobody is going to object to doing that, but the objection is to tacking that on without any apparent reason or showing why it should be done.

Mr. BURNESS. The gentleman's contention is that if additional charges should be made, they should be made by the Pullman Co. and then by the Pullman Co. in turn paid over to the carrier?

Mr. McLAUGHLIN of Nebraska. No; not by any means. They are two separate companies.

Mr. BURNESS. Assuming the present basic rate of 3.6 per mile would not pay the actual cost to the carrier in transporting the passenger in the Pullman coach—

Mr. McLAUGHLIN of Nebraska. Let me remind the gentleman that the cost of carrying a Pullman train or a Pullman coach by the carriers, as shown by these hearings by the experts that put the figures into the record down there at the Interstate Commerce Commission, is 3.75 less per coach-mile to haul a Pullman car than a day coach.

Mr. BURNESS. The gentleman, of course, is mistaken in that, and he refuses to accept the opinion of the Interstate Commerce Commission upon the proposition, a board which is perhaps better fitted than any one else to determine what the facts are, and the question is whether Congress is going into the rate-making business or whether they are going to leave that with the Interstate Commerce Commission.

Mr. McLAUGHLIN of Nebraska. Congress is not going into the rate-making business, but by repealing this surcharge we are saying to a creature we created, "We have a right to direct you when you adopt a false principle of rate making."

But, Mr. Speaker, I am convinced that no amount of reasoning at this time can offset the effective work the railroad lobbyists have done here in the past 10 days. Two weeks ago two-thirds of the Members of this House, in my judgment, would have voted to repeal the Pullman surcharge. Probably to-day the vote will be in the same proportion against its repeal, verifying the statement of those who claim that Congress will not pass any legislation the railroads do not want.

As I have previously stated, at the back of the railroads a few farmers and farm organizations have joined with the large industrial interests and sent similar protest to Members of Congress opposing the repeal. In this excited program of propaganda at the last hour it may be said that "The lion and the lamb have lain down together." But time will prove that "Righteousness and peace have not kissed each other," by the action that will be taken in the oncoming vote on this measure.

The SPEAKER. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker and gentlemen, the amendment to the pending appropriation bill which proposes to abolish Pullman surcharges, in my humble opinion, is unsound, and during the brief time at my disposal let me submit to you the reasons prompting me in my stand. The proposed amendment is vicious for four reasons.

First, and foremost, it is an attempt by Congress to fix and regulate rates—a function within the purview of the Interstate Commerce Commission, whose authority is ample and the members of which are experts.

Secondly, in my opinion, it is class legislation, improvidently proposed and arbitrarily executed. If enacted into law an additional burden would automatically shift to the shoulders of those now staggering with high freight rates on agricultural products and similar freight. As it is, the load rests on those best able to bear it. Let it remain there until properly placed elsewhere and by the proper body—the Interstate Commerce Commission.

In this connection, however, let me say that I think this Congress has voted enough money into its own pockets. We did not have the courage to stand up and have a roll call on the salary increase, because it would not have carried if a roll call had been obtained, but just like weaklings voted for it and then went back in the cloakrooms and congratulated ourselves on doing something smart. I hope the President vetoes it, for I know that then Congress will show its yellow streak.

Now, my third reason is that the experts, the commissioners of the Interstate Commerce Commission, after a somewhat thorough investigation of the matter, could not agree on what ought to be done; therefore, surely Congress with no experts and without any investigation would not be so foolish as to sweep aside with one swoop approximately \$40,000,000 revenue of the carriers of this country.

But for fear that you are adamant and refuse to listen to us who are opposing this method of legislation, let me challenge your attention and check you, if I can, in your mad, unreasonable rush by saying that this amendment does not accomplish the purpose you desire.

I now come to my fourth reason for opposing this amendment. The amendment in substance states that a passenger in a parlor car can not be charged more than a day-coach passenger. In other words, the wealthy fellow who now rides from New York to Palm Beach in a drawing-room is now required to pay for two railroad tickets, whereas if the amendment prevails he will only be required to purchase one ticket. The same is true of the passenger who secures a compartment, for under the present law he must at least pay one and one-half fares, whereas under the proposed law only one fare could be exacted. These two illustrations entail thousands and thousands of dollars, and the loss thereof would be in addition to the \$37,000,000.

Now, I venture to say that the proponents of this amendment do not want to go that far in serving the well-to-do, and yet that is the very essence of the proposal.

Let me give you another application of the proposed amendment. A few weeks ago the President and his wife and party went to Chicago. On that trip each one had to have a ticket, pay for a berth or compartment and the surcharge thereon. Under this amendment Mr. Coolidge could pay the Pullman Co. for the Pullman space, buy a ticket for himself and one for his wife, and occupy the entire car alone, and the railway company would only get two railway fares. Surely nobody is so foolish as to champion that kind of legislation. Let us vote it down. [Applause.]

Mr. WOOD. I yield five minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, the gentleman from Arkansas [Mr. OLDFIELD] a few moments ago said that the Interstate Commerce Commission had failed to function in this matter. That is what every lawyer thinks when he tries a lawsuit and loses; he thinks the court has failed to function. The commission functioned and it found against the proponents of this legislation. The gentleman from Nebraska [Mr. McLAUGHLIN] says that it is unscientific rate making to have it done by the Interstate Commerce Commission. He evidently thinks it is more scientific to have the Congress of the United States do it without the necessary information and without the facilities to secure the information. The fact is, and the testimony before the Interstate and Foreign Commerce Committee so shows, that the petition to have this surcharge abolished was filed before the Interstate Commerce Commission in June, 1923; the commission held hearings in several of the large cities of the country, and the question was pending before the commission until January 25, 1925, over a year and a half, when it handed down its decision and found that the cost of carrying a passenger in a Pullman car was more than the cost of carrying a passenger in an ordinary day coach, and that the surcharge should not be abolished. It costs more in addition to the Pullman conveniences which the passenger pays the Pullman Co. for. It actually costs the railroad more to carry a Pullman passenger than it does a coach passenger.

There seems to be some dispute about that. Here is what the majority report of the commission says about it:

The evidence before us shows clearly, as already stated, that respondents—

That is the railroads—

earn less per car-mile on the average upon their Pullman business than they earn from their coach business, even when the surcharges and the various financial benefits accruing upon the Pullman contracts are taken into consideration. This showing justifies the conclusion that at least there is less warrant for eliminating the surcharge than for reducing the basic passenger fare, which means traveling in mixed trains of freight and passenger cars.

Now, there is not any question about the findings of the Interstate Commerce Commission. This proposal to usurp the function of the Interstate Commerce Commission and to prohibit the Pullman surcharge by congressional enactment would not receive a passing thought if it were not for the fact that the proponents of it are well organized. The fact that the proposal is before us in the shape it is is another illustration of the power of an active and well-organized bloc.

Congress created the Interstate Commerce Commission and delegated to it the power to fix just and reasonable rates. The Commercial Travelers of America very properly, if they thought it unreasonable, petitioned the Interstate Commerce Commission to eliminate the Pullman surcharge. The commis-

sion after holding hearings in several of the large cities of the United States and considering the matter for nearly a year and a half found the surcharge under existing conditions to be just and reasonable. Congress is now asked by legislative mandate to veto the findings of the commission.

Congress has neither the information nor the facilities for securing the same to enable it to render an intelligent judgment on the question.

If we override the judgment of the commission in this case, what excuse will there be if we fail to do it in other cases? A year or so ago the agricultural interests in the so-called Grain, Grain Products, and Hay case asked the commission to reduce the freight rates on certain agricultural products. The amount involved in that case was less than the amount involved here, and the commodities upon which the commission was asked to reduce the rates were basic, and yet the commission concluded that the reduction could not be made. No appeal was made to Congress in that case to override the commission's findings. If Congress is justified in abolishing these Pullman surcharges, which affect only 4 per cent of the traveling public, it certainly can not escape the responsibility of investigating the merits of the findings of the Interstate Commerce Commission as to freight rates on the necessities of life and the adequacy or inadequacy of passenger rates generally.

A great many people think that the freight rates for the transportation of coal are altogether too high. Why should not Congress lower those rates?

Many people think that 3.6 cents per mile for a regular passenger ticket too much. Why should not Congress fix a lower amount if it once goes into the business of adjusting fares and charges?

Even the spokesman of the commercial travelers before the Committee on Interstate and Foreign Commerce, Mr. David K. Clink, rebelled at this idea.

On page 18 of the hearings Mr. RAYBURN asked him this question:

Mr. RAYBURN. Now, you are here asking Congress to legislate on one part of the rate structure. Would you be willing that Congress legislate with reference to rates on all things—passengers and freight—and take that authority away from the Interstate Commerce Commission, or would you as a matter of policy leave it with the Interstate Commerce Commission?

Mr. CLINK. \* \* \* I will say this, after listening to the arguments in both the Senate and House on the mileage-ticket question, that it would not be advisable for Congress to go into the rate-making business.

On page 21, of the hearings, Mr. Denison asked Mr. Clink:

Mr. DENISON. But suppose that \$35,000,000 or \$37,000,000 is taken away and it turns out that those \$35,000,000 or \$37,000,000 are needed by the roads to get along. Would you then be in favor of having Congress legislate to increase both passenger and freight rates to make that up?

Mr. CLINK. No, sir. Let the rates be made by the authority functioning in that direction.

The principle of this proposal is not only indefensible and vicious but, action by Congress in the matter, can not be defended upon its merits. The Interstate Commerce Commission in the surcharge case well said to quote again from the majority opinion:

At a time when whatever capacity the railroads may have for rate reduction should be utilized for the benefit of other forms of traffic we ought to scrutinize with great care any proposal to collect less revenue from those who ride in sleeping cars or from those who are able to afford the luxury of parlor cars. They ought to meet the full cost and value of the service furnished and a reasonable return on property value. This record does not show that they are paying any more.

Commissioner Lewis, in a concurring opinion, says:

To reduce the passenger fare of the traveler who gets more transportation and, as a rule, can pay for more, and not to reduce the fare of the traveler who sometimes gets very little and whose ability to pay often makes it impossible for him to patronize the superservice, would seem to be a form of rank discrimination.

There is no new principle involved in the Pullman surcharge. The Interstate Commerce Commission finds that it costs more to carry a passenger in a Pullman car than it does a passenger in the ordinary coach. If that is so, why should not a person who prefers to ride in a Pullman be required to pay the extra cost of transportation as well as for the Pullman conveniences? It has always been the practice to require a person who desires the convenience of luxury of having a

drawing room to himself in a Pullman sleeper to buy two tickets. If he wants a private car he must buy 25 regular passenger tickets in addition to paying for the Pullman reservations. Of course, it costs more to carry a passenger with a private car or a drawing room to himself than it does a passenger in an ordinary coach, who takes his chance of getting even a seat.

The Interstate Commerce Commission goes further and finds that it costs more to carry a passenger in a Pullman car with a seat or berth, as the case may be, reserved for his exclusive use than it costs to carry a passenger in an ordinary coach. Is there any man here who has sufficiently investigated the question to be willing to set up his judgment against that of the commission and say that this finding of the commission is wrong? Until he is willing to do that it seems to me he must vote against this legislation even upon its merits.

It was argued before the Committee on Interstate and Foreign Commerce and I think with some force that the language of this amendment might require the railroads to carry a passenger in a private car or a drawing-room to himself on one regular passenger ticket, that he would only be required to pay for the regular Pullman reservations in addition to his single transportation ticket. A careful reading of the amendment certainly makes one feel that the language is open to that construction.

The other day we all received a copy of a letter from the president of the Virginia Farm Bureau Federation addressed to Mr. Winslow, Chairman of the Interstate and Foreign Commerce Committee. I do not know the president of the Virginia Farm Bureau Federation, but in his letter to Mr. Winslow, he states the issue here in very clear and forcible language:

Should the surcharge be eliminated, he says, "the benefits the travelers on the Pullmans would receive therefrom would be just that much loss to the rest of society, for the railroads would eventually have to add to other transportation charges the amount of the loss so sustained by them. It is the hope of those engaged in agriculture that the industry will receive at the hands of those in authority some consideration in freight reduction on their shipments and freight receipts, for they are vastly more in need of such help than that part of the public who are able to use the Pullman cars. Do you not think so?"

"This is a piece of legislation which brings forcibly to the front the power Congress has to take from one and to give to another, and the necessity of knowing from whom you will take. The beneficiary in this case is not the unfortunate poor."

The SPEAKER pro tempore (Mr. MICHENEN). The time of the gentleman from Michigan has expired.

Mr. SANDLIN. Mr. Speaker, I yield seven minutes to the gentleman from Virginia [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for seven minutes.

Mr. MOORE of Virginia. Mr. Speaker and gentlemen of the House, I speak here without any interest in this matter except that of one Member of this House. I have no personal interest in any railroad company. I am uninfluenced by representations of the kind designated as propaganda that have come in from either one side or the other; and so far as I am conscious of my own attitude, I have endeavored to reach and am now trying to express a conclusion based upon the best thought that I could give to this subject.

Gentlemen may talk endlessly about this so-called surcharge not being a part of the passenger fares now in effect. It is merely an element of any passenger fare, and that is a fact that is not open to any denial. Years and years ago, or perhaps more recently, the carriers themselves or the Interstate Commerce Commission might have made up their fares by not calling any particular element by any particular name, but in the more ordinary manner. But however viewed, the thing spoken of as a surcharge is as much a factor in passenger fares as a demurrage charge or a switching charge, for instance, are factors in freight rates.

Anyone who reads the hearings; in fact, anyone who reads the literature on the subject from the time that Mr. Brandeis—now a member of the Supreme Court, but then counsel for the Interstate Commerce Commission—years ago discussed this matter until now, can have no sort of doubt that it costs the railroad companies more to transport a passenger in a Pullman coach than it does in a day coach. And if that be true, why should there not be a charge to take care of the increased cost?

Since I have been in Congress there has been much said about the importance of reducing freight rates. The appeal has been made here frequently and with great force that the farmers are suffering from excessive freight rates that ought to be cut down. And yet we find that the first bill brought

in by the majority or the minority of the House seriously affecting transportation charges is not designed to help the farmers directly or indirectly, but is designed to help the people who are best able to pay. [Applause.]

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SEARS of Florida. My colleague just made a statement respecting the cost to the railroad company of transporting a Pullman passenger as compared with a coach passenger. The charge for riding in a day coach is 3½ cents a mile, and sometimes the day coach is not full, and therefore that goes on the Pullman charge.

Mr. MOORE of Virginia. I do not catch the question, but because of the time limit I can not enter into a debate with my friend, but I repeat that if we are to credit human testimony it does cost a railroad company more to haul a passenger in a Pullman coach than in a day coach, and I say again that in view of the continual insistence upon dealing with rates that affect the mass of the people, we will place ourselves in a rather absurd attitude by beginning the work at the luxury end and ignoring the necessities of those upon whom transportation charges most heavily bear. The Hoch resolution has become a law. It directs the Interstate Commerce Commission to consider the freight-rate structure and if possible reduce the rates on the products in which agriculturists are interested.

I do not predict that the Hoch resolution is going to accomplish any substantial results, but I do say this, that if there is a possibility of relief in the Hoch resolution that possibility you will diminish to-day if you repeal the surcharge. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. BARKLEY. Mr. Speaker, I also yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 10 minutes.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker and gentlemen of the House, the matter up for consideration is, Shall we or shall we not adopt the Senate amendment to H. R. 11505, which proposes to remove what is known as the Pullman surcharge? I believe that railroad rates ought to be fixed so that the railroads with proper management may have sufficient income to pay their workers good wages, with proper working conditions, give good service to the public, and pay a reasonable return on the value of its investment.

The highways, waterways, and railroads are the veins and arteries of commerce. It is just as essential to have a vigorous, healthy circulation as means of transportation for the commerce of the country as it is to have a healthy circulation for the human body, and I am always willing to provide for the railroads such income as may be necessary to enable them to function properly and efficiently, take care of their employees properly, and pay a fair return on their investments. To meet these conditions it is not necessary to continue this unfair, unjust surcharge, and I therefore shall vote for this amendment.

#### WHAT IS THE PER CENT SURCHARGE?

Everyone who rides in a day coach must have a railroad ticket; and if he rides in a Pullman car, he must have a railroad ticket. The railroad company gets all the money for these railroad tickets both in the day coach and in the Pullman coach. The railroads furnish the day coach, with its equipment, conductor, and other helpers. But the Pullman Co. furnishes its own coach, equipment, conductor, and helpers. The Interstate Commerce Commission has fixed what they consider a fair charge for the Pullman service. Now, in addition to this, the Interstate Commerce Commission has arbitrarily put on an additional 50 per cent on the Pullman charges, and this is called the Pullman surcharge. For instance, if the Interstate Commerce Commission should say that \$3 is a fair charge for service on a Pullman from Middlesboro, Ky., to Louisville, Ky., they have, we shall point out later, put on an additional 50 per cent, or \$1.50, which would make the total Pullman charge \$4.50 instead of \$3. We must bear in mind this extra 50 per cent does not go to the Pullman Co. that furnishes the Pullman coach and the service in the Pullman coach, but under this rule of the Interstate Commerce Commission the Pullman Co.

is forced to collect this additional 50 per cent from the Pullman passengers and turn it over to the railroads. In other words, the railroad company is allowed to collect a full railroad fare from each Pullman passenger and this additional 50 per cent on the Pullman ticket, although all that the railroad company does is to pull the Pullman coaches. In addition to this, every year the Pullman Co. pays the railroad companies \$12,000,000 or more for pulling their Pullman coaches. As the railroads do not furnish the Pullman coaches, equipment, or employees, we think the railroads ought to be satisfied with collecting the regular fare from each Pullman passenger and with receiving this \$12,000,000 or more annually for hauling the Pullman coaches. Under present conditions each person who rides in a Pullman coach must pay the railroad fare and must pay what has been held by the Interstate Commerce Commission as a fair charge for the Pullman service and on top of this pay an additional 50 per cent on his Pullman ticket to the railroads. The traveling public objects to paying this unjust and unfair 50 per cent surcharge.

In May, 1924, the Senate, by practically a unanimous vote, passed a bill removing this 50 per cent surcharge. This bill then came to the House and was referred to the Interstate and Foreign Commerce Committee of the House, and there it has slept peacefully because of the failure of that committee to act on the bill and make a report to the House. The Senate realizing that that committee of the House had failed to act and likely would continue to fail to act, has tacked this amendment on this appropriation bill (H. R. 11505) to remove this 50 per cent surcharge; and because this amendment is tacked on this appropriation bill, the Members of the House for the first time have an opportunity to act on this important question. This 50 per cent surcharge is unwarranted and unjust to the traveling public and I am glad to have an opportunity to register my voice and my vote in favor of cutting it out. [Applause.]

#### WHY WAS SURCHARGE PUT ON?

This 50 per cent surcharge was first put on in June, 1918, during the war, by the United States Railroad Administration, for the reason, they stated, to discourage travel on the trains by the general public during the war so that the railroads could be used more exclusively for war purposes. The general public felt so outraged over this unfair and unreasonable charge that a few weeks after the close of the war, about the 1st of December, 1918, the United States Railroad Administration took it off.

About the 1st of March, 1920, Congress passed what is known as the transportation act, which returned the railroads to their owners. In May, 1920, the railroads filed an application with the Interstate Commerce Commission urging a 30 per cent increase on freight rates. The new transportation act gave the Interstate Commerce Commission the authority to adjust the rates of the railroads, so as to enable them to take care of the necessary operating expenses, and provide for a fair return upon the actual value of their properties; but their net return should not exceed 6 per cent.

The railroads stated they needed this increase of 30 per cent on freight rates so they could earn a fair return on their investments. Extensive hearings were had before the Interstate Commerce Commission on this application to grant to the railroads this 30 per cent increase on freight rates alone, and the hearings were closed, but in all of these hearings there was no demand or claim made by the railroads for any increase on passenger rates or for this Pullman surcharge. The new transportation act created the United States Railroad Labor Board. The railroad workers had applied to this labor board for an increase of wages under the new transportation act, and the Railroad Labor Board rendered a decision on or about the 20th of July, 1920, granting the railroad workers an increase in wages. The labor board stated this increase of wages would amount to \$618,000,000 per year. It was then the railroad companies filed an additional application before the Interstate Commerce Commission urging an increase of 20 per cent on passenger rates and a 50 per cent surcharge on Pullman rates, this income to be paid to the railroads for the purpose of providing for this increase of wages to the railroad workers. The passenger rate at that time was 3 cents per mile. The Interstate Commerce Commission gave the railroads the 20 per cent increase asked for on passenger rates—this made the passenger rate 3½ cents per mile—and also granted the 50 per cent Pullman surcharge. These increases have been on ever since and are now on, and I think they will continue to remain on, unless Congress takes vigorous action to remove them.

#### WAGES TAKEN OFF

You will bear in mind the 30 per cent increase on freight rates was put on to enable the railroads, as they claimed, to

earn a fair return on their investments. The 20 per cent on passenger rates and 50 per cent surcharge on Pullman rates were to take care of the increase of wages. It was claimed this increase amounted to \$618,000,000 per year. It turned out as a matter of fact that the increase of wages amounted to only \$565,000,000 per year. This was \$53,000,000 less than the amount claimed, and for each year the railroads have been permitted to collect this \$53,000,000 in passenger and surcharges more than the amount of the wages. Now, what has happened since this increase of wages to the workers was granted? The railroads have been busy reducing their working forces. There are nearly 200,000 less workers on the railroads of the country to-day than there were in July, 1920, when this increase was granted, and the wages of the workers have been reduced from time to time. So that the railroad workers of America now are receiving about \$700,000,000 a year less than they did in 1920. You will observe that the decrease in wages is more than the increase that was granted in July, 1920. You will further observe that the railroads while reducing the number of workers and the wages of the workers, have been and are now clinging tenaciously to the 20 per cent increase granted on railroad fares and the 50 per cent surcharge on Pullman fares. The railroads have been telling the public that they must reduce the number of workers and reduce the wages of the workers so that they could reduce freight and passenger rates, and in this way cut down the high cost of living. Many classes of railroad workers have been reduced in wages beyond the point where they can provide a decent living for an American family. The entire increase of wages for the railroad workers has been more than wiped out. What excuse in the name of high heaven is there for permitting the railroads to continue to collect this increase on railroad fares and the Pullman surcharge from the people? These increases were granted to pay the workers. I think we ought to return a part of it to those who have been cut too low and the balance should be passed on to the American people, and my vote shall be recorded to do this. [Applause.]

#### OPERATING INCOME INCREASES, OPERATING EXPENSE DECREASES

The railroads are forced to admit that the increase in wages granted to the railroad workers has been wiped out by reducing the number of workers and reducing the wages, and the reason for granting the increase on fares no longer exists. The railroads now advance a new reason for retaining these excessive charges. They claim, and it is true, that the 50 per cent Pullman surcharge brings to the railroads about \$37,000,000 per year. They say if we adopt this amendment and cut out this \$37,000,000 of surcharge that it will greatly cripple the railroads of the Nation and perhaps force them into bankruptcy. There is absolutely no truth in this claim. If it were true, I would be one of the last to ask that this be done. Railroad statistics have not been brought up to date, but we do have the complete statistics up to and including the year ending 1923. The cost of operating the railroads, including the increase of wages in 1920, was \$5,830,327,000. The cost of operating the railroads in 1923 was \$4,943,928,000. In other words, it cost \$886,399,000 less to operate the railroads of America in 1923 than it did in 1920. Here is a saving for a single year of nearly \$1,000,000,000 in operating expenses. This was brought about by cutting off nearly 200,000 workers and in reducing the wages of others. We find that the income of the railroads for 1920 was \$6,175,417,000 and their income for 1923 was \$6,356,981,000. In other words, the income of the railroads in 1923 was \$178,474,000 more than it was in 1920. This increase of income and decrease of operating expenses together amount to \$1,064,873,000. There is a difference in favor of the railroads in 1923 over 1920 of more than \$1,000,000,000. Yet the railroads have the gall to stand up and say if we take off this \$37,000,000 unjust surcharge that it will cripple the railroads or perhaps drive them into the bankruptcy courts. [Applause.] And if you will observe the current business reports of the day you will find that the operating expenses of the railroads are even less to-day than they were in 1923, and in many instances the volume of business is greater than in 1923. The railroad business is getting better all the time. Every time the railroads attempt to reduce the number of workers and to reduce the wages they urge the support of the public by saying that this action is necessary in order to reduce railroad rates. They have succeeded in cutting down the number of workers and cutting down the wages, yet they persist in holding on to every increase.

When we passed the transportation act in 1920 it was insisted by all the proponents of that measure that the railroads could not receive under the law a net income exceeding 6 per cent and that no amount of income under the law was guaranteed to any railroad. This is the letter and spirit of the law. But

the law has been and is being grossly violated and disregarded. We find on investigation the admitted net earnings of many of the railroads have been greatly exceeding this amount. I submit the list of the following with their net earnings for 1923:

	Per cent
Philadelphia & Reading Ry.	9.86
Richmond, Fredericksburg & Potomac R. R.	11.83
Cincinnati, New Orleans & Texas Pacific Ry.	9.05
Texarkana & Fort Smith Ry.	17.61
Duluth, Missabe & Northern Ry.	22.76
Alabama & Vicksburg Ry.	8.14
Alabama Great Southern R. R.	9.66
Georgia R. R.	8.90
Tennessee Central R. R.	8.95

Many others of the big railroads are making sums greatly in excess of that authorized under the transportation act, according to their own admissions. We have ample evidence to show many of the big railroads have resorted to many tricks and devices to conceal their actual net income. Millions of dollars have been put into capital construction and equipment and have been reported as operating expenses. There is what is known as the recapture clause in the transportation act, which provides that where a railroad earns more than authorized by law that the excess be paid into the United States Treasury. It is admitted that more than \$40,000,000 is being paid into the Treasury of the United States every year by these railroads from their net earnings, because their earnings were in excess of the amount authorized by law. Some claim that this amounts to nearly \$100,000,000 a year. How can anyone say if you take off this \$37,000,000—50 per cent surcharge—it would cripple the railroads of the country and they would not be able to earn a fair return?

#### COMMERCIAL TRAVELERS

The Commercial Travelers of America have been criticized on the floor of this House for making a strenuous fight to have this 50 per cent surcharge removed. In my time I have come in contact with thousands of commercial travelers. I am sure I have never had the pleasure of coming in contact with a better bunch of fellows. They are, as a rule, intelligent, industrious, progressive, loyal, enterprising citizens, and leaders in their respective communities. There is no class of men that mean more to the commercial life of the Nation than this great army of men; they represent the first-line trenches in the great commerce and business of the Nation; they are the "go-getters" of business on every part of the globe. It is true they are interested in this problem. Some say to reduce this 50 per cent surcharge would benefit the rich. The traveling men as a rule are not rich. If they were, they would not leave their homes and families and suffer the hardships and discomforts of a traveling salesman's life. Forty per cent of the mileage travel in America is in a Pullman car. Nearly every person who makes a journey to-day involving night travel, if he or she can possibly afford it, travels in a Pullman. Thousands of traveling men and others sleep on a Pullman in order that they may save time. On account of the present excessive surcharge, it is almost impossible for persons of ordinary means to take a berth at night on the train. I want to see this surcharge taken off, not only because it is unjust but so that people everywhere of ordinary means who travel at night may have an opportunity to sleep. [Applause.]

#### RAILROAD PROPAGANDA

I venture the assertion that there have been more railroad lobbyists in Washington during the last two or three weeks than there have been before in many a day. They have been working day and night to prevent the House from passing this Senate amendment and thereby remove this 50 per cent surcharge, and I have heard it said that some of these lobbyists have become so bold as to declare that nothing can go through the House that is opposed by the railroads. The short-line railroads get none of this 50 per cent surcharge. It all goes to the big railroads. The big railroads resist the building of short-line railroads in every way that they can, and when the short-line railroads are built the big railroads try to strangle and starve them to death. The big railroads never have any use for the short-line railroads, except when they desire the short-line railroads to use their influence with the Senator and Congressman. The big railroads are now, and have been for several years, following a very clever line of propaganda. In this fight they are attempting to line the farmers up against the traveling public. They tell the farmers that if this 50 per cent surcharge is taken off, they can not take anything off the farmers' freight rates. They tell the business men that if they take anything off the farm products, they can not take anything off the coal, iron, lumber, and other products of the business interests. They have been very

successful in lining up one class of citizens against the other. They are sending out men to Kiwanis clubs, Rotary clubs, and commercial clubs to make speeches and to tell the business and professional men in all of the towns, both large and small, that if any attempt is made to secure relief for the people from the railroads, it will destroy the railroads and ruin business.

They have a perfect right to send people out to make speeches, but I am calling upon the farmers, traveling public, and business people to look at the other side of the question. You will find that the values of railroad stocks have been climbing by leaps and bounds and their net earnings have been mounting higher and higher above the rates allowed by law, and the cost of operation continues to decrease, yet, with all this, the railroads resist with every means at their command any relief in freight or passenger rates for the benefit of the people. I would prefer to see the rates reduced on coal, lumber, and so forth, and on farm products, but we have been unable to get these questions before the Congress. The only question before us is this unjust 50 per cent surcharge that is collected from the Pullman passengers and paid to the railroad companies. You can bet your last dollar that the big railroads will not willingly take off any of these exorbitant rates. They resist every effort made by the people and their representatives to reduce rates in the courts and in the legislative halls of the Nation, and if any Member of Congress dares to raise his voice for the people he may depend upon meeting with their determined resistance when he offers himself for reelection. I have been in Congress long enough to know that a man must be 100 per cent for the big railroads if he desires his record to please the big railroads. While many of the big railroads are making from 8 to 20 per cent profits on their stocks after they have charged off everything that they can charge off as operating expenses, we find the coal and some other industries lying prostrate. Many of them would be satisfied if they were coming out even. They are losing money every day, and one of the things that is greatly hurting the coal industry is the high freight rates. I want to see the railroads prosper, but I do not want to see them oppress the people and be placed in a favored class to themselves. The people must have some relief. Within the last year the Senate has passed this measure twice by almost unanimous vote. I trust that a majority of the Members of this House will vote to sustain this action of the Senate. [Applause.]

#### NOT RATE MAKING

It is contended that Congress should not act on this matter. We should leave it to be determined by the Interstate Commerce Commission. It is contended here that Congress does not have sufficient knowledge to fix rates. It can not be contended that Congress has not the power to fix railroad rates. This power is given to Congress by the Constitution. I should like to see the Interstate Commerce Commission take some action for the relief of the people. This matter was before the Interstate Commerce Commission. Commissioner Campbell with the commission's expert, Mr. Keeler, went to all parts of the country and occupied many months in taking testimony from people in all walks of life on this very question. They made their report to the Interstate Commerce Commission. They declared in this report that this 50 per cent surcharge should be taken off, that it is not only unnecessary but it is an unjust and unfair discrimination against the traveling public. The question was then brought before the whole commission; five of them declared that all of this surcharge should be taken off, two of them declared that one-half of it should be taken off, and four of them were opposed to taking any off. We can see that a majority of the 11 members of the Interstate Commerce Commission are opposed to this 50 per cent surcharge as it now is. It seems that the commission will not give relief. I think it can be fairly contended that this 50 per cent surcharge is not a rate. A rate is a fair charge made for services rendered. While the railroads get this 50 per cent surcharge from persons riding in the Pullman cars, the railroads do not furnish the car, equipment, employees, or the service. It seems that it is in the nature of a penalty. Outside of this, the Pullman passenger pays his railroad transportation, and pays what has been fixed as a fair charge by the Interstate Commerce Commission for service in the Pullman car. While this 50 per cent surcharge is collected by the Pullman Co., and, although the Pullman Co. renders the service, it does not receive a cent of the money. I think we have shown clearly that the railroad company does not need this surcharge to pay their workers, operating expenses, or to make a fair return on their investments. It is not based on any services rendered by the railroad company. The time has come when the country needs relief from the big railroads on freight rates and on passenger rates, and I shall

record my vote in favor of giving the traveling public this just and meritorious relief. [Applause.]

Mr. SANDLIN. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Speaker, we are about to discuss a matter of great seriousness, and it should not be decided through sentiment, appeal to passion, or discussions of propaganda. I heard a gentleman speak a few moments ago who discussed the enormous propaganda opposing the removal of this surcharge. I sent to my office and secured the 33 telegrams I had received, and find that 30 of them are in favor of removing the surcharge; 28 of the 30 are identical in the language used. No one objects to a commercial traveler fighting to reduce the cost of his travel, but what the House needs to-day are facts. What are the facts?

Some 20 years ago or more 48 States were trying to make rates for railroads. They put nearly every railroad in the western country into the hands of receivers, and when the supreme courts of the States rendered final decisions they found that the legislatures had in many cases exceeded their powers. They had exceeded their powers because the Constitution of the United States protects a man in his property as it does in his life and in his liberty. Every man who owns a pig, or a horse, or a cow, or a sheep, or a wagon, or an automobile, or a railroad may not under our law have it taken from him without due process of law or without just compensation.

The States having failed in their attempt at rate regulation, the National Government assumed charge. It had the experience of the States before it, so it created a commission to investigate, to ascertain facts, and upon the facts to regulate rates. Finally, under the transportation act everything that belongs to a railroad came under the regulation of the United States Government. A railroad can not make a rate, it can not issue a share of stock, it can not issue a bond, it can not employ a fireman except with the approval of the Interstate Commerce Commission, and it must comply with safety regulations as set up by that commission.

There is nothing connected with a railroad that is not regulated by law.

Having regulated the railroads in these various ways, we said to them, "After you have earned above a certain per cent, you shall pay it back to the Government," part of it for the betterment of the road—and this only upon the approval of the commission—and a part for the support of the weaker roads.

Gentlemen have stated that of this \$37,000,000, \$20,000,000 comes from railroads that have exceeded the earnings allowed under the recapture clause. This is not the fact. The facts are that of the \$37,000,000 or \$40,000,000 only \$8,600,000 comes from that class of roads, and these are the figures reported by all members of the Interstate Commerce Commission and not by a part of the commission.

Following the period of the war, two years after the war was over, or in the year 1920, when the boys were home and peace was being enjoyed, when the cost of living was going up, the cost of coal rising, the cost of everything materially increased, the Labor Board increased the wages of railroad employees \$618,000,000 annually.

Mr. SCHAFER. Will the gentleman yield there?

Mr. HAWES. In a few moments.

This was a proper increase. It was made necessary by a 70-cent dollar.

Everything that enters into the cost of operation of a railroad went up, and the commission, representing you and the American people, were faced by a situation in which they could either permit the roads to increase rates or go into bankruptcy. If they went into bankruptcy, they would still have to be operated and could only have been operated with a Government subsidy, which would mean a Government tax. At that time, among other new sources of railroad revenue, an additional charge was placed upon the use of Pullman cars, dining cars, and parlor cars, a charge to be paid to the railroads and not the Pullman Co. It was placed there because the cost to the railroad of handling that kind of car was greater than it was for hauling the ordinary day coach. The Pullman car weighs approximately 40,000 pounds more than the day coach. Its passenger capacity is limited. The carrier does not make as much net to-day carrying a passenger in a Pullman coach as it does carrying a passenger in a day coach.

But the commission used an unfortunate term. It called the new charge a "surcharge." This created a psychological revolt in America. It brought a protest. Men began to say, "This is a war tax. You have taken it off in other directions, take it off of us."

It is not a war tax. It was a rate placed on that branch of the service, just as new rates were placed on other branches of the service and upon the cattle and the beef and the corn and the things we haul to our markets. Then what happened?

The organization of commercial travelers, splendid fellows, commenced their fight for the abolishment of this charge. Just as the farmer makes his fight and the cattleman makes his fight and the coal man makes his fight, they took their case before the Interstate Commerce Commission, and what happened? The commission occupied 18 months in an examination of this question.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. Mr. Speaker, I yield to the gentleman five more minutes.

Mr. HAWES. The Interstate Commerce Commission took nearly 3,000 pages of testimony, and during this discussion a strange thing has happened that only two or three pages of the 3,000 pages have been used in this record as tables and figures from the Interstate Commerce Commission.

After holding hearings in several of the large cities, long arguments were heard by the commission as a whole. Mr. Blumberg, a very able lawyer, and Mr. Loeb, and other very able counsel appeared before the commission with their experts, as they appeared before our committee with their experts, to demand a removal of the surcharge, as representatives of the traveling men's organization.

Finally the commission spoke. There are 11 of these commissioners. Seven of them supported the surcharge in principle, and two of the seven thought it should be reduced. Mr. McChord gave no expression of opinion.

Commissioner Lewis, in a splendid argumentative opinion, asked the direct question, Why, if the \$37,000,000 is to be removed, it should not be removed from all classes alike instead of this special one? Mr. McManamy thought the theory of the surcharge was wrong, but all the figures and facts that will be quoted to you to-day on this floor came from one commissioner, Mr. Campbell, whose report was approved by Mr. Cox, and not by another single one of the 11 commissioners.

Bills had been introduced in the House and in the Senate at an earlier date, and the Senate passed one of these bills without a hearing and without an ascertainment of the facts by a committee. These bills were before our committee but we suspended judgment, and we suspended hearings until the commission had reported. Any other course would have been intellectual dishonesty.

But when the Senate again sent over to this House, attached to a great appropriation bill involving nearly half a billion dollars, a rider proposing a reduction of \$37,000,000 in railroad revenues without a hearing before a Senate committee our committee did discuss it.

Our or your committee is composed of men representing 21 sovereign States, and out of the 21 men on this committee, 19 are in agreement and only 2 dissent. This is the fact relating to the position of the only committee that has heard this question discussed either on the Senate or the House side.

Gentlemen try to disguise the facts, but they can not be disguised. Only three or four men and women out of every hundred travel in a Pullman coach. The fact can not be disguised that if you take \$37,000,000 away from these people you will have to put it on the people who travel in the coaches or somewhere else or you will have retarded to the extent of \$37,000,000 any freight reduction to producers and shippers that may be had in this country. [Applause.]

Mr. BARKLEY. I have one more speech, and I shall probably conclude the argument, on my motion to concur.

Mr. WOOD. Is the gentleman to have only one more speech on his side?

Mr. SANDLIN. The gentleman from Kentucky controls the time in opposition, and I have a few minutes more.

Mr. BARKLEY. I will yield one minute to the gentleman from Georgia [Mr. UPSHAW].

Mr. WOOD. And I yield two minutes to the gentleman from Georgia.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for three minutes.

Mr. UPSHAW. Mr. Chairman and gentlemen, last night a friend of mine went to Boston. He said to me, "It is an outrage that I have to pay \$5.63 to sleep, going on the Federal Express." I looked at his ticket, and it read "Of this money the Pullman Co. gets \$3.75, and the railroad gets \$1.88." Now he had already paid his regular fare on the railroad, and the \$1.88 over and above what he paid for reasonable rates on the Pullman tells the story of this long-continued injustice.

that the people of this country are opposed to all over the land.

Not because I received this telegram—for I have been committed to this repeal ever since we got away from the war conditions that brought it about, but I read to you this message from Robert A. Broyles, chairman of the National Travelers' Protective Association, who is one of my most honored constituents:

ATLANTA, GA., February 26, 1925.

Hon. W. D. UPSHAW,

Congressman Fifth Georgia District, Washington, D. C.:

Over one hundred thousand of Travelers' Protective Association are insistent in their demands for elimination of surcharge on Pullman and parlor cars. Hope you will aid in passage of measure for its discontinuance.

R. A. BROYLES,  
National Railroad Chairman.

For several years this large and worthy element among our progressive citizenship have been battling for this relief to which the traveling public are entitled. The gentlemen who have preceded me have seemed greatly afraid that Congress will transgress its functions by becoming a rate-making body. I do not conceive at all that any dangerous thing is being done by the proposal to repeal this surcharge. Congress certainly has the right to act as a guardian of the rights of the people when Government bureaus fail to function in their behalf. Not merely the commercial travelers but millions besides them have vigorously protested against the vicious practice of continuing war-time excesses six years after the close of the war. It is a weak answer for the opponents of this repeal to say that we who favor repeal are legislating for only 4 per cent of the traveling public—we are legislating for the rights of 100 per cent. Every man and woman who travels on a train ought to be permitted to provide for health and comfort by going to bed at night without being penalized in peace time by such a tantalizing and unnecessary relic of war.

After the Pullman Co. pays the railroads \$12,000,000 a year for hauling the Pullman cars, it is an unthinkable proposition that we should vote here to-day to add thirty-seven millions more to the comfortable and mounting railroad earnings through this outrageous surcharge. And it is certainly poor and improvident argument to say that we should not grant the public this relief, because, forsooth, we can not here and now reduce all railroad fare to a pre-war basis. It is common sense and humanity for us to take what we can get in this Congress and do our further duty when we come face to face with it in the next Congress.

If Congress has any function at all it has the right and it faces the duty of protecting the traveling public—all of the traveling public—against these galling rates which the Interstate Commerce Commission has refused to correct.

I honor the able personnel of the commission, and I want to give a square deal to the railroads, but I am more anxious to give a square deal to the entire traveling public. This surcharge has been on us just about five years too long. We ought to play a game of old-fashioned "clubfish" to-day concerning this war-time injustice. If they will not "take it off" we ought to "knock it off." [Applause.]

Mr. SANDLIN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker and gentlemen of the House, I have no quarrel with anybody, be he called a propagandist or otherwise, who has sent me a telegram or who has written me a letter with reference to this Pullman surcharge. Because a man writes me a letter that he is in favor of the repeal of the surcharge, I do not assume that he is actuated wholly by a selfish motive—because a man or organization sends me a telegram opposing the repeal of the Pullman surcharge, I do not think that he is actuated by any railroad propaganda. I think that we should approach this question from as much a fundamental standard as is possible, unswayed, if we may be, by our prejudices or our own personal convenience or inconvenience.

This measure has passed the Senate of the United States twice—in the form of a bill last summer, and in the form of a rider on an appropriation bill during the short session of Congress.

Neither one of these measures ever had a hearing in any Senate committee. They were passed, and I presume that without argument and without discussion they would probably have passed in the House, but the fact remains that when the proposition came to the House it was referred to a committee

and that committee chose to try to get the facts before they reported upon it. After hearing both sides and exercising their judgment, after all the facts had been produced, the committee of the House of Representatives that had heard this reported adversely on it by a vote of 19 to 2. It must be admitted, even after the aspersions that are cast by some unknowing people upon the membership of that committee, that the men upon it are as patriotic as you are—probably not as wise as some of you think you are, but it must be conceded that after investigation by patriotic men their judgment probably is as good as is the judgment of wiser men without investigation.

I think it would be a serious blunder for the Congress of the United States to resolve itself into a rate-making body; and if I needed any evidence whatever to convince me of the fact that the House of Representatives and its membership is not capable of going into the finer technicalities of rate making, some of the speeches that have been made this afternoon would have absolutely convinced me of that fact. [Applause and laughter.]

I have been much amused by some of the speeches made this afternoon by some of the supporters of this amendment. Along with them I was opposed to the Mellon tax plan, because it reduced the taxes of the rich more than it did the less able to pay. They seem to be going in a different direction on this proposition, as this amendment proposes to take a railroad charge off of the 3 per cent of the people who ride the Pullman cars and leave all of the charge against the people who ride in the day coaches and who pay the freight. It would be a great blunder, in my opinion, for the Congress to push aside the practice of nearly 40 years of leaving this delegated power in the hands of an expert body and embarking on the unchartered sea of congressional rate making.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. AYRES. At the time this so-called surcharge was put on there was also 0.6 of a cent per mile added to coach passengers, was there not? That is, the rate per mile was increased from 3 cents to 3.6 cents?

Mr. RAYBURN. Yes.

Mr. AYRES. Would it be just as reasonable to argue for a repeal of that as for a repeal of the surcharges on the Pullman trains? Would it not affect a great many more people?

Mr. RAYBURN. If you repeal part of the charge upon the passenger fare on a railroad you will reduce the fare paid by 100 per cent of the people who travel, whereas, if you remove these Pullman surcharges you reduce the fare of only 3 per cent of the people who travel, because only 3 per cent of the people who ride on trains ride in Pullman cars. If Congress is going into the business of rate making, why not reduce the rate on freight and on the man who rides in the day coach? Gentlemen say that if this is left on we have no assurance that the Interstate Commerce Commission will either reduce the rates upon those who use the day coaches or reduce the freight rates of the country. There is one thing, however, of which we may with certainty assure ourselves and assure the country, and that is that if we take these \$37,000,000 from the railroads of the country, then in that proportion we will reduce the opportunity and the chance for the Interstate Commerce Commission to take off any or that much from the freight payers of the United States. [Applause.]

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. The cattlemen of the United States are to-day in probably the most dire circumstances of any one class of shippers that we have. They have now before the commission an application for a decrease in rates. I am hoping that the commission will be able, after investigation, to reduce their rates; but if we take \$37,000,000 off the income of the railroads at this time, I seriously doubt that they will be able to do it.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. If the cattlemen of the country, the livestock producers of the country, had the charge of the railroads taken off them—not \$37,000,000, not half of \$37,000,000, but, let us say, even \$10,000,000—then I think my friend from Texas [Mr. HUDDSPETH], who understands that question, would say that that \$10,000,000 would put the cattlemen of the country upon their feet.

Mr. HOCH. In the cattlemen's case the amount of revenue involved is only \$20,000,000, approximately half of what is involved in this case.

Mr. RAYBURN. But even \$10,000,000 taken off the cattlemen would in all probability put that industry upon its feet.

Gentlemen, this proposition is bad from a practical standpoint, and it is worse from a fundamental standpoint. Let

me say to some of you gentlemen who think it is such an easy thing to do this, an easy thing to pass this on, that when you go home now and somebody says that the freight rates on such and such a product are too high, you reply that Congress has nothing to do with that; that that is a matter that was turned over to the Interstate Commerce Commission; but pass this amendment, and that alibi will never be yours again, and the next time the Congress meets not one bill but a hundred bills will flood its hoppers to reduce the rates on various commodities. [Applause.]

Both freight and passenger fares should, in my opinion, be materially reduced, and I trust that the Interstate Commerce Commission will in its wisdom be able to do so at an early date and give relief to everybody who uses the railroads; but let the matter be done in an orderly and lawful way by an expert body, and not by piecemeal in an unscientific body that does not and can not know much, if anything, about the finer technicalities of the whole subject.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am going to ask for some information, and I know that the gentleman who will close the debate in favor of this amendment will be good enough to give me that information. The gentleman from Kentucky who spoke here clearly and forcibly in favor of this amendment called attention to two railroads that had rather large incomes last year. He called attention, first, to a northern railroad which had an income of 22.32 per cent. That is rather a large per cent, rather a large earning. However, their income from the sleeping and parlor car surcharges collected amounted to only \$793, so that we know that that little railroad has its income from something else besides Pullman surcharges.

The other road is the Texarkana & Fort Smith, which earned 17.41, and they took in a little over \$4,000 in Pullman charges, so we know those two roads did not obtain their income from surcharges on Pullmans. Well, that was called to your attention for the purpose of showing you the railroads were earning so much that we could take off this surcharge and still have freight reduction. All of us are more or less selfish. I am interested personally, I admit, in the reduction of the freight rate on livestock in the application that is pending. My people are interested in an industry that is absolutely on the rocks, and that is the livestock industry. The two railroads I know anything about where I want to see a reduction on, I am frank to say, are the Santa Fe and the Southern Pacific. That same year the Santa Fe had an income of only 5.19 per cent, while the Southern Pacific had an income of 5.13 per cent, and those are trunk-line railroads; and the Santa Fe had over \$2,660,000 income from the surcharge, while the Southern Pacific had \$2,258,000 plus. If we take the surcharge off of those two lines, based on those figures, their income would be less than 5 per cent, while on the 17.22 per cent railroads cited here the surcharge does not affect. I anticipate their short lines have some advantages in charges. Does my friend from Kentucky believe that the people, with the applications pending before the Interstate Commerce Committee for a reduction in rates on grain, for reduction in rates on livestock, will be embarrassed at all by the fact we took off \$40,000,000 by an overt act of Congress when we go there to continue that hearing which is pending? Is it demagogic to claim that we will furnish an alibi, at least, to the Interstate Commerce Commission for denying us these reductions by taking this off the other class? But you say this was never meant for a permanent rate, this surcharge, but more than a 20 per cent flat freight increase and six-tenths of a cent a mile passenger increase was included in this same order by the Interstate Commerce Commission. I just thought when we start the rate making or start to disturb that order we start on the freight, and I will vote for it. [Applause.]

Mr. WOOD. I desire to say to the gentleman from Kentucky that I was under the impression that I had a right to close the debate.

Mr. BARKLEY. The motion to concur is a preferential motion, and I having made that motion have the right to conclude.

Mr. WOOD. That does not follow.

Mr. BARKLEY. I think it does.

Mr. WOOD. I think I still have charge of this bill.

Mr. BARKLEY. And I have charge of this amendment.

Mr. WOOD. Under the rule I have a right to close the debate.

Mr. BARKLEY. I think I am entitled to close on the motion to concur.

Mr. WOOD. Because of the fact that I have control of this bill.

Mr. BARKLEY. The gentleman is against the motion that has been made. Now, the mover of the motion certainly has the right to conclude the debate and the motion which I made was to concur.

Mr. HOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOCH. Who has the right to close debate?

The SPEAKER pro tempore. The gentleman in charge of the bill, according to the precedents.

Mr. BARKLEY. Then I have a right to conclude debate on behalf of those who are in favor of my motion.

Mr. WOOD. And I have the right to close the whole debate. My only purpose in calling attention to the fact was that I felt the gentleman thought he had the right to close debate upon the proposition.

Mr. BARKLEY. I was under that impression.

Mr. WOOD. Well, the gentleman has not.

Mr. BARKLEY. According to the ruling of the Chair I would be entitled to speak just before the man speaks who does close debate, and whenever that time comes I shall be ready.

Mr. SANDLIN. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the country ought to know that the Congress is not responsible for the Pullman surcharge. Congress has had nothing whatever to do with it. Congress and the families of Members have suffered by paying this extra surcharge just like everybody else. But we have a governmental rate-making body. We have 11 members of the Interstate Commerce Commission who each draw \$12,000 a year, \$132,000 that we pay them in salaries alone for making rates for railroads. Let me show you what you spend on this Interstate Commerce Commission in salaries annually. They have a secretary at \$7,500. They have a chief counsel at \$10,000. They have a director of service at \$7,500. They have a director of the bureau of signals at \$7,500. They have a director of statistics at \$7,500. They have an acting director of valuation at \$9,000. They have a director of traffic at \$10,000. They have a chief of the bureau of locomotive inspection at \$6,000. They have a director of the bureau of safety at \$6,000. They have a chief of the bureau of inquiry at \$6,000. They have an assistant secretary at \$4,000. They have assistants to the secretary at salaries ranging from \$2,700 to \$3,600. They have a chief clerk at \$3,000. They have a disbursing clerk at \$3,600. They have an appointment clerk at \$3,300. They have a director of accounts at \$7,500. And they have besides the above a whole army of employees. And yet, with all that machinery of rate making, we are presuming here to assume the functions of that commission. We created this commission that costs the people a lot of money, a bureau that knows its business; and then we presume to do their business for them. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes.

Mr. DICKINSON of Iowa. Mr. Speaker, last fall in the campaign I remember it was declared by practically every man on the so-called progressive platform that we ought to have a legislative review of Supreme Court decisions. Now, to-day, we are being asked to review the work of a commission that is organized expressly for the purpose of covering a certain field of work that is far more technical, more intricate, and a great deal harder to reach a scientific conclusion on. Congress is now asked to come in here and enter a field of endeavor where it has already set up a commission and equipped it with men and money to perform a particular service. We are asked to enact class legislation, and do something that is the function of the commission to do, because the commission is the one that has the authority to do it. We ought not to do it, especially on an appropriation bill, coming in as an amendment of this kind.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. No. I have only five minutes, and the gentleman from Nebraska has had 15 minutes all to himself.

Now, I want to say to you that the western section of this country includes the principal rural sections of the country, and that is where the people need a reduction in freight and passenger rates, if any reduction is to be given. There we have a certain number of people riding in the Pullman sleepers, but they are usually people coming from somewhere out of that territory, into that territory, or through it, and occasionally a Congressman who comes home at the close of a session. He is about the only one who has to pay a surcharge.

If you consider the average return from all those roads, the total revenue derived, including the surcharge, amounts to

only 3.90 per cent, while 28½ per cent of that return is gained from freight rates on livestock and on agricultural products. So you have there pretty nearly a third of the return of those roads involved in those commodities.

Take, for illustration, the Chicago & North Western Railroad. It had practically \$1,000,000 return from the Pullman surcharge, and its total returns are a little less than \$4,000,000. Twenty-five per cent of its revenues are from the Pullman surcharge and about one-third of its net revenues are the freight rates on agricultural products and livestock; so that if you take from that road 25 per cent of its return, what hope have we that you are going to get a reduction in the freight rates that the farming people and the livestock people of this country need so badly?

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HUDSPETH. Recently I was for this proposition, but after going into the matter I have thought differently. In the gentleman's opinion, which industry needs the reduction worse, the livestock industry and the farming industry or those who ride on the Pullman?

Mr. DICKINSON of Iowa. I think the livestock industry and the farming industry need a reduction.

Take the Michigan Central Railroad as another illustration. It runs through Battle Creek, Mich. We send our wheat and our oats to Battle Creek, to be converted into breakfast foods. I wonder whether we should reduce the surtax or the surcharge on the traveling salesman who goes out of Battle Creek to sell his breakfast foods, or on the farmer who sends his grain into that locality to be converted into breakfast foods?

Mr. HUDSPETH. Does the gentleman think the farmer has the same chance to get a reduction if this is done?

Mr. DICKINSON of Iowa. No. It will be a serious handicap to further freight and passenger reduction.

The amount of revenue accruing to the railway companies from the Pullman surcharge was as follows, by districts in 1923 and 1924:

District	1924	1923
Eastern	\$16,029,454	\$16,041,391
Southern (including Pocahontas)	5,959,298	5,760,463
Western	15,634,798	15,695,402
United States	37,023,550	37,497,256

The significance of these sums in comparison with proposals for reductions in freight revenues may be shown by the following illustrations drawn from a statement of freight revenue by commodities in 1923:

In the western district the Pullman surcharge revenue amounts to more than a 10 per cent reduction in the rates on corn, wheat, flour, hay, straw, and alfalfa. It is over two-thirds of the entire revenue the railroads get for hauling potatoes. It is nearly equal to a 25 per cent reduction in rates on all cattle, calves, and hogs hauled in that district by railroads. It is nearly equal to a 10 per cent reduction in lumber revenues. It is over one and a half times all the money the railroads receive for hauling agricultural implements in that district.

In the southern district the amount of the Pullman surcharge is as great as 25 per cent of all the revenue derived from hauling fertilizer and cotton.

In the East the surcharge is more than a 20 per cent reduction in revenue from lumber. It is over 7 per cent of the revenue from anthracite coal.

The removal of the surcharge would cause as much loss in revenue as a reduction in all less-than-carload rates of over 7 per cent in the East, over 5 per cent in the South, and over 8 per cent in the West.

It is true that the removal of the surcharge would not hit each road in the same degree as the changes in freight rates above indicated, but some of the surcharge goes to weak roads. Thus, to the nearly bankrupt Chicago, Milwaukee & St. Paul the loss of three-quarters of a million is appreciable—\$761,806 in 1923 and \$695,540 in 1924. In the case of the stronger roads it increases the sums to be recaptured.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. WEFALD].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for three minutes.

Mr. WEFALD. Mr. Speaker, I want to say I am approaching a vote on this question with a good deal of difficulty. I am asking for a chance to speak simply to explain my vote. I feel that I shall have to vote to sustain the committee, although I have heard many good reasons assigned why I might have voted otherwise. I know it will be impossible for me to go back to my farmers, although I was elected on the promise that I would come down here and do what I could to bring about the revision of the Esch-Cummins law—I will not be able to go back to my farmers and tell them that I voted to reduce the Pullman surcharge or to take it away when those same farmers now have to pay about twice as much freight on their potatoes which they ship to Chicago and Kansas City as they did before.

I am not one of those who are very much worried over the argument that is used here that if we vote to do away with the Pullman surcharge we are putting Congress into the rate-making business. I say something must be done in order that the freight rates on farm commodities may be reduced, and if the Interstate Commerce Commission can not see fit to do that, then I will say that I, in the next Congress, will be willing to vote for something that will put Congress into the rate-making business. [Applause.]

But now I am going to sustain the committee. I shall vote to sustain the Committee on Interstate and Foreign Commerce in this instance, although that committee is known as the graveyard of much proposed good legislation. This committee has not since I took my seat here turned out one single piece of legislation designed to reduce the cost of transportation, although some good bills have been before it. In the last session of Congress I signed the petition that asked that the freight-reduction measure introduced by the gentleman from Nebraska [Mr. SHALLENBERGER] be withdrawn from the committee and be acted upon by the House. This was not accomplished, but had that measure received favorable action by Congress freight rates would have been materially reduced, and the first step would have been taken toward the reduction of the cost of living. The Republican Party must take the responsibility for the failure of Congress not doing anything toward adjustment of railroad freight rates.

It has been said here that if we adopt the Senate amendment and the Pullman surcharge is done away with that it will mean a loss of revenue to the railroads of \$37,000,000, some gentlemen think the railroads can not stand such a loss of revenue. Other gentlemen say that it will mean a saving of that much money to the people. At this time I am not so much concerned with the question of whether or not the railroads will suffer by reason of any action we may take here, it is my opinion that the railroads would be able to keep on doing business even at a far greater reduction in revenue, but I am unable to see where this reduction in railroad revenue would be reflected in a saving to the great bulk of the people that pay the freight. Those who do the most traveling in Pullman cars are either the leisure class or at least those whose work is not closely connected with production in farming or industry. It is said that between three and four persons out of a hundred travel in Pullman cars, not more than half of those can be commercial travelers, so at the best only half of the saving effected would have a chance at all to be considered as a reduction in the cost of doing business through the saving in traveling expenses. Of these commercial travelers only a third, perhaps, work on a commission basis of compensation and would be personally benefited by the reduction of the surcharge; it would mean a saving of about \$6,000,000 to these people, the other \$31,000,000 no one would seriously consider would affect business cost at all. But under the present system of rate making if the railroad revenues were reduced by \$37,000,000 the railroads would go to their friends, the Interstate Commerce Commission, with tears in their eyes and ask for help and that body, judging by what we know of them, would increase freight rates on necessities of life; very likely put the greatest increase on farm products, for farmers do not employ the best lawyers in the land at enormous salaries to make the commission see things their way.

Mr. Speaker, I am a business man, I know something about business, and I know the condition of the farmers. I know that freight rates are eating up the farmers, and it is hurting business, too, in the farm sections of the country. I know the traveling salesmen, also; I have come in contact with hundreds of them every year for many years. They are good fellows; most of them are sensible fellows; almost without exception they will admit that reduction in freight rates on the goods they sell will benefit them much more than will the reduction of Pullman rates. All traveling salesmen traveling in the farming Northwest know that reduction in freight rates on farm products like potatoes, livestock, grain, and such will mean

much more even to them than anything that can happen. In the Red River Valley the farmers have to pay more than 20 cents a bushel in freight on the potatoes they sell; what they pay in freight is more than half of what the crop brings them. It has happened often during the last few years that farmers shipping cattle had to pay more in freight charges than what the whole shipment brought them. These farmers would be glad to have me vote to put the Congress or somebody besides the Interstate Commerce Commission into the rate-making business, and I shall gladly so vote, but this will not be accomplished by me voting to abolish the Pullman surcharge. The farmer has now all the burdens that he can carry; he can not stand any further increase in freight charges. The last Republican platform promised the farmers lower freight rates; that promise was plain and specific. No attempt has been made to keep it in this session; let us hope that it will not be forgotten in the next Congress—perhaps a promise made in the last campaign would not be binding until the next Congress, or how?

My vote was not actuated either by prejudice against those who ride in Pullman cars or for those who can not afford it, but I think of those who sweat and toil, especially farmers, who receive so little for their toll that they can never travel even in a day coach unless some sad circumstance compels them to do so. I wish to do the fair thing by them.

I travel in a Pullman car occasionally, it has not come to my lot to travel very much in a Pullman car. I have traveled many nights in a day coach and I would like at this time to be able to vote to take away the Pullman surcharge because, from the little experience I have had of traveling in that manner, I like it, and I would be extremely glad to know that every farmer in the country, when they had to make a journey and travel at night, would be in a position to ride in a Pullman car. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. BARKLEY. Mr. Speaker, how does the time stand at this time?

The SPEAKER pro tempore. The gentleman from Kentucky has 24 minutes remaining, the gentleman from Louisiana 5 minutes, and the gentleman from Indiana 36 minutes.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from North Dakota [Mr. BURTNESSE].

Mr. BURTNESSE. Mr. Speaker and gentlemen of the House; personally I am prejudiced against the so-called Pullman surcharge; I would prefer not to pay it, to get rid of it, and I presume most of the Members of the House feel the same way about it, but that is not the question before us to-day.

I am forced after careful consideration to vote against the rider or Senate amendment making the collection of such surcharge illegal for a number of reasons, and I can briefly touch on but two or three of them in the few minutes I have.

First, such a proposal ought not to be attached to an appropriation bill in the form of a rider at all but should come before Congress through the regular legislative committees of the two Houses. The second main objection is that it has been established clearly and plainly that this is rate-making and, as has already been suggested, some of the arguments made on the floor of the House for this proposition plainly show some of the reasons why we ought not to engage in a policy of rate-making on the floor of the House. This is not a judicial body in the very nature of things. We have not the time, the patience, nor the facilities to ascertain what is a fair and reasonable rate in this and hundreds of similar issues which will come before us if we start in to declare any one rate as a reasonable or an unreasonable charge. Oh I note the question has been asked by one or two, when the argument has been made that this would delay the needed reduction of freight charges, "Well, when will the Committee on Interstate and Foreign Commerce reduce freight rates?" or, "When will they reduce passenger rates?" Of course, neither the committee nor Congress has anything to do with such rates and should not have directly. We have a judicial body for that purpose, the Interstate Commerce Commission which has for its guidance general policies laid down by Congress. Yet there are some, apparently, who stand ready to vote for any reductions whatsoever on the floor of the House, regardless of what the facts may be.

Third, I am opposed to the proposal because it means that we would act as an appellate court upon a decision which has been rendered by the Interstate Commerce Commission, and that commission has far better opportunities and facilities at its disposal to judge of the merits than we have. We can not possibly take the time to consider the tremendous amount of evidence and statistical data submitted to the commission.

And this is a technical and a difficult proposition. The very fact that there were four separate opinions written by as many commissioners representing various viewpoints and conclusions upon that commission shows that it is technical and difficult and that it is hard under the very best of conditions, after hearing all the evidence and the argument of trained counsel, for even trained experts to arrive at a fair and just conclusion. The proponents of this proposition desire that we start in on a procedure to pass judgment upon the decision of the commission as though we were an appellate court. Merely stating the fact should show the folly thereof.

Lastly I oppose the amendment because the facts themselves, do not sustain the contention that is made in favor of a repeal of the so-called surcharge.

Gentlemen, what are the merits? I am not so much concerned with the exact percentage of the people who may use one or the other facility, but I am concerned with this question particularly: What service is rendered by the carrier to the Pullman passenger and what is the cost of the service that is rendered? Surely, if there is anyone who ought to be willing to pay for the cost of the service rendered and ought to be willing to contribute a fair proportion to that fund which is required in order for the investment to yield a fair return, it is the people who use these special services. What do we find? If the formula used by the Interstate Commerce Commission for ascertaining the cost of the service and the net revenue to the carrier is correct, then we find this: That of every 3.6 cents that a day-coach passenger pays to be hauled one mile upon the railroad there is a net revenue to the railroad of 0.636 cent, while for every mile that a Pullman passenger is hauled, from the railroad fare including the surcharge, but not including a small contribution from Pullman companies by contract, there is a net revenue to the railroad of only 0.377 cent. In other words, there is almost twice as much net revenue for the railroads from hauling a day-coach passenger per mile as there is for hauling a Pullman passenger a mile. Take away the surcharge and the revenue to the railroad will be only 0.085 cent. Yet the suggestion is made that the charge made to a Pullman passenger which goes to the carrier itself, should be reduced rather than the charge to the ordinary day-coach traveler.

Let me give it to you in another form, and I want to submit for the Record this entire exhibit, which places the matter before you in a nutshell. Let us compare the operating expense of some of these types of service to the total of revenue received therein and what do we find? We find that 89.48 per cent of the total income including surcharge received from sleeping and parlor cars goes out in expense, while only 80.63 per cent of the revenue received from the ordinary day coach is used in expense.

Abolish the surcharge and 97.43 per cent of the revenue from Pullman passengers will be used for the expense of hauling them, leaving practically no net revenue. This could not help but delay lower rates, both freight and passenger, where the need for decrease seems more urgent to me than for this special class.

Under leave granted to extend my remarks I insert the following tables, which give the most pertinent facts in small compass and which have been accepted as truly representing the facts by a majority of the Interstate Commerce Commission.

The revenues per car-mile, based on carriers' Exhibit B-14, and the expenses per car-mile, based on Mr. Elmore's formula, Exhibit B-26, and the per cent of the revenue which is absorbed by the expenses is shown in the following table:

Average revenues and expenses per car mile

Class of traffic	Revenue (Exhibit B-14)	Expenses (Exhibit B-26)	Operat- ing ratio	Net reve- nue
	Cents	Cents	Per cent	Cents
All passenger traffic	49.24	43.33	88.00	5.91
Same excluding surcharge	47.63	43.33	90.97	4.30
Sleeping and parlor car	49.68	43.56	89.48	5.12
Same excluding surcharge	44.71	43.56	97.43	1.15
Coach and commutation	49.63	43.18	87.00	6.45
Coach excluding commutation	53.52	43.18	80.63	10.34

The revenue per passenger-mile from the passengers in Pullman cars and in day coaches, utilizing the average revenue per passenger-mile as shown on Exhibit B-14 and the average cost per car-mile in Mr. Elmore's Exhibit B-26, divided by the average passenger miles per passenger-carrying car-mile as shown on Exhibit B-14, are as follows:

## Average revenues and expenses per passenger-mile

Class of traffic	Revenue (Exhibit B-14)	Expenses (Exhibit B-26)	Operat- ing ratio	Net revenue
	Cents	Cents	Per cent	Cents
All passenger traffic	3.019	2.657	88.01	0.362
Same excluding surcharge	2.920	2.657	90.99	0.263
Sleeping and parlor car	3.582	3.205	89.48	0.377
Same excluding surcharge	3.290	3.205	97.42	0.085
Coach and commutation	2.731	2.376	87.00	0.355
Coach excluding commutation	3.290	2.654	80.67	0.636

The SPEAKER pro tempore. The time of the gentleman from North Dakota has expired.

Mr. BARKLEY. How many more speeches has the gentleman from Indiana?

Mr. WOOD. I have about 20.

Mr. BARKLEY. If the gentleman has 20 more speeches, he is not going to ring me in now.

Mr. WOOD. I would suggest to the gentleman from Kentucky that he use some of his time, because he has more time than anybody else.

Mr. BARKLEY. I am going to use all of it myself, and I am going to use it just before the man who concludes on your side.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, we have before us an amendment to one of the great appropriation bills in a provision repealing the the Pullman surcharge. It was attached as a rider to this bill over in the Senate. No committee in that body conducted any hearings and 3½ pages covers the consideration given in the Senate. If we concur in the Senate amendment, we reverse a decision of the Interstate Commerce Commission, wherein that commission refused to do the very thing that this amendment provides. Furthermore, we would reverse an almost unanimous report from the Interstate Commerce Committee of this House, for it will be observed that of the 21 members, and following a hearing covering 129 printed pages of record, 19 of those members signed an adverse report and but 2 signed a favorable report.

Mr. Speaker, I would like to get rid of paying this Pullman surcharge. I must confess that I approached the consideration of this question in a very sympathetic frame of mind, but in the consideration of any question of this kind I must be governed by the evidence. From the evidence submitted there was no doubt in my mind as to what I should do.

Let me briefly rehearse a bit of history connected with the institution of this charge. The transportation act became a law in February of 1920. It provided that the railways of the country should have a fair return upon the aggregate value of their property. The railroads, generally speaking, were in a serious condition. They needed additional revenues. With the power given the commission over rates, and the duty to provide rates which would furnish a fair return, the commission conducted extensive hearings in the so-called increased rate case of 1920. In those hearings it developed that railway operating revenues from 1916 to and including 1920 had increased 70 per cent. Railway operating expenses had increased 150 per cent. The pay roll itself had increased slightly over 150 per cent. During the same period the net railway operating income had shrunk from over \$1,000,000,000 in 1916 to but \$17,000,000 in 1920. The following table, pertaining to class I roads, are the figures furnished me by the Interstate Commerce Commission, substantiating this general statement:

Class I roads  
[Thousands of dollars]

Year	Railway operating revenues	Railway operating expenses	Pay roll	Net railway operating income
1916	\$3,596,866	\$2,357,398	\$1,468,576	\$1,040,085
1917	4,014,143	2,829,325	1,738,482	934,069
1918	4,880,953	3,982,068	2,613,813	638,569
1919	5,144,795	4,399,716	2,843,128	454,085
1920	6,178,438	5,827,591	3,681,801	17,227
1921	5,516,598	4,562,668	2,802,749	600,937
1922	5,559,093	4,414,522	2,672,157	760,187
1923	6,356,891	4,943,928	3,043,161	977,657

Mr. Speaker, it is perfectly obvious that with this condition confronting the railroads of the country and the duty imposed upon the commission by the transportation act, that rates were due for a general increase. This general increased rate case

of 1920 is reported in 58 I. C. C. 220, and the opinion was handed down on July 28 of that year. In the order (Ex parte 74) freight rates were increased from 25 per cent to 40 per cent, furnishing an estimated revenue of \$1,088,000,000. Passenger fares were increased from 3 cents per mile to 3.6 cents per mile (a 20 per cent advance), with an estimated increase in revenue of \$233,000,000. At the same time, and as a part of the same proceedings, the Pullman surcharge of one-half cent per mile was authorized by the commission, with an estimated revenue of from thirty-five to thirty-eight million dollars. While this case was under consideration by the commission, the United States Railroad Labor Board handed down a decision, increasing generally throughout the country wages of railway employees and estimated the total of that increase to be \$618,000,000. Obviously, railroad revenues must be increased materially, and the commission provided for the increase from these three different sources.

The year following the Railroad Labor Board in decision 147 and collateral changes thereof, reduced railroad wages. The total reduction was estimated to be \$448,000,000. In their decisions 1028, 1036, and 1074, and collateral changes, a further reduction was made, amounting to \$185,000,000. In 1923 certain further changes were made, due to the settlement of the shopmen's strike. These involved increases estimated at \$190,466,000.

During this period, the Interstate Commerce Commission substantially reduced some of the freight rates. As a result of the decision of the commission, found in 68 I. C. C. 676 there became effective July 1, 1922, a general freight rate reduction of 10 per cent. Prior to this reduction the rates on freight in this country in 1922 were 111 per cent above what they were in 1913. The effect of the reduction was to make them 90 per cent above what they were in 1913. The commission estimated that this 10 per cent reduction of 1922, would aggregate \$400,000,000 annually. In 63 I. C. C. 107 the commission required a 20 per cent reduction on nearly all rates on livestock in the West. In 64 I. C. C. 85 the commission required the removal of one-half of the increases of 1920 as to all rates on grain, grain products, and hay. Furthermore, on coarse grain it made an additional 10 per cent reduction, resulting in rates on wheat, hay, and their products in the western group, approximately 45 per cent, and in the mountain-Pacific group approximately 40 per cent in excess of the 1913 level, and on coarse grains and their products approximately 30 per cent and 25 per cent, respectively, in excess of that level. It will be observed, therefore, that since the rate increase of 1920 the commission has made very substantial increases in freight rates, and especially in agricultural products. It more than offsets the wage reductions.

Mr. Chairman, a further reading of this Exhibit, which I mentioned a few moments ago, will show that at the close of the year 1923 railway operating revenues were 75 per cent above what they were in 1916. Railway operating expenses were 110 per cent above the 1916 figure, and that is likewise true of railroad wages, but it will be observed that the net railway operating income has not quite reached the 1916 figure.

Probably as a result of the favorable action by the commission on these applications for decrease in freight rates application was filed in June of 1923 by various commercial travelers' organizations for a repeal of the Pullman surcharge. Testimony was taken by the commission in every part and portion of our country. The case was argued and submitted in November of 1924. A decision was made public and available February 9 of this year. This is decision 14785, and will be found in 95 I. C. C. It will be observed that following this extensive hearing seven commissioners decided against a repeal of the surcharge while four dissented and favored the repeal.

Mr. Chairman, when the Interstate Commerce Commission, consisting of 11 members, following an 18 months' consideration of the case, render a decision, Congress certainly ought not to interfere unless it has been clearly established that the decision of the commission is wrong. Appreciating the intricacy involved in rate making, Congress created the Interstate Commerce Commission as its agent. The principal, of course, has the right to reverse the decision of the agent, but clearly Congress in determining a rate question ought to be governed by the law of the land and the evidence submitted. I want to submit to the Members gathered here that there has not been one bit of real honest-to-goodness evidence submitted here to-day which would warrant us in assuming jurisdiction and in passing legislation taking away this \$37,000,000 of revenue.

Mr. JACOBSTEIN. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. I am sorry I can not yield.

In the face of that, gentlemen, ought we to turn aside from the decision of the Interstate Commerce Commission? Ought we to turn down the recommendation of the committee of Congress, voting 19 to 2, and simply do this because we have been asked to do it, or as some one expressed it, because it is demanded that this be done?

Mr. SCHAFER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry I can not yield.

Mr. Speaker, I am opposed to the enactment of this legislation; first, because it involves Congress in direct legislative rate making. This charge was put into operation to provide additional revenues to the railways. It was put into effect at the same time that general freight and passenger rate increases were made effective. To-day there is insistent demand from various sections of our country for further reductions in rates. There is no question in my mind that if Congress opens the door by passing this legislation it will then be asked to legislate directly providing for freight and passenger reductions. Congress is not constituted so it can take evidence and judicially consider questions of this kind. We have the power to act. I do not say we ought never to exercise it, but certainly we ought not, except upon the clearest reason for doing so and in a judicial manner.

In considering this, we must remember this case has been submitted to the Interstate Commerce Commission. The proponents of this legislation themselves brought the proceedings before the commission. The case was decided against them. They now seek to have Congress act as a Court of Appeals to review the decision. The fact is, that even while this case was pending before the commission, and while testimony was being taken by the commission, the proponents of this legislation were seeking direct legislation by Congress. It seems to me that Congress would be making a very serious mistake to constitute itself as a reviewing court of the decisions of the Interstate Commerce Commission, in reference to the rate structure of the country.

However, some of my colleagues may differ with me as to one or both of these propositions, but they ought to agree, however, to this: It is undisputed that only 3 to 4 per cent of the passengers who travel in the country use the Pullman cars. It will be recalled that before the war, passenger rates in this country were, generally speaking, 2 cents per mile. During the war they were increased to 3 cents, and in 1920 the increase was to 3.6 cents per mile. If a reduction is to be made in railroad revenues, then it would seem to me that this reduction ought to come off from the freight and passenger traffic generally, so that all of the people would receive the benefit therefrom, instead of just 3 or 4 per cent. This, of course, is especially true, unless it is clearly proven that the surcharge provides more than a fair and reasonable return for the service rendered.

Then, there is this further observation that I want to make. The gentleman from Kentucky [Mr. ROBISON] called attention to several railroads that are making a very substantial return from their investment. These were isolated cases. The great bulk of the railways of the country are not making any such returns. Furthermore, it just happens that these particular roads that he referred to are obtaining very little revenue from the Pullman surcharge. It would have been much fairer if he had taken those roads that derive substantial revenues from this source, and then tell the House what they were making. There was collected in 1923 on the Pullman surcharge from all roads, \$37,609,062. From this total roads earning 6 per cent or over, only received \$8,627,289. Those roads earning 5 per cent or over, but under 6 per cent, received from this source \$10,462,273. The roads earning less than 5 per cent received \$16,519,498. It will be observed, therefore, that the well-paying roads got less than 25 per cent of the revenue from the surcharge. Let me call attention to the railways of the country with surcharge collections during the year 1923 of more than \$200,000 each. The statement is as follows:

Rate of return on investment in road and equipment, Class I roads, with surcharge collections of more than \$200,000, calendar year 1923

Region and road	Investment in road and equipment, 1923	Surcharge, 1923	Net railway operating income, 1923		Per cent
			Amount	Rate of return	
New England region:					
Boston & Maine	\$237,677,701	\$292,484	\$2,987,415	1.26	
New York, New Haven & Hartford	1,504,090,337	1,333,070	15,614,928	3.10	

<sup>1</sup> Investment figures as shown for the New Haven are partially based on tentative value.

Rate of return on investment in road and equipment, Class I roads, with surcharge collections of more than \$200,000, calendar year 1923—Continued

Region and road	Investment in road and equipment, 1923	Surcharge, 1923	Net railway operating income, 1923		Per cent
			Amount	Rate of return	
Great Lakes region:					
Delaware, Lackawanna & Western	\$261,044,874	\$248,488	\$13,742,999	5.26	
Lehigh Valley	237,824,706	211,090	6,573,121	2.76	
Michigan Central	176,281,254	904,951	19,888,175	11.00	
New York Central R. R.	1,169,916,004	4,135,789	70,667,192	6.04	
Wabash	233,114,916	286,672	8,041,275	3.84	
Central Eastern region:					
Baltimore & Ohio	753,130,340	906,385	42,133,129	5.59	
Cleveland, Cincinnati, Chicago & St. Louis	255,076,532	712,468	16,691,901	6.54	
Pennsylvania System	2,190,947,400	5,704,031	88,065,480	4.01	
Pocahontas region:					
Chesapeake & Ohio	320,703,287	321,902	19,135,357	5.80	
Norfolk & Western	352,451,316	237,572	19,877,676	5.64	
Southern region:					
Atlantic Coast Line	225,972,920	736,445	15,496,609	0.86	
Florida East Coast	58,094,674	262,683	3,165,911	5.45	
Illinois Central	470,441,576	726,935	22,906,244	4.87	
Louisville & Nashville	366,887,123	725,267	20,673,143	5.63	
Seaboard Air Line	206,027,428	411,900	7,957,963	3.86	
Southern Ry.	532,521,275	1,209,894	28,128,137	5.23	
Northwestern region:					
Chicago & North Western	484,818,748	912,242	15,843,375	3.27	
Chicago, Milwaukee & St. Paul	717,219,852	761,866	20,167,713	2.81	
Great Northern	509,871,217	401,121	24,731,992	4.85	
Minneapolis, St. Paul & Sault Ste. Marie	212,863,879	242,917	8,204,096	3.75	
Northern Pacific	558,799,156	582,457	17,100,557	3.06	
Central western region:					
Atchison, Topeka & Santa Fe system	872,026,846	2,800,733	46,492,844	5.33	
Chicago & Alton	149,244,004	249,245	5,319,568	3.56	
Chicago, Burlington & Quincy	564,270,870	918,358	25,365,567	4.50	
Chicago, Rock Island & Pacific	389,414,128	796,774	14,121,465	3.63	
Denver & Rio Grande Western	197,131,320	281,361	3,231,816	1.64	
Southern Pacific Co.	884,979,271	2,258,582	47,147,343	5.33	
Union Pacific system	809,807,463	1,979,303	39,840,005	4.92	
Southwestern region:					
Galveston, Harrisburg & San Antonio	82,346,248	277,610	2,281,548	2.77	
Missouri, Kansas & Texas of Texas	72,424,196	202,412	1,256,035	1.73	
Missouri Pacific	399,630,349	455,832	8,893,245	2.23	
St. Louis-San Francisco	395,846,710	551,825	18,484,459	4.67	
Texas & Pacific	132,597,718	270,520	5,237,535	3.95	

SOURCE.—Exhibit No. B-9, Pullman Surcharge Case, and Appendix B, I. C. C. Decision No. 14785.

FEBRUARY 24, 1925.

It will be observed that only four of these roads have a rate of return exceeding 6 per cent. They are: Michigan Central; New York Central; Cleveland, Cincinnati, Chicago & St. Louis; and Atlantic Coast Line. The first three mentioned belong to the New York Central group. It must be quite apparent, therefore, that it is not the roads that are earning substantially on their investment who derive substantial revenue from the Pullman surcharge. It would seem to follow, therefore, that if this \$37,000,000 is taken off by repeal of the surcharge that rates either on freight or passenger service will have to be increased. This certainly would seem to follow as to some sections of the country. Take the northern transcontinental roads, for example. In 1923 they collected from Pullman surcharges as follows:

Chicago, Milwaukee & St. Paul	\$761,806
Great Northern	401,121
Northern Pacific	582,457
Minneapolis, St. Paul & Sault Ste. Marie (Soo Line)	242,917

None of these roads had been making the fair return of 5% per cent, as prescribed by the Interstate Commerce Commission, during any of the years 1921 to 1924, inclusive. The net railway operating income on these roads from 1921 to 1924, inclusive, is shown on the following table:

Net rate operating income		
Chicago, Milwaukee & St. Paul:		Per cent
1921		0.73
1922		1.85
1923		2.73
1924		1.2.57
Great Northern:		
1921		2.53
1922		3.37
1923		4.59
1924		1.4.49

<sup>1</sup> Data as shown for 1924, based on property investment as shown for preceding year.

	Per cent
Northern Pacific:	
1921	1.93
1922	3.47
1923	2.93
1924	1.3.40
Minneapolis, St. Paul, & Sault Ste. Marie:	
1921 (deficiency, \$696,585).	3.31
1922	3.75
1923	1.3.10
1924	

It will be observed that none of these roads have reached the 5 1/4 per cent prescribed by the commission. Of course, the taking away of the Pullman surcharge would materially reduce this return, because they derive substantial revenue from the charge.

Out of the net railway operating income the railway companies must pay interest on funded and unfunded debts and take care of one or two other items of expense that can not be charged up in figuring net railway operating income. It is out of net corporate income that dividends are paid. During the years 1921 and 1922 there was a very substantial deficit in the Milwaukee road on net corporate income. In 1923 that income was but \$350,196. If the surcharge had been taken away, amounting to over \$700,000, there would have been a deficit in 1923. In 1923 the Soo Line had a net corporate income of \$950,663. If the \$240,000, which was the amount they obtained from the surcharge, had been taken away, I submit it would have been a very substantial reduction. Following my remarks, I am submitting a table showing the income accounts of these four northern transcontinental roads. They all derive a substantial income from the surcharge, and it must be perfectly obvious that if this revenue is taken away that additional revenue must be provided by the Interstate Com-

merce Commission. That additional revenue can only come through the increasing of freight rates. A very substantial portion of the revenue from freight on these four roads is from the carrying of agricultural products. Clearly, then, the increase would have to come on agricultural products. The feeling has been throughout the country that on account of the condition of agriculture that, if possible, freight rates on agriculture should be still further reduced, even if it was necessary to increase the rates on certain classified rates. Congress, in January, passed the Hoch resolution, the substantial portion of which is as follows:

In view of the existing depression in agriculture, the commission is hereby directed to effect, with the least practicable delay, such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rate compatible with the maintenance of adequate transportation service.

In January we directed the Interstate Commerce Commission to further reduce freight rates on agricultural products. If we pass this we would prevent any decrease and probably necessitate an increase.

Mr. Speaker, it seems to me that not only have the proponents of this legislation failed to substantiate their case warranting Congress in going into the rate-making business, but that these figures show that it would be futile for Congress to take action, excepting upon the idea of increasing other rates to make up the loss in revenue. For these reasons I shall oppose the amendment.

<sup>1</sup> Data as shown for 1924, based on property investment as shown for preceding year.

Income account, four selected roads, 1921 to 1924

Item	Chicago, Milwaukee & St. Paul				Great Northern			
	1921	1922	1923	1924	1921	1922	1923	1924
Average miles operated.....	10,808.63	11,020.86	11,010.74	10,986.92	8,163.44	8,260.71	8,254.21	8,251.44
Total operating revenues.....	\$146,765,766	\$156,950,628	\$169,628,338	\$158,366,459	\$101,317,204	\$103,452,937	\$120,077,772	\$110,243,101
Freight.....	104,894,848	116,005,731	127,953,106	120,070,603	74,700,241	78,065,563	98,072,147	86,144,671
Passenger.....	26,915,456	24,261,499	24,175,892	21,768,171	16,460,280	15,112,453	15,305,242	13,683,383
Mail.....	3,159,611	3,139,601	3,009,691	3,000,944	2,856,978	2,849,623	2,971,703	3,009,146
Express.....	3,009,236	4,350,006	4,533,037	4,227,796	2,460,194	2,709,939	2,915,272	2,599,113
All other.....	8,786,615	9,193,791	9,956,612	9,208,945	4,839,601	4,715,339	5,213,408	4,806,791
Total operating expenses.....	127,957,002	129,596,696	134,900,228	125,550,061	80,496,913	79,636,038	86,750,523	75,212,058
Freight service.....	90,936,868	94,854,817	100,636,820	95,533,276	57,943,015	64,170,784	-----	-----
Passenger and allied services.....	37,020,134	34,741,879	34,362,408	24,943,637	21,693,023	22,579,739	-----	-----
Operating ratio (per cent).....	87.18	82.57	79.59	79.28	79.45	76.98	72.25	68.23
Net operating revenue.....	\$18,809,764	\$27,353,932	\$34,629,110	\$32,816,398	\$20,820,291	\$23,816,899	\$33,327,249	\$35,031,046
Railway tax accrals.....	8,762,089	9,654,738	8,614,180	9,014,061	8,291,223	8,007,725	9,113,227	10,257,741
Uncollectible railway revenues.....	283,546	6,534	3,112	127,830	48,080	15,534	20,982	12,267
Equipment rents, net.....	1,266,120	1,2,977,205	1,4,400,583	1,3,290,608	1,739,997	1,799,023	1,806,631	1,304,269
Joint facility rents, net.....	1,379,680	1,431,210	1,443,522	1,411,793	1,354,574	1,226,065	1,267,679	1,255,481
Railway operating income (per cent).....	0.73	1.85	2.73	2.57	2.53	3.37	4.59	4.49
Net railway operating income.....	\$5,117,329	\$13,284,245	\$20,167,713	\$18,972,106	\$12,866,411	\$17,278,598	\$24,731,992	\$24,201,238
Other income.....	3,804,658	1,574,700	1,710,906	-----	31,731,123	10,487,007	5,085,536	-----
Total income.....	8,921,987	14,858,945	21,878,709	-----	44,597,534	27,763,605	29,817,528	-----
Fixed charges:								
Rents for leased roads.....	459,504	919,423	947,230	-----	13,710	106,413	116,023	-----
Interest on funded debt.....	16,969,623	18,073,451	19,443,503	-----	13,747,509	16,242,953	16,348,339	-----
Interest on unfunded debt.....	1,988,482	1,148,976	586,161	-----	1,161,806	236,009	212,483	-----
Other deductions.....	470,904	716,802	551,619	-----	1,204,583	312,558	200,857	-----
Total deductions.....	19,884,603	20,858,652	21,528,513	-----	16,127,608	16,807,933	16,977,302	-----
Net corporate income.....	\$10,962,616	\$5,999,707	350,196	-----	28,469,926	10,865,672	12,840,226	-----

Item	Minneapolis, St. Paul & Sault Ste. Marie				Northern Pacific			
	1921	1922	1923	1924	1921	1922	1923	1924
Average miles operated.....	4,298.09	4,383.57	4,396.49	4,402.53	6,658.03	6,640.64	6,668.99	6,679.94
Total operating revenues:	\$42,745,440	\$47,107,105	\$49,345,337	\$47,945,360	\$34,538,059	\$36,076,066	\$102,002,050	\$95,292,404
Freight.....	31,090,375	35,526,522	37,604,190	37,349,105	69,246,505	71,725,006	77,610,570	73,422,540
Passenger.....	8,052,848	7,378,176	7,666,758	6,575,906	17,015,155	15,551,897	15,438,784	13,167,942
Mail.....	936,175	869,249	834,537	896,951	1,699,835	1,657,162	1,660,115	1,726,712
Express.....	825,437	1,176,916	996,873	996,040	2,081,542	2,157,177	2,059,449	2,033,957
All other.....	1,800,605	2,153,242	2,240,979	2,127,358	4,495,022	4,984,824	5,233,142	4,941,233

<sup>1</sup> Debit.

<sup>2</sup> Credit.

<sup>3</sup> Deficit.

Income account, four selected roads, 1921 to 1924—Continued

Item	Minneapolis, St. Paul & Sault Ste. Marie				Northern Pacific			
	1921	1922	1923	1924	1921	1922	1923	1924
Total operating expenses.....	\$39,755,399	\$36,442,851	\$37,615,134	\$36,813,855	\$77,630,867	\$72,654,711	\$80,364,810	\$70,533,064
Freight service.....	28,772,201	26,357,085	28,186,752	28,428,382	54,208,628	50,604,091	58,164,840	52,199,970
Passenger and allied services.....	10,983,198	10,085,766			23,422,239	22,050,020		
Operating ratio (per cent).....	93.01	77.36	76.23	76.78	82.12	75.62	78.79	74.02
Net operating revenue.....	\$2,990,041	\$10,664,254	\$11,730,203	\$11,131,505	\$16,907,192	\$23,421,355	\$21,637,250	\$24,750,340
Railway tax accruals.....	2,823,376	3,056,289	2,956,439	3,082,722	9,014,120	8,430,583	8,462,890	8,546,758
Uncollectible railway revenues.....	11,844	12,593	27,127	16,629	17,898	24,983	19,429	16,396
Equipment rents, net.....	1,118,160	2,312,090	2,153,700	1,540,391	1,445,606	2,595,625	2,404,238	2,130,763
Joint facility rents, net.....	1,733,246	1,728,490	1,696,241	1,715,605	2,1,523,044	2,1,918,100	2,1,541,388	2,1,534,128
Railway operating income (per cent).....		3.31	3.75	3.10	1.93	3.47	2.93	3.40
Net railway operating income.....	\$3,696,585	\$7,178,972	\$8,204,096	\$6,776,158	\$10,843,826	\$19,450,514	\$17,100,557	\$19,861,077
Other income.....	996,280	655,446	131,000		26,552,683	11,271,730	11,181,675	
Total income.....	299,695	7,834,418	8,335,096		37,396,509	30,722,244	28,282,232	
Rents for leased roads.....	2,1,055,923	2,247,004	2,211,693		51,321	51,321	51,321	
Interest on funded debt.....	4,040,422	4,641,025	4,731,862		14,480,680	14,992,473	14,707,679	
Interest on unfunded debt.....	330,448	281,204	273,250		10,631	67,646	258,855	
Other deductions.....	456,905	166,139	167,628		788,478	553,874	282,951	
Total deductions.....	3,771,853	7,335,372	7,384,433		15,331,110	15,665,314	15,300,806	
Net corporate income.....	\$3,472,158	499,046	950,663		22,065,399	15,056,930	12,981,426	

<sup>1</sup> Debit.<sup>2</sup> Credit.<sup>3</sup> Deficit.

NOTE.—"Net railway operating income" is the residue of total operating revenues after payment of operating expenses, taxes, equipment and joint facility rentals, but before payment of fixed charges or dividends. It is the item defined in the transportation act as the amount to be used in calculating the rate of return on property valuation.

Source: Reports to the Interstate Commerce Commission.  
FEBRUARY 24, 1925.

Mr. WOOD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Speaker, in this hurried debate on a senatorial rider, I want simply to say a few words to make my views of record. As I read the railroad returns I see as yet no warrant for serious decreases in their incomes. This is especially true of the roads that serve the agricultural regions. The Northwestern last year earned an income of only 2½ per cent, and the St. Paul fell a million and a half short of its fixed charges. To cripple these roads in income by reducing Pullman charges would only defer the hopes of lowered freight rates, ultimately, if it might not result in the necessity of increasing freight rates that affect all.

So soon as the railroad incomes can be decreased I am in favor of extending the first benefits to the shippers, and last of all to those who can travel in super cars.

The Congress has wisely delegated its rate-making powers to the Interstate Commerce Commission. It should not now disturb that function of the commission by undertaking to make piecemeal rates for the benefit of a limited class. If the Congress should reundertake to make rates upon this tumultuous floor it would be tantamount to subjecting to political influences a work that should be done more scientifically, and upon the most detailed evidence and mature consideration.

I shall therefore vote against the proposed repeal of these Pullman surcharges, being both opposed to the procedure involved and the results sought to be obtained.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. SANDLIN. Mr. Speaker, I also yield the gentleman five minutes.

Mr. HUDDLESTON. Mr. Speaker, I have no conscientious scruples against making rates by act of Congress. But, of course, I want first to be sure that the rate to be made by Congress is a proper rate.

Members excuse their intended vote for this reduction by saying that this is the only chance that they have to reduce rates; that they are going to strike down this charge because they have no chance to strike down other railroad charges, and that this proposal is all that is in front of them. They assert that if they were given the opportunity they would vote to reduce other rates, such as the general passenger fare.

I want to call to the attention of those gentlemen the fact that for more than three years I have had pending in this House a bill to force down all railroad charges to what they were at the time of the increase in August, 1920. My bill proposes to force down, by horizontal decreases, the rates which were horizontally increased in 1920.

My bill has been pending before the Committee on Interstate and Foreign Commerce, but of course the committee has not

favorably reported it. A year ago the gentleman from Nebraska [Mr. SHALLENBERGER] entered a motion upon the records by which he prayed the discharge of the committee from the consideration of that bill and sought to bring it before the House so that those who, like myself, have no scruples against making right rates by congressional action might have an opportunity for action. Yet the gentleman from Nebraska was able to secure only 30 to 40 signers out of 435 Members of this House to that motion—the balance of the Members were afraid of it—and it died for lack of sufficient signers. Members were either not in favor of reducing rates or they were not in favor of direct congressional action. Now, if any of those who are in favor of direct action to-day can go down to the desk and point with their finger to their signatures to that motion, then their position is consistent; but no Member can claim that he is consistent in voting to take off the Pullman surcharge, which will benefit only a small group, when he failed to sign the motion when he had the chance and was not willing to force down rates so as to have been of benefit to all the people.

During the closing days of the last session we had an effort on behalf of the farmers to have direct congressional action which would gain for them some decrease in agricultural rates. They pressed for that purpose the so-called Hoch-Smith resolution. I opposed that measure because I was not willing to yield to the demand of any group, no matter how powerful politically, nor how well organized, nor how well represented in this House—for a reduction which would benefit merely that group and ignored the interests of other users of the railroads.

My attitude toward the drummers to-day is exactly what it was toward the farmers a year ago. I am willing to reduce railroad charges and I have proven the faith that is in me, but I want the reductions which will be of benefit to all the people of this country and not merely benefit a small group.

You would never have heard of this bill had it not been that the commercial travelers are well organized, are up on their feet fighting, and have great political influence. Other people in this country have rights, other people are paying excessive railroad charges. Why do you not try to do something for them? Why not try to do something for all of the people? Why do you not try to bring down the basic passenger fare of 3 cents a mile so as to benefit not only the commercial travelers but the farmers and everybody else that travel on the trains? Why do you want to favor merely a small class? Can any of you give a sufficient answer?

The hearings before the Interstate Commerce Commission resulted in a finding of fact by the majority that the man who rides in the Pullman and pays the surcharge gets more for his money than the man who rides in the day coach, and that the railroad company derives less profit from the man

who rides in the sleeping car than from him who rides in the day coach. That was the finding after long and exhaustive hearings.

We had a railroad lawyer before our committee. He came to represent the railroads, and here is what he said: It was Mr. Coleman, of Chicago:

One of the vice presidents of the National Council of Travelling Men's Association testified that he rides in a parlor car—that is pure luxury travel, the parlor car—because the people in the day coach eat bananas and peanuts, and they are not personally agreeable to him. Now, in that day coach which was so intolerable to him, I suppose there were a great many poor people, perhaps very good citizens, but in the unfortunate walks of life, for a time at least; and at the time of which he speaks I suppose there were a great many widows of men who had died with their faces toward the Rhine; and that man who scorned to sit in that car because of the bananas and the peanuts, and because of the presence of those people that man wants to make those poor people pay for his ride in the parlor car.

That is all there is to this case. If the man that rides in the parlor car can not have his fare paid by the man who rides in the day coach, he wants the farmer and the cattleman and the shipper of freight to pay his fare. He seems to have picked out everybody that can not afford to pay it, and he wants it to be given to him and to the de luxe traveler, who of all people in the United States are best able to pay for the services which they get. But you know that the rich are not accustomed to paying things, and you know that they have always tried to make the poor bear their burdens.

The railroad lawyer said that—the Chicago lawyer representing millions of invested capital. It was not the wild utterance of an anarchist or an agitator. The lawyer said it before a dignified committee of Congress, and no one denied his statement.

I am not willing, my friends, that the poor farmer who uses the freight trains to ship his products, and the common people who ride in the day coaches shall be taxed to afford luxury to those who ride in the Pullman cars. The issue is plain. The choice is before you. Are you on the side of the man in the Pullman or of the man in the day coach? Choose which you will. I go with my own crowd. [Applause.]

Mr. WOOD. Mr. Speaker, we have only one more speech on this side.

Mr. HILL of Maryland. Mr. Speaker, the Senate has added to the bill making appropriations for the executive offices for the fiscal year ending June 30, 1926, an amendment which would have been out of order if it had been offered in the House. This amendment proposes to make of the Congress of the United States a court of appeals for those who have tried their cases and submitted their claims before the Interstate Commerce Commission and gotten licked. This amendment proposes to establish Congress as a rate-making body and to substitute Congress itself for the Interstate Commerce Commission, which it created to handle the difficult, intricate, and vital problems of rate making. I am absolutely against such a proposal.

If the Interstate Commerce Commission is inefficient or unfair, correct the Interstate Commerce Commission. If it is not performing the functions for which it was created, abolish it; but while it exists, do not overrule its decisions by acts of Congress. Personally, I consider the Interstate Commerce Commission a very fair and impartial court; but let us not mistake the meaning of the Senate amendment. The commission heard, considered, and decided the question raised by the Senate amendment, and this is an attempt to overrule and overrule the judicial act by legislative act. I am glad that there has been full discussion to-day and that in the main this discussion has been on the subject, "Shall Congress supersede the Interstate Commerce Commission as the rate-making body?" That is the real question, and the merits or demerits of the Pullman surcharge are quite secondary.

The proposed amendment is as follows:

That paragraph (4) of section 1 of the Interstate Commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

Let us look at the law to which this radical and vitiating change is made. The act to regulate commerce, passed by the Forty-ninth Congress, was approved February 4, 1887. It has

been amended many times, but its fundamental conception has never been changed. It created the Interstate Commerce Commission, a judicial body, and put it in a position, independent of the executive departments of the Government, on the same status as a Federal court. Its creation was hailed as a great reform in the interest of fair treatment of the public by the railroads. The Senate amendment strikes out the foundation of the Interstate Commerce Commission. It seeks to amend paragraph (4) of section 1 of the interstate commerce act, the paragraph of the act that declares the purpose of the act.

We are considering fundamentals to-day. Let us, therefore, look at the exact wording of the paragraph we are asked to overrule. It is as follows:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Here the Congress of the United States stated the governing rule as to rates. It placed regulation of rates with the Interstate Commerce Commission. If you agree with the Senate amendment, you will be besieged, and properly so, by all those who lose their cases before the Interstate Commerce Commission. Recently certain maritime interests tried to destroy the so-called port differentials, but after voluminous hearings the commission adhered to the rulings and the rates of the past 50 years. What happens? To-day there is pending a Senate bill the purpose of which is to make Congress overrule and override the decision of the commission. Just as some Member of the Senate, by the pending amendment, attempted to overrule the decision of the commission on the Pullman surcharge, so another Senator is trying now to overrule the decision of the commission on the port differentials. As an illustration of what we may expect if we adopt the pending Senate amendment and take over the Interstate Commerce Commission's duties, look at Senate bill 3927, introduced January 5, 1925, which is as follows:

A bill to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps.

*Be it enacted, etc.*, That it is hereby declared to be the policy of Congress to promote, encourage, and develop ports and port facilities and to coordinate rail and water transportation; to insure the free flow of the Nation's foreign commerce through the several ports of the United States without discrimination, to the end that reasonable development of the said ports shall not be handicapped by unwarranted differences in transportation rates and charges, and to provide as many routes as practicable for the movement of the Nation's export and import commerce.

SEC. 2. On and after June 1, 1925, it shall be the duty of common carriers by railroad to establish and maintain for the transportation between United States ports on the Atlantic Ocean, the Pacific Ocean, and the Gulf of Mexico, respectively, of all property exported to or imported from any nonadjacent foreign country, rates that shall be the same as between ports on the same seaboard upon the respective classes or kinds of property: *Provided*, That the Interstate Commerce Commission may define the territory tributary to any port or group of ports from and to which the rates and charges applicable to such export and import traffic may be lower than the corresponding rates and charges to and from other port or ports on the same seaboard.

On and after June 1, 1925, it shall be unlawful for any common carrier by railroad to maintain or apply to or from any port in the United States from and to nontributary territory any rate or charge for the transportation of property for export to or imported from a foreign country not adjacent to the United States which is higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates;

It is hereby made the duty of common carriers by water in foreign commerce, other than tramp vessels, to maintain and apply for the transportation of property imported into or exported from the United States to or from foreign countries not adjacent thereto rates that shall be the same for transportation from and to all United States ports on the Atlantic seaboard, the Pacific seaboard, and the Gulf of Mexico, respectively;

On and after June 1, 1925, it shall be unlawful for any common carrier by water in foreign commerce to maintain or apply to or from any port of the United States to or from foreign countries not adjacent thereto any rate applicable to the transportation of property imported into or exported from the United States that shall be higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates.

SEC. 3. Any steamship line or vessel serving any port of the United States shall be permitted, in its discretion, to establish and maintain to and from such port ocean rates as low as those maintained by any other steamship line or vessel between any other port in the United States and the same foreign port, and any contract or agreement to the contrary is hereby declared to be unlawful.

If we agree to the pending Senate amendment on Pullman surcharge we will do away with the rate-making power of the Interstate Commerce Commission. We shall be inundated by all sorts of attempts to overrule the commission and to consider in Congress all kinds of rates. The pending Senate amendment is the Rubicon. If we pass it we destroy the Interstate Commerce act. I feel confident you will not agree to the Senate amendment.

Mr. TYDINGS. Mr. Speaker, under leave granted me to extend my remarks on the repeal of the Pullman surcharge, I wish to say, that we should be mindful of just what rate making by congressional action means. It means that we throw to the winds the judicial determination of the Interstate Commerce Commission; that we fix rates without a thorough consideration of the facts; that we open the door to the fixing of all rates by Congress in the future; that fair regulation gives way to prejudice and spurred by clamor will eventuate in chaos for the roads and evils of all sorts to the business and people of the country.

If such a bill passes reduction of wages may follow with strikes and economic loss following. The gain to the traveler by the repeal of the surcharge would be swallowed up in the business chaos resulting. As long as a duly constituted body, which has considered the evidence, deems it unwise to take action in the interest of all concerned, I shall refuse to pass upon so weighty and important a matter in a few hours and until I feel better able to pass upon it than those whose duty it now is to do so.

A day or so ago I voted against the Haugen-Capper bill and for the Dickinson amendment. I did so on the advice that the President had advocated the measure for agricultural relief. Introduced and passed in haste, without time for us to know the scope of the Dickinson amendment, there was no adequate way of ascertaining its contents except by the brief statement made by its sponsor of its provisions. This I find, contrary to my belief, creates new offices, adds to the pay roll a lot of useless employees, and will, in my judgment, do no good for the farmer. I hear the bill as amended will not pass. I hope not. I shall vote against it when opportunity again presents itself.

Further, all this legislation hurried through in such a manner is unjustifiable. Such important measures should not be acted upon until Members have a chance to read for themselves and not be forced to take someone's word for it. The Haugen-Capper bill and the Dickinson amendment are both vicious pieces of legislation. The Pullman surcharge repeal is in line with them and I feel the best interest of the public, business, the railroad employees, and the Government are best served by letting the Interstate Commerce Commission and not Congress handle these railroad matters.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, the basic fare for passenger travel in all coaches is 3.6 cents per mile. The Interstate Commerce Commission after a full hearing decided that in view of the additional expense to the railroads in the transportation of parlor and Pullman cars, and in view of the additional service furnished to those who travel in parlor and Pullman cars, a higher rate per mile should prevail and would not be unreasonable. So they fixed a rate for those who travel in the parlor cars and in Pullman cars at 3.96 cents per mile. The Interstate Commerce Commission, with all its facilities for investigating costs, and so forth, has found and declared that that difference was just and reasonable to the traveler and it was needed by the carriers in view of the fact that it costs the carriers more to carry those in parlor and Pullman cars than those who ride in day coaches. Congress has not the facilities for going into such an investigation. Our committee had a hearing, but we merely scratched the surface of the subject, while the Interstate Commerce Commission, with all its facilities, took a year and a half to make a complete investigation. Congress could not make a thorough investigation of such a question in a few days, and neither the House nor the Senate could do so in debate on the floor.

So you can see the difficulty and fallacy of bringing these questions here to be settled on the floor of the House and the Senate.

I am opposed to this bill because I do not think we ought to establish the precedent of making Congress an appellate tribunal from the Interstate Commerce Commission. If we

pass this bill, if we approve it, we have established that precedent, we have made Congress an appellate tribunal in rate making. That is all there is to it. The Interstate Commerce Commission said that the surcharge was made in that form largely as a matter of convenience. How else could you do it? Let each of us answer that question. If you do not collect the additional fare for those who travel in parlor cars in the form of a surcharge and let the Pullman Co. collect it for the railroad, then you would have to purchase two separate railroad tickets, which would be both inconvenient and impractical. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired; and the gentleman from Kentucky [Mr. BARKLEY] is recognized for 24 minutes.

Mr. BARKLEY. Mr. Speaker, the gentleman from Illinois [Mr. DENISON], who has just addressed the House in opposition to the Senate amendment, at the present time is very much opposed to congressional rate making, and he is especially opposed to Congress making rates on Pullman surcharges; but I hold in my hand House bill 5326, introduced by the gentleman from Illinois [Mr. DENISON] on the 12th day of January, 1924, repealing the surcharge and prohibiting its collection forever afterward. [Laughter.] I also hold in my hand House bill 527, introduced by the gentleman from Minnesota [Mr. NEWTON], who also addressed the House a few moments ago against the Senate amendment, on the 5th day of December, 1923, in which he proposed to repeal the Pullman surcharge and prohibit its collection in the future. These distinguished gentlemen are both members of the Committee on Interstate and Foreign Commerce.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. I understand the gentleman refers to a bill that I introduced?

Mr. BARKLEY. Yes; repealing the surcharge.

Mr. DENISON. I filed that bill on request.

Mr. BARKLEY. It does not say so.

Mr. DENISON. But I say so; and I am saying this, that at the time I filed it I did not know a thing about it, but I have learned something since then.

Mr. BARKLEY. The gentleman has seen the light since then?

Mr. DENISON. I have learned something, and I am hoping that the gentleman from Kentucky will learn the same.

Mr. BARKLEY. I accept the gentleman's apology. Hereafter I hope the gentleman will add a footnote to his bills, advising us whether he is for them or against them. Mr. Speaker, I shall discuss this matter not from the standpoint of the number of men or women and children who travel in Pullman cars or the percentage of those who travel in all kinds of cars. I hope that I may never be required to stoop to the expediency of passing on legislation solely in accordance with the number of men and women it may affect. My position on this bill is dictated by sentiments of justice and equality among all our people, and without any effort, I hope, to becloud the issue or deceive my colleagues, or to attempt to play the demagogue because we are told that a smaller percentage of people travel in Pullman cars than in other cars.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. I am not going to yield to anybody from now on, and I shall treat all alike. There are some things that I must get before the House, and if I yield to one I will have to yield to others.

It is true that about 4 per cent of the people who travel on the railroads of this country travel in Pullman cars. If it were not for that fact the railroads or some other company would have to furnish many more cars than are furnished now for the passengers who desire those accommodations; but it also developed in the hearings before the Committee on Interstate and Foreign Commerce that the average Pullman passenger travels ten times as far as the average day-coach passenger, and therefore pays ten times as much railroad fare, and that out of the total passenger income of the railroads of the United States 40 per cent is paid by those who ride in Pullman coaches, either in the day time or in the night time. Therefore it is not fair to say that only four out of every hundred of those who travel on passenger trains travel in Pullman coaches; but even if it were true, I submit to you, as intelligent, honest men, desiring to exercise intellectual as well as political integrity, that we owe it to those who are compelled or desire to travel in sleeping cars to be fair to them and not allow them to be discriminated against merely because they seek to make themselves comfortable on long journeys. These people have rights, and I propose to give them the consideration to which they are entitled.

We are told that politics makes strange bedfellows. But politics never brought together stranger elements than has the proposition now before us.

My friend HUDDLESTON, from Alabama, finds himself locked in the fond embrace of my genial friend from Massachusetts [Mr. WINSLOW] for the first time in his history. [Laughter.]

Mr. WINSLOW. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WINSLOW. Does the gentleman know any better embrace for him to get into than mine? [Laughter.]

Mr. BARKLEY. The gentleman's embrace is no doubt alluring to some. But I do not find the gentleman's embrace quite enticing enough to suit my own taste for embraces.

Mr. WINSLOW. But the gentleman has been in it more than once.

Mr. BARKLEY. Once in a while; but it has never become habitual. Mr. Speaker, the gentleman from Massachusetts is against the repeal of this surcharge and the gentleman from Alabama is against the repeal of the surcharge, but not for the same reason. The gentleman from Massachusetts opposes it because he does not desire the amount of revenue involved to be taken from the railroads, while the gentleman from Alabama opposes it because, congenitally and inherently, he is against any man who has money enough to buy a Pullman ticket [laughter], and, therefore, he is in favor of keeping the charge on, not because he loves the railroad more, but because he loves the Pullman traveler less.

What are the facts about this matter? I want to give you a little history about this resolution. Mr. McAdoo, in July, 1918, I think it was, as Director General of Railroads, put this surcharge on the traffic in the Pullman cars. It was put on as a war measure, and its chief object was for the purpose of discouraging travel on the railroads; but although it was put on in war time by the action of the Government when the people were willing to stand for almost any inconvenience, it was so obnoxious and objectionable that in December of that same year it was taken off, and was not heard of any more until 1920.

In May of 1920 the railroads filed an application with the Interstate Commerce Commission for the right to increase rates—not passenger rates, not surcharges, but freight rates—and they represented that it was necessary for them to have an increase of 30 per cent in freight rates in order that they might make the standard return fixed by Congress, which was 6 per cent, in the transportation act passed by Congress at that time. The hearings on the application were concluded. Nothing was said about increasing the passenger rates from 3 cents to 3.6 cents. In the meantime the railroad labor board, which had been set up by the transportation act and was in session at Chicago, on the 20th of July, I think it was, rendered a decision on an application of the railroad employees for an increase in wages, in which decision they increased the railroad wages, they said, about \$618,000,000. After that order was issued by the railroad labor board, the railroads amended their petition for an increase in rates and asked that in addition to an increase in freight rates they be allowed to increase the passenger rates 20 per cent above the rates then in existence, and that in addition to that 20 per cent, which was to apply not only to those who ride in day coaches but in the parlor cars and in the Pullman cars, they be allowed also to revive this Pullman surcharge, which was placed on Pullman traffic by the Director General of Railroads during the war. While that matter was pending and before the Interstate Commerce Commission rendered its decision, the railroad labor board was asked to estimate how much the increase in wages would amount to, which the railroads were using as a reason for an increase in passenger rates. The railroad labor board replied that the increase in the railroad wages at that time amounted to about \$618,000,000 as best they could estimate it, and based on that increase in the railroad labor wages, the Interstate Commerce Commission increased the freight rates all over the country and added 20 per cent to the passenger fares in all kinds of cars and at the same time permitted the railroads to put this surcharge on Pullman traffic.

It turned out that instead of increasing railroad wages to the amount of \$618,000,000, the Railroad Labor Board's estimate, they amounted to \$565,000,000, \$53,000,000 less than the amount used by the Interstate Commerce Commission as a basis for these increased rates.

Now let us see what has happened since then. During the time which elapsed after July, 1920, when these railroad wages were increased by the labor board, they were rendering various decisions decreasing the wages of railroad labor, until now

they have taken off not only all they added on in 1920, but they have taken off more than \$10,000,000 in the wages of American railroad workers more than they put on in 1920. Yet the increases in rates based on the increased wages are still in effect. The actual increase in railroad wages was \$565,000,000; and during the time which has elapsed from that time until now they have decreased the railroad wages until the decrease, either by direct decrease in pay or by amending the rules and working conditions, the decreases have amounted to \$576,000,000, \$11,000,000 more than the increase amounted to in 1920 on which those rates were based. That is not all. The railroad operating revenues for 1923 were \$181,000,000 more than in 1920, when this increase in rates, passenger, freight, and surcharge, were added to the railroad revenues. Not only that, my friends, but the operating expenses of the railroads—and these figures are taken from the reports before the Interstate Commerce Commission—show that while the Railroad Labor Board has been decreasing railroad wages \$576,000,000 the railroads themselves have been increasing their operating income \$181,000,000 and they have reduced the operating expenses \$886,399,000, which, added to the \$181,476,000 increase in revenue, makes a difference of \$1,067,875,000 in their favor in a period of three years. Yet we are asked not to remove this little \$37,000,000 which they claim to be necessary to keep them out of the bankruptcy courts of the United States, although in 1923 their gross operating revenues amounted to \$6,356,891,000.

Let us see. Not only that; but, my friends, there are not as many railroad employees on railroads now as there were in 1920, when the increased rates were inaugurated. In 1923 the number of railroad employees had been reduced 174,000 on the railroads of the United States. If these statements are correct—and they have not been denied—there is no longer any need for the retention of this \$37,000,000. It is not a rate in the real sense, but a tax. It is a penalty against the requirements of nature, and it can be described in no other terms. Let us see what are the facts about the cost of hauling passengers.

Commissioner Campbell of the Interstate Commerce Commission was the only member of the commission who went out all over the country and heard witnesses. He looked them in the face, he examined them, he sized up their connections, and knew their credibility. He traveled with Mr. Keeler, the expert analyst of the Interstate Commerce Commission, from one end of this country to the other as examiner and as commissioner representing the Interstate Commerce Commission. They came back to Washington and filed a report with the Interstate Commerce Commission, both of them recommending that this surcharge was not only unnecessary but was an unjust discrimination against the passengers who travel on the trains of the United States. [Applause.]

In his most able dissenting opinion, Commissioner Campbell, who had heard all the witnesses, which no other commissioner had done and was not expected to do, among other things, said:

In my judgment the surcharge is wrong in principle and should be abolished. It was established in Increased Rates, 1920, 58 I. C. C. 220, as an expedient way of raising additional revenue then needed to meet wage increases authorized by the United States Labor Board subsequent to the termination of the hearings in that case. There was no hearing at that time on the reasonableness of the charge and no order from us that it be established. Its propriety as a permanent charge was not considered. It has been generally looked upon as a war emergency measure, and under section 15 of the interstate commerce act the burden of justifying its continuance rests upon the railroads. Although extensive hearings were held and the railroads were afforded every opportunity to establish their contentions, they have failed to show either that they furnish two separate and distinct services for the Pullman passenger which justify the exaction by them of two separate and distinct charges, i. e., the passenger fare proper and the surcharge or if, as found by the majority, the surcharge is to be considered as a part of the transportation fare, that the cost to them of furnishing transportation to the Pullman passenger, as compared with the coach passenger, justifies a higher fare for the former.

That there is no separate service between the transportation service and the Pullman service proper is apparent. The railroads furnish the transportation service and the Pullman Co. the hotel service.

And yet the Interstate Commerce Commission, by as hopeless a division, I imagine, as ever occurred in any body of the same size and character, rendered a so-called decision. There are 11 members of the Interstate Commerce Commission. Five of them favor leaving the surcharge on. Four of them favor removing it entirely; and two of them say they believe one-half of it ought to be taken off; so that a majority of the commission believe that this surcharge as it now exists is unjust; and while a majority of them were not in favor of taking all of it off, a majority were against leaving it as it is. We

are told that the Interstate Commerce Commission has rendered a decision, but because of its division, because they were hopelessly divided, they rendered no decision, and therefore the railroads are permitted not only to retain the 20 per cent increase in all passenger rates, which is, of course, not in question here, but they are allowed to retain the 50 per cent extra charge upon Pullman passengers which they were allowed to inaugurate for a temporary emergency purpose to meet a temporary need. They are allowed to retain this tax on sleep, this penalty against the requirements of nature, this extra burden borne by every invalid in search of health, every parent who, after years of toil and hardship, wishes to accompany a son or daughter to a modest school of learning, and every man or woman whose business calls them to distant points in our country. [Applause.]

MR. WATKINS. Will the gentleman yield?

MR. BARKLEY. I can not yield; I am sorry. Now, my friends, I want you to bear in mind that these Pullman cars are not furnished by the railroad. They are built by the Pullman Car Co. All the capital investment that represents their value and cost is made by the Pullman Car Co. Not only that, but they are furnished and equipped by the Pullman Car Co. Not only that, but the conductor and the porter and all the employees on that car are furnished and paid by the Pullman Car Co. Not only that, but when they reach their destination they are cleaned out not by the railroad that hauls them but by the agents and employees of the Pullman Car Co.

All the expense of their operation is borne by the Pullman Car Co., except the physical act of hauling the cars over the tracks, and for this hauling the railroads, with few exceptions, are paid by the Pullman Car Co. The total amount paid the railroads by the Pullman Co. is more than \$12,000,000 annually.

So that, my friends, while the railroad companies have paid nothing for the construction or equipment or maintenance of those cars, and get \$12,000,000 a year for hauling them up and down the road, you are asked here to sanction a proposal which allows them to retain this old relic of the war, which was not instituted as a part of any scientific system of rates, but merely as a temporary expedient to meet an after-the-war emergency, and was never expected or intended to become permanent.

My friends have talked about the cost of hauling passengers in Pullman cars. Commissioner Campbell and Examiner Keeler and Mr. Elmore, a statistician employed in the Interstate Commerce Commission, in a summary of all the testimony had before the commission found that it actually cost less per car-mile to haul Pullman coaches than it cost to haul day coaches. Mr. Elmore, a statistician and analyst employed by the commission, found and reported that it cost 44.81 cents per car-mile to haul an average day coach, while it cost 41.06 cents per car-mile to haul a sleeping car, making a difference of 3.75 cents per car-mile in favor of the Pullman car. But if it is to cost passengers more to travel because they ride in a heavy car, then we should go down the line and say that men who ride in steel day coaches which are heavier than wooden coaches, should be charged more than those who ride in a small out-of-date wooden day coach.

But it is proposed that we refuse to take off the Pullman surcharge because it is being paid by those who are able to pay it. That is a new rule in rate-making. We are asked here seriously to continue a thing that is discriminatory, that is a relic of the war, that is unjust, that is unnecessary, a charge for which the railroads, as is suggested, render no service whatever. We are asked to keep it on the public because those who ride in Pullman cars are able to pay it. I denounce such an argument as that, as being unworthy of the Congress of the United States. [Applause.]

If we are to charge men who ride in our passenger trains in accordance with their ability to pay, let us provide that every purchaser of a ticket shall have an inventory of his property and bank account ready to submit to the ticket agent when he buys a ticket and be charged according to his ability to pay. [Laughter and applause.] If, also, it costs more to haul a heavy steel coach than a light coach, perhaps made of wood, then it costs more to haul a heavy man than a light man, and therefore every passenger should be charged according to his weight; and if that is to be the rule of rate making, my friend from Kansas [Mr. TINCHER] will pay four times as much as I will [laughter], and my friend from Alabama [Mr. HUNDLES-TON] will not pay anything. [Laughter.]

We are asked not to repeal this surcharge because Congress is unable to act intelligently upon it and because it is rate making. Why, my friends, when we passed the transportation act, in that very act we instructed the Interstate Commerce Commission to increase rates in the United States, and we did

it by instructing the commission to fix rates sufficiently high to produce a return of 6 per cent net for a period of two years "upon the value of the railroads as a whole," and permitted the commission to fix a different return after the expiration of the two years. This provision was a mandate to the Interstate Commerce Commission and the commission has so recognized it ever since. That was rate making by Congress, for while the commission was permitted to work out the minute details, its effect was to give congressional instruction to the commission to increase rates all over the country.

I ask you if that was not rate making? In the Hoch resolution which is talked about here, my friend from Kansas got impatient with the Interstate Commerce Commission and said, "You are not doing anything for the farmer," and he brought in a resolution requiring the Interstate Commerce Commission to make a survey of the rate situation in the country with a view to reducing rates on farm products. That was rate making, because Commissioner Esch said if that resolution was passed he would take it as mandatory on the commission to reduce rates on agricultural products in the United States.

My friend from Kansas [Mr. TINCHER] talks about rate making as a cattle raiser and a farmer. I am as much a farmer as he is, and my father is a farmer to-day, and I live in an agricultural district. I have voted on every occasion for the benefit of the farmer; but while my friend from Kansas is a friend of the farmer, he is allowing himself to be blinded, while the farmer is being used for the purpose of doing a special favor to the railroads and an injustice is being done to a large number of American citizens. [Laughter.] I am unwilling to invoke the farmer here in the effort to do injustice to any class of people in the United States, and I apprehend that if an application for a reduction in freight rates on the livestock industry, in which my friend from Kansas is interested, shall result in five members of the Interstate Commerce Commission saying that it ought not to be reduced, and four of them saying it ought to be reduced, and two of them saying it ought to be cut in two, my friend from Kansas will be here with a bill instructing them to reduce freight rates on agricultural products before the next Congress is a week old. [Applause.]

My friends, I think we need not be swept off our feet here. Congress has the power to pass this law. Complaint has been made by my genial and distinguished friend from Missouri [Mr. HAWES], because the Senate gave no hearings on this proposition. There were 25 bills introduced into this House in the first session of the present Congress to repeal this surtax. Bills were also introduced in the Senate. Efforts were made in the Committee on Interstate and Foreign Commerce of the House to secure consideration of this legislation. But you gentlemen know how hard it is in that committee to get any consideration for legislation that is opposed by the railroads of the United States. In order that you may understand how widespread was the agitation for the removal of this surcharge, the House may be interested in the following list of bills introduced in the last session of this Congress on this subject. I give the number of the bill, the date of its introduction, and the author:

Date introduced	Number of bill	Introduced by—
Dec. 5, 1923	H. R. 312.	Mr. Kahn.
Do.	H. R. 465.	Mr. Clark of Florida.
Do.	H. R. 527.	Mr. Newton of Minnesota.
Do.	H. R. 698.	Mr. Woodruff.
Do.	H. R. 715.	Mr. Wurzbach.
Do.	H. R. 717.	Mr. Wolff.
Dec. 6, 1923	H. R. 2685.	Mr. Graham of Illinois.
Do.	H. R. 2697.	Mr. McLaughlin of Nebraska.
Dec. 10, 1923	H. R. 3196.	Mr. Burdick.
Dec. 13, 1923	H. R. 3249.	Mr. Doyle.
Dec. 20, 1923	H. R. 4146.	Mr. Schall.
Jan. 12, 1924	H. R. 5328.	Mr. Denison.
Jan. 28, 1924	H. R. 6295.	Mr. Dallinger.
Feb. 1, 1924	H. R. 6539.	Mr. Oldfield.
Feb. 18, 1924	H. R. 7080.	Mr. Shallenberger.
Feb. 20, 1924	H. R. 7147.	Mr. Boylan.
Feb. 28, 1924	H. R. 7355.	Mr. Keller.
Mar. 8, 1924	H. R. 7786.	Mr. Hammer.
Mar. 26, 1924	H. R. 8232.	Mr. Crisp.
Apr. 25, 1924	H. R. 8881.	Mr. Hull of Tennessee.
May 17, 1924	H. R. 9292.	Mr. Jacobstein.
Dec. 17, 1923	H. R. 3808.	Mr. Barkley.
	S. 862.	

Notwithstanding the efforts which were made to get the committee to consider these measures, all of which had the same purpose and most of which were in the same language, it was impossible to secure their consideration.

The Senate passed this bill last May and sent it over here; it was referred to the Committee on Interstate and Foreign

Commerce; efforts were made then to have that bill taken up, but with like success; then this session came on and the Senate, out of patience, no doubt, with the House, and hopeless of any consideration on the part of the House, attached this bill as a rider to an appropriation bill. Then when it came over the committee got busy and held farce hearings for the purpose of doing what it never did before, namely, making an adverse report to the House on the measure referred to it in the hope that it might influence Members to vote against the Senate amendment.

I ask you to vote for the amendment because it is just, because it is fair, because it recognizes no class, but recognizes that all people are entitled to a square deal in the Congress of the United States. [Applause.]

Efforts have been made to create the impression that if this surcharge is removed reductions can not be made hereafter in rates on passengers generally or on agricultural products or other classes of freight. This is a specious claim and is designed to deceive the gullible. No man in this Congress is more anxious than I am to see freight rates reduced on the products going to and from the farm. But I venture to suggest that if, instead of this being a controversy over Pullman surcharges, it were a controversy over the reduction of freight rates on farm products the same insidious influence, the same lobby would be here against that which is here now against this, and their efforts would be centered around the claim that the farmer pays little freight any way, and that he ought not to be singled out as a special class for the receipt of congressional or governmental favors. I have heard that sort of claim made before when the interests of agriculture were involved.

But the adoption of this amendment, the removal of this surcharge, will not and need not retard or interfere with any downward adjustment of freight rates on agriculture. It is claimed by those who seek this removal, that the roads, under the recapture clause of the transportation act are turning back to the Government between \$80,000,000 and \$100,000,000 per annum, which represents an amount equal to one-half their surplus earnings over the fair return fixed by law. The roads themselves admit that this amount being returned is more than \$40,000,000 per annum. If this amount be correct, then there is an additional \$40,000,000 which they are receiving over and above the fair return, because they are required to return only one-half of the surplus and not all of it.

Whatever the correct amount may be, we know that many of the roads are earning largely in excess of the lawful return. We know that based on present earnings and future prospects railroad stocks have risen in value in the past four months beyond all expectations. We know that the fair return as fixed under the law by the commission at present is based, not on actual value but on book value, which may be taken generally as being in excess of actual value; so that the forty or the eighty millions subject to recapture as a surplus may not, and in all probability does not, represent the true amount that is subject to be returned. When the actual valuation of railroad property is ascertained, and the rates shall be fixed with that knowledge as a basis, I am confident that the commission will be able to reduce freight rates on the products of the farm, and the means of bringing forth these products from the earth, and that the removal of the discrimination and the penalty now involved in the payment of three separate fares by those who must travel long distances and at night will in no respect retard such relief to the farmer or to any other deserving or suffering interest or industry in this Nation. [Applause.]

Let us do justice to all classes as opportunities are presented. This is an opportunity to do justice to a large portion of the traveling public. I shall grasp this opportunity to render to those whose calling and needs take them far from home the justice to which I believe they are entitled. When other opportunities are presented to deal with other phases of transportation charges, I hope I may be equally zealous in trying to see that the same character of equal justice is meted out to all who need and deserve the protection of the Congress of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. WOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. WINSLOW]. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. WINSLOW. Mr. Speaker and Members of the House, as it fell to the lot of my associate from Kentucky [Mr. BARKLEY] to be the last speaker on his side of this question, so it has fallen to me to be the last speaker on the other side. For

obvious reasons I can not answer in kind his gymnastic presentation of his speech. [Laughter and applause.]

Based on what I have had an opportunity to learn, and believe I have learned, as to facts supported by figures in connection with this whole problem, I will give my good friend—and we always speak in a friendly way—more credit for handling figures than I would give a prestidigitator to pull a bunch of rabbits out of a thimble. He has done a wonderful job, but whether by accident or study I do not know. [Laughter.]

If I had the time to answer accurately his easy statements, I think I could present the case more as it should be presented, but I have not that time. My colleague talked so fast and said so many things that I shall not be able in 15 minutes to more than approach his assertions. I have been happy to note that the gentleman from Alabama [Mr. HUDDLESTON] has been credited with being in my fond embrace. I am glad of it; I am proud of it, and I say to my good friend from Kentucky [Mr. BARKLEY] that I would welcome him there under all circumstances, but after hearing his speech I wish it to be known that I particularly do it on the proposition of "Suffer little children to come unto me." [Laughter and applause.]

You may be interested to have an idea what some of us think, at all events what I think, of the history of this proposed legislation. I shall give you that idea to the best of my ability.

After tracing the source I have long since been convinced that it was originated in the minds of men connected with the very honorable occupation known as that of the commercial traveler. It was originally presented through scores and scores of our fellow Members, who put in bills much to the same effect, through the instrumentality of the United Commercial Travelers' Association, of which, for many years, I have been a member, and my dues are all paid to date. But a little care in looking into the problem, with reference to finding the real source, long ago convinced me, and I have never had occasion to change my mind, that the whole body of commercial travelers is not vitally interested in this proposed legislation. It started, I believe, and with honorable intent, I think—I take no exception to it—among those commercial travelers who are known as travelers working entirely on commission. They are but a small part of the commercial traveling public which pays railroad fares and surcharges on account of Pullman travel.

The correspondence which has come to our committee and the testimony and all the rest that would tend to give knowledge have failed to demonstrate that the traveling salesmen whose expenses are paid by their employers' office care very much about it. They have stood by, like good fellows in the organization, and we do not blame them for that; but the main interest has been on the part of those who sell wholly on commission and who would get the whole benefit of the proposed legislation. There is not one of those all-commission traveling salesmen or any other salesmen—who would take the benefit of this surcharge for himself if he could get it, as all of us would—who would contend for a minute that by virtue of the removal of the surcharge he would quote his goods to any customer 1 cent below the schedule prices which would be charged if the surcharge remains. There will be no advantage coming to the consuming public by virtue of the removal of the surcharge. So the demand for the removal of the surcharge, so far as the commercial travelers are concerned, comes mainly from the all-commission travelers and, to a small degree, from the houses which hire them. Those houses are not represented by any considerable number of letters or communications of any kind. But, on the contrary, large money business houses and organizations of business houses have protested against the removal of the surcharge as being unnecessary, likely to disturb railway economics and likely more than that—and do not forget this, my friends—to disturb the condition and trend of business as it is going to-day, and it is not going up the ladder. If you will consult the business people of this country—the manufacturers, the merchants, the wholesalers, and the retailers—you will find that that fine paper spurt which was to come January 1 and continue on during the year has not materialized.

The writers on economics and all employers of salesmen know that there has been a lull and that if there is a move at all it is receding rather than advancing. Under these conditions business men do not desire a great structure, like the rate structure, monkeyed with, and certainly not by people, such as ourselves, who do not know what they are doing. The very fact that 4 commissioners—if that is so, and it is no matter whether it is or not—out of 11 voted one way and 2 another, and four different ways, is an evidence that the

problem is a mighty complicated proposition. How can we—more brilliant, may be, personally than the members of the Interstate Commerce Commission, if you please, but crowded with other work and obligations as we are—undertake each one to be a specialist and an analyst of figures in determining the economics entering into the railroad business better than the members on the Interstate Commerce Commission who do nothing else? We not only pay them to do such work, but we set them up by order of the Congress itself. If we do not like the way they are doing it, do let us not muss into one detail of the great big job they are engaged upon, but if they are not doing a good job let us get rid of them. Let us not have such controversy as we are having on the floor as to whether this bill is for or against the rich or for the poor or against the poor. We want our rate making done as well as we can have it done, and if we are not getting it so done let us go to the foundation of it all and establish a new system and method of doing it.

In the meantime here is the railroad institution. Some railroads are making more than some of us would like to have them. Far more are making less than we would like to have them. We must act on averages and not pick out one road here and say we will give you this rate and to another we will give you a different rate, and so on. On the average the roads are not making 5 per cent. If you take off this surcharge, you will reduce the earnings of some of the roads to a loss because their earnings are even now so small. You can take one road, for example, in New England—I do not speak of it because of pride of location, but to illustrate—the New York, New Haven & Hartford, which has been going through the very devil in respect of work and effort to hold together. They have gone from a state of making an annual deficit to a point where they made last year the magnificent sum of \$3,000,000. That is all they made net, and out of that about \$1,300,000 came from surcharges. If you take this surcharge off, you will reduce their earnings by that amount.

The subject is too vast for any man to discuss fully in five minutes or five hours or five weeks, but to show the absurd extreme to which this proposition can be worked, if this law is removed, so said a witness before our committee, we might have this proposition come to pass, and he believed it would, and nobody has said that it would not, either in testimony before the committee or in debate on this floor. Given a young man with more money than he knows how to spend wisely, and there are those, or some absurd person who wants to be exclusive—this is an extreme case—if this law is modified as proposed here, that one person can go to the railroad office and buy one railroad fare from New York to Chicago—one fare, mind you—and can then go to the Pullman office and buy the whole Pullman car.

Mr. BARKLEY. Will the gentleman yield?

Mr. WINSLOW. If it is a personal question, of course I shall yield, but I can not enter into an argument with the gentleman.

Mr. BARKLEY. Does not the gentleman know you can not even buy a drawing room in a Pullman car without buying two railroad tickets?

Mr. WINSLOW. Now, yes; but under the proposed law, no—one.

Mr. BARKLEY. We are operating under this law.

Mr. WINSLOW. I know we are, but we shall have to operate under a worse one, if we change it as proposed.

That person with the one ticket, New York to Chicago, can buy the whole Pullman car to indulge his fancy, and he gets the whole car drawn from New York to Chicago by the railroad company for the price of one fare; but the Pullman Co., under this remodified law, would get their full fare for 25 people, and the railroads would have to drag the car the entire distance and there is no way to reimburse the railroad for a single other cent of expense under the law, if modified as proposed here to-day.

We have a great country and I agree with my friend, the gentleman from Kentucky [Mr. BARKLEY] that we should not talk about classes, but we should talk about the masses, and the masses are everybody. With everybody in your mind and in your desire to do the right thing by the masses, what better can you do than to protect 96 per cent against the invasion of the 4 per cent. I do not understand that in looking after the masses you must expect that you are going to do it on a 100 per cent basis.

There are a thousand and one things that can be said on this matter. We have, I believe, a good Interstate Commerce Commission. They have been appointed by Congress. We do not know their business to the extent of knowing enough to show that we would get into anything better than we have now if we changed the law. We find nobody representing the

organizations of traveling people who travel for pleasure, no business organizations to speak of that hire salesmen, we have no representatives of agriculture, labor, or whatever you will coming to us and asking for this legislation; but only the appeal of a small portion of the commercial travelers, a high-grade body, but I think in this case misguided. [Applause.]

The SPEAKER. The question is on receding from the insistence of the House.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. As I understand it, on this motion those who favor the repeal of the surcharge would vote aye.

The SPEAKER. Yes, of course.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were—ayes 67, noes 177.

Mr. BARKLEY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 255, not voting 52, as follows:

[Roll No. 80]  
YEAS—124

Abernethy	Cooper, Wis.	Kerr	Ragon
Allgood	Crisp	King	Rainey
Almon	Cullen	LaGuardia	Raker
Aswell	Cummings	Lampert	Rankin
Bankhead	Davey	Larsen, Ga.	Reed, Ark.
Barbour	Davis, Tenn.	Lazaro	Reid, Ill.
Barkley	Deal	Lee, Ga.	Richards
Beck	Dickstein	Logan	Robison, Ky.
Bell	Doughton	Lyon	Schafer
Black, N. Y.	Drewry	McClintic	Schneider
Bloom	Driver	McDuffie	Sears, Fla.
Boles	Fisher	McKeown	Sherwood
Bowling	Frear	McLaughlin, Nebr.	Sinclair
Boylan	Fulmer	McReynolds	Smithwick
Brand, Ga.	Gallivan	McSwain	Steagall
Briggs	Garrett, Tex.	Martin	Stedman
Browne, Wis.	Gasque	Mead	Stengie
Browning	Griffin	Minahan	Stephens
Burdick	Hammer	Moore, Ga.	Stevenson
Byrnes, S. C.	Hastings	Morehead	Tague
Byrns, Tenn.	Hayden	Morrow	Taylor, Tenn.
Canfield	Hill, Ala.	Murphy	Thomas, Ky.
Carew	Hooker	O'Connell, N. Y.	Tillman
Celler	Howard, Okla.	O'Connor, La.	Tucker
Christopherson	Hull, Tenn.	Oldfield	Upshaw
Clancy	Jacobstein	Oliver, Ala.	Voigt
Collier	James	Oliver, N. Y.	Ward, N. C.
Collins	Jeffers	Park, Ga.	Weaver
Colton	Johnson, Ky.	Parks, Ark.	Wilson, La.
Connally, Tex.	Johnson, Tex.	Perlman	Wingo
Connery	Keller	Pou	Wright

NAYS—255

Ackerman	Dyer	Humphreys	Mooney
Aldrich	Elliott	Johnson, S. Dak.	Moore, Ill.
Allen	Evans, Iowa	Johnson, Wash.	Moore, Ohio
Anderson	Evans, Mont.	Johnson, W. Va.	Moore, Va.
Andrew	Fairchild	Jones	Moores, Ind.
Anthony	Fairfield	Kearns	Morgan
Arnold	Faust	Kelly	Morin
Ayres	Favrot	Kendall	Morris
Bacharach	Fish	Kent	Neison, Me.
Bacon	Fitzgerald	Ketcham	Nelson, Wis.
Beedy	Fleetwood	Kless	Newton, Minn.
Beers	Foster	Kincheloe	Newton, Mo.
Begg	Fredericks	Kinston	Nolan
Bixler	Free	Kopp	O'Connell, R. I.
Black, Tex.	Freeman	Kurtz	O'Connor, N. Y.
Bland	French	Kvale	O'Sullivan
Blanton	Frothingham	Lanham	Paige
Box	Fuller	Lankford	Parker
Boyce	Funk	Larson, Minn.	Patterson
Brand, Ohio	Gambrill	Lea, Calif.	Peery
Britten	Gardner, Ind.	Leach	Perkins
Brunn	Garrett, Tenn.	Leavitt	Phillips
Buchanan	Geran	Lehbach	Porter
Bulwinkle	Gibson	Lineberger	Prall
Burtness	Gifford	Linthicum	Purnell
Burton	Gilbert	Longworth	Quayle
Busby	Goldsborough	Lozier	Quin
Cable	Graham	Luce	Ramseyer
Campbell	Green	McFadden	Ransley
Cannon	Greenwood	McKenzie	Rathbone
Carter	Griest	McLaughlin, Mich.	Rayburn
Chindblom	Guyer	McLeod	Reece
Clague	Hadley	McSweeney	Reed, N. Y.
Clarke, N. Y.	Hall	MacGregor	Robinson, Iowa
Cleary	Hardy	MacLafferty	Romjue
Cole, Iowa	Harrison	Madden	Rouse
Connally, Pa.	Hawes	Magee, N. Y.	Rubey
Cooper, Ohio	Hawley	Magee, Pa.	Sanders, Ind.
Corning	Hersey	Major, Ill.	Sanders, N. Y.
Cramton	Hickey	Major, Mo.	Sanders, Tex.
Crosser	Hill, Md.	Manlove	Sandlin
Crowther	Hill, Wash.	Mansfield	Sears, Nebr.
Dallinger	Hoch	Mapes	Seger
Darrow	Holiday	Merritt	Shallenger
Davis, Minn.	Huddleston	Michaelson	Shreve
Dempsey	Hudson	Michener	Simmons
Denison	Hudspeth	Miller, Ill.	Sinnott
Dickinson, Iowa	Hull, Iowa	Miller, Wash.	Smith
Dickinson, Mo.	Hull, Morton D.	Milligan	Snell
Dowell	Hull, William E.	Montague	Snyder

Strong, Kans.	Thomas, Okla.	Vinson, Ga.	Williams, Ill.
Strong, Pa.	Thompson	Vinson, Ky.	Williams, Mich.
Sullivan	Tilson	Wainwright	Williams, Tex.
Summers, Wash.	Timberlake	Ward, N. Y.	Williamson
Summers, Tex.	Tincher	Wason	Wilson, Ind.
Swank	Tinkham	Watkins	Wilson, Miss.
Sweet	Treadway	Watres	Winslow
Swing	Tydings	Watson	Winter
Swoope	Underhill	Wefald	Wood
Taber	Underwood	Weller	Woodruff
Taylor, Colo.	Vaile	Welsh	Woodrum
Taylor, W. Va.	Vare	Wertz	Wyant
Temple	Vestal	White, Kans.	Yates
Thatcher	Vincent, Mich.	White, Me.	

## NOT VOTING—52

Berger	Eagan	Leatherwood	Sabath
Browne, N. J.	Edmonds	Lilly	Salmon
Buckley	Fenn	Lindsay	Schall
Butler	Fulbright	Lowrey	Scott
Casey	Garber	McNulty	Sites
Clark, Fla.	Garnier, Tex.	Mills	Speaks
Cole, Ohio	Glatfelter	O'Brien	Spearing
Cook	Haugen	Peavy	Sproul, Ill.
Croll	Howard, Nebr.	Reed, W. Va.	Sproul, Kans.
Curry	Jost	Roach	Stalker
Dominick	Kindred	Rogers, Mass.	Wolff
Doyle	Kunz	Rogers, N. H.	Wurzbach
Drane	Langley	Rosenbloom	Zihlman

So the motion to recede was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Spearing (for) with Mr. Butler (against).

General pairs:

Mr. Roach with Mr. Dominick.

Mr. Mills with Mr. Garner of Texas.

Mr. Fenn with Mr. Cook.

Mr. Curry with Mr. Browne of New Jersey.

Mr. Leatherwood with Mr. Sites.

Mr. Stalker with Mr. Lindsay.

Mr. Zihlman with Mr. Kindred.

Mr. Sproul of Illinois with Mr. Howard of Nebraska.

Mr. Rogers of Massachusetts with Mr. Rogers of New Hampshire.

Mr. Sproul of Kansas with Mr. Drane.

Mr. Wurzbach with Mr. Casey.

Mr. Scott with Mr. Eagan.

Mr. Reed of West Virginia with Mr. Fulbright.

Mr. Cole of Ohio with Mr. Kunz.

Mr. Garber with Mr. Lowrey.

Mr. Edmonds with Mr. Glatfelter.

Mr. Haugen with Mr. Lozier.

Mr. Speaks with Mr. Sabath.

Mr. Schall with Mr. Buckley.

Mr. Peavy with Mr. Doyle.

The result was announced as above recorded.

Mr. WOOD. Mr. Speaker, I move that the House insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 11, page 26 of the bill: "Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with the following amendment.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 11, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative."

Mr. OLDFIELD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Arkansas move to recede and concur in the Senate amendment.

Mr. WOOD. I demand a division of the question.

The SPEAKER. The gentleman from Indiana demands a division of the question. The first question is on the motion to recede.

The question was taken; and on a division (demanded by Mr. OLDFIELD) there were 200 ayes and 6 noes.

So the motion to recede was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Indiana to concur with the amendment, which the Clerk has reported.

The question was taken; and on a division there were 183 ayes and 83 noes.

So the motion to concur with an amendment was agreed to.

## CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report on the bill (H. R. 12033) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1926, and for other purposes.

The Clerk read the conference report, as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference, have been unable to agree.

C. R. DAVIS,

FRANK H. FUNK,

W. A. AYRES,

Managers on the part of the House.

L. C. PHIPPS,

W. L. JONES,

L. HEISLER BALL,

Managers on the part of the Senate.

Mr. DAVIS of Minnesota. Mr. Speaker, there are three amendments in disagreement, and of them I might say that there is no controversy with respect to amendment numbered 28, relating to the police force and the traffic situation. On Tuesday the House further insisted upon its disagreement to the amendments of the Senate numbered 1, 28, and 46. The House at that time requested a further conference with the Senate on amendment numbered 1, and on a division the vote was 104 to 4, for further insistence. The Senate has not had more than a *vive voce* vote on this proposition. I move that the House further insist upon its disagreement to the three amendments which are in disagreement.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House ask for a further conference with the Senate and ask that the Speaker appoint the conferees.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. DAVIS of Minnesota, Mr. FUNK, and Mr. AYRES.

## DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report upon the bill (S. 4207) to provide for the registration of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes.

The SPEAKER. The gentleman from Maryland calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 10, 11, 12, 13, 15, 16, 17, 23, and 30.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, 9, 14, 18, 19, 21, 22, 24, 25, 26, 27, 28, and 31, and agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In the second line of the matter proposed to be inserted by the House amendment strike out "Code of Law for the District of Columbia" and in lieu thereof insert "District of Columbia Code"; and on page 10, line 16, of the Senate bill, strike out "7" and in lieu thereof insert "8"; and on page 11, line 9, of the Senate bill, strike out "6" and in lieu thereof insert "7"; and on

page 12, line 9, of the Senate bill, strike out "6" and in lieu thereof insert "7"; and on page 20, line 19, of the Senate bill, strike out "5" and in lieu thereof insert "6"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 6, line 17, of the Senate bill, strike out "chief" and in lieu thereof insert "major and superintendent"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "which regulations shall remain in force until revoked by the director with the approval of the commissioners" and a comma; and the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: On page 12, line 16, of the Senate bill, after "hour," insert "except in such outlying districts, and on such arterial highways, as the director may designate"; and the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized and directed to designate and establish as arterial highways or boulevards such public highways as he deems advisable, to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon, as may be appropriated for by the Congress from time to time."

And the House agree to the same.

F. N. ZIHLMAN,  
E. W. GIBSON,  
HENRY R. RATHBONE,  
THOMAS L. BLANTON,  
RALPH GILBERT,

*Managers on the part of the House.*

L. HEISLER BALL,  
W. L. JONES,  
ARTHUR CAPPER,  
W. H. KING,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

The conferees agreed on the House amendment to provide for the changing of the code relative to jury trials and the language as inserted by the House remains in the bill.

The annual issuing of vehicle operators' permits is retained in the bill.

The speed limit established of 22 miles per hour is retained with the provision that the director of traffic may provide by regulation for a rate of speed in outlying districts and on arterial highways, which he is authorized and directed to establish.

The change of penalty provided by the House amendments relative to fine and imprisonment for fleeing from scene of accident and driving under the influence of liquor is retained.

In cases where the vehicle strikes or causes damage to another vehicle this is modified to conform to the Senate language and leaves same in the discretion of the court.

The conferees agreed on the elimination of the section providing for the impounding of vehicles, and on the section relating to arterial highways or boulevards—the provisions of the House amendment designating certain streets and avenues as arterial highways is eliminated and the director is authorized and directed to establish such highways.

The Senate provision for 100 additional privates for the Metropolitan police force is retained.

On minor amendments to the bill relating to the change in the hours of court, and an increased personnel for the police court, the House provisions are retained.

The other amendments are of a clerical nature.

F. N. ZIHLMAN,  
E. W. GIBSON,  
HENRY R. RATHBONE,  
THOMAS L. BLANTON,  
RALPH GILBERT,

*Managers on the part of the House.*

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I rise simply to call attention to what I think is a very bad practice on the part of the House. That is, for the House to yield every time one Senator delivers an ultimatum to it. The joint committee agreed that we ought to have 300 additional traffic policemen. Everybody who studied the situation in the District agrees that we ought to have at least 200 additional policemen, but one Senator says, "You shall not have this traffic law, you shall not have anything, if you insist on over 100 policemen." There are two things necessary to correct the traffic evil in the District of Columbia. One is to have enforcement by the courts of your law and the other is to have enough traffic policemen to apprehend the violators and bring them into the court. With 125,000 cars, with your large areas here to be policed, you are not going to have an efficient enforcement of this law with an insufficient police force. This Congress is not to blame. One Senator is to blame, and the only blame that can attach to this House is that in order to get any legislation at all it permits one man to dictate to the entire Congress.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, usually the gentleman from Arkansas [Mr. WINGO] is correct, and I can say amen most of the time to what he says. As a general proposition concerning action taken by Senate conferees, his statement is correct, but in this particular instance he is misinformed. Your House conferees sat at the table just across from those five distinguished Senators and we told them what kind of a bill the House wanted and we sat there until we got it. [Applause.] The House receded on 9 amendments and the Senate receded on 17 amendments. Whenever the distinguished gentleman from Arkansas can get five distinguished Senators to recede on 17 amendments I shall back him up on his conference report every time.

Mr. WINGO. Mr. Speaker, will the gentleman yield?  
Mr. BLANTON. Certainly.

Mr. WINGO. Does the gentleman mean to tell the House, then, that the House conferees without a fight just laid down and violated the instructions of this House?

Mr. BLANTON. If the gentleman had been at that conference and had seen his five House conferees sit at that table and fight those Senators for several hours for this bill he would find out that he is mistaken. We have brought you back one of the finest traffic codes that any city in the United States has. We stood pat on every material proposition on which the House voted. We have a traffic bill here that you will agree with.

We have a traffic bill here that will stop the running over of little children; we have a traffic bill that will stop smoke screens; we have a traffic bill that will stop bootleggers running over charwomen from the House Office Building and never being indicted for it; we have a traffic bill that will stop speeding motorists, if you please, running over a United States Senator at night and putting him in the hospital; we have got a traffic bill that will let the motorists understand they have rights on the street but at the same time make them understand that the pedestrians and others also have rights. We have got a splendid traffic bill, and I take off my hat to the distinguished gentleman from Illinois [Mr. RATHBONE], who has spent days and weeks in the study of this measure and who has helped this committee materially with his exceedingly good advice and his energy. I hope the House will adopt this report. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### HOUR OF MEETING ON SUNDAY

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that when the House meets on Sunday next it meet at 2 o'clock.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House meets on Sunday it meet at 2 o'clock. Is there objection? [After a pause.] The Chair hears none.

#### HOUR OF MEETING TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, the calendar is crowded and we ought to have a night session to-night.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PARTY REGULARITY

Mr. BECK. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BECK. Mr. Speaker, some few weeks ago the majority leader of the House, the gentleman from Ohio [Mr. LONGWORTH], and the chairman of the Republican congressional campaign committee, the gentleman from Indiana [Mr. Wood], regaled the House with their definitions of what it means to be a Republican and instructed the membership of the House with a lecture on the duties of party loyalty.

Like others who have ventured into uncharted seas, with no legal, political, or moral precedents to guide them, these gentlemen and others who have spoken on the same theme have fallen into numerous contradictions and do not appear to agree even among themselves. They are at one, however, upon the proposition that no man can qualify as a Republican who did not vote for or give his active support in the recent campaign to the straight Republican ticket, including every candidate for the Senate or the House who happened to land on the Republican ticket, as well as Calvin Coolidge and Charles G. Dawes though the gentleman from Indiana reserved to himself the right to oppose Republican Members from Wisconsin. The gentlemen also appear to be in agreement that sitting Members of this body, regularly nominated by the Republican voters of their districts in Republican primaries, and duly elected in the general election on the Republican ticket, should be shorn of whatever rank to which they may have attained on committees of the House through long service as Members of this body.

I have refrained thus long in commenting upon this remarkable ukase from gentlemen who assume to pass upon the eligibility of members of the Republican party because I wished to avoid any implication that I had any apology to offer for my energetic support of the LA FOLLETTE-WHEELER Independent-Progressive ticket in the last campaign. I have no apologies to offer now, nor do I wish to be understood as assuming to speak for other Members of this House or for the recognized leader of the progressive movement.

If I had the power to do so, I would not alter by one jot or title my record of consistent support in the last campaign and in this House of the progressive principles of government of which ROBERT M. LA FOLLETTE has for a quarter of a century been the ablest and most courageous exponent.

To the charge that I supported LA FOLLETTE in the recent campaign and that I did everything I could to achieve his election and to defeat Calvin Coolidge and Charles G. Dawes I am proud to enter a plea of guilty and to accept without a whimper whatever measures of "punishment" or "discipline" may be thought meet, in the flush of victory, by the gentleman who sits in the White House and the gentlemen in this Chamber who choose to accept him as the keeper of their consciences.

I will go further than that. If the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Indiana [Mr. Wood] are correct in their definitions of Republicans, and if the records they have made no matters of legislation in this body represent the standard to which I must adhere to gain their favor, then I am free to confess I am no Republican. Indeed, if it were necessary for me to adopt the political and economic views of these gentlemen, and to jump nimbly into line whenever they crack the party whip, and if I chose to accept them as fitting models for my conduct in and out of the House, it may be I might receive a fat Federal job as a reward for my perfidy, but the constituents whom I would betray would scourge me from my district as a traitor to every platform pledge I have ever made.

While I challenge the right of any man to say to what party I or my constituents shall belong, while I regard the impudent effrontery of these old guard leaders in assuming to set themselves up as judge over 600,000 voters of Wisconsin and their Representatives, and to nullify their action at the polls as incompatible with a system of representative government, while I question the legality and the political morality of this unprecedented proceeding, I arise for the purpose of discussing a different aspect of this question wholly apart from those which have been suggested.

My resentment is directed not against the action of a few reactionary leaders in declining to invite me to a Republican

caucus, which I have never attended in four years' service in the House, but against certain false and prejudiced statements which have been made in reference to the State of Wisconsin and against the direct charges which have been made here that progressive Members of this House have conducted themselves as "renegades" and have by dishonest political maneuvers won office under false colors.

The remarks of the gentleman from Indiana [Mr. Wood] are particularly objectionable to me, not because I feel that pipings from every obscure corner can do aught to reflect upon the State of Wisconsin or upon the character of its Representatives in this House, but because I dislike to see printed in the records of the House, without a challenge, statements obviously inspired by ignorance and prejudice which it lies in my power to correct. It is only for the purpose of correcting that record and bringing it into line with fact and truth that I take any notice of the gentleman's remarks, although as an evidence of the absurdities into which the gentleman's present activities will lead him, his speech is worthy, perhaps, of further consideration.

The gentleman from Indiana, whose name and works will rest peacefully in obscurity when ROBERT M. LA FOLLETTE receives the homage of unborn generations, makes the following reference to Wisconsin and to the senior Senator from my State:

I can remember a time when all the United States was wavering in the balance politically, and when uncertainty was felt with reference to the result of the election everywhere else, there was no uncertainty in Wisconsin. It was as solid as the Rock of Gibraltar in the Republican ranks. That was in the days of Matt Carpenter and John C. Spooner.

The time came, however, when a new prophet entered Wisconsin, who was not content with the existing order of things. They had everything given them by the Creator to make one of the greatest States in the Union. But a new theory of political environment and enforcement was injected into its political being that seemed to find a majority for its support, and in consequence that State began to diverge from Republican principles, until finally it was no longer a Republican State. Nor was it a Democratic State. It was a one-man State. That State is still one of the great potential States of the Union, and whenever they get away from the vagaries to which they have submitted themselves, and from under the spell of this false leader, it will again be one of the great States of the Union.

Now, I am not informed if the gentleman from Indiana has ever read a line of Wisconsin history or graced the State at any time with his corporal presence. I assume he would not venture to make such a statement unless he had, in which case his meaning is perfectly clear. His statement will help the people of Wisconsin and her neighboring States to form something like an accurate judgment of the present leadership of the Republican Party. For, in a quarter of a century, no candidate for a public office in the great Northwest on any ticket, and particularly in Wisconsin, no matter how reactionary he may have been, has dared to come out into the open as the gentleman from Indiana has done, to advocate the return of those States to the corrupt and vicious political system to which he now beckons us.

Perhaps the gentleman's views regarding Wisconsin have been warped somewhat by the fact that the Republican candidate whom he supported for Governor of Indiana in 1920 (because he believes in voting the ticket straight, but whom he should have denounced before the people as a crook) is now wearing stripes in the Federal penitentiary at Atlanta as a common thief. Perhaps his ecstasies on the floor of the House over the Steel Trust with its great nonunion shops at Gary, Ind., which he glorifies as a "corporation with a soul," has blinded him to the more modest merits of other States.

But even the gentleman's references to contemporary political events are erroneous. ROBERT M. LA FOLLETTE became Governor of the State of Wisconsin in 1900, and in every national election except one through the 20 years up to the election of 1924, the people of Wisconsin gave their electoral votes to the Republican candidate for President. While the State of the gentleman from Indiana was wavering in the balance and the State of the gentleman from Ohio was giving Woodrow Wilson the votes he needed to win the election of 1916, Wisconsin cast its vote for ROBERT M. LA FOLLETTE for Senator and for Charles Evans Hughes for President in the same election. Had the influence and example of these two gentlemen been as potent for Republican victory in their States as was the shining character of the "false leader" in Wisconsin, Hughes would have been elected by an ample electoral majority and President Wilson would never have served a second term.

But the chief offense in the remarks of the gentleman from Indiana does not lie in their obvious inaccuracies and exaggerations, but in the argument he has made that Wisconsin must return to the domination of corrupt railroad and lumber magnates, working through corrupt machine politicians, before she or her representatives will be recognized by the new leaders of the Republican party of Lincoln.

In view of the gentleman's statement, it becomes necessary in the interests of accuracy and truth, to review briefly the changes which have taken place in Wisconsin under what the gentleman is pleased to characterize as the "false leadership" of LA FOLLETTE, and to sketch the corrupt system to which we are invited by the gentleman to return.

Had LA FOLLETTE's leadership appeared on the political horizon 50 years earlier the people of Wisconsin would still be in possession of their natural resources or their equivalent. The Federal Government ceded millions of acres of valuable agricultural and timbered lands to the State for the support of the common schools, the university, and the college of agriculture. The State did likewise. The schools of our sister States had heritages of equal value and they preserved these heritages until to-day the income from them yields as high as \$12,000,000 a year for the support of the schools. The "business men" in politics in Wisconsin succeeded in robbing our schools of these lands and timber until our income from that source is less than one-third of a million dollars. This means that the people of Wisconsin are paying about \$12,000,000 a year in taxes as a tribute to the land and timber thieves of 1860 to 1890, and they will pay this tribute through all time and eternity.

And how did they manage it? Months and even years before a campaign opened these gentlemen with their satellites would gather in some hotel room, or in the rear of some saloon, or in a banker's private office, or in the office of some chamber of commerce and put up a Republican State ticket and legislative candidates in every district in the State. Then they would meet in some other room and do the same thing for the Democrats. It would be understood by the bosses that the governor, for instance, was to get a certain rake-off on all of the ties bought along certain lines of railroads, or transportation concessions, or blocks of railroad stock, if he "behaved himself." The State treasurer, as his share of the boodle, was to loan the State's money and pocket the interest. Candidates for the legislature were to have their campaign expenses paid, and if the leaders "behaved themselves" and were "regular," they were to have some fat appointive office; while the railroads and other bosses proceeded to loot the people of their lands and timber and other resources, and were free to charge what they pleased for their services and receive every other special privilege they might desire. One of the special privileges the railroads secured was a law permitting them to tax themselves, a law under which they paid the enormous sum of \$1,000 a year in taxes upon \$1,000,000,000 worth of property and they made their boast that not a single law had been passed in Wisconsin in 30 years that had not been approved by them. Wisconsin was owned, body and soul, by these political pirates. That is one reason why I regret that Senator LA FOLLETTE was not born 50 years sooner than he was and that he can not live 100 years longer. The people would have saved their heritage and these perfectly "regular" political bosses would have landed in prison. As it was, most of them landed at Washington to continue their plundering on a national scale. It took LA FOLLETTE six years to break up this combination sufficiently to reach the governor's office and one of the first things he did as governor was to give the people of Wisconsin a primary election law, under which these plunderers of the public have no more to say about who the servants of the people shall be, or what the laws of the State shall be, than the humblest citizen in overalls.

As LA FOLLETTE entered the State capitol by the front door, the corrupt but "regular" political bosses and the corporate masters they served made their exit by the rear. The plundering of the public ceased, though the meetings behind closed doors continued. These meetings were no longer held to divide up the loot but to denounce LA FOLLETTE as a most dangerous man, a Socialist, a red, a radical, a man that was ruining business, a man who "sought and is seeking the destruction of the very foundations upon which our governmental structure is based." I quote these latter words from the speech which the gentleman from Ohio trotted up to New York and made January 10, and I want to say to him that he could not find a better place to go to make a speech of that kind than in the shadow of Wall Street. I invite him to make that speech in Wisconsin, where LA FOLLETTE has

increased his majorities from 25,000 votes to 325,000 on his record; and where not a single law which he placed upon the statute books has ever been repealed or declared unconstitutional, and where no man has dared to run for any important office in 20 years with any hope of being elected without announcing that he stands for the same principles of government LA FOLLETTE stands for. LA FOLLETTE gave to Wisconsin a railroad rate law that insured honest service and saved the people of the State over \$3,000,000 a year in rates. He gave the people a tax law that provided for the taxing of railroads and other utilities on an ad valorem basis the same as other property is taxed, and which increased the revenues of the State over \$6,000,000 annually. He gave us a pure food law that has placed Wisconsin first in dairy products and canned goods, and has put an end to food adulteration, and is saving the people millions upon millions of dollars. He gave the people of the State the first workman's compensation act that went into effect in this country. This law is diverting over \$5,000,000 annually into the pockets of injured workmen which used to flow into the coffers of insurance companies. He gave us insurance laws second to none anywhere in the United States, laws that are saving millions of dollars in premiums. He gave us a banking law that put a stop to usury and placed our State banking system upon a solid footing.

From the time LA FOLLETTE began "undermining the very foundations of the government" of Wisconsin, from the time he began driving the political crooks out of the State government, the State began to prosper. During the last 20 years Wisconsin has had only 13 bank failures, and in only 4 of them did the depositors lose a single dollar. During those same 20 years Wisconsin has risen from fourth place in the United States in the value of its dairy products to first place. It has risen from fifteenth place to twelfth place in the value of its farm property. It has risen from eleventh place to second place in the value of its livestock. It has held its own in its manufacturing interests, and while manufacturers of other States are complaining of hard times, Wisconsin has added 2,000 new manufacturing establishments to its list during the last 10 years, and is still adding to that list at the rate of \$35,000,000 a year. Wisconsin has the lowest tax rate of any of her sister States, and is one of only two States in the Union that has not a single dollar's indebtedness.

Since the adoption of the primary election law in Wisconsin over 20 years ago, giving the people themselves the right to name their own public officials, there has not been a single case of bootlegging off the State, not a single case of malfeasance in office has occurred, and I know of no case of official misconduct, except one appointed official who was sent to jail for stealing a few picks and shovels, some discarded furniture, and statute books, selling them and pocketing the money. But he had only recently come over from Indiana and had not been in Wisconsin long enough to get on to our ways of doing things. He had been a member of the legislature of the State of Indiana.

Seeking the destruction of the foundations of our Government! If what we have done in Wisconsin has destroyed the very foundation of the government of that State, we have not yet discovered it. What we have done for Wisconsin is what we have been trying to have Congress and the administration do for the United States. If that will destroy the foundations of this Government, what has the gentleman to say about the Doheneys, the Daughertys, the Sinclairs, the army of Government sleuths traveling around over the country framing innocent people, the Denbys, the Falls, the Forbes?

What has he to say about Mr. Wood's "Corporation with a soul" fraudulently withholding \$27,000,000 in taxes from the Government, and what has he to say of a Cabinet officer, who holds his office illegally and who is withholding \$10,000,000 in taxes from the Government? What has he to say about the profiteers who made \$38,000,000,000 in bloody profits during the war and who are continuing to make billions upon billions in profits off the people at a time when millions of people are throwing up their hands in despair and leaving the farms and moving into the cities? What has he to say about the fact that farmers facing these conditions are being told "the only help for the farmers is for them to help themselves"? What has he to say of a commission appointed by the President to recommend farm legislation to Congress composed of a manager of a milling company, a professor of agricultural chemistry, an agronomist, an editor, a president and founder of a life insurance company, the head of a rice growers' association, a student of dry-land farming, and a man who farmed and taught school until he was 37 years old and then quit?

And what has he to say about the farm-relief legislation that has resulted from these ponderous conferences and commissions?

Undermine the foundations of government! How silly! And the gentleman's expressed fear of my influencing the result of a Republican caucus or being placed in a "key position" to determine the course of legislation, is equally ridiculous. That is not what troubles him. He knows that my vote would not determine the speakership or any other result of the caucus. He knows, had I supported Coolidge for President with the same degree of enthusiasm that he did, that so long as I continue to hold my present economic views, I would not be placed in any "key position" to determine legislation in the next Congress. That is not what troubles him in the least.

What he is doing represents an ill-conceived and misguided effort to lay the groundwork for the defeat of 10 Members of this House from Wisconsin, 1 from Minnesota, 1 from North Dakota, and the senior Senator from Wisconsin. He knows that a decree has gone out from certain corrupt business interests that this must be done. He knows that these interests are determined that no genuine agricultural relief bills shall be passed hereafter, and that no more impeachment proceedings shall be started in this House, or any voice of protest raised against public plunder. That is what troubles the gentleman and I invite him to come to Wisconsin and deliver his New York speech. If he will, I assure him he will be given a courteous welcome and an equally courteous adieu, but he will not make any votes by telling the people their Government has been undermined.

The gentleman from Ohio may deceive himself, but he need not think he is deceiving anyone else. He knows that the political plunderers of this country are determined that no more of their crookedness shall be uncovered. He knows that without the publicity clause in the revenue act of 1924 tax dodging in high places would never have been revealed and that those tax dodgers are determined to have that clause repealed, and he knows he is going to vote for its repeal, although nothing was said about it before the election. He knows that the chief obstacle to the success of that and similar legislation is the Members of Congress from Wisconsin, and a few from other States. He knows that the decree has gone forth that these Members must be buried in political oblivion. He knows that Members of this House and the Senate and the "lame duck" representatives of these same big business interests have been holding conferences in Chicago and St. Paul with the reactionary forces of Wisconsin and bolters of every Republican ticket in that State for the last 20 years and that plans are being laid for again placing that State under the control of corporate wealth.

He knows that as a reward for this great service to the country, these obedient politicians are to have their campaign expenses paid, if they will but remain "regular" and give their votes to the repeal of the publicity clause in the income-tax law, the passage of a ship subsidy bill, the looting of what little is left of our public domain, the maintenance of extortionate freight rates under the Esch-Cummins law, the further reduction of taxes on the rich and the placing of that burden upon the producers of wealth, the increase in the tariff on those things which the farmer buys and a reduction on what he sells. That is the price which has always been exacted by the monopoly system and it is the price that will be paid.

Meanwhile, it is perfectly obvious to the common people of this country that Progressives of this House, who have exercised the rights of citizenship by entering the Republican primaries, who have been elected year after year as Republicans holding the precise views they hold now, and who have been recognized as Republicans under McKinley, Roosevelt, and even Taft and Harding, are now to be excluded from their committee assignments because it is known they will not serve as accomplices in putting through the reactionary program the great monopolies and corporations of this country demand in return for their campaign contributions and for the economic pressure they brought to bear upon the people to "elect Coolidge and Dawes or starve."

There is only one other feature of this matter to which I care to advert at this time. The charge has been made that in supporting Senator LA FOLLETTE for President, Members of this House were guilty of a species of treason to the party and that for many years such Members and Senator LA FOLLETTE himself have "used the Republican label" simply for the purpose of sneaking into public office.

The fact of the matter is, and anyone familiar with Wisconsin politics knows it, that LA FOLLETTE and the public men

who entertain similar views on economic and political questions could have been elected on any ticket in Wisconsin in the last quarter of a century, exactly as LA FOLLETTE himself on an independent ticket carried the State in the 1924 election.

But, it is asked, why have we continued to identify ourselves with the Republican Party? The best answer to that question is that no State in this Union has a better claim to the Republican label than the people of Wisconsin, for it was in Wisconsin in 1854 that a little band of farmers and other common folks—radicals if you wish—met in a convention, formed the Republican Party, gave it its name, and devoted themselves, under the leadership of Lincoln and Schurz and Seward, in waging uncompromising warfare against the slave system and for the rights of the common people. We have remained in the Republican Party for the simple reason that in Lincoln's principles of free representative government, and in his denunciation of the Supreme Court for its subservience to a vicious economic system, and in the original principles of the party as fashioned in Wisconsin, we have found abundant warrant for every principle of government we have advocated. If the Republican Party now is to become the mere servant of the monopoly system and of corporate wealth, if it is to stifle every voice which is raised in defense of the democratic principles of Lincoln, we are willing that you should hide the iniquities of Daugherty and Fall and "Boss" Cox, of Cincinnati, and Governor McCray, of Indiana, under the Republican label, and we shall be content to keep the faith with "Bob" LA FOLLETTE and to defend the principles which made the party great.

We expect to renew acquaintance with you gentlemen in the State of Wisconsin in the campaign of 1926. Doubtless letters will be written to Wisconsin Congressmen by Chairman BUTLER of the Republican National Committee along the line of his letter of August, 1924, asking Members of the congressional delegation who had been hooted down and howled at as "Bolsheviks" at the Cleveland convention if they were ready to "cooperate" in their districts with a hard-boiled, stalwart committee composed of discredited Wisconsin politicians for the election of Coolidge and Dawes.

Doubtless Mr. BUTLER will continue in that campaign to find congenial association with the gentleman who is now acting as chairman of that committee and who has served a term in a penal institution in Wisconsin for his violations of the law. Doubtless the gentleman from Indiana, who now prates of "regularity," will again send thousands of dollars into Wisconsin, collected from privilege-seeking corporate interests, to defeat sitting Members of this House duly elected on the Republican ticket by their constituents. And when the campaign is over no doubt the President of the United States, with the cooperation of the junior Senator from Wisconsin, will duplicate his recent appointment of Ray J. Nye as prohibition director of Wisconsin by subverting the public service in order to reward the "lame ducks" and the agents of corporate wealth who will fall by the wayside when they face the electorate.

But when you gentlemen come into Wisconsin in 1926, as you came in 1924, make no mistake as to the character of the reception you will receive. You will have your "slush fund," collected from the bankers of Wall Street and the tariff barons of Pennsylvania, Ohio, and Indiana, and you will expend it in the mistaken notion that Wisconsin's choice at the ballot box can be controlled by the use of money. You will have the cooperation of some of the bankers and factory owners of the State, who will tell the farmers and the wage earners that they must "vote right" or starve. But we will welcome your dummy candidates with willing hands to their political graves. You gentlemen have presumed, in your arrogance, to vest in the Wall Street masters of this administration a power which rests, under a free government, in the sovereign people of Wisconsin. Upon the issue you have created we are ready to submit this question to the verdict of the people.

#### PENDING WATERWAY LEGISLATION

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered at Evansville, Ind., before the convention of the Mississippi Valley Association, November 21, 1924.

ADDRESS OF HON. WILLIAM E. WILSON, EVANSVILLE, IND., MEMBER OF CONGRESS, FIRST INDIANA CONGRESSIONAL DISTRICT, BEFORE THE CONVENTION OF THE MISSISSIPPI VALLEY ASSOCIATION

I am sure that all the people of this country would look upon this rivers and harbors bill with open-eyed wonder if they had been privileged, as the members of the committee were, to sit and hear of the marvelous opportunities hidden away among the hills and valleys tapped by the great waterways of this country.

The bill provides for the completion within five years of approved river and harbor projects throughout the United States. It authorizes the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

That the following works of improvement are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the reports hereinafter designated: Glen-cove Creek, N. Y.; waterway connecting Gravesend Bay with Jamaica Bay, N. Y.; Hudson River, N. Y.; Flushing Bay and Creek, N. Y.; Delaware River, between Philadelphia, Pa., and Trenton, N. J.; Wilmington Harbor, Del.; Salem River, N. J.; Cambridge Harbor, Md.; Onancock River, Va.; Norfolk Harbor, Va.; channel to Newport News, Va.; inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.; Shipyard Creek, S. C.; Fernandina Harbor, Fla.; Miami Harbor, Fla.; Bayou La Batre, Ala.; the Louisiana & Texas Intracoastal Waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.; Buffalo Bayou, Tex.; Mississippi River at Nauvoo, Ill.; Mississippi River at Fort Madison, Iowa; the improvement of the Mississippi River from the mouth of the Ohio River to St. Louis, Mo.; the improvement of the Mississippi River from St. Louis, Mo., to Minneapolis, Minn.; the improvement of the Missouri River from its mouth to the upper end of Quindare Bend; the improvement of the Ohio River from Pittsburgh to Cairo; Tennessee River from Dam No. 2 to Florence Bridge, Ala.; Green Bay Harbor and Fox River, Wis.; Muskegan Harbor, Mich.; Frankfort Harbor, Mich.; Great Sodus Bay Harbor, N. Y.; Black Rock Channel and Tonawanda Harbor, N. Y.; Los Angeles and Long Beach Harbors, Calif.; San Diego Harbor, Calif.; Pelaluma Creek, Calif.; Siuslaw River, Oreg.; Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Oreg.; Deep River, Wash.; Port Orchard Bay, Wash.; Seattle Harbor, Wash.; Cowlitz River, Wash.; Hilo Harbor, Hawaii; Ponce Harbor, Porto Rico.

This bill is in no way a political one. The members of the committee voted almost unanimously for these measures. You will find that the improvements proposed in this bill reach from Jamaica Bay, N. Y., in the East, to the Siuslaw River in Oregon in the West, from Frankfort Harbor, Mich., in the North, to the Intracoastal Waterway of Louisiana and Texas in the South, from Miami Bay, Fla., to the Harbor of Ponce, Porto Rico, and Hilo Bay, Hawaii, with the interior of the country taken care of by the improvement of the Mississippi, Tennessee, Ohio, Missouri, Cumberland, and many other rivers. Where there is an absolute need for improvement for the benefit of the whole people of the United States, regardless of the section of the country in which the project was located, there was immediate attention given to the evidence presented. So I hope that the Members of the House will look upon this bill with the same unbiased attitude; and, if, upon close scrutiny, they do not find fault with it, that they will aid us with their votes in trying to give the people of the whole country relief from some of the things that Congress is hoping to lift from their shoulders.

Most of the opponents of a bill for the improvement of rivers and harbors are, I believe, Members of Congress whose districts do not lie immediately adjacent to a river or harbor. To such Members let me present the following illustration of the importance of water transportation. Out of the six counties I represent, four border the Ohio River. The city of Evansville, the largest shipping point in southern Indiana, is in one of them. Shippers and merchants of this first congressional district of Indiana during a period of 30 months ending December 31, 1923, shipped 2,982 tons of freight via the Federal Barge Line, now operating in the lower Mississippi and Warrior Rivers. The saving in freight to these shippers under what an all-rail shipment would have cost was \$3,877. On the other hand, shippers and merchants of the seventh district of Indiana, in which the city of Indianapolis is located, in the center of our State, during the same period shipped 15,235 tons of freight via the Federal Barge Line at a saving of \$19,803. The shippers and merchants of the State of Indiana during the same period shipped via the barge line 64,820 tons of freight at a saving of \$84,266 under the cost of an all-rail movement.

The three congressional districts that are on the Ohio River shipped only 4,861 tons of freight with a saving of \$6,320, while the 10 districts not bordered by that waterway shipped 59,959 tons with a saving of \$77,946. These figures illustrate a condition to be found not only in Indiana but also in many other States. Commerce on the Ohio River for the year 1923 totaled 8,280,520 tons of cargo, consisting of more than 70 different kinds of articles, coal, flour, furniture, gasoline, grain, groceries, livestock, lumber, metals, iron, steel, salt, oil, sand, stone, railroad ties, etc., valued at \$110,000,252.73 and carried a distance of 708,302,798 ton-miles, according to the Ohio Valley Improvement Association.

More than 80 per cent of the tonnage handled by the Federal Barge Line is joint rail and water business and originates at points not on the river. Over one-half of the population of the United States derives benefits and savings from this Government barge line. Among the

many benefited I find the following States and the amounts saved: North Dakota, \$690; South Dakota, \$2,677; Nebraska, \$88,557; Minnesota, \$37,969; Wisconsin, \$72,170; Iowa, \$124,843; Kansas, \$5,896; Missouri, \$763,110; Illinois, \$84,171; Michigan, \$17,650; Indiana, \$84,266; Kentucky, \$25,076; Tennessee, \$207,086; New York, \$312; Ohio, \$47,934; Pennsylvania, \$1,842; Georgia, \$12,400; Florida, \$13,505; Texas, \$10,152; Arkansas, \$23,240; and many more.

A navigable river is just as long as the distance to the first sandbar.

Congress throughout its many years of service has consistently and continuously insisted upon a progressive waterway policy; and it has refused to indorse projects until the United States Army engineers approved them. There is no money appropriated and spent by the Government that is safeguarded as carefully and from as many sources as money spent on the improvement of the rivers and harbors of this country.

Almost 30,000 miles of navigable rivers spread out as a great network over all this wonderful land of ours; 16,000 miles are in the Mississippi Basin. If these rivers were completely improved and connected by inland and intracoastal canals and they, in turn, were connected with railways and improved highways, each unit would carry a much greater tonnage at a better profit to all carriers and undoubtedly at a greater saving to the public.

I contend that the greatest problem before the American people today is transportation. One can not argue with the traveling and shipping public about railways or waterways as such, for they are not at all interested. That which they desire and demand is a system of cheaper transportation in order that they may be saved from bankruptcy that is liable to overwhelm them. The great Middle West needs help in the solution of its transportation problems. The farmers are imploring us for help in their distress. They do not want charity, but an outlet for their products.

The transportation rates from the country elevator, where the farmer's wheat is marketed, to the great seaboard shipping points are too high. No matter how high or how low these rates may be the farmer pays the freight; so if these rates can be reduced, the farmer is benefited to the extent of the amount of that reduction. Reduce transportation by completing the inland waterway system which will give an outlet from the great wheat-producing States of the central, west, and northwestern part of our country directly to the Gulf and to foreign markets at a great saving to the shipper. We must have cheap transportation to meet the competition of the wheat-producing countries of the world. This competition is enormous. The railroads can not safely reduce their freight rates because they can hardly make a profit on their investment with the rates now in force.

The very best argument in favor of the improvement and use of these great waterways that silently but eternally go to waste at our feet, which do not require the laying of tracks, the right of way, the enormous expenditure for upkeep required by other methods of transportation, is the potentiality they possess of supplying a mode for moving great quantities of freight.

You will understand what we are allowing to go to waste day by day when I tell you what is being accomplished by the few towboats and barges now in operation. One towboat with its fleet of barges, carrying enough to load 12 full freight trains of 50 cars apiece, each car loaded to its 50,000 pounds capacity, makes the trip from St. Louis to New Orleans in six days.

While at Memphis last November I saw two barges, one loaded with steel piping and the other with structural steel, that had made the trip from Pittsburgh to Memphis in 19 days. The barges were being unloaded at the million dollar water and rail terminal directly into the railroad cars, the piping to go to the oil fields of Oklahoma and Texas, the building steel to many points in Mississippi, Louisiana, and Texas.

If we are to develop our resources we must have good transportation facilities; a twin-screw tunnel-type towboat can push barges carrying 7,000 tons of merchandise upstream and 15,000 tons downstream. Quoting Mr. Theodore Brent, Federal manager of the Mississippi-Warrior service, Federal barge line:

"As for the time in transit it will be seen, both from the performance of the past year and the projected performance for the year 1924, that while barge service does not claim to compete with the manifest freights, which carry the high-class perishable freight on the railroads, neither is it slow. There has been compiled a record of actual performance on some 500 cars most recently moving southland in joint rail and river service under through bills of lading, in connection with this line. We find that the average movement of these 500 cars on the rail portion of their journey was 2.80 miles per hour. These same cars moved in regular tows of the service, 2.43 miles per hour."

Quoting from President James E. Smith:

"For 20 years the cities of the valley went separately to Congress, asking for waterway development. Local commercial rivalries offered an easy mark for antagonists of water transportation to shoot at. Their target practice was good.

"Waterways got fair promises and in many instances wasteful, sectional, and disconnected construction. The people's money was often wasted. Their waterways were delayed and discredited by the gleeful 'pork barrelers' and the foxy representatives of anti-waterway interests.

"The problem was too big and too intricate for any local public body, no matter how earnestly and honestly it tried to solve it. Waterway enemies were active in every locality."

To show the vastness of the problem let me cite a few of the things recently accomplished by Congress:

Appropriations for Mississippi Valley waterway improvement, 1923-24, \$25,000,000; \$12,000,000 secured during 1923-24 for Ohio River improvement; \$2,700,000 for Missouri River improvement; \$2,800,000 for upper Mississippi improvement; \$500,000 appropriation for the survey of the Tennessee River to prove its possibilities for profitable navigation and power development. These surveys are now made by airplanes.

The Rivers and Harbors Committee has unanimously approved legislation for the completion of all approved valley waterway projects within five years. The rivers and harbors project bill now pending provides for the inclusion of the intracoastal canal waterway, which will extend the Mississippi River from New Orleans across Louisiana and Texas to Corpus Christi, a distance of 600 miles.

By the standardization of locks and dams, the barges on the Federal lines and the 9-foot stage in the rivers, it will be possible for barges to traverse these different rivers for a distance of 3,000 miles.

#### REFORESTATION

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of reforestation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MORROW. Mr. Speaker, our Nation, once with a wilderness of timber, where abounded animal life of all descriptions; where flowed swift rivers teeming with fish; where primitive man found his haunts and his food supply, has at last partially awakened from its wanton waste and destruction to realize that the major portions of its forests are gone; that the wild life that abounded in the wooded haunts is largely a thing of history; that the swift-flowing rivers that teemed with fish and wild fowl are gradually being filled up with the soil denuded from the farm land, on account of no longer receiving protection from the forests that so long preserved, protected, and built it for man's use.

The Nation from this dream of waste has aroused itself and now desires to reforest and rebuild that which we have permitted and acquiesced in destroying. It is indeed both a worthy and a very necessary thought for the Nation to reforest and replenish our fast-waning supply of timber not only for the real needs of the Nation in a future timber supply but also in the protection of animal life and in the protection of the soil for agriculture.

National legislation has been enacted and an effort made for State cooperation in a plan for a systematic reforestation policy for the Nation. Cooperation with the national law, to the end that active reforestation should go on in the States, not alone on Government-controlled lands but also upon the private lands and State-controlled lands, and each State should cooperate by contributing toward the plan for reforestation.

It is very clear to the thinking individual that in the proper handling of forest land each State can cooperate with the National Government in forestry and in each year having a surplus fund from the proper marketing of forest products, and at the same time, through reforestation, the State could be rebuilding its forests and protecting its water supply.

It is readily conceded by authorities who have kept tab of our timber in the United States that in 25 years' period of time, at the present use of timber, we will see all our forests practically wiped out.

This is true largely now in the eastern portion of the United States, and the remnants of timber in the southern part will not last any great period of time; and the timber in the Rocky Mountain region, which to-day represents the remaining portion of our natural timber belt, will in less than one-half century be entirely cut away, unless this timber is replanted and protected under the most rigid forest supervision by Government and State control. Not only will timber alone be the great loss in the southwestern part of the United States, but timber that provides the great natural reservoir, that protects the snows and rainfall, will have disappeared, and the soil from the mountain tops will be washed away, and instead of snows gradually melting in the heat of the summer there will be no snow to melt during the summer months.

The mountains, which are the great source of the rivers, must be fed from the snows and the moisture protected in the

mountain districts. Remove your timber and you remove this element of protection for your water supply and you change climatic conditions of the western plains of the United States.

The great problem for solution is reforestation, and the Government laws and the State laws should work in unison along this line.

There is absolute necessity for Government control of our forests and for a national policy of reforestation. In connection with this, every State should have a policy of reforestation. Another generation will see the depletion of the remaining timber in the United States unless great effort is made to protect the remnant.

It is said that the State of Oregon contains one-fifth of all the standing timber of the Nation and that it is second in its annual output of timber, or 3,500,000,000 feet. This represents to the State \$125,000,000 per year. Yet, if this State does not reforest, how long will this great industry last? In this problem of reforestation, of cutting over timber tracts, the fire problem is the great problem to solve. The National Lumber Manufacturers' Association estimates the loss of timber by forest fires in California, Washington, Oregon, Montana, and Idaho during the past year to be \$4,250,000. Think of this destruction! At least 80 per cent of same preventable under proper supervision.

I desire to insert herein an article written by Mr. G. H. Cook, of the district forest office at Albuquerque, N. Mex.:

The proposition of making all forest land grow trees is of concern to every American citizen regardless of where he lives.

American forests are being used by the industries or wasted by fire four times as fast as replacement takes place through annual growth.

The forests face exhaustion unless idle lands fit only for the production of forests are put to work growing trees. The American people are in the position, as far as timber is concerned, of a young man whose father gave him a thousand dollars. He had a job that paid him a dollar a day, but it cost him \$4 a day to live. It was only a question of time, and not hard to figure.

With the forests the end is already in sight. Half of the virgin timber that is left in the United States is within the three Pacific Coast States of Washington, Oregon, and California. States that once had abundance of timber are actually in timber distress. They are hiring the railroads to bring them timber clear across the continent or the steamship companies to haul it by way of the Panama Canal. They are paying more for freight than the lumber costs at the mill and more than they used to pay for their lumber in the days of their wasting, 40 years ago.

The people are entitled to the facts in order that economic interests may be safeguarded. Arizona and New Mexico still have extensive uncut forests, which will go a long ways toward warding off a sharp lumber scarcity in the Southwest, but a timber reservoir in one part of the country can not keep down prices of building materials if there is an insufficient supply elsewhere. High lumber costs in Chicago are directly reflected in the building costs of Prescott.

Everybody pays when lumber land lies idle, regardless of where those timberlands are. The average haul on all forest products has reached 500 miles, and the American people pay the freight. One freight car in every twelve on the American railways is engaged in hauling forest products to the places where they are used. Nearly 10 per cent of the freight revenue of the railroads is derived from hauling forest products, and amounts to approximately three hundred million hard-earned American dollars in each year.

"Preserve the forests, but use the timber," forestry officials claim, is the true spirit of conservation. "Make potential forest lands grow trees," they say, "and make them grow the trees as fast as industry and home building require the timber."

I also want to include herein a report from the district Forest Service offices of Arizona, New Mexico, and Colorado:

#### THE NECESSITY OF ReforeSTATION AND THE PROTECTION OF THE FOREST LANDS IN ARIZONA

The general types of forest cover in Arizona are the same as New Mexico. The problem of replanting in Arizona, however, is a much smaller one. This is due to the fact that practically all of the timberlands of the State are either under direct control of the Federal Government or owned by the State, there being only 118,000 acres in private ownership. The State timberlands are also being handled by the Forest Service under a cooperative agreement in a similar manner to other national forest ranges, the cost of administration being paid by the State.

The acreage within the national forests to be replanted is also comparatively small, amounting to about 90,000 acres.

The importance of keeping the timberlands of Arizona fully forested is extremely desirable.

First, because the agricultural resources of the State, to a very large extent, are absolutely dependent for development on irrigation.

The streams from which the State is dependent for irrigation water have their sources within the forest types, hence, good forest cover is very important as it serves to delay the melting of the snow and prevents excessive flow, washing away of the soil, and filling up the reservoirs with silt.

Second, the forests are important to the State as a source of timber supply and is the basis of a very important lumber industry. This, however, will become more and more apparent as other forested regions are cut out and it becomes increasingly expensive to ship material into the State. If properly protected the mature timber of the State can be cut and utilized without endangering a continual productive forest and a permanent forest cover.

Third, the forests are being used each year by a rapidly increasing number of recreationists, in which capacity they serve an exceedingly valuable function in the economic life of the State.

The following table gives the areas of forested regions in Arizona and the approximate acreage of national forest lands which will need replanting:

Status	Total area saw-timber type	Area saw-timber type either uncut or satisfactorily restocked	Area of saw-timber type in need of planting
National forests	Acres 3,190,856	Acres 3,099,956	Acres 90,900
Indian reservations <sup>1</sup>	1,783,220		
State	28,900		
Military reservations	2,000		
Public domain	20,000		
Private	118,000		
Total	5,142,976	3,099,956	90,900

<sup>1</sup> No data available for Indian lands.

	Acres
Apache National Forest	69,500
Coconino National Forest	21,400

Total 90,900

#### THE NECESSITY OF REFORESTATION AND THE PROTECTION OF THE FOREST LANDS IN NEW MEXICO

There are two general types of forest cover in New Mexico. The first is known as the woodland type, and can be readily recognized by the short, scrubby stands composed of pinon and juniper in varying proportions. This type is of importance to many local communities as a source of supply for fence posts, fuel, and in some cases for wider use for mine props and timbers. It is of value also for watershed protection purposes. Growth, however, is very slow because of the comparatively unfavorable climatic conditions and the Forest Service has never considered it economically justifiable to attempt planting in this type. As a matter of fact, with reasonable protection, satisfactory restocking is secured naturally.

The second and most important type for consideration is the saw-timber type. While occupying a smaller area than the woodland type, it is of greater importance commercially and because of its peculiarly favorable location on the headwaters of the important streams in New Mexico, it is especially important from a watershed protection point of view. Saw timber occurs, as a rule, above elevations of 7,000 feet, occasionally coming down to around 6,500 feet.

Planting of young seedlings for the purpose of reestablishing forest conditions in New Mexico is considered practicable only within the saw-timber type. Even here climatic conditions make planting a more difficult and costly proceeding than it is in more favored forest regions such as the southern yellow pine and Pacific Coast Douglas fir. However, the Forest Service, after several years of experimentation, has developed the necessary technique for planting in this type in the southwest so that success is assured. It is necessary, however, to grow seedlings for this purpose with a longer tap root and to take more care in the planting. This makes the planting expensive. On a commercial basis and figuring around 1,000 transplants per acre, the cost will run about \$15 per acre.

It is a very fortunate thing that forests in this region will reestablish themselves naturally if given proper protection against fire, grazing, and if, where necessary, some of the larger trees are retained for seed. On the national forests not only are seed trees retained, but also the young, thrifty, rapidly growing timber, even though it may be of merchantable size.

There are two kinds of areas in New Mexico within the saw-timber type which do not at present carry satisfactory stands of timber or young growth. One kind is the result of repeated burns mostly of long standing independent of any cutting.

These areas will be found at the higher elevations within the Santa Fe and Carson National Forests. Not all of these areas, however, are hopeless even without planting. A close examination reveals the

fact that on many of these areas multitudes of seedlings of saw-timber species under an overstory of aspen or oak brush are coming in, which, given protection and time, will eventually make first-class forests. The second type of unsatisfactory areas are those which have been heavily cut over, and this cutting followed by one or more fires. This is the condition of a large portion of the areas cut in the early days of lumbering and is still more or less typical of some of the nonnational forest operations. There are many thousands of acres devastated in this way in the Zuni Mountain region. There is a similar area in the Sacramento Mountains in the vicinity of Cloudcroft. The heart of this timber region just south of Cloudcroft is alienated land. The fire danger is great. So far most of the cutting has been followed by fire, which effectively destroys the young growth and prevents restocking.

There are, therefore, within the State of New Mexico considerable areas which have been so heavily cut over and burned that they can not hope to restock satisfactorily, regardless of protection given them, unless they are planted. Comparatively accurate information as to these areas within the national forests has been secured, and if funds were available it would be practicable to plant them. There are, however, much greater areas outside the national forests which need planting, but unless such areas can be acquired by the Federal Government, there would be no authority to plant them. The tabulation included hereafter gives an estimate of the area within the national forests which will require planting, and a rough estimate of the area outside the national forests. It should be explained that only land in a badly devastated condition which it is estimated will not restock naturally if given proper protection within 50 to 75 years is included. If it is desired to limit the necessary time to some shorter period, say 30 years, the area to be planted would be very greatly increased. The heavy expense of planting, however, necessitates allowing a longer period for natural regeneration in the Southwest than would be justified in some other regions.

The following table shows the approximate forest area of the forested lands of the State and the acreage which needs replanting:

#### New Mexico

Status	Total area saw-timber type	Area saw-timber type either uncut or satisfactorily restocked	Area of saw-timber type in need of planting
National forests	Acres 4,026,103	Acres 3,783,103	Acres 243,000
Indian reservation <sup>1</sup>	588,860		
State	102,000	1,022,740	240,000
Private	571,880		
Total	5,288,843	4,805,843	483,000

<sup>1</sup> No data available on the acreage of Indian or private timberlands which need planting.

Within the national forests it is estimated that the following acreages will eventually require replanting:

	Acres
Carson	180,000
Santa Fe	58,850
Manzano	1,000
Lincoln	3,150
Total	243,000

It will be noted that the largest areas requiring planting are within the Santa Fe and Carson National Forests, and these are chiefly found on the high mountain slopes, many of which include the head of important irrigation streams. Such areas should be planted at the earliest possible date.

The territory south of Cloudcroft is regarded as the most important region in Otero and Lincoln Counties, from the forest viewpoint, needing planting. It is on the headwaters of a stream running eastward into the Pecos Valley. Unfortunately, the bulk of this land is privately owned, although it is located in the heart of the forest. Steps are now under way to secure this land by exchange for national forest purposes, and when this is done it will become especially important that a planting program be entered into there. In a similar manner there are many thousands of acres of privately owned cut-over, devastated land in the Zuni Mountain region which is well adapted to planting. There is blocked out an area of upward to 100,000 acres which the Forest Service hopes to acquire through the medium of land exchange in the near future. Possibly 50 per cent of it would be in need of planting. As previously stated, the planting of such land must doubtless await acquisition by the Federal Government.

As has already been indicated, it is doubtful whether there exists an economic justification of planting areas at the lower elevations

within the general woodland type. Because of the strategic location of the saw-timber areas on the headwaters of streams and on the steeper slopes and because of the immense size of this job there, it is believed the Government will do exceedingly well if the planting upon such areas is consummated.

The comparatively high cost of planting in the Southwest has been previously referred to. In a general way the practice of forestry will be found expensive to the private owner of small timbered tracts. Many of the benefits of forests in this State are community benefits inherent in watershed protection and in maintaining a State supply of forest products. Under such conditions the argument for public ownership of forests is quite plain.

It might further be stated that the Forest Service has been looking forward eagerly to the time when it would be possible to undertake an adequate planting program upon the devastated area within the national forests, and with this in mind a report was prepared and forwarded to the Forester's office outlining the areas which need replanting.

#### REFORESTATION IN COLORADO.

The denuded land in Colorado lies generally in the most productive forest types in the State and is capable of producing close to 5,000,000,000 feet of timber. This contrasts quite forcibly with the estimated present total stand of commercial timber in the national forests of this State of 21,000,000,000 feet. The reason for this proportionate discrepancy in timber lies in the fact that the 13,250,000 acres of national forest land contains a considerable percentage of land above timber line and other nonproducing areas, including the old burns.

At the present time from 30 to 35 million feet of timber, having a stumpage value of from \$90,000 to \$100,000, is cut annually in the national forests of this State. This timber is in the finished form, as building material, railroad ties, mine props, excelsior, etc., and has a value of a million dollars to the operators. Colorado is one of the few States that is cutting less timber than is actually produced through growth in her forests. The manufacture of lumber is in its infancy, and the amount can be greatly increased without detriment to our forests, for the cutting is confined to the annual growth and is in the form of mature trees and thinnings to improve the stand.

Colorado's forests have even greater value in conserving water for the large irrigation interests and municipalities of the State. Water from the national forests irrigates 3,000,000 acres of land in this State, valued at \$300,000.

Forests prevent the winter snows from melting during the first warm days of spring. The importance of this to Colorado is that irrigation water is insured throughout the entire summer instead of all the water rushing off in May and June.

Forests also retard the flow of water in times of floods. During the Pueblo flood in 1921 the flood waters from forested watersheds were retarded several days, and this gave the waters from the plains a chance to subside before the crest of the mountain waters occurred. This is illustrated by the record of the inflow at Lake Cheesman, which is the source of Denver's municipal water supply. On the day that Pueblo was flooded the inflow from the South Platte River was 375 cubic feet per second, and the crest of the high water was not reached until four days later, when an inflow of 2,313 cubic feet per second was registered.

The Forest Service realizes the need for covering all denuded mountain lands with forests of merchantable timber, but with the limited funds available for reforestation only a small area can be planted annually. During the calendar year 1924, 1,744 acres of denuded land were planted in this State. This is the largest area that has ever been planted in one year. A Forest Service nursery is maintained at Monument, which could raise sufficient trees to plant double the area if funds were available to do the work.

Most of the reforestation in Colorado is confined to planting denuded watersheds of municipalities, such as those of the cities of Colorado Springs, Denver, Trinidad, and Salida.

In addition, the importance of the irrigation interests of this State are so great that some planting should by all means be done on the watersheds and streams which furnish water for our largest irrigation projects. During ordinary seasons large survivals of the trees planted are secured, and the work can be done quite effectively in the rockiest country at a cost which is not unreasonable in view of the difficulties encountered.

The average cost of planting an acre containing about 700 trees is ordinarily from \$10 to \$12. In view of the return which can be secured from the sale of the mature timber and the watershed-protection value of these forested slopes this cost is very reasonable.

In presenting my views, upon the vital question of reforestation, to Congress and the readers of the CONGRESSIONAL RECORD, my purpose is to emphasize the necessity of protecting the timber of the Nation and to deal more directly with the three

southwestern semiarid States, where the water supply and future development of these States depend very largely upon this forest protection.

It is to this end that I have added the very complete report of the forest service in each State. It is to be desired that the legislatures of these States will enact such laws that will give complete cooperation between the State and National Governments in the protection of this vital property of the people.

The importance of forest protection can be more readily grasped when we take into account that we are using our timber four times more rapidly than we are replenishing the same, and that the destruction by fire exceeds \$16,000,000 annually and when we realize that we have 81,000,000 acres of denuded land that must be reforested. The protection of the timber and regrowth of the same becomes a national problem of importance and equal to any problem that the Nation is confronted with at this time.

I could take the different forest States and summarize the need for reforestation in each State; the problem is a vital one and Government and State laws should work in unison to solve this great problem.

In concluding I wish to insert herein a poem which appeared in Canadian Life and Resource (Montreal):

#### THE RIVER'S VINDICATION

(By F. W. Nash)

It's true I've gone on the war path  
I've smitten your cities and homes,  
I've cracked the walls of your stately halls,  
I've threatened your spires and domes.

I've spoiled your gardens and orchards,  
I've carried your bridges away,  
The loss is told in millions of gold;  
The indemnity you must pay.

But had I not cause for anger?  
Was it not time to rebel?  
Go, ask of the springs that feed me;  
Their rock-ribbed heights can tell.

Go to my mountain cradle,  
Go to my home and see,  
Look on my ruined forests  
And note what ye did to me.

These were my silvan bower,  
My beds of bracken and fern,  
The spots where I lie and rest me  
Ere to your valleys I turn.

These you have plundered and wasted,  
You've chopped and burned and scarred,  
Till my home is left of verdure bereft,  
Bare and lifeless and charred.

So I have gone on the war path;  
I've harried your lands with glee.  
Restore with care my woodlands fair  
And I'll peacefully flow to the sea.

#### NATIONAL POLICY FOR RIVER AND HARBOR PROJECTS

Mr. NEWTON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the policy of river improvements.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Missouri. Mr. Speaker, I regret that it was felt necessary to strike out of the river and harbor bill the paragraph declaring it to be the policy of Congress that the meritorious river and harbor projects of the country should be completed within a period of five years. I also regret that this Congress has appropriated only \$40,000,000 for the maintenance and improvement of our rivers and harbors during the next fiscal year. This discussion is not intended as a post-mortem on the fate of rivers and harbors, for much has been accomplished at this session of Congress. What I want to do is to call attention to some of the lessons to be drawn from what has happened and to suggest that my colleagues give this matter serious consideration during the approaching recess, with a view to adopting a more liberal policy toward these important public works at the next session of Congress.

As I reminded you while discussing the river and harbor appropriation item on January 3 last, the President in his message to Congress on December 3 said in part:

Meantime our internal development should go on. Provision should be made for \* \* \* the opening up of our inland waterways to commerce. \* \* \* Such works are productive of wealth and in the long run tend to a reduction of the tax burden.

Both the Republican and Democratic Parties, at their national conventions last year, declared themselves to be strongly in favor of developing our waterways and of fostering and building up commerce thereon.

It is pertinent to make inquiry as to what has caused Congress to translate these platform declarations in favor of river and harbor improvements, together with the President's proclamation that such works are productive of wealth, into reduced appropriations and an indefinite and dragging program for the carrying on of these public works. If it was the result of the demand for economy prevailing throughout the country, then I beg leave to protest that such a course is not economy but, on the contrary, is a wasteful and extravagant administration of the taxpayers' money.

We appropriated sufficient funds last year to enable the engineers to carry on improvement upon these public works at the rate of \$2,752,582 per month. We appropriated sufficient funds to enable them to carry on improvement upon these works at the rate of \$3,750,000 during each of the first five months of the current fiscal year, and yet in the face of the President's friendly declaration and in contradiction of the platform pledges of both the great political parties, our appropriation this year will reduce these improvements to \$1,729,869 per month for the next fiscal year. I hold that such a course is wasteful and extravagant for the following reasons:

First. It increases to the Government, and consequently to the taxpayer, the total ultimate cost of making these improvements.

Second. It delays the full realization of our waterways and thereby extends the time during which the taxpayer must pay rail transportation rates where low water rates could be made available.

Third. It extends the time during which an enormous investment of the taxpayers' money must lie idle because the projects upon which these vast expenditures have been made are not completed and made available for use.

I beg leave to discuss the effect of our present system of providing funds for river and harbor improvement and the results of reduced appropriations.

The fluctuation from year to year under the present system of appropriations and lack of a fixed definite policy results in a greatly increased cost to the Government. It has been demonstrated during the first five months of this year that there has been constructed and made available equipment for river and harbor improvement sufficient to carry on these works at the rate of \$3,750,000 per month. This equipment is very expensive to build and is of such a character that it can not be used for any other purpose. An appropriation such as that made by this Congress means that more than half of this equipment must remain idle next year, deteriorating and depreciating in value and yielding no return upon the vast investment. It matters little whether this equipment belongs to the Government or to individual contractors. The fact that it must remain idle results in additional cost to the Government either through interest in depreciation on its own plant or through additional charges which contractors must collect to make good the losses from these same causes upon their private plant.

Furthermore, trained personnel must be laid off and new personnel must be trained when work is again resumed on a larger scale. Then, too, economies due to larger and more efficient equipment are rendered unlikely, since no one will feel justified in investing in the larger and more efficient equipment with the prospect that Congress may prevent its working continuously by reducing appropriations for river and harbor improvement. In other words, our present system of fluctuating and irregular appropriations from year to year, which gives no guaranty of the continuous use of plant and equipment, makes it necessary for contractors in bidding upon river and harbor works to charge the Government for the total cost of the equipment used as an item of expense in carrying out each and every separate contract.

If we had a fixed policy prescribing definite and adequate funds from year to year for river and harbor work, thus giving the contractors of the country an assurance that their equipment, once constructed, would be given continuous employment until our adopted projects are completed, then these contractors could figure their bids much lower, resulting in a great saving to the Government. The action of this Congress in failing to maintain the rate of construction heretofore established, by refusing to make an adequate appropriation for next year, and its failure to fix a definite policy as to the rate at which this work shall be carried on, is a forceful illustration of the urgent need of establishing a definite policy for the financing of river and harbor improvements.

Another example of the wasteful and uneconomical effect of the present fluctuating and uncertain policy of appropriations is the delay which they cause in the completion and utilization of our river and harbor projects. We have in the Mississippi River Valley adopted waterway projects consisting of the Mississippi from Minneapolis to the Gulf, of the Missouri from Kansas City to its mouth, of the Ohio from Pittsburgh to Cairo, with some of its tributaries. These projects comprise a connected waterway system 6,520 miles in length, penetrating the greatest productive area in the world, and an area where the need of facilities for cheaper transportation is imperative. We have already invested in these projects \$174,000,000. Seventy million dollars more will complete them and make them ready for use, and yet we are losing and will continue to lose the interest upon this enormous investment until the projects constituting the system are completed. The shallowest place in a river constitutes the limiting factor in its use. A river with one sand bar over which normal traffic can not pass is similar to a transcontinental railroad with neither bridge nor ferry across the Mississippi.

The Mississippi Barge Line, operated by the War Department between St. Louis and New Orleans, has earned a profit to the Government every month during which it had an open channel, but because of the incompletely sections of this river there are points at which the river spreads out more than a mile wide, and at these points sand bars appear in the low-water season.

In the months of September, October, and November, 1922, the Mississippi Barge Line, because of sand bars totaling altogether less than 5 miles in length in this 1,140 miles of river, lost \$472,880.11. In September, October, and November, 1923, with a total of obstructing sand bars less than 5 miles in length, the barge line lost \$208,512.61. In October, November, and December, 1924, with a total of less than 5 miles of obstructing sand bars in this entire stretch of the river, the barge line lost \$148,875.88. The barge line made a handsome profit during each and every other month of these respective years and would have made a profit every month in the year had it not been for these unimproved stretches in this great river.

The uncompleted condition of the Ohio River, on which more than \$65,000,000 has been expended, prevents the full utilization not only of the Ohio but also of the Mississippi, into which it flows, and would limit the traffic on the Missouri and Tennessee Rivers, even if these rivers were completed. The full utilization of any waterway project depends upon the completion of the system of which it is a part.

We have already invested in the improvement of our rivers and harbors—omitting maintenance—over \$800,000,000, and a very large part of this investment is unproductive because the works are not completed. The taxpayer is losing the cost of maintenance, the interest upon this enormous investment, and the blessings which cheap water transportation will bring, and this wasteful and uneconomical condition will continue until these projects are completed and placed into use, and the sooner they are completed the greater the economy, and the longer they are delayed the more extravagant the waste. I beg leave to protest most vigorously against the doctrine that tax reduction and a vigorous prosecution of river and harbor improvements are not compatible. As President Coolidge has said, river and harbor improvements "tend to a reduction of the tax burden."

That it is the intention of Congress and of the administration to complete these projects there can be no question. We have expended and are continuing to expend annually millions of dollars toward the construction of these works. The only question over which there is any issue is the progress at which these improvements shall be made. The President, on January 17, 1925, wrote a letter to Senator JONES, chairman of the Committee on Commerce of the Senate, transmitting a letter written by General Lord, Director of the Budget, protesting against the policy declared in the rivers and harbors bill for a com-

pletion of these works within a period of five years. It was made evident in those letters that the Bureau of the Budget opposes appropriations for river and harbor improvement in excess of \$40,000,000 per annum.

The engineers of the War Department, in their testimony before committees of Congress, have estimated that \$220,000,000 will complete all of our meritorious river and harbor projects, including those adopted in the recent river and harbor bill. Experience has shown that it costs approximately \$15,000,000 a year to maintain the work already done, and inasmuch as the cost of maintenance is proportionately reduced as a project nears completion, it is estimated by the engineers that \$15,000,000 per annum will maintain all the river and harbor works of the country after they are finally completed. If the Bureau of the Budget adheres to its present estimate for river and harbor works, and Congress follows its recommendations by appropriating only \$40,000,000 per annum, then, after deducting for maintenance, we will have available only \$25,000,000 annually for improvements. At this rate we can complete the river and harbor projects already adopted within a period of approximately 10 years, but during that time we will have expended \$150,000,000 for maintenance on projects most of which can not be utilized because not completed, and during such period the country will have lost millions of dollars upon an enormous investment because it can not be utilized, while the commerce of the country will continue to be deprived of the blessings of cheap water transportation.

Is it not better business and better economy, inasmuch as it can not be questioned that it is the fixed policy of the country to complete these projects, to complete them within a period of five years and thereby save \$75,000,000 upon maintenance by making the enormous investment productive, save millions upon the investment by making it active, and bring untold commerce to the country by making cheap water transportation available?

We are given assurance that there will be a surplus of \$370,000,000 in the Treasury at the end of the next fiscal year. Would it not be good business and in the interest of economy to take some of this surplus with which to hasten the completion of these great projects in order that the enor-

mous investment therein may become productive and in order that the enormous loss, which the country is now suffering because it can not use these works, may be terminated?

The improvement of rivers and harbors is essentially a business proposition and should be treated as such. The Government assumes exclusive jurisdiction over all our navigable waters primarily as a matter of national defense, but has never provided for their improvement in a businesslike way. If the desire to reduce appropriations is so imperative, why not provide funds for the improvement of our rivers and harbors as a business man or corporation would provide such funds for financing the extensions or improvements of a business plant? If it is so necessary to reduce appropriations at this time, why not issue some form of bonds or security with which to raise the necessary funds and pay them off over a period of years? Why not pass the Porter bill (H. R. 9730), which will raise the revenue necessary to complete these projects and at the same time will permit a reduction in the annual appropriations for river and harbor work?

There are various reasons for this procedure, but the fundamental one is that it permits the prompt utilization of the improvements and postpones the necessity of paying for them until the benefits from their use are being realized. The benefits of lower cost of transportation and reduced losses from congestion at critical points will result not only in a direct saving to the shipper but also in an increase in prosperity which the freer and cheaper circulation of commodities will produce. This means that there will be more money available with which to pay these improvements after they are completed and in use. Moreover, to make funds available when and as needed will produce economies in construction and in the reduction of damage to the partially completed work, which will show an enormous saving to the Government.

I beg leave to present a tabulation which shows how by means of a bond issue, as proposed in the Porter bill, all the meritorious river and harbor projects of the United States and its territories can be completed within a period of 5 years and put into use and paid for in a period of 30 years, with annual appropriations ranging from \$36,000,000 down to \$16,000,000.

Year and amount of bonds in year	Bonds outstanding during year	Interest on bonds outstanding	Bonds retired in year	Total bond charges for year	Maintenance during year	Total annual charges
First, \$60,000,000	\$60,000,000	\$2,700,000		\$2,700,000	\$16,000,000	\$18,700,000
Second, \$50,000,000	110,000,000	4,950,000		4,950,000	16,000,000	20,950,000
Third, \$40,000,000	150,000,000	6,750,000		6,750,000	16,000,000	22,750,000
Fourth, \$40,000,000	190,000,000	8,550,000		8,550,000	16,000,000	24,550,000
Fifth, \$30,000,000	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Sixth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Seventh	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Eighth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Ninth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Tenth	220,000,000	9,900,000		9,900,000	16,000,000	25,900,000
Eleventh	220,000,000	9,900,000	\$11,000,000	20,900,000	16,000,000	36,900,000
Twelfth	209,000,000	9,405,000	11,000,000	20,405,000	16,000,000	36,405,000
Thirteenth	198,000,000	8,910,000	11,000,000	19,910,000	16,000,000	35,910,000
Fourteenth	187,000,000	8,415,000	11,000,000	19,415,000	16,000,000	35,415,000
Fifteenth	176,000,000	7,920,000	11,000,000	18,920,000	16,000,000	34,920,000
Sixteenth	165,000,000	7,425,000	11,000,000	18,425,000	16,000,000	34,425,000
Seventeenth	154,000,000	6,930,000	11,000,000	17,930,000	16,000,000	33,930,000
Eighteenth	143,000,000	6,435,000	11,000,000	17,435,000	16,000,000	33,435,000
Nineteenth	132,000,000	5,940,000	11,000,000	16,940,000	16,000,000	32,940,000
Twentieth	121,000,000	5,445,000	11,000,000	16,445,000	16,000,000	32,445,000
Twenty-first	110,000,000	4,950,000	11,000,000	15,950,000	16,000,000	31,950,000
Twenty-second	99,000,000	4,455,000	11,000,000	15,455,000	16,000,000	31,455,000
Twenty-third	88,000,000	3,960,000	11,000,000	14,960,000	16,000,000	30,960,000
Twenty-fourth	77,000,000	3,465,000	11,000,000	14,465,000	16,000,000	30,465,000
Twenty-fifth	66,000,000	2,970,000	11,000,000	13,970,000	16,000,000	29,970,000
Twenty-sixth	55,000,000	2,475,000	11,000,000	13,475,000	16,000,000	29,475,000
Twenty-seventh	44,000,000	1,980,000	11,000,000	12,980,000	16,000,000	28,980,000
Twenty-eighth	33,000,000	1,485,000	11,000,000	12,485,000	16,000,000	28,485,000
Twenty-ninth	22,000,000	990,000	11,000,000	11,990,000	16,000,000	27,990,000
Thirtieth	11,000,000	495,000	11,000,000	11,495,000	16,000,000	27,495,000
Thirty-first					16,000,000	16,000,000

This tabulation has been calculated upon an interest rate of 4½ per cent per annum. The Treasury is actually borrowing money at a very much lower rate, and unquestionably bonds for this purpose would sell at a lower rate of interest, thereby reducing the charges below the figures which I have just given.

The annual appropriations for rivers and harbors during the past five years have ranged from \$37,500,000 to \$56,500,000. If we adopt the method of financing which I have just proposed, our river and harbor projects will be completed and placed into use within a period of five years, while our appro-

priations for new work during the term for which the bonds are to run will average only \$25,543,333 per annum. It will also make it possible for future taxpayers who will derive the full benefits from these improvements to share in the cost of providing them.

As a basis for discussion I beg leave to insert a financial summary of river and harbor improvements made up from figures taken from the Annual Report of the Chief of Engineers of the United States Army, 1924, which shows the total cost of various classes of river and harbor improvement from the foundation of the Government down to the present time.

## Financial summary of river and harbor improvements

Class of projects	Expended for new work to June 30, 1924	Expended for maintenance to June 30, 1924	Total expended on project to June 30, 1924	Unexpended balance July 1, 1924	Outstanding obligations July 1, 1924
Principal seacoast harbors	\$251,795,273.46	\$69,178,724.54	\$320,974,998.00	\$17,742,551.60	\$10,693,940.74
Secondary harbors and coastwise channels	76,101,245.65	18,830,849.84	94,932,095.49	4,486,872.48	2,952,155.99
Lake harbors and channels	121,503,671.82	24,912,643.24	146,422,315.06	3,812,878.22	2,871,839.97
Principal rivers	209,144,680.38	27,308,359.76	236,452,990.14	9,621,308.25	5,981,829.10
Secondary rivers	47,262,678.06	16,705,776.51	63,968,454.57	671,948.81	157,065.20
Total	705,814,499.37	156,936,353.89	862,750,853.26	36,335,554.36	22,636,831.00
Improvement of the Mississippi River from Cairo, Ill., to the Head of Passes, La. (separate appropriation administered by the Mississippi River Commission)	102,907,822.41	34,290,111.25	137,197,933.66	791,324.37	1,094,090.42

  

Class of projects	Available balance July 1, 1924	Allotted from 1925 appropriation	Estimated additional to complete	Recommended for 1926 appropriation		Tonnage for calendar year 1923
				New work	Maintenance	
Principal seacoast harbors	\$7,048,610.86	\$13,049,650.00	\$96,311,314.00	\$16,496,500.00	\$7,470,700.00	236,000,000
Secondary harbors and coastwise channels	1,534,716.49	4,265,000.00	32,906,600.00	4,474,915.00	3,005,750.00	30,000,000
Lake harbors and channels	941,038.25	1,885,250.00	10,473,150.00	1,158,200.00	2,473,225.00	126,000,000
Principal rivers	3,659,474.15	\$8,806,650.00	97,848,364.00	14,718,000.00	2,979,000.00	40,000,000
Secondary rivers	514,883.61	796,550.00	2,604,870.00	94,200.00	987,600.00	10,000,000
Total	13,698,723.36	28,803,100.00	240,644,298.00	38,941,815.00	16,866,275.00	442,000,000
Improvement of the Mississippi River from Cairo, Ill., to the Head of Passes, La. (separate appropriation administered by the Mississippi River Commission)	—302,766.06	10,000,000.00	-----	-----	10,000,000.00	7,994,450

NOTE.—Tonnages given are approximations, after eliminating all known duplications. The total of the tonnages shown for each individual project amounts to 1,033,120,217 tons.

In this tabulation all of the river and harbor projects now under way and those contained in the river and harbor bill recently passed are classified into five groups. The classification of these groups is not clear-cut and rigid, as there are many projects which might be considered as belonging to either of two classes. For instance, many rivers are in their nature practically seacoast harbors, being used for little else than shipping which proceeds to sea; such rivers have been classified as harbors rather than as rivers. Because of the more or less arbitrary nature of the classification of some of these projects, and the difficulty of correctly eliminating duplications in the report of commerce carried, absolute accuracy in the tonnage for the different classes is not obtainable. After consultation with the engineers of the War Department, however, the figures given are believed to be very nearly accurate, and certainly give a fair and unbiased idea of the relative magnitude of this commerce.

It will be noted that the total amount expended, as shown in the tabulation, is less than the amount given in the report of the Chief of Engineers of the United States Army for 1924 as the total appropriations to date. This is due not only to the unexpended balance but also to the fact that his figure includes appropriations for flood control, Mississippi River; flood control, Sacramento River; operations and care of canals; removal of sunken vessels; maintenance and operation of dams (under the water power act); California Débris Commission; prevention of deposits in New York Harbor; examinations, surveys, and contingencies, as well as for certain projects which under authorization of Congress have been abandoned and dropped from the report of the Chief of Engineers. These have all been omitted from the tabulation, giving only current improvement projects as shown in the report of the Chief of Engineers.

It will also be noted that the improvement of the Mississippi River from Cairo, Ill., to the Head of the Passes in Louisiana is provided for by separate appropriation intended chiefly for flood control and administered by the Mississippi River Commission, and is, therefore, set out separately from the other figures.

From the financial summary the total investment in new work to June 30, 1924, including money expended for flood control by the Mississippi River Commission, amounts to \$808,722,321.78; adding to this the unexpended balance as of that date and the estimated additional amount required to complete all projects, gives a total probable investment in river and harbor improvements, when completed, of \$1,086,513,498.51. Interest on this investment at 5 per cent amounts to \$54,325,674.02 per year. Adding to this figure \$16,866,275 for annual maintenance charges, plus an estimated \$2,500,000 for maintenance of Mississippi River, under the commission, gives a total annual carrying charge upon all projects, when completed, of \$73,691,949.92. Dividing this by the tonnage carried by our

waterways, 442,000,000 tons, shows an overhead of only 16½ cents per ton of freight now transported.

These figures are ultraconservative all the way through. In the first place, interest is figured at 5 per cent, whereas the Government is actually borrowing money at much lower rates and the tonnage used is the total arrived at after eliminating all known duplications. In considering any individual project the total tonnage using that project would be considered, regardless of how many other projects might be used by the same tonnage or any part of it. By analogy it would seem only fair and reasonable in considering all river and harbor projects to consider the total of tonnages reported for each project. I believe that in most cases we would be thoroughly justified in following this procedure, but as there are some cases where this would not be fair, I have preferred to take the extremely conservative stand of eliminating all duplications.

Actual savings from water transportation for comparison with the charge per ton of freight developed are difficult to secure in such form as to make accurate comparisons possible. It is possible, however, to show individual cases which sufficiently indicate the amount of such savings. For instance, the greater part of the traffic on the Great Lakes consists of three bulk commodities—ore, coal, and grain—totaling somewhere in the neighborhood of 90,000,000 tons per annum. The average length of haul on this tonnage is approximately 900 miles, usually from the head of Lake Superior or Lake Michigan to Lake Erie ports, averaging approximately the middle of Lake Erie. This means over 80,000,000,000 ton-miles per year. The average Lake rate is 1 mill per ton-mile, while the average rail rate throughout the country is 10½ mills per ton-mile. If we assume even the ridiculously small figure of 1 mill per ton, the mile saving on this commerce due to water transportation, the annual saving amounts to \$80,000,000 per year, or more than sufficient to justify the entire river and harbor program of the country.

Consider the Monongahela River, where some 23,000,000 tons of freight move annually over a distance of approximately 60 miles at a saving under the rail rates, according to the testimony of some of the large shippers, in excess of 50 cents per ton, or more than \$12,000,000 per year. Total expenditures on this river to June 30, 1924, amounted to less than \$9,000,000. There is practically no maintenance, and less than \$5,000,000 addition is required to alter this project to accommodate modern tours of barges. In other words, the savings on that particular river now amount each year to more than the present cost of the improvement, and the present savings are almost enough to pay each year the total cost of the improvement when completed.

Let us look at the whole class of principal rivers which have at times been the subject of bitter attacks. These rivers carry a very small tonnage compared with what they should and will carry when their improvement is completed.

It would be natural to expect these projects to make a poor showing under present conditions. However, even with the ridiculously small tonnage of 40,000,000 tons per annum, the annual carrying charge of \$26,494,672.22 for the improvement of our principal rivers, including the improvement of the Mississippi River under the Mississippi River Commission, represents a charge of only 66½ cents per ton of freight moved.

Mr. Shepherd, of the Jones & Laughlin Steel Co., of Pittsburgh, testified before the Rivers and Harbors Committee, that in spite of the difficulties encountered, due to the incomplete state of the improvements on the Ohio and Mississippi Rivers, and in spite of the fact that no return cargoes were available, which required an empty trip in one direction, shipments of steel from Pittsburgh, Pa., to Memphis, Tenn., showed a saving from \$2 to \$3 per ton over the cost of shipment by rail. Compare this with the total charge of 66½ cents per ton based upon the cost of the improvement and its maintenance and it will be readily seen that even under the worst possible conditions, namely, incomplete project, consequently limited tonnage, empty return trip, and delays due to the lack of proper channel, the savings are three or four times enough each year to justify the improvement program for these rivers. When the channels are completed and adequate equipment and terminal facilities are provided this charge per ton on freight will be greatly reduced; furthermore, when the Intracoastal Canal is built, so that Texas oil and sulphur and lumber can be reached, there will be abundant cargo to load these barges on their return trips.

Analysis on a ton-mile basis would undoubtedly indicate even more clearly the justification for the improvement of these projects, but I feel that the figures quoted are sufficiently convincing to dispose of any disposition to question the justification for carrying out our river and harbor program.

Another angle to this problem lies in the comparison of the tonnage handled by our waterways with that carried by the railroads. In 1923 the railroads of the country carried 2,333,787,044 tons of freight and the waterways 442,097,328 tons, or nearly one-fifth as much tonnage as the railroads, and yet a very small percentage of the carrying capacity of our waterways have been utilized because our projects have not been completed. With this comparison in mind, consider the investment in railroads approximately \$20,000,000,000 as compared with the investment above shown in river and harbor improvements.

Consider also the amount set aside by the railroads for the year 1923 for improvements, \$1,077,000,000, as compared with the appropriations made annually for the improvement of our rivers and harbors. If we should treat our waterways as well as we do our railways, even upon the basis of the freight which they now carry in their uncompleted condition, we should appropriate for their improvement one-fifth as much as we expend upon our railways, and to do this we should have appropriated for 1923 the sum of \$215,400,000 and an equal additional sum for each year, and yet this sum for one year is practically enough to complete every river and harbor project in the United States.

Finally we should consider the fact that the railroads are rapidly approaching, and in many cases have actually reached, the practical limit of their capacity, while our waterways when improved will have almost unlimited capacity for carrying freight, and being improved by the Government are available to as many common carriers as care to operate on them, instead of being limited, as are railroads, to the corporation which has made its investment in them.

There are some of my colleagues who still seem to feel that the improvement of rivers and harbors is of benefit only to those who are located on or near these waterways. This is an error which I am anxious to correct. The Mississippi River Barge Line has been operating from St. Louis to New Orleans and intermediate points. There has been practically no common carrier water service above St. Louis either on the Mississippi or the Missouri, and very little on the Ohio River which could feed into this barge-line service on the Mississippi River, because neither of these rivers is sufficiently improved to insure successful operation. Practically all of the freight carried by the barge line arrived by rail or truck and was taken away again by the same means, but in spite of this there is not a State in the Mississippi Valley which has not actually shipped freight via the Mississippi Barge Line and saved money by the operation. Even such States as North and South Dakota, which have rail hauls to reach the nearest point of the barge-line service as great or greater than the total length of the barge-line service, have still found economies of over \$1 a ton in shipments made by joint rail and water haul on the barge line,

while the States immediately adjoining the upper end of this operation are saving hundreds of thousands of dollars yearly.

The Mississippi Barge Line carries freight at 80 per cent of the rail rate which parallels the river, but the rail rate which parallels the river is only 58 per cent of the average rail rate of the country, and yet in the two and one-half years ending December 31, 1923, this barge line carried 2,007,332 tons, at a saving on account of this 20 per cent differential alone of \$2,178,290, and a saving between the rate paid on these shipments and the average rail rate of the country of more than \$10,000,000. While I have not yet the actual figures for 1924, the business of the barge line has been steadily increasing, and with the additional equipment recently provided for this barge line will demonstrate conclusively the benefits of water transportation not simply to those along the rivers and coasts, but to those living hundreds of miles in the interior, by reducing the cost of transporting their products as well as of the things which they have to buy.

As I have already stated, the average rail rate of the country, as shown by the report of the Interstate Commerce Commission, is 10½ mills per ton-mile, and there is little hope that the railroads can afford to reduce that rate. The Mississippi barge line has made a profit carrying freight at 3½ mills per ton-mile and will undoubtedly reduce this rate to 2 mills per ton-mile when the channels are completed and the service established. The lake steamers make a profit carrying freight at 1 mill per ton-mile, and it has been demonstrated the world over that freight can be carried by water at from one-fifth to one-tenth the rate which the railroads can afford to make. In the face of these facts can there be any question but what the best interests of the country demand the speedy completion of these projects?

That our Government is determined to provide cheaper facilities for transportation by the improvement of our waterways has been demonstrated by our expenditure already of more than \$800,000,000 upon our waterway projects and by the attitude of the Bureau of the Budget, with the approval of the President, advocating an expenditure of \$40,000,000 per annum for the maintenance and improvement of these projects. We surely would not expend \$40,000,000 per annum upon public works which we did not intend to complete, and since cheap facilities for transportation are imperative to the relief of our farmers, the development of our resources, and the growth of our commerce, is it not good business and sound economy to expend the remaining \$220,000,000 necessary to complete these works and make them ready for use in five years rather than to drag their construction over a period of 10 years?

Such a delay will deny to the country the blessings of cheap transportation. It will tremendously increase the cost of the improvements. We will lose \$15,000,000 per year for an additional five years in the maintenance of unproductive works and \$54,000,000 per year for an additional five years in interest upon the investment already made, making a total loss of more than \$340,000,000 in maintenance and interest upon the investment, to say nothing of what the country would lose by this five years' delay in procuring cheap water transportation. In other words, the loss of dragging these improvements out over a period of 10 years is \$120,000,000 greater than the total cost of completing the projects in 5 years.

Why not in the interest of sound economy and good business undertake this job as we did the Panama Canal, provide the funds necessary for its completion, and proceed with the construction with all possible haste, and abandon the undesirable policy of procrastination and waste from which our river and harbor projects have ever suffered?

#### THE ANTLYNCHING BILL

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks on House bill 1—the antilynching bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I am taking this opportunity of the permission granted me to speak on the antilynching bill.

When this legislation was before the Sixty-seventh Congress I voted against it, particularly that part which turned over the jurisdiction from the State courts to the Federal courts wherein citizens and a subject of a foreign country were involved. During the Sixty-eighth Congress H. R. 1 was introduced, and section 7 of this bill has for its object and is in practically the same language as the bill that passed the House in the Sixty-seventh Congress and was not disposed of by the Senate.

Bill H. R. 1 was reported by the Committee on the Judiciary, Sixty-eighth Congress, first session, on January 19, 1924, Report No. 71.

Section 7 of H. R. 1 reads as follows:

That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of such State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory, and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and upon conviction the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

When this legislation was up before it was my contention, and still is, that the State courts fully and amply protect aliens, as they do the citizens of the United States, and therefore such legislation was wholly unnecessary. I was asked many times when this legislation was up what would the California courts do if a Japanese were involved. My statement was that they would enforce the law against anyone who violated the rights of the Japanese the same as any other alien or citizen of the United States. That has been confirmed in the trial of the people of California against Ray Arnold, of Sacramento, and E. K. Sayer, of San Francisco, who were found guilty of murder in the first degree in the Placer County superior court on February 17, 1925, Judge Landis presiding.

Mr. W. A. Shepard, proprietor and editor of the Placer Herald, oldest paper in California, on February 21, 1925, in the issue of the paper of that date, had the following to say regarding the trial of this case:

The trial and conviction in Auburn this week of the two young men who were implicated in the killing of a poor defenseless Japanese woman at Penryn will probably become known internationally. It is proof to our Japanese neighbors on the Pacific that while California is thoroughly in accord with our Nation's immigration laws, and likewise is an active sponsor of her own alien land laws, nevertheless she firmly believes in the protection of the lives and property of all her residents, whether they are eligible to become citizens or not.

Mr. Lardner, an attorney of Auburn, writes me under date of February 20, 1925, as follows:

LAW OFFICE, W. B. LARDNER,  
Auburn, Calif., February 20, 1925.

Hon. JOHN E. RAKER.

DEAR SIR: A few years ago yourself and others members of a congressional committee came to Auburn and took testimony as to the undesirability of the Japanese as renters of fruit lands and pupils in the lower grades of our public schools. Penryn was stressed as an example of Japanese in an unfavorable light.

There is an oriental village on the edge of Penryn, largely Japanese. I sent you the Auburn Journal of the 19th instant, showing the result of a jury trial wherein two white young men are to hang for the killing of a Japanese woman in an attempted robbery.

Mullen, the third man, who killed her, afterwards confessed to his father of the crime and then through remorse took his life. Sayer's father came from Denver and protested loudly about an "official frame-up," etc. The jury only took one ballot, but it was taken in about 10 minutes after being locked up.

The defendants were ably defended by three attorneys from San Francisco, Sacramento, and a local attorney. The district attorney, Lowell, was assisted by young Wallace Shepard, of Sacramento, son of your old clerk of the Herald. To all law-abiding citizens the verdict is approved of. It will aid greatly to stop this after-war wave of crime sweeping our country, but to me it has also a very satisfying result. It will aid my country in convincing the Japanese Government that a white jury in Placer County will severely punish violence against Japanese people.

Very truly,

W. B. LARDNER.

This seems to me ample evidence to convince anyone, so far as California is concerned, that the provision of section 7 of H. R. 1 is wholly unnecessary. It would create an extra burden on the Federal courts, which are now already overburdened. It would take from the jurisdiction of the State courts the trial of those cases which under the laws should be tried by the local court and within the vicinage of the alleged offense. I am sure that the same reasoning would apply to the other States of the Union.

There are many other reasons why the legislation proposed in H. R. 1 should not be passed by the American Congress.

DIGEST OF RESOLUTIONS OF THE AMERICAN LEGION

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks digest of the resolu-

tions adopted by the American Legion at their last national convention. That has been done in other years and the same request has been made before.

The SPEAKER. How long is it?

Mr. JEFFERS. All the matter that is not pertinent has been cut out.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks by printing a digest of resolutions adopted by the American Legion at their national convention. Is there objection? [After a pause.] The Chair hears none.

Mr. JEFFERS. Mr. Speaker, under leave granted to extend my remarks I insert a digest of resolutions of the American Legion, adopted at the sixth annual convention, held at St. Paul, Minn., September 15-19, 1924.

DIGEST OF RESOLUTIONS OF THE AMERICAN LEGION, ADOPTED AT THE SIXTH ANNUAL CONVENTION, HELD AT ST. PAUL, MINN., SEPTEMBER 15-19, 1924

(Prepared for Congressman LAMAR JEFFERS, of Alabama)

#### ADJUSTED COMPENSATION

1. Adjusted compensation: (a) We report a resolution providing for an amendment of the adjusted compensation act whereby any veteran may assign all his right thereunder to any patriotic organization chartered by Congress.

(b) A resolution providing for an amendment of the adjusted compensation act, assigning to the beneficiaries of the veteran deceased before August 1, 1924, and who failed to make application, the full benefits which would have accrued had such veteran made application.

(c) A resolution providing for an amendment of the adjusted compensation act to set aside the ruling of the Comptroller of the Treasury in so far as deductions from adjusted service credits are made on account of any sums being due the Government as a result of the veteran's war service.

2. A resolution providing for an amendment of the adjusted compensation act to include the Philippine Scouts.

3. A resolution providing for an amendment to the adjusted compensation act making heirs eligible to the full benefits without proof of dependency.

#### AERONAUTICS

The Congress of the United States has for two years given serious study to this problem, and after that study has drafted a bill to create a bureau of civil aeronautics in the Department of Commerce for the encouragement and regulation of civilian activities. Constructive legislation of this type is vitally necessary at this time, and your committee recommends that the national legislative committee continue its efforts in support thereof.

We recommend that the Congress of the United States appropriate sufficient moneys for intelligent construction and operation of the military air services, the air mail and the National Advisory Board of Aeronautics, in order that these organizations may continue the valuable services that they are rendering.

We recommend that the forest air patrol be resumed as a contribution to conservation, as well as because of the experience and training received therefrom. Federal appropriation should be provided for this purpose.

It is recommended that proper Government authorities promulgate the necessary regulations to enable Government flying institutions to sell service and supplies to civilian aviators without unfair competition with civilian organizations supplying the same functions in the vicinity.

Orders should be issued authorizing reserve officers to give flying training to the enlisted personnel of the Reserve Corps under competent directions.

Regulations should be provided placing reserve and National Guard flyers on status identical to that of flyers of the Regular Establishment in case of accident in line of duty.

We commend the personnel of the air forces and the air mail of the United States for their remarkable achievements during the past year, and we pledge to them the strength of the American Legion in overcoming the obstacle presented by the lack of sufficient personnel and obsolete and inefficient equipment.

11. A resolution providing for the enactment of legislation to give military status to members of the Lafayette Escadrille not transferred to the American Army on account of sickness or failure to make examination.

#### AMERICANISM—DEPORTATION

Resolution 499

Resolved, That the American Legion in sixth annual national convention assembled urges Congress to enact legislation which will result in the deportation of all aliens convicted in courts of record for violation of national prohibition and narcotic laws.

## IMMIGRATION

## Resolution 504

*Resolved*, That in order to prevent the "burden of proof" clause from causing unnecessary hardship to those aliens legally admitted to the United States, the American Legion in sixth annual national convention assembled recommends that Congress enact legislation requiring all aliens to register annually.

## Resolution 503

*Resolved*, That the American Legion urges the appropriation of sufficient funds to permit the officers of the Immigration Bureau to carry out the "burden of proof" clause of the immigration act of 1924.

## Resolution 500

*Resolved*, That the Sixth Annual Convention of the American Legion continues the recommendation of preceding conventions in favor of the rigid restriction of immigration.

## Resolution 501

*Resolved*, That this convention fully indorses the restrictive features of the immigration act of 1924, known as the Johnson Act, but urges Congress to amend the act so as to permit the admission to the United States, in excess of fixed quotas, of parents, wives, and minor children of veterans.

## Resolution 502

*Resolved*, That the American Legion in sixth annual national convention assembled express itself as firmly opposed to any modification of the exclusion provisions of the immigration act of 1924.

## Resolution 510

*Resolved by the American Legion in sixth annual national convention assembled*, That the numbers of exempted classes mentioned in the immigration act of 1924 be further reduced, and that the Government take all possible steps to see that those admitted as exempt from quotas maintain the status under which admitted.

## Resolution 505

*Resolved by the American Legion in sixth annual national convention assembled*, That preference within the quotas be given to the parents, wives, and children of aliens domiciled in the United States who have made declarations to become citizens of the United States one year prior to July 1, last.

## Resolution 508

*Resolved by the American Legion in sixth annual national convention assembled*, That the naturalization laws be amended to require aliens to give evidence of ability to read the English language intelligently as an additional condition for becoming naturalized as citizens of the United States.

## AMERICANISM—IMMIGRATION AND NATURALIZATION

## Resolution 509

*Resolved*, That the American Legion in sixth annual national convention assembled recommends a complete revision of the naturalization laws. The American Legion recommends a plan of annual examination necessary to suitably prepare candidates for citizenship. The perfection of this plan will do away with the necessity of two witnesses appearing in court with the candidate, which will make more impressive the final act of taking the oath of allegiance to the United States.

## Resolution 507

*Resolved by the American Legion in sixth annual national convention assembled*, That because of misunderstanding many ex-service men failed to take advantage of the act of Congress of July 19, 1919, and secure their citizenship prior to March 3, 1924, the date that act ceased to be in force and effect, that Congress be urged to grant an additional one-year period within which ex-service men can secure their admission to citizenship under the provisions of said act.

## Resolution 498

*Resolved*, That the American Legion in sixth annual national convention assembled recommends that Congress enact legislation which will require all foreign-language newspapers, books, periodicals, and pamphlets to be printed also in English, and to provide penalties for those who make false or misleading translations in such bilingual publications.

## Resolution 497

*Resolved*, That the American Legion in sixth annual national convention urges Congress to provide a complete and unified border patrol for

the protection of the United States and the maintenance of its laws with respect to immigration, prohibition, narcotics, customs, public health, animal and plant quarantine, etc.

## EDUCATION

## Resolution 15

Whereas the children of American parents resident in the Orient are necessarily deprived of the benefits of the educational facilities of their native land, although their parents continue to pay taxes in support of these institutions while residing outside the territorial limits of the United States; and

Whereas the running expenses of these schools are now borne entirely by the local communities, aided in part by some of the mission boards; and

Whereas these schools provide the only means of inculcating American ideals and culture and of providing that knowledge of American history and literature which is essential to their proper development in the ideals of democracy as exemplified in the United States: Now, therefore, be it

*Resolved, by the American Legion in sixth annual national convention assembled*, That we indorse the representations now being made to the Congress of the United States by representatives of these schools and urge the enactment of suitable legislation providing financial assistance from the Federal Government toward the running expenses of these schools, subject to periodic consular or other inspection and approval.

*Resolved*, That the American Legion in national convention assembled urges that the National Congress designate The Star-Spangled Banner as the national anthem.

4. Archives: A resolution providing for the erection at Washington of a national archives building.

8. We recommend appropriate legislation by Congress in order that a military statue might be given to Herman L. Chatkoff, an American citizen who served with distinction in the French military forces during the World War, and who after being examined and accepted for transfer to the American forces was seriously injured in line of duty before his actual transfer was accomplished.

6. That the American Legion pledges itself to secure State and Federal legislation for the protection of all children where such legislation is not at present on the statute books.

## CIVIL SERVICE

5. Civil service: A resolution providing for an amendment to the civil-service law to give preference to ex-service men and to make mandatory the appointment of ex-service men whose names appear upon the eligible lists.

6. A resolution providing that the civil service law be made applicable to the employees of the Government in the Canal Zone.

7. A resolution providing for the enactment of legislation to prevent the discharge of men and women in Government employ except by regular civil-service procedure.

8. A resolution providing for an amendment of the 1923 civil service classification act to prevent the reduction in salary of veterans in the employ of the Government.

## HOSPITALIZATION

Hospitalization: 38. That the Fifth National Convention of the American Legion adopted a resolution requesting the construction of certain much-needed hospital facilities in the various districts, which resolution was the result of a careful study of the hospital needs at that time, and this resolution did not meet with the approval of the Director of the United States Veterans' Bureau in whole, which resulted in only part of the hospital facilities requested being provided. However, the passage of the World War veterans' act, 1924, has increased this need to such an extent that the hospital facilities now available are entirely inadequate, even considering the proposed construction of the new hospitals authorized by the last session of Congress. Consequently your committee recommends the following program of hospital construction, enlargement, and changes:

	Beds
District 1—T. B. and N. P. to replace contract institutions now in use (400 beds each)	800
District 2—N. P.	1,000
District 3—N. P.	400
District 4—T. B.	500
District 6—T. B. (To replace deteriorated wooden structures now in use)	350
District 6—N. P. (Additional beds for psychotics at United States Veterans' Bureau Hospital No. 74)	500
District 7—N. P.	350
District 8—N. P. (In addition to the 250 beds already provided for by Congress)	750
District 9—Gen. Negro	500
District 9—T. B.	500
District 9—(That United States Veterans' Hospital at Excelsior Springs, Mo., either be disposed of or immediately be satisfactorily completed and equipped so as to be available for the relief of much-needed additional hospital facilities in the ninth district.)	350

	Beds
District 10—N. P. (In addition to the new institution at St. Cloud, Minn.)	200
District 10—T. B. (In addition to the present Battle Mountain Sanitarium)	300
District 12—G. M.	200
District 12—N. P. (In addition to present hospital No. 24 at Palo Alto, Calif.)	500
District 13—N. P. (In addition to present hospital No. 94, American Lake, Wash., so as to provide 140 beds for psychotics and 200 for psychoneurotics)	340
District 13—G. M. (To replace present hospital No. 77, lease for which expires shortly)	150
District 14—N. P. (That the additional hospital facilities requested be presented the United States Veterans' Bureau, Little Rock, Ark.)	125

That the proposed United States veterans' hospital for tuberculosis patients to be erected at San Fernando and Livermore, Calif., be increased from 250 beds each, their present authorized capacity, to not less than 500 beds each, and that in the construction of the additional facilities at the Palo Alto Hospital there shall be provided separate buildings for female patients, and additional wards for general medical and surgical purposes, and that the name of this hospital be changed to United States Veterans' Bureau General Hospital No. 24, in order that no patients attending this institution shall be embarrassed upon their release by the stigma of having been an inmate of a neuropsychiatric hospital; and

That the present Veterans' Hospital No. 44, West Roxbury, Mass., be continued as long as the need for such an institution exists, and that the Veterans' Bureau Hospital No. 93, located at Legion, Tex., which is now under lease to the bureau, be purchased by the Government and continued as a Veterans' Bureau hospital for tuberculosis, and that the Director of the Veterans' Bureau immediately cause to be made an inspection of all hospitals under his jurisdiction to determine the adequacy of medical personnel and equipment in such hospitals, and where either is found to be insufficient he immediately take measures to supply the needs, and that the Congress of the United States be petitioned to make all appropriations necessary for the furtherance of this program.

That legislation be secured providing that the \$6,850,000 already authorized by Senate bill 3181, Sixty-eighth Congress, be made immediately available for previously planned hospital construction, and that the Director of the Veterans' Bureau be petitioned to advance the preliminary work on this construction so much as may be legally possible, so that the hospitals contemplated may be completed at an early moment after the funds become available.

#### LAND

(a) The passage of the now pending legislation, House bill 9359, as recommended by the Federal Fact Finding Commission.

(b) The passage of further legislation embracing recommendations of the Federal Fact Finding Commission as provided in the Smith bill.

(c) That no public notice calling for repayments on construction shall be issued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farmers on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

19. Whereas legislation is now before Congress, having as its purpose the reduction in amounts of improvements required of veterans on account of acquiring title to public lands under stock-raising entries, which, if passed, would benefit large numbers of New Mexico veterans and which have received active support from their Senators and Congressmen: Now therefore be it

*Resolved*, That we urge our Representatives in Congress to continue their efforts in behalf of such legislation, and that the national convention indorse such legislation for the benefit of veterans in the Western States.

#### MARINE CORPS

4. That we favor the maintenance of the Marine Corps at its historical efficiency and its continued development as an integral part of the Naval Establishment.

#### MEDALS

Recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

6. We believe that sufficient time was not granted by Congress for the presentation of recommendations for award of medals and citations for the acts of heroism for the veterans of the World War. As a result injustice has occurred, and we therefore recommend that the time for the presentation for recommendation be extended for an additional period of three years, and we recommend that proportional representation on the board of awards be given to all component parts of the Army of the United States.

#### MILITARY AFFAIRS

2. The constructive and loyal efforts of the ex-service men were mainly responsible for the enactment into law of our first permanent mili-

tary policy, as contained in the national defense act of June 4, 1920, and we oppose any changes in the fundamental character of this basic legislation.

3. Our country has observed to its sorrow the unfortunate results that have occurred from lack of military preparation, and in order that this condition may not again prevail we urge upon Congress adequate appropriations to properly maintain a Regular Army ready at all times to carry out its mission in the one-army plan.

4. We strongly urge the necessary support by Federal and State Governments of the maintenance of an efficient National Guard and Organized Reserve, and we pledge the continued active assistance of the Legion in securing the appropriations necessary for these organizations, which constitute the main reliance of our country in time of national emergency.

5. We recommend that in order to obtain and keep the best enlisted personnel for the regular establishment that the pay of the private soldier be increased to \$30 per month and provision be made for his voluntary retirement after 25 years of honorable service, and further recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

7. We recognize in the citizens' military camps and Reserve Officers' Training Corps useful agencies toward better citizenship, and we recommend that the Legion continue its services toward making these camps successful.

13. A resolution requiring the enactment of legislation to relieve possibilities of the American Legion from liability on account of loss or destruction of obsolete rifles loaned by the War Department.

#### NAVAL AFFAIRS

1. That the American Legion go on record as being unequivocally in favor of every move made by the Congress of the United States and by the Navy Department to place our Navy in its proper position as provided by the Limitation of Armament Conference. It is a well-known fact that the conference placed the United States Navy on the basis of 5-5-3 with the navies of Great Britain and Japan and that ratio is now approximately 5-4-3, with the United States Navy occupying the position of 4. It is our belief that the safety and prosperity of our country should not be jeopardized thus at any cost.

3. That Congress approve and pursue a policy for the development of naval bases; this policy to have in view the value of these bases to our fleet in both peace and war and that no other factors be considered in the selection and development of these bases.

6. That the American Legion go on record emphatically in favor of the development of a thoroughly organized, equipped, and trained Naval Reserve and urging Congress to make adequate provision therefor.

7. That Congress and the Navy Department take steps immediately to place our battle fleet on an absolute parity with the strongest navy in the world in the matter of range and power of its guns. To this end it is believed that the elevation of guns of our first-line ships, as recommended by the Navy Department, should be accomplished at the earliest possible opportunity.

#### PERSHING

Whereas our distinguished comrade and legionnaire, Gen. John J. Pershing, has been retired from the Army in accordance with existing laws governing retirement; and

Whereas General Pershing has shown himself to be one of the great soldiers of American history and also the best friend of the National Guard and Organized Reserves, who possesses the vision to have our country profit by the lessons of the World War in the development of our present comprehensive plan of national defense:

Therefore your committee unanimously recommends that the American Legion, in convention assembled, direct the initiation of a movement to have Congress pass such necessary legislation as will restore General Pershing to the active list, in order that his valuable counsel will be available to those responsible for the defense of our Nation.

#### REHABILITATION

1. The care of our disabled comrades is, has been, and always shall be recognized as the first and paramount duty of the American Legion. In order to secure the proper performance of this duty, it is necessary that there be established and continued a sound organization and policy.

Past conventions, in recognition of this duty, have set up and continued an organization and policy which have proven their worth: Be it therefore

*Resolved*, That the national and district committees on the rehabilitation of disabled veterans, as heretofore organized, shall be continued, subject, however, to such changes in number and territorial jurisdiction as it may be deemed necessary by the national committee on rehabilitation and approved by the national commander. In addition to the advisory members heretofore on the committee there shall be a dental surgeon.

The chairman and employees of these committees, being experienced in this important work, shall be as permanent as is compatible with the efficient performance of duty to the disabled.

The liaison representatives of the national service officers shall be known as rehabilitation secretaries. No secretary of a committee on rehabilitation shall hold any salaried Legion office other than that of secretary of a committee on rehabilitation.

Every secretary of the national committee and of the various district committees and other necessary employees of such committees shall be appointed for experience and ability by the chairman of such committees and shall hold office during good behavior and efficient service.

The various departments of the American Legion and of the American Legion Auxiliary are urged immediately to reorganize their service, welfare, and rehabilitation officers or committees in such manner as may be necessary to insure complete cooperation with the national and district committees on rehabilitation to the end that there will result a unified and coordinated legion rehabilitation service, and to expressly empower their respective district commanders to require from their various department officers and committees such work and reports as will bring about the desired coordination.

The recommendations of the national committee on rehabilitation, which are designed to improve the service to the disabled, shall, when approved by the convention or by the commander, be binding upon all officers and committees of the American Legion.

There shall be established for the national and district committee on rehabilitation a budget of ample and liberal proportions in which shall be provisions for salaries of the national chairmen, secretaries, and other necessary employees, commensurate with the importance of the work and the skilled service required for the rehabilitation program. The amount of this budget should approximate 25 cents per Legion member.

This budget shall be provided from such available funds as will be certain and sufficient for the work. No other activity of the American Legion shall be permitted to be favored over rehabilitation in such manner as to prevent the proper financing of the work or otherwise to interfere with the task of rehabilitation of disabled veterans.

2 and 3. The proposal for amendment of the adjusted compensation act and the proposal for the creation of a rehabilitation trust fund, submitted to the committee, are approved in principle as being proper methods of eventually providing funds for the necessary work for our disabled comrades.

The United States Veterans' Bureau (4 and 5): The chief concern of the American Legion being the care of these disabled comrades, and the Veterans' Bureau having been originally created at the instance of the American Legion, the governmental agency to effect this purpose, the Legion is deeply concerned in the efficient administration of that bureau.

The Veterans' Bureau has never functioned with the efficiency which the American Legion can consider satisfactory. This evident lack of efficiency must be traceable to some cause.

The national and district rehabilitation service of the American Legion, paralleling in many features the organization of the Veterans' Bureau. The American Legion rehabilitation representatives in the various States and districts have made a study of, and are well acquainted with, the operation of the bureau.

The American Legion realizes that the present Director of the Veterans' Bureau inherited many faults and weaknesses in personnel and organization, in spite of which the bureau is now functioning more efficiently than at any time heretofore. However, the Legion can never find itself satisfied with anything short of superservice for the disabled, and is therefore in duty bound to continually strive, without fear or favor, for improvement in the bureau.

After careful examination of the problem your committee has come to the unescapable conclusion that there is lack of coordination, unnecessary delay, and failure to keep the director correctly advised, thus creating a situation which is intolerable to the American Legion, which holds it to be fundamental that nothing shall be wanting to alleviate the pain, improve the condition, and rehabilitate to useful and healthy citizenship those whose war service placed a special burden upon them.

Therefore the American Legion recommends to the Director of the Veterans' Bureau that he forthwith conduct a searching examination of all bureau activities, with particular reference to the central office and occupants of the higher positions therein to determine those who should be separated from the service. The American Legion will gladly place at the disposal of the director every facility at its command to assist him in this necessary work.

The American Legion condemns the practice of changing from one locality or position to another locality or position inefficient employees of the Veterans' Bureau who should rightfully be separated from the service.

In filling such places as may be made vacant by the separation of inefficient employees from the bureau only ex-service men should be employed or promoted, and special care should be used to select solely those who are, by character and experience, superior men, thoroughly capable of performing this most important work.

While many divisions of the Veterans' Bureau function below the desired standard, the planning service is the most conspicuous example of inefficiency, followed closely by the central office board of appeals. While there are in each of these departments some good men who should be retained, the inefficient should be identified and separated from the service. As time is of vital importance in dealing with the problem of the disabled, none should be lost in this or any necessary similar action by the director.

The director is urged especially to be constantly on the alert throughout the entire organization of the bureau for any and all instances where it may appear that there is any lack of courtesy or humaneness on the part of any bureau representative in dealing with or examining any ex-service men or women, and to take the necessary steps to speedily rid the bureau of any employee who indicates by the use of any harsh or improper language or by any other form of mistreatment or neglect that he does not have the proper sense of duty of dealing courteously and humanely with all ex-service people.

6. The World War veterans' act, 1924, intending to carry the examination, hospitalization, treatment, vocational training, rating of cases, and payment of compensation to the various district and sub-district offices to the end that the work of the Veterans' Bureau be simplified and claims adjudicated by personal contact, the director has drawn up a tentative plan of decentralization which is outlined in various general orders and regulations which your committee believes to be subject to just criticism.

The national and district rehabilitation committee having completed a survey of conditions in the field, the chairman of the national rehabilitation committee is directed to use every effort to cause to be put into operation the following plan of organization in the field offices of the bureau:

1. There shall be established and maintained the present 14 district or area offices, with one or more regional offices in each State in so far as practical administration will permit, in accordance with the population, the number of Veterans' Bureau claimants represented, the area to be covered, and existing transportation facilities.

2. That the supervision and control of the regional and subregional offices and the consideration of appeals from the decisions of those offices be vested in the district or area offices in accordance with regulations to be issued by the Director of the United States Veterans' Bureau.

3. There shall be continued in each district or area office the present board of appeals, with the addition of sufficient personnel to permit the briefing and preparation of cases for appeal, including a written report of the testimony by the claimant and by witnesses, same to be incorporated in the claimant's folder.

4. There shall be established in each regional or subregional office sufficient competent medical personnel to conduct examinations, authorize, give and prescribe medical treatment, hospitalization, etc., and to perform all of the duties necessary to permit of complete and prompt adjudication of claims.

5. That the physical examination report of the claimant shall contain the recommendation of the examining physician as to the nature, origin, and percentage of the existing disability, and the degree of vocational handicap.

6. There shall be established in each regional or subregional office one or more rating boards composed of three members, namely, one physician and one member each of the claims and rehabilitation sections, whose duty it shall be to rate all cases for compensation; said rating boards to be under the direct supervision and control of the regional or subregional manager; such ratings to be final and subject to appeal only by the claimant, his authorized representative, or the district or regional manager. In cases of dispute affecting the claimant, his representatives and witnesses and the medical examiners shall be afforded an opportunity to appear personally before said rating board before the rating is definitely established.

7. There shall be established under the supervision of the claims division in each regional or subregional office sufficient claim examiners, reviewers, and necessary clerical personnel to properly make up awards as finally established by the rating boards.

8. All payments of compensation, training pay, funeral allowances, salaries, and other expenses shall be paid through the audit and disbursing section of the district offices.

9. That there shall be established in each regional office a guardianship division with full authority to apply for proper conservators and administrators, and to have supervision over all such matters under the supervision of the district manager.

10. That there shall be a full and complete decentralization to the district, regional, or subregional office of all case folders wherein a conservator or administrator has been appointed.

Medical: 7. Heretofore the question of medicine has apparently been almost ignored in comparison with the question of adjustment of compensation of the disabled men. Consequently, the Director of the Veterans' Bureau is urged to give careful consideration to the great need of organizing the medical service in such manner as to secure the best possible treatment of our comrades so as to insure their ultimate return to a happy and useful life.

8. The appointment by the director of the council of medical and hospital service to help plan the functioning of the medical service of the bureau is recognized as a great step in advance. His action is approved in principle and the hope is expressed that it will lead to the emancipation of the medical service from the bureaucracy which has heretofore hampered it.

9. The council, which is composed of eminent specialists from various parts of the country, recognizing the enlarged scope of the medical problems resulting from the World War veterans' act and recognizing that a high class medical personnel has been difficult to recruit and hold under previous systems and that classification under civil service is not conducive to the maintenance of efficiency in professional corps, it is recommended that each legislation which your committee recommends be indorsed by this convention.

This legislation should provide for the creation of a Veterans' Bureau medical corps similar to those of the Public Health Service, the Army, and the Navy.

10 and 11. The director is requested to assign bureau physicians on part or full time in larger centers of population, who will have authority to give treatment and issue medicine and give prescriptions as is now provided in regional out-patient clinics. It is further recommended that examinations, made of veterans of the United States service living in foreign countries and made at the request of the Veterans' Bureau for compensation, be made by American doctors when available.

12. In view of the fact that the clerical work necessitated in the examination of veterans seeking compensation is considerable, it is recommended that the fee of examining physicians not employed by the Veterans' Bureau be increased from \$5 to \$10 in order that there may be sufficient incentive for their taking proper care in preparing the various reports required by the Veterans' Bureau.

13, 14, and 15. It is recommended that nurses, reconstruction aides, and claim examiners be given class A or professional classification to the end that capable persons in the so-called professions may be secured by the Veterans' Bureau.

Procedure and administration: 16. Amendment of the veterans' act is recommended in such manner as to substitute the word "permanently" for the word "temporarily" in subdivision 2 of section 202.

Inasmuch as this provision of the act is intended only to cover those men who have had tuberculosis of long standing and have obtained the maximum amount of hospitalization without improvement, it is recommended that the national chairman endeavor to work out, through the council of medical and hospital service, bureau regulations relative to active tuberculosis of long standing when the medical opinion is that such tuberculosis will continue for life.

17. Further legislative amendment is recommended providing that out-patient and dispensary treatment be provided all veterans under the same terms as hospitalization is provided by subdivision 10 of 202 of the World War veterans' act. It is recommended that compensation at the rate of not less than \$50 per month for life be provided for veterans whose service-connected tuberculosis has become arrested.

18 and 19. In order to facilitate claimants in perfecting their just claims, it is recommended that all papers contained in each claimant's folder be rearranged, with the material evidence arranged in chronological order, with a current brief and with a synopsis of the evidence attached to the folder; and it is further recommended that where a claimant is notified of decrease, discontinuance, or disallowance, he be furnished specific reasons therefor, provided such information will not react against the best interests of the claimant.

20 and 21. It is urged that provision be made to enable Veterans' Bureau officials to evaluate all evidence from the equitable and not simply from the technical legal point of view; and it is further recommended that provision be made that where a claimant's case has once been held to be of service origin, it can not, at a later date and upon the same evidence, be held to be not of service origin except it be upon new evidence, and except in cases of fraud participated in by the claimant.

22. Suitable legislation or regulation is recommended providing that any beneficiary who has been overpaid through no fault of his own be not required to reimburse the Government.

23. The director is urged to rescind the regulations requiring originals of marriage certificates and certificates of baptism in questions of proof of marriage and proof of parentage, and authorize the acceptance of photostatic copies of such documents when verified by duly authorized representatives of the bureau.

24 and 25. Regulations are requested which provide for the apportionment of compensation of insane claimants who have been dependent parents, so that the amount apportioned to such parents shall be paid to them instead of to the guardians of the claimants. It is further recommended that no apportionment of compensation or dependency allowance on account of a wife of a beneficiary be paid unless claim is made therefor and the whereabouts of the wife be known, and that the Veterans' Bureau recognize an interlocutory decree of divorce in favor of a beneficiary, where the wife is at fault, as conclusive evidence that no dependency allowance or apportionment be paid to such

wife, except where there are dependent children in the custody of the wife. This same clause will have to be inserted in the proper manner providing for the woman who served and whose husband is the one at fault.

26. It is recommended that section 201 of the World War veterans' act be amended so as to provide awards of monthly compensation to dependents of deceased service persons in the amounts recommended by your fifth national convention at San Francisco in 1923, and not yet written into the law.

27. Amendment of the World War veterans' act is recommended to provide that whenever any beneficiary has been rated temporary total and has been or shall be continuously so rated and so disabled for a period of 12 months, and has been thereafter found to be unable to successfully follow any material gainful occupation, such beneficiary shall be judged permanently, totally disabled, except where he enjoys the provisions of subdivision 2 of section 202.

28. That an interpretation of section 210 and paragraph 17 of section 202 of the veterans' act be sought, and any necessary legislation be secured to clear up the conflict resulting from the provisions in the one section, "that no compensation be payable for any period more than one year prior to the date of the claim," and from a provision in the other section, "that no changes in rates of compensation shall be retroactive in effect."

29. Legislation is recommended that the veterans' act be amended to provide the payment of compensation for a combination of partial disabilities each of which is less than 10 per cent, aggregating more than 10 per cent.

30. In view of the fact that cases involving neuropsychiatric disorders present a very difficult problem, the bureau is urged to take into consideration and to include in the final rating all mental conditions, congenital, functional, or organic, which handicap the claimant; and the chairman of the national rehabilitation committee is instructed to consult the medical advisers of the committee and to endeavor to work out an adequate rating system for neuropsychiatric disorders; and it is further recommended that such a claimant be not declared permanently nonfeasible for training except the decision be made upon the basis and as the result of an examination by a board of three recognized specialists in neuropsychiatry.

31. Legislation is recommended in each State empowering courts to commit veterans suffering from insanity or psychoneurosis or addicted to narcotics or liquor, provided that they are entitled to treatment from the United States Veterans' Bureau, and to confine them in the most available Federal hospital maintained for that purpose.

32 and 33. Legislation or regulation be sought providing that veterans hospitalized in any institution be held to be in the same status with respect to hospital pay as those hospitalized in United States veterans' hospitals. Amendment of section 200, line 17, is recommended, inserting after the word "misconduct" the words "no alleged willful misconduct shall bar a claimant from any benefit of compensation, vocational training or hospitalization, or other provisions of the rehabilitation laws unless a conviction by a court-martial can be shown."

34. The director is urged to require the prosecution by the Veterans' Bureau legal staff of all violations of the section, providing a penalty for charging or accepting an excessive fee.

35, 36, and 37. It is recommended that permission be obtained for the financial status of deceased ex-service men to be determined in subdistrict offices, in order to decide the question of whether the Government shall pay his burial expenses, to the end that there will not be involved the delay attendant upon determination of the question in Washington; that an increase of burial allowance from \$105 to \$205 be provided; and that the wording of the act allowing the Government to defray burial expenses be amended by changing the word "burial" to "funeral" in order that cremation expenses may not be barred.

#### RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

9. A resolution calling for the immediate enactment of legislation for the retirement of disabled emergency Army officers, already pending before Congress for three years.

#### STARS AND STRIPES FUND

10. Resolution requesting the Congress to set aside as a trust fund the \$400,000 of profit from the publication of the Stars and Stripes in France, and to use the income from this trust fund to decorate the graves of American soldiers in Europe and thus aid the graves endowment fund.

#### UNIVERSAL DRAFT

Whereas the Fourth Annual Convention of the American Legion at New Orleans unanimously adopted the following universal service act which had been prepared by the military policy committee of the American Legion and which reads as follows:

"An act to provide further for the national security and defense.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"(1) That, in the event of a national emergency declared by Congress to exist, which in the judgment of the President demands the immediate increase of the military establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary; provided that all persons drafted into service between the ages of 21 and 30 or such other limit as the President may fix shall be drafted without exemption on account of industrial occupation.

"(2) That in case of war, or when the President shall judge the same to be imminent, he is authorized and it shall be his duty when, in his opinion, such emergency requires it,

“(A) To determine and proclaim the material resources, industrial organizations, and services over which Government control is necessary to the successful termination of such emergency, and such control shall be exercised by him through agencies then existing or which he may create for such purposes;

"(B) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population; and

"Whereas this universal service act is now embodied in specific legislation introduced in Congress during the past session by Representative ROYAL C. JOHNSON in the House of Representatives and Senator ARTHUR C. CAPPER in the Senate:

"Therefore our committee recommends to this national convention that the passage of this important legislation be made one of the major activities of the American Legion during the coming year, and that the full influence and support of our organization be used to make effective as soon as possible this legislation which the Legion believes will help insure our country against war and provide that in any future emergency there shall be no more slackers or profiteers and that we shall have in the future equal service for all and special profit for none."

16. A resolution reaffirming the position of the American Legion on universal draft and calling for the immediate enactment of national legislation to carry it into effect.

#### A SINGLE DEPARTMENT OF NATIONAL DEFENSE

MR. MCSWAIN. I ask unanimous consent to extend my remarks in the Record on a unified department of national defense, including the Army, Navy, and aviation.

THE SPEAKER. Is there objection? [After a pause.] The Chair hear none.

MR. MCSWAIN. Mr. Speaker, being a member of the Military Affairs Committee, which is specifically and exclusively charged under the rules of this House with the consideration of legislation relating to the broad and general aspects of national defense, I have been considering very earnestly all of the matters that have been discussed in the House and in the committees and by the public through the press for the last few months relating to a separate Air Service. But, Mr. Speaker, instead of arriving at the conclusion to which many have come, that we should have a new department relating to the Air Service with a secretary in the Cabinet with all the usual and incidental and auxiliary services, I have been led to the conclusion that instead of three secretaries in the Cabinet relating to the problem of national defense, to wit, a Secretary of War, a Secretary of the Navy, and a secretary of aviation, I have come to the conclusion that we should have a single department with a single secretary in the Cabinet, having to do with all the broad and general aspects of national defense. Within this single department there should be at present three executive bureaus, one relating to the Army, one relating to the Navy, and one relating to aviation, and perhaps in the future, the demands of administration and changes due to rapid developments in science, it may be necessary to add one or more additional executive bureaus.

I realize, Mr. Speaker, that the objection will be immediately raised that it is too much that anyone person should have upon his shoulders to see after the Army alone, or the Navy alone, and that no one human being has physical and intellectual strength sufficient to comprehend all the duties incident to executive responsibility for all the activities and problems of national defense. I think that the objections are unfounded. My belief is that the single Cabinet officer to be designated—the secretary of national defense—should be the sole and exclusive adviser of the President on all questions of national defense. Under the Constitution the President is the Commander in Chief of the Army and the Navy, and whatever is done by either the Secretary of War or the Secretary of the Navy is done in the name of the President. But we know that the President is not able to decide upon the merits

of conflicting disputes and conflicting jurisdiction and overlapping duties of the Army and the Navy and aviation. We know that the President is never elected in these modern times on account of his fitness to execute his constitutional duties as Commander in Chief of the Army and the Navy. In fact, the President is elected on account of his political views, which are fundamentally based upon economic views. The President is called upon to settle, as the political leader of his party, the multitude of difficult political questions, so that in time of peace he is not able to give any thought to either the Army or the Navy, much less aviation. We know that there have been jealousies, and conflicts, and overlappings, and rivalries, and duplication of expenses between the Army and the Navy. Each department is actually grasping for more power and actually refusing to relinquish any power once acquired. Each department constantly cries for more money to spend so as to enlarge its activities and personnel.

The one purpose of loading the taxpayers with the terrific burden of maintaining an Army and Navy in peace times is to have one ready to fight and to kill the enemy in time of war. It is a grim and matter-of-fact proposition. Both have the sole and exclusive objective of destruction. In order that they may destroy more effectively, there must be cooperation of activity and of training in peace time, in order that there may be cooperation of killing and destruction in war time. Under present conditions when there is a dispute or conflict between the Army and the Navy the President is unable to decide that issue out of his own experience and knowledge. He must, therefore, turn to some one for advice. He can not turn to the Secretary of State, or to the Secretary of Commerce, or to the Secretary of Labor, or to the Attorney General to help him on a military question. Consequently, he turns to the Secretary of War, who advises one course. He then turns to his other adviser on military questions, the Secretary of the Navy, who advises a contrary course. If there were a secretary of aviation he would advise the President to follow a third course. This conflict and multiplicity of counsel would lead to indecision, inaction, and inefficiency, and wastefulness. The President, in whom the Constitution vests supreme command, must have, therefore, one person, and one person only, to whom he shall turn for advice concerning the Army and the Navy and aviation and Chemical Warfare Service, and any and everything else relating to national defense. This will lead not only to greater efficiency but will cut out duplication, and will cut out jealousy and rivalry, and will lead to actual economy.

But, Mr. Speaker, I must not be understood as underrating the importance of aviation. The airplane has been an epoch-making and revolutionary invention. It signifies a greater advance in human progress than what was accomplished when the steam engine was applied to locomotion on a railroad. It is a greater change-producing implement than electricity, or the telegraph, or the telephone, or the wireless, or radio. There is nothing comparable to it in the history of mankind. The airplane as a fighting weapon is far above the rifle, or cannon, or poisoned gas. The aviator, as a fighting man, is in a class to himself. The fighting aviator is under modern conditions the only arm of the national defense that must at times function with absolute independence of either the Army or the Navy. It is the only fighting weapon whose element overlaps the Army and the Navy. The air overspreads both sea and land and wherever there is air, the aviator can, and will, and must fight to defend our country and her rights. The battleship and all her auxiliary craft of cruisers, chasers, and submarines are absolutely helpless on land. The Army, with all its diversified weapons, can not pass beyond the shores of the ocean. But the airplane can function over either land or water and fight wherever it can fly. Furthermore, it is admitted by every high authority of both the Army and the Navy that either or both are helpless without the use of airplanes in scouting, patrolling, and ranging. The high command of the Army admits that without an adequate force of air power to obtain information of the enemy as to location and movements, the Army would be helpless before an enemy with such aviation equipment. In like manner, even those admirals who are most conservative and most loathe to admit this new rival as an equal to their great battleships in preserving the national security, have clearly and frankly admitted that a fleet without adequate airplanes to fight for and maintain supremacy in the air, so as to observe the movements of the enemy fleet and to give instructions to our fleet as to when and how to fire, and how to correct the range, we would be utterly helpless and at the mercy of an enemy fleet properly equipped with airplanes.

Therefore, Mr. Speaker, we have this logical and indisputable analysis of the situation: The Army can not function under modern conditions without adequate and sufficient aviators to control the air. The Navy can not function without adequate and sufficient aviators to control the air. The Navy is helpless on land and the Army impossible on water. But fighters in airplanes, whether above the land or above the water, can fight and must fight absolutely independent of either the Army or the Navy. The commander on the ground can not give commands to the fighters 20,000 feet in air, nor can the commander in his flagship command the aviators fighting thousands of feet above the sea. In other words, there are certainly times, and the most critical and decisive times, when aviation will and must fight for the control of the air without any reference whatever to either the Army or the Navy. After the aviators have gotten control of the air, then either the Army or the Navy can advance upon the opposing force and "mop up." But this is impossible until the decisive and conclusive conflict shall have been fought out for the control of the air. Therefore, Mr. Speaker, I conclude that there are greater arguments for an independent and separate agency for the promotion and development of aviation than there is for either the Army or the Navy. Therefore we must not delay in creating within the department of national defense a bureau of aviation equal to the bureau of the Army and the bureau of the Navy; and this bureau of aviation must be specifically charged with the high responsibility, with all speed consistent with soundness and efficiency of construction, of training our aviation force to a point made necessary by the situation in which we find ourselves among the nations of the earth. Undoubtedly the first fights will be in air. Undoubtedly the decisive conflicts will be in air. These conflicts may be over either land or water. It would, therefore, be foolish for us not to be ready to win in the first and decisive conflict. Therefore let us by all means commence without further delay to bring this most important branch of national defense up to that state of efficiency commensurate with our strength and our duty.

GEORGE W. ENGLISH

Mr. BLANTON. Mr. Speaker, I find that on investigation that I was misinformed in regard to a resolution of the Judiciary Committee concerning the investigation of Judge English, and I wish now to withdraw my objection to that resolution.

The SPEAKER. Was that the first objection?

Mr. BLANTON. The first objection.

The SPEAKER. The gentleman from Texas withdraws his objection to the resolution referred to and asks that the bill be replaced on the calendar. Is there objection. [After a pause.] The Chair hears none.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, in view of the fact that it is the intention to take up the Consent Calendar to-morrow morning at the beginning of the session and run perhaps two or three hours, I think it might be unwise to go on further this afternoon. I therefore move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned, pursuant to the order made, until to-morrow, Saturday, February 28, 1925, at 10 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

914. A letter from the Secretary of War, transmitting recommendation that legislation embodied in Document No. 324, Sixty-eighth Congress, first session, be enacted into law, providing for the relief of foreign banks and foreign branches of American banks located at Santiago, Chile (H. Doc. No. 658); to the Committees on Appropriations and Military Affairs and ordered to be printed.

915. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, amounting to \$1,000, for the Department of the Interior, for the relief of James J. McAllister, a Bannock Indian, of Idaho (H. Doc. No. 659); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 3613. An act to provide for retirement for dis-

ability in the Lighthouse Service; without amendment (Rept. No. 1618). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCKENZIE: Committee on Military Affairs. S. 4264. An act 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; without amendment (Rept. No. 1619). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 12339. A bill relating to the carriage of goods by sea; with amendments (Rept. No. 1620). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12344. A bill to extend the time for the commencement and completion of the bridge of the Valley Transfer Railway Co., a corporation, across the Mississippi River in the State of Minnesota; without amendment (Rept. No. 1621). Referred to the House Calendar.

Mr. VESTAL: Committee on Patents. H. R. 5790. A bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; with amendments (Rept. No. 1622). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12374. A bill granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; with an amendment (Rept. No. 1623). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12376. A bill to extend the time for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States; with amendments (Rept. No. 1624). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12177. A bill to permit the United States of America to be made defendant and to be bound by decrees and final judgments entered in land title registration proceedings in the Circuit Court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897; with amendments (Rept. No. 1625). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 12391. A bill providing for the irrigation of certain lands in the State of Nebraska; with amendments (Rept. No. 1626). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS \*

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SUMMERS of Washington: A bill (H. R. 12439) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. TABER: A bill (H. R. 12440) to authorize an appropriation for the erection of a suitable memorial monument and the improvement of the grounds at the birthplace of Millard Fillmore, former President of the United States; to the Committee on the Library.

By the SPEAKER (by request): Memorial of the Legislature of the State of Iowa, favoring legislation providing for the creation of an export corporation for the purpose of purchasing and diverting surplus farm commodities in the United States; to the Committee on Agriculture.

By Mr. DOWELL: Memorial of the Legislature of the State of Iowa, urging the present Congress to pass legislation creating an export corporation for the purpose of purchasing and diverting surplus farm commodities in the United States; to the Committee on Agriculture.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to create an additional Federal district judgeship, and provide for filling the vacancy therein caused by the death of Federal Judge John F. McGee; to the Committee on the Judiciary.

By Mr. SMITH: Memorial of the Legislature of the State of Idaho, urging enactment of legislation licensing commission merchants and brokers to give a bond for the faithful discharge of their contracts; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,  
By Mr. JOHNSON of Washington: A bill (H. R. 12441) granting a pension to Hilaire Nallette; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3924. By Mr. FUNK: Petition of citizens of Livingston County, Ill., protesting against the Sunday observance bill (S. 3218) and all other similar legislation; to the Committee on the District of Columbia.

3925. By Mr. MEAD: Petition of National Retail Dry Goods Association, opposing the enactment into law of House bill 10351, the purpose of which is to grant copyright registration for designs, and favoring a readjustment of pay of postal employees; to the Committees on Patents and the Post Office and Post Roads.

3926. By Mr. WATSON: Petition of citizens of Harrisburg, Pa., favoring the participation of the United States in the World Court on the Harding-Hughes terms; to the Committee on Foreign Affairs.

3927. By Mr. WEFALD: Petition of 40 citizens of Vining, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3928. Also, petition of 20 citizens of Local and Detroit, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3929. By Mr. WILLIAMS of Michigan: Petition of Mrs. George W. Shields and 41 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3930. Also, petition of Mrs. O. F. Gaylord and 16 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

SATURDAY, February 28, 1925

(Legislative day of Thursday, February 26, 1925)

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

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3913) 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, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1707. An act appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes; and

S. J. Res. 124. Joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11701. An act to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887;

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes;

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922;

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923;

H. R. 12261. An act authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; and

H. J. Res. 348. Joint resolution 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 Exposition of Chicago, Ill., held in December, 1924.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by title and referred as indicated below:

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; to the Committee on Indian Affairs.

H. R. 11818. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; to the Committee on Commerce.

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; and

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923; to the Committee on Military Affairs.

H. R. 12261. An act authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; to the Committee on the Library.

H. J. Res. 348. Joint resolution 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 Exposition of Chicago, Ill., held in December, 1924; to the Committee on Agriculture and Forestry.

#### TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON (S. DOC. NO. 225)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the United States Commission for the Celebration of the Two hundredth Anniversary of the Birth of George Washington, fiscal year 1925, to remain available until expended, \$10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### BUREAU OF FOREIGN AND DOMESTIC COMMERCE (S. DOC. NO. 224)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting the appropriations for the Bureau of Foreign and Domestic Commerce, Department of Commerce, fiscal year 1926, relative to the rental of offices in foreign countries by that bureau, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### JOHN F. DUNPHY, OWNER OF STEAMSHIP "MARGARET J. SANFORD" AGAINST THE UNITED STATES (S. DOC. NO. 222)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the United States by the United States District Court for the Southern District of New York, under the provisions of law, and requiring an appropriation for its payment under the War Department: Case of John F. Dunphy as managing owner of the steamship *Margaret J. Sanford* against the United States, in amount, \$2,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### OWNERS OF THE BARGE "HAVANA" AGAINST THE UNITED STATES (S. DOC. NO. 223)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the Government by the United States District Court