SENATE

THURSDAY, *April 22, 1926*

(Legislative day of Monday, April 19, 1926)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fernald	Keyes	Sackett
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Blease	Frazier	McKellar	Simmons
Borah	George	McKinley	Smith
Bratton	Gerry	McLean	Smoot
Broussard	Gillett	McMaster	Stanfield
Bruce	Glass	McNary	Stephens
Cameron	Goff	Mayfield	Swanson
Capper	Gooding	Metcalf	Trammell
Caraway	Hale	Neely	Tyson
Copeland	Harreld	Norbeck	Underwood
Couzens	Harris	Nye	Wadsworth
Cummins	Harrison	Oddie	Warren
Curtis	Heflin	Overman	Watson
Dale	Howell	Phipps	Weller
Deneen	Johnson	Pine	Wheeler
Dill	Jones, N. Mex.	Ransdell	Williams
Edge	Jones, Wash.	Reed, Pa.	Willis
Ernst	Kendrick	Robinson, Ark.	

Mr. PHIPPS. My colleague, the junior Senator from Colorado [Mr. MEANS] is detained on account of illness. I will allow this notice to stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had further insisted upon its disagreement to the amendments of the Senate Nos. 46 and 62 to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes; had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER of Oklahoma were appointed managers on the part of the House at the conference.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 549. An act for the relief of John H. Walker;

S. 2111. An act for the relief of Levin P. Kelly;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State;

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

PAN AMERICAN CONGRESS OF JOURNALISTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution adopted by the Pan American Congress of Journalists that has been transmitted to the Senate by the Director General of the Pan American Union, which the clerk will read.

The resolution was read and ordered to lie on the table, as follows:

Resolution Adopted by the Pan American Congress of Journalists

The Pan American Congress of Journalists adopts a vote of thanks to the Congress of the United States of America for the reception of the delegates and for the generous words of welcome pronounced in both Houses.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a memorial of sundry citizens of Cherokee, Kans., remonstrating against the modification or nullification of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Woman's Relief Corps, of Ellsworth, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans, their widows and dependents, which was referred to the Committee on Pensions.

Mr. FRAZIER presented memorials signed by Mrs. S. H. Njaa and 20 other citizens of Northwood, Mrs. C. H. Hancock and 29 other citizens of Prosper, A. W. Payne and 42 other citizens of Milnor, and J. N. Loach and 51 other citizens of Fairmount, all in the State of North Dakota, remonstrating against modification of the eighteenth amendment to the Constitution or the Volstead Act, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., reported it with an amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3701) for the relief of David McD. Shearer, reported it without amendment and submitted a report (No. 649) thereon.

Mr. WILLIS, from the Committee on Immigration, to which was referred the bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, reported it without amendment and submitted a report (No. 650) thereon.

Mr. FESS, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 12) to provide for the printing of the Constitution of the United States, as amended, to April 15, 1926, together with the Declaration of Independence, as a Senate document, reported it with amendments.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 549. An act for the relief of John H. Walker;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

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S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McMASTER:

A bill (S. 4047) granting an increase of pension to Francis B. O'Brien; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4048) to amend paragraph 2 of section 7 of the farm loan act; to the Committee on Banking and Currency.

A bill (S. 4049) granting an increase of pension to Mary Mince (with accompanying papers); and

A bill (S. 4050) granting an increase of pension to Ella E. Hale (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4051) to establish a bureau of school hygiene in the health department of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; to the Committee on Claims.

By Mr. JONES of New Mexico:

A bill (S. 4053) to create a commission to collect and publish the records of American women in war; to the Committee on Education and Labor.

A bill (S. 4054) to extend the oil leasing act to the Zuni district of the Manzano National Forest; and

A bill (S. 4055) to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 4056) to amend section 98 of the Judicial Code as amended; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4057) for the regulation of radio communications, and for other purposes.

Mr. DILL. This bill is intended as a substitute for the White bill, which passed the House some time ago. I move that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

By Mr. HOWELL:

A bill (S. 4058) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4060) authorizing the construction at United States Veterans' Bureau Hospital No. 48, at Atlanta, Ga., of additional modern sanitary fireproof buildings, and other facilities; to the Commitee on Public Buildings and Grounds.

By Mr. CAPPER:

A joint resolution (S. J. Res. 97) providing armory facilities for the National Guard of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. CAMERON:

A joint resolution (S. J. Res. 98) to authorize the temporary maintenance of drift fences on the public lands; to the Committee on Public Lands and Surveys.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. STANFIELD submitted two amendments intended to be proposed by him to House bill 6559, the public buildings bill, which were ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred to the Committee on Foreign Relations:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

SETTLEMENT OF CZECHOSLOVAK REPUBLIC DEBT

The VICE PRESIDENT. The Chair lays before the Senate bills from the House of Representatives.

The bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was read twice by its title.

Mr. SMOOT. Mr. President, I ask unanimous consent that Calendar No. 3, the bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America, a bill exactly similar to the House bill just laid before the Senate, be indefinite postponed, and that the House bill be placed upon the calendar as Order of Business No. 3 in its place.

Mr. BRUCE. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Utah asks that a House bill be substituted for a Senate bill on the calendar.

Mr. ROBINSON of Arkansas. The Senator is proposing now to indefinitely postpone the Senate bill?

Mr. SMOOT. I ask that it be indefinitely postponed.

Mr. ROBINSON of Arkansas. Is it identical with the House bill?

Mr. SMOOT. Word for word.

Mr. ROBINSON of Arkansas. I shall not make any objection, but I suggest to the Senator that when the House bill is ready for consideration we might proceed with that bill and, when it is disposed of, indefinitely postpone the Senate bill. However, if the Senator desires to proceed the other way, I have no objection.

Mr. SMOOT. I think it would be better to proceed as I have suggested.

The VICE PRESIDENT. Without objection, House bill 6777 will be substituted on the calendar for Senate bill 1134 and Senate bill 1134 will be indefinitely postponed.

SETTLEMENT OF ESTHONIAN DEBT

The bill (H. R. 6775) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America was read twice by its title.

Mr. SMOOT. I ask that the House bill be substituted on the calendar as Order of Business No. 4 for the bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America, and I ask that Senate bill 1135 be indefinitely postponed.

The VICE PRESIDENT. Without objection, that order will be made.

SETTLEMENT OF LATVIAN DEBT

The bill (H. R. 6776) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6776 be substituted on the Senate calendar for Order of Business No. 7, the bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America, and that Senate bill 1138 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF RUMANIAN DEBT

The bill (H. R. 6772) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6772 be substituted on the Senate calendar for Order of Business No. 8, the bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America, and that Senate bill 1139 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF ITALIAN DEBT

Mr. SMOOT. I ask unanimous consent that Order of Business No. 5, the bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KING. Mr. President, I made no objection to the request of my colleague, because I hoped that he would not bring up for consideration any of the bills from the House this morning. The Senator from Missouri [Mr. REED] has been compelled to be in attendance on a committee and will not be here before 2 o'clock. He wanted to be here when the other measures were taken up; so I did not object to the request of my colleague, hoping that he would not press for consideration of the other bills until after 2 o'clock. I promised the Senator from Missouri that I would present the matter to the Senate.

Mr. ROBINSON of Arkansas. I understand that it is expected that the committee of managers from the House of Representatives will present resolutions of impeachment to-day.

Mr. SMOOT. At 2 o'clock; and that will take only about an hour. Do I understand my colleague to ask that we do not take up House bill 6774, for the settlement of the Belgian debt, which was made the unfinished business last night?

Mr. KING. Yes; I make the request that none of the measures to which attention has just been called be taken up until after 2 o'clock. The Senator from Missouri [Mr. REED] is compelled to be in attendance upon the Appropriations Committee. I have no objection, speaking for myself, to taking up these measures after 2 o'clock.

Mr. SMOOT. Then I ask unanimous consent that the Senate proceed to the consideration of the bill H. R. 6559, for the construction of certain public buildings, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. HARRISON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. I am trying to accommodate the Senator from Missouri [Mr. REED] and every other Senator.

Mr. KING. I appreciate that.

THE CALENDAR

Mr. SMOOT. Mr. President, I move that we proceed until 2 o'clock with the call of the calendar under Rule VIII and consider bills to which there is no objection, beginning where we left off the last time the calendar was called. That is about the only thing we can do under the circumstances.

The motion was agreed to.

Mr. ROBINSON of Arkansas. What is the number at which consideration is to begin?

The VICE PRESIDENT. Order of Business 480. The clerk will state the first order of business.

BILL PASSED OVER

The bill (S. 6) for the relief of Addison B. McKinley was announced as first in order.

Mr. KING. Let the bill go over.

Mr. WILLIS. Will not the Senator from Utah permit the bill to go over without prejudice?

Mr. KING. Yes.

The VICE PRESIDENT. The bill will be passed over without prejudice.

BATHING BEACHES IN DISTRICT OF COLUMBIA

The bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator in charge of the bill—I assume the Senator from New York [Mr. COPELAND] is in charge of the bill—where the bathing pools are to be located?

Mr. COPELAND. The exact location has not yet been determined, but it will be on property owned by the District.

Mr. ROBINSON of Arkansas. On what water?

Mr. COPELAND. The Potomac River.

Mr. OVERMAN. Let the bill be read.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

Mr. OVERMAN. I think the bill had better go over. The sum of $345,000 is too much money to appropriate for this purpose.

Mr. BRUCE. Mr. President, I should like to ask the Senator from New York whether the bill draws any distinction between white and colored people in the use of the proposed bathing pools?

Mr. COPELAND. It does. Two pools are provided for, the one for the colored people being one-half the size of that for the white people. Let me say to the Senator from North Carolina [Mr. OVERMAN] that this bill has been given very careful consideration.

Mr. OVERMAN. But there is nothing in the bill which provides that there shall be separate pools for white and colored persons.

Mr. COPELAND. If the Senator from North Carolina will read the report on the bill, I think his objection will be met.

Mr. OVERMAN. The report seems to be all right, but I am talking about the bill.

Mr. COPELAND. The bill provides for two entirely separate pools, one for the white people with a capacity for 2,000 bathers and one for the colored people with a capacity for 1,000 bathers. The bathers are not to go into the Mirror Pool. This bill was given such thorough study by the District Committee I hope there will be no objection to its passage. I think it should be passed as soon as possible, because if we are to get any benefits from the bathing pools this year the construction ought to begin at once.

Mr. OVERMAN. Why should it cost $345,000 to construct these pools? That is an enormous amount of money to appropriate for bathing pools.

Mr. COPELAND. The pools provided for are very large.

Mr. OVERMAN. Are these pools to be like the bathing pools of Rome?

Mr. COPELAND. No. The District Committee realized that there was not enough money in the United States to build pools such as those. These are to be built of concrete.

Mr. OVERMAN. I think the bill had better go over and we can confer about it.

Mr. COPELAND. I may say that I have the assurance of the Commissioners of the District of Columbia that there is in contemplation the separation of the two races in the use of the bathing facilities.

Mr. OVERMAN. I know the Senator from New York is all right; I have every confidence in him; but he will not have the authority to construct these pools and arrange for the bathing; that will be a matter which will be left to the Commissioners of the District of Columbia. There ought to be some language in the bill requiring that the pools be separate.

Mr. COPELAND. If the Senator from North Carolina has confidence in the Senator from New York, who happens to be chairman of the subcommittee on health of the District Committee, let him evince that confidence by relying on the Senator from New York to see that what he suggests is brought about; and if there shall be any hesitation upon the part of the District authorities, I will promise the Senator to bring the matter to the attention of the Senate.

Mr. OVERMAN. After the bill shall become a law, what would be the use of bringing the matter to the Senate? What can the Senator from New York then do? Mr. President, I think I will ask that the bill may go over for the present.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. COPELAND subsequently said: I ask unanimous consent to return to Order of Business 481, being the bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia. I have an amendment to offer which will meet the objection of my friend from North Carolina.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COPELAND. I offer an amendment, on page 1, line 8, after the words "District of Columbia" and the comma, to insert "one for the white race and the other for the colored race."

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, line 8, after the words "District of Columbia" and the comma, it is proposed to insert the words "one for the white race and the other for the colored race," so as to make the bill read:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct, subject to the approval of the National Capital Park Commission, and to conduct and maintain two artificial bathing pools or beaches in the District of Columbia, one for the white race and the other for the colored race, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches. The Commission of Fine Arts shall be consulted as to the location and construction of said pools or beaches. The cost of these pools or beaches, with buildings and equipment, shall not exceed $345,000, and the appropriation of such sum for the purposes named is hereby authorized. No part of the sums appropriated for the purposes of this act shall be expended in the purchase of land and the pools or beaches herein provided for shall be located upon lands acquired or hereafter acquired for park, parkway, or playground purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was announced as next in order.

Mr. BINGHAM. On behalf of the Senator from Missouri [Mr. WILLIAMS], I ask that that bill may go over without prejudice.

The VICE PRESIDENT. The bill will go over without prejudice.

RETIREMENT OF DISABLED WORLD WAR OFFICERS

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. Let that bill go over.

Mr. TYSON. Mr. President, I desire to say that that bill has been on the calendar for some time, and I now wish to give notice that I shall ask for its consideration at an early day.

HOME CARE FOR DEPENDENT CHILDREN

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. BRUCE. Let that bill go over.

The VICE PRESIDENT. The bill will go over under objection.

Mr. CAPPER. Mr. President, that bill has been on the calendar now for many weeks. I am very anxious to secure action upon it at as early a date as possible.

Mr. BRUCE. Does the Senator from Kansas desire me to withdraw my objection to the bill

Mr. CAPPER. It is the mothers' aid bill for the District of Columbia.

Mr. BRUCE. I withdraw my objection.

Mr. KING. I am for the bill, as I understand it, but the senior Senator from New York [Mr. WADSWORTH], I think, is very much opposed to it. I do not like to take advantage of his absence, though, as I have stated, I am for the bill.

Mr. CAPPER. I think the Senator from New York is opposed to the bill.

Mr. BRUCE. We should not take the bill up in the absence of the senior Senator from New York.

Mr. KING. I have stated that I am for the bill.

Mr. CAPPER. I was not aware that the Senator from New York was absent.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. WADSWORTH subsequently said: Mr. President, I am informed that Order of Business No. 495, being the bill (H. R. 7669) to provide home care for dependent children, was passed over owing to my absence from the Chamber a few moments ago. I did not realize that the calendar had been taken up or I should have been present. I have consulted with the Senator from Kansas [Mr. CAPPER], and it is entirely agreeable to him that I make the request that the Senate recur to that bill and that it be considered now.

The VICE PRESIDENT. Without objection, the Senate will recur to Order of Business No. 495.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. Is debate limited to five minutes?

The VICE PRESIDENT. The Senate is proceeding with the call of the calendar under Rule VIII, and debate is limited to five minutes.

Mr. BORAH. Mr. President, does the Senator think that we can consider this bill under the five-minute rule?

Mr. WADSWORTH. I should like to experiment with it under the five-minute rule.

Mr. BORAH. I do not think we will gain anything by undertaking to consider it under that rule. It is a very important bill and it will take more time to consider it than can be given to it under Rule VIII. I have no objection to it being taken up in order that the Senator from New York may speak, but I do not think it can be acted upon now unless unanimous consent can be given to allow more time to its consideration.

The VICE PRESIDENT. The time can be extended upon motion, and the five-minute rule abrogated.

Mr. EDGE. Mr. President, would it not be of advantage, and put the bill that far ahead, if under the five-minute rule the Senator from New York could explain at least the amendments which he has in mind and his objection to the bill as it stands?

Mr. WADSWORTH. Mr. President, may I attempt an explanation, at least, under the five-minute rule?

Mr. BORAH. Mr. President, before the Senator does that I do not want to be understood as waiving any objection to sending the bill over. I am familiar with the bill to some extent, and I am satisfied we can not discuss it and consider it properly in the time limited. I have no objection to the Senator making his explanation; but in the event that we can not dispose of it under the five-minute rule, I do not want to be understood as waiving my objection.

Mr. WADSWORTH. Certainly not.

Mr. BRUCE. Mr. President, of course I will be compelled to ask that the bill go over. It is a very important bill, as the Senator knows, and it involves very sharp differences of opinion. I think what we ought to do is to have a unanimous-consent agreement with reference to it and have it set down for consideration on some particular day.

Mr. WADSWORTH. Nothing would please me better, and I am sure nothing would please the Senator from Kansas [Mr. CAPPER] better than that.

Mr. BRUCE. That is what I understood.

Mr. WADSWORTH. It is very difficult, in view of the situation which has existed during the last month, and which probably will persist for two or three weeks more, to get at this bill, and it should be acted upon. The only hope of consideration is in the morning hour on some day. I hesitate to make the motion to proceed to the consideration of the bill now, because I know that many Senators are interested in other bills upon the calendar which they desire disposed of practically by unanimous consent. That being the case, Mr. President, I can see that it would be quite useless to indulge in a discussion of the measure, but I hope to consult with the Senator from Kansas and the Senator from Maryland and ascertain if we can not get action on this bill.

Mr. BRUCE. I think we can arrange it. I will be only too glad to have that done.

Mr. WADSWORTH. There is only one point at issue, and it is purely a question of administration. The principle back of the bill arouses no difference of opinion, I think.

Mr. BRUCE. I will be very glad to have an agreement entered into for the consideration of the bill and also limiting the time of discussion on it.

The VICE PRESIDENT. Under objection the bill will go over.

AMENDMENT OF GENERAL LEASING ACT

The bill (H. R. 7372) to amend section 27 of the general leasing act, approved February 25, 1920 (41 Stat. L. p. 437), was announced as next in order.

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

Mr. LA FOLLETTE. Let the bill be read, please, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. SMOOT. Mr. President, my attention has just been called to this bill, and I have not even had an opportunity to

read the report. I should like to have it go over to-day in order that I may be able to read the report.

Mr. JONES of New Mexico and Mr. STANFIELD addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I have no special interest in this bill, but I believe if the Senator from Utah understood it he would make no objection to its passage.

Mr. SMOOT. As I have said, I have not had time to read the report on the bill.

Mr. JONES of New Mexico. I can state in a few words the purpose of the bill. Under the general leasing act of 1920 it is provided that no person shall have more than three leases in any one State. That has been construed to mean even if a lease consisted of only 20 acres or 40 acres, that such a lease shall constitute one-third of the right to lease in the State. This bill is intended to amend the law so as to carry into effect the original intention, that the lessee might in any given State have three leases of 2,560 acres each, and the bill bases the amount of land which can be held under leases in a State on area instead of on the number of leases. That is the only change the bill makes.

Mr. BORAH. From what committee does the bill come?

Mr. JONES of New Mexico. From the Committee on Public Lands and Surveys.

Mr. BORAH. Has the bill been unanimously reported?

Mr. JONES of New Mexico. The bill has been unanimously reported, I may say to the Senator.

Mr. SMOOT. I withdraw my objection.

Mr. ROBINSON of Arkansas. Does the bill propose to make any other change in existing law than that with reference to the acreage which may be embraced in the leases?

Mr. JONES of New Mexico. It makes no change except that instead of the number of leases which may be held in a State it fixes the number of acres to conform to what was the original intention of the act of 1920.

The VICE PRESIDENT. Does the Senator from Wisconsin desire the further reading of the bill?

Mr. LA FOLLETTE. No, Mr. President; I am satisfied with the explanation which has been given.

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

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

Be it enacted, etc., That section 27 of the general leasing act approved February 25, 1920 (41 Stat L. p. 437), is hereby amended to read as follows:

"That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings."

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

ESTATE OF WILLIAM FRIES

The bill (H. R. 962) for the relief of the estate of William Fries, deceased, was announced as next in order.

Mr. DENEEN. Mr. President, I ask unanimous consent that that bill may be recommitted to the Committee on Claims, in view of certain information which has been submitted to the committee.

The VICE PRESIDENT. Without objection, the bill will be taken from the calendar and recommitted to the Committee on Claims.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF NEW YORK

The bill (S. 1490) to provide for the appointment of an additional judge of the district court of the United States for the western district of New York was announced as next in order.

Mr. COPELAND. Mr. President, I interposed an objection to this bill the last time it was reached on the calendar. I have since discussed the matter with my colleague and we have gone over the bill together. I am in full accord with it and so wish to withdraw the objection which I have interposed.

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

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Chair is informed that on April 10 last the amendment reported by the committee was agreed to.

Mr. KING. Mr. President, let me ask the Senator whether the situation calls for an additional judge? We have been creating them not by the pairs, but 25 additional judges were created a short time ago, and now we are about to lift the floodgates and create a large number of additional judicial districts and appoint additional judges.

Mr. WADSWORTH. Mr. President, this bill provides for an additional judge for the western district of New York. Not within my knowledge has any suggestion been made for an additional judge in that district until the last four or five years, during which period the situation has become exceedingly acute.

The district is growing in population very rapidly. It includes the city of Buffalo and the manufacturing towns up and down the Niagara frontier. It includes the city of Rochester, and, as I recall, 14 populous counties. There is but one judge there now.

It is the universal opinion of the members of the bar that the Federal district judge in that district at present is terribly overworked. I think I have never known a public officer so driven as is Judge Hazel, of the western district of New York. Literally, he never gets a day off. The court is having extraordinary difficulty in keeping up with its docket. Of course, the number of cases has increased tremendously. We must remember that the western district of New York is on the frontier, as it were, the Canadian border, marked by the Niagara River. The complications there with respect to the enforcement of the prohibition law and the narcotic law are acute beyond the average. There is a letter, made a part of the report of the Judiciary Committee, written by Judge Hazel himself; and I may say that in addition to that the United States attorney of that district, Mr. Templeton, also wrote a letter, which I handed to the chairman of the Judiciary Committee, confirming what Judge Hazel says.

I call the attention of the Senator from Utah to Judge Hazel's letter, which is found in the report. He says, in part:

Even before prohibition there was always considerable criminal business, and that, added to the common-law cases, patents, and admiralty pretty well filled up the time of the court; but since the

national prohibition act passed nearly three weeks of each term of court are taken up with the disposal of cases of that description, including, of course, smuggling liquor cases now and then. United States Attorney Templeton informs me that there are about 1,500 liquor cases on the docket wherein pleas of not guilty have been entered—cases that ought to be tried speedily—and there are thought to be about 600 pending before the United States commissioners in which informations are to be filed. In this district there are six terms of court held in different localities—two regular terms at Buffalo, one at Rochester, Canandaigua, Elmira, and Jamestown, and it happens not infrequently that one term of court continues until another commences.

One can see from that statement the pressure under which the Federal judge is placed in this situation.

Special terms for trial of criminal cases have been held by judges from New York, Vermont, and New Hampshire at different times while I was engaged in civil work. It is not only the trial of prohibition cases but arraignments to plead, which occur frequently, and motions to quash search warrants for illegal searches and seizures, and motions to return automobiles unlawfully seized, which take up considerable time.

I may interpose there the observation, which I think the Senator from Utah will understand, that in a very large degree we have converted our Federal courts into police courts.

These matters mostly come up each week on the regular motion day, but they are often continued to other days for one reason or another. This, of course, tends to delay other trials and decisions. In patent cases, for example, testimony is taken in open court and often a week or two are required for these hearings. And so it is with admiralty—most of my time during the month of February having been given up to the latter.

I think it should be understood, also, that the Department of Justice recommended an additional judge several years ago, and so has the conference of circuit judges, held at Washington last September, and bar associations throughout the district have passed resolutions asking for the appointment of an additional judge for the western district.

I have been reading from the letter of Judge Hazel. I have also received a letter from the presiding judge of the circuit court of appeals of the district urging very strongly that relief be granted to the western district of New York. The Judiciary Committee has examined into the matter very carefully and has reported this bill, I believe, unanimously.

Mr. BRUCE. Mr. President, I wish merely to say to the Senator from Utah that there is nothing exceptional or unusual about this application of the Senator from New York for the appointment of another judge in his State. There is pending at the present time a very considerable number of similar applications, and so far as I have been able to ascertain the necessity for those applications has been brought about wholly or in the main by the workings of the Volstead Act.

Of course, whatever we may think of the Volstead Act, I conceive it to be our duty, so long as that act is upon the statute books, to see that there is the proper number of judges to administer its provisions. Nobody would have anything but a feeling of contempt for the President of the United States or for any executive or judicial official of the United States who did not discharge the full measure of his duty in relation to that act as to every other Federal act.

It so happens that I find myself in the same situation as the Senator from New York. An application has been made by the present Federal judge of the district of Maryland—Judge Soper, a very able, faithful, and conscientious judge—for the appointment of an associate. He finds that cases arising under the Volstead Act have assumed such large proportions that he is unable unaided to dispose of the business of his court. He is, I believe, a year and a half behind with his calendar, and in a recent letter written to the senior Senator from Tennessee [Mr. McKELLAR] he states that one-half of all the time of his court might be properly devoted to the hearing of cases arising under the Volstead Act alone. So, feeling that it was but due to him and to the administration of justice that he should have all the judicial assistance that his office required, I, too, as the chairman of the Senate Judiciary Committee knows, made an application for the appointment of an additional judge for the district of Maryland under precisely the same circumstances as those under which the Senator from New York is making his application.

I should like to add in this connection that if any Member of the Senate has any curiosity about the exigencies as respects the services of judges created by the practical workings of the Volstead Act, all he has to do is to look at a series of letters, recently published in the CONGRESSIONAL RECORD, addressed to the senior Senator from Tennessee [Mr. McKELLAR] by judges in different portions of this country, telling just how far they were overburdened by business imposed upon them by the administration of the Volstead Act. Indeed, it is a very interesting fact that in one case the responsibilities imposed upon a judge—the judge of the district of Minnesota—by that act proved so onerous that he took his own life, leaving behind him a note saying that he had hoped to be able to end all the liquor and narcotic cases before him, but that he had found that they had ended him.

But, as I say, we have no choice. Law is law in the courts if nowhere else. Whoever else may disregard it, it can not be disregarded by its own ministers. Therefore, I hope that in the light of the considerations that I have suggested, if no others, this bill will receive the approval of the Senate.

Mr. CUMMINS. Mr. President, as chairman of the Judiciary Committee I think I ought to say that we have given this and all other cases in which bills have been introduced for additional judges the most careful consideration; and our course is determined by the state of the business in the particular district.

In the western district of New York it is utterly impossible for any judge to do the business that comes before that court for disposition. The cases are accumulating from month to month and from year to year, and it is such a denial of justice as shocks the moral sense of anyone who examines the situation. We will have to add a great many judges if we intend to administer the laws as they are now before us. There is no doubt whatever about the great and pressing need of an additional judge in the western district of New York.

Mr. KING. Mr. President, I hope the chairman of the Judiciary Committee will report a bill repealing a multitude of little petty cases that are denominated misdemeanors and come within the cognizance of Federal control, and I hope that he will oppose a lot of the bills before us that create more Federal offenses.

Mr. CUMMINS. I am very much in favor of restricting some of the jurisdiction of district judges; but, even if we did that, if we went to any length that it is reasonable to suppose we will go, there nevertheless is still a necessity for additional district judges, but not altogether on account of the Volstead Act. It is because of the accumulation, the development, the growth of business in the United States.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

COTTON AND GRAIN FUTURES

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Let that go over.

Mr. CARAWAY. Mr. President, I hope the Senator from Louisiana will agree that at some near date this matter may be considered.

Mr. RANSDELL. I shall be very glad to discuss the matter at any date in the future we can agree on.

Mr. CARAWAY. Would the Senator have any objection to the bill being taken up for consideration immediately after the disposition of the public buildings bill?

Mr. RANSDELL. I do not know that I would like to agree to that. I do not want to interfere with the program here. Personally, I would not have any special objection. I will say to the Senator from Arkansas that I shall be very glad to get a vote on this proposition. I want to discuss it quite fully. I think it is going to take a good while to discuss it.

Mr. CARAWAY. I will discuss it with the Senator, then, without delaying the business of the Senate, because I want to get some kind of action on it soon.

Mr. RANSDELL. I will say to the Senator that I shall be very glad indeed to have it discussed and voted on.

Mr. CARAWAY. Very well.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NICK MASONICH

The bill (S. 2348) for the relief of Nick Masonich was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the general manager of the Alaska Railroad is hereby authorized and directed to pay, out of the appropriations for said railroad, to be reimbursed by transfer of funds from the United States employees' compensation fund, to Nick Masonich, who was disabled by personal injury sustained while in the performance of his duty as a member of a station gang employed by the Alaskan Engineering Commission, the respective monthly amounts that would have been allowable under provisions of the United States employees' compensation act had he been an employee of said commission receiving wages at the rate of $100 per month at the time of injury.

Mr. WHEELER. Mr. President, I will state for the benefit of the Senate that this bill was introduced by my colleague [Mr. WALSH], asking that this man, Masonich, should be allowed to come under the compensation act. He was injured while employed on the Alaska Railroad as a workman, and the compensation board held that he did not come strictly within the meaning of the term because of the fact that he contracted to do some of the work that he was doing rather than to be on day's pay; but the reason why the work was let out in that way was so that they would get more work out of the workmen. He was to all intents and purposes a workman working upon this railroad, just the same as if he had been getting his day's pay, and this is simply to avoid a strict legal interpretation placed upon it. This man lost both of his eyes in a blast, and was otherwise seriously injured; and all we are asking is that he be allowed to come under the general act allowing compensation in such cases.

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

SACAJAWEA, OR BIRD WOMAN

The joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman, was announced as next in order.

Mr. KENDRICK. Mr. President, the joint resolution is intended to provide a monument for the famous Indian woman who acted as interpreter for the Lewis and Clark expedition. Recently there has been some controversy raised as to the burial place of Sacajawea, and I therefore ask that the joint resolution be recommitted to the Committee on Indian Affairs, so that further investigation may be made.

The VICE PRESIDENT. Without objection, the joint resolution will be recommitted.

ROYALTIES ON PRODUCTION OF MINERALS

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. WILLIS. That is a rather important bill, and I notice the chairman of the committee, having charge of this, is not present. I suggest that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

TRANSPORTATION OF POISONS THROUGH THE MAILS

The bill (S. 2657) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. FRAZIER. Mr. President, this bill provides for a slight amendment to the present law. On page 2, lines 17 to 22, it reads:

Provided further, That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to the specifications of the Postmaster General, shall be accepted for mailing.

The Department of Agriculture recommends this bill, and the various farm organizations recommend it very highly. The Postmaster General makes no particular objection. The type of containers is left entirely to the discretion of the Postmaster General. We had a hearing on the bill, reported it favorably, and I believe it would be of great benefit to the farmers, especially in the sparsely settled districts of the Middle West and the West, and also to fruit growers.

Mr. BINGHAM. I would like to ask the Senator whether I am correct in my understanding that the only new part of the bill is on page 2, lines 17 to 22?

Mr. FRAZIER. That is all.

Mr. BINGHAM. I have received objection from certain retail merchants, those who run country stores, stating that they feared that this bill would prevent them selling certain articles containing poison, and would compel people to go to drug stores.

Mr. FRAZIER. I do not believe that objection is valid. This simply is to allow certain articles to be sent through the mail by parcel post.

Mr. BINGHAM. Then there is no more restriction than there was before?

Mr. FRAZIER. No further restriction. As the Senator will notice a little higher up on the same page, in lines 11 and 12, certain poisons can now be mailed by manufacturers thereof or dealers therein "to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians." This simply provides that they may be mailed to other people as well who use these articles.

Mr. KING. Mr. President, I would like to ask the Senator how much this supplements existing law, and whether or not, in his opinion, dangers are not to be apprehended from the use of the mail for carrying the kinds of poisons covered in this bill?

Mr. FRAZIER. I did not get the first part of the Senator's question.

Mr. KING. To what extent does this bill modify or change existing law?

Mr. FRAZIER. Just to the extent that is provided in lines 17 to 22 on page 2. Most of these articles may be sent through the mails now by wholesalers to physicians and dealers. They may be sent through the mail by parcel post.

Mr. KING. The Senator thinks it wise to permit the use of the mail for the transmission of poisons of various kinds, arsenical and other kinds, poisons of the most virulent character?

Mr. FRAZIER. The last part of the bill states that the container must be approved by the Postmaster General. In the hearings containers were brought before the committee, and they have been put through various tests. They stood the usual tests and some unusual tests.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, after line 18, to insert the words "or for the destruction of rodents or other animal pests," so as to make the bill read:

Be it enacted, etc., That section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended to read as follows:

"SEC. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable material, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, composition, or materials, of whatever kind, which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier: *Provided*, That the Postmaster General may permit the transmission in the mails from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided further*, That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to specifications of the Postmaster General, shall be accepted for mailing: *Provided further*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

MILITARY STATUS OF UNITED STATES ARMY CHAPLAINS

The bill (S. 3284) to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Will not the Senator withhold his objection just for a moment? I think I can explain this bill.

Mr. KING. I will do so.

Mr. WADSWORTH. At first reading the bill may seem to bring about some very drastic changes in the matter of the rank of chaplains of the Army. As a matter of fact, the changes are very slight. The purpose of the bill is to put chaplains in the Army on exactly the same basis as the Medical Corps and the Dental Corps and Veterinary Corps in the matter of rank. Rank in those corps is covered by length of service. The chaplains have a little less favorable consideration than the others. This puts them on exactly the same basis with the other noncombatant professional branches. The annual cost incident to the enactment of this legislation will be only $6,600.

Mr. KING. I am familiar with the bill, and I know the objects of it. When I was a member of the Naval Affairs Committee I opposed this purpose to give pharmacists and veterinarians and chaplains the rank of admirals. I have objected to this plan, which has become, of course, a fixed one, and I do not expect my objection to change the accepted order of making dentists and veterinarians and chaplains officers, giving them rank and advancing them from time to time in the military ranks which are provided by law. I know it is the established order and my objections do not carry any weight, but I think it is unwise, I think it is unnecessary, and I wish we could resort to this question de novo, and draw a bill that would let fighting men get the ranks, and let those who are civilians and noncombatants get their compensation, but serve as noncombatants and civilians, instead of being admirals and generals and colonels and captains and majors, when they are horse doctors or chemists, or when they pray. Probably the chaplains deserve more consideration than the horse doctors.

Mr. WADSWORTH. This is to give the same relative rank to chaplains in the matter of length of service as is given to the other professional services, and I do not see how it can be denied, as a matter of simple justice. These men are with troops all the time. They must go where the troops go.

Mr. KING. I withdraw the objection, but I want the RECORD to show that I vote against the bill.

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

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

Be it enacted, etc., That that portion of section 15 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 5 years, first lieutenant; 5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving," be, and the same is hereby, amended to read as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 3 years, first lieutenant; 3 years to 12 years, captain; 12 to 20 years, major; 20 to 26 years, lieutenant colonel; over 26 years, colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of a brigadier general while so serving."

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

AMENDMENT OF THE CONSTITUTION OF THE STATE OF NEW MEXICO

The joint resolution (S. J. Res. 46) giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect, was announced as next in order.

Mr. BRATTON. The junior Senator from Missouri [Mr. WILLIAMS] requested me two or three days ago to withhold action in this matter until he might investigate it. He is out of the Chamber at this time, and I ask that it go over without prejudice. If the Senator comes in during the call of the calendar, I shall ask that we return to it.

The VICE PRESIDENT. The joint resolution will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert the following:

That paragraph (18) of section 1 of the interstate commerce act as amended is amended to read as follows:

"(18) After this paragraph takes effect no carrier by railroad subject to this act shall undertake the construction of an entirely new line of railroad unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction and operation of such line of railroad, and no carrier by railroad subject to this act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment; but no such certificate for the abandonment of any line of railroad, or any portion of any line of railroad located wholly within one State, or of the operation thereof, shall operate to relieve the carrier from also procuring such authority for such abandonment from that State as may be required by its laws."

SEC. 2. That paragraph (19) of section 1 of the interstate commerce act as amended is amended by striking out "or extended."

SEC. 3. That paragraph (20) of section 1 of the interstate commerce act as amended is amended by striking out "or extension thereof,".

Mr. MAYFIELD. Mr. President, I can explain this in just a word or two. This amendment was recommended by the subcommittee to meet the objections of the Senator from Iowa [Mr. CUMMINS]. As the bill is amended now it applies only to the extension of railroads that are in existence and not to any new construction whatever.

Mr. COUZENS. Do I understand the Senator to mean that this applies to a railroad wholly within a State?

Mr. MAYFIELD. No; anywhere.

Mr. COUZENS. It can be extended to roads engaged in interstate commerce?

Mr. MAYFIELD. Yes; I discussed that fully with the Senator from Iowa, and he said he thought it should be amended so as to permit railroads now in existence to make extensions anywhere. I accepted that amendment at his suggestion.

Mr. CUMMINS. Mr. President, of course the Interstate Commerce Commission has no jurisdiction save over a road that does an interstate business. The transportation act provides that in every case of extension or construction an application must be made to the Interstate Commerce Commission for the purpose of ascertaining whether it is necessary that it shall be done, whether it is wise. While I think that is a sound policy, so far as original undertakings are concerned, I can see no reason for securing the approval of the Interstate Commerce Commission for a mere extension of an existing road. Therefore I said to the Senator from Texas that not only would I not object to this amendment to the transportation act but that I was in favor of it. I think it ought to pass.

Mr. JONES of New Mexico. Mr. President, may I inquire if this changes the present law in any respect with regard to the building of a new railroad wholly within a State?

Mr. MAYFIELD. It does not affect new construction at all.

Mr. CUMMINS. Every railroad is within some State, and the jurisdiction of the Interstate Commerce Commission does

not depend upon the physical location of a particular railroad. It depends upon whether that railroad does or is intended to do an interstate business, and it may be said that there is not a railroad in the United States that does not carry goods that are in interstate commerce.

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

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill to amend paragraphs (18), (19), and (20) of section 1 of the interstate commerce act, as amended."

NAVAL RESERVE FORCE AND MARINE CORPS RESERVE

The bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REMOVAL OF GATES AND PIERS

The bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building was announced as next in order.

Mr. JONES of Washington. I ask that that may go over. Furthermore, I want to ask how that got on the calendar. It does not appear to have been reported by a committee and has not even been referred to a committee.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Chair is informed by the clerk that the bill came over from the House and was placed on the calendar because of the fact that a similar bill had already been reported by the committee and placed on the calendar.

Mr. JONES of Washington. Has this bill been substituted for a Senate bill?

Mr. WILLIS. Mr. President, I think I can explain the situation. It has not been substituted, but there is a similar bill on the calendar. That is no doubt the reason why it was done. I do not recall specifically the circumstances, but that is undoubtedly why it was done, because the committee had already acted on a similar bill. Perhaps the Senator from Maine [Mr. FERNALD] can state the facts.

Mr. FERNALD. I do not know how it happens to be on the calendar, but there is a similar bill on the calendar at an earlier point.

The PRESIDING OFFICER. Calendar No. 443 is similar, but not identical.

Mr. JONES of Washington. I think the bill had better go to a committee.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

Mr. KING. Mr. President, I ask the Senator from Maine if he is not willing that it should go to the Committee on the District of Columbia. The District Committee is trying to look after District affairs.

Mr. FERNALD. These matters have always come from the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The Chair will state that inasmuch as Order of Business No. 443 has been reported from the Committee on Public Buildings and Grounds, it is appropriate that this similar bill should be referred to the same committee.

Mr. KING. It does not necessarily follow. I think it ought to go to the Committee on the District of Columbia, where the Senator from Washington and others of us who are giving attention to the streets and buildings of the city will have something to say in regard to the propriety of the measure.

Mr. FERNALD. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Objection is made. The question is on the motion of the Senator from Maine that House bill 54, authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

FEES FROM ROYALTIES ON INDIAN LANDS

Mr. HARRELD. Mr. President, I was unavoidably detained by the so-called prohibition committee when Order of Business 535, the bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands, was passed over. May I ask that we recur to that order of business?

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to return to Calendar No. 535. Without objection, it is so ordered.

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties on production from the leasing of restricted Indian lands for mining purposes, the amounts collected to be covered into the Treasury subject to appropriation by Congress for necessary supervision in connection with the execution, development, and operation of leases: *Provided*, That no collection shall be made from Indian lessors where agency expenses are paid entirely from tribal funds.

Mr. JONES of New Mexico. Mr. President, I would like to inquire if there has not been a misprint in the bill. Did they not intend lessees rather than lessors? Is it intended to collect from the lessor or the lessee?

Mr. HARRELD. The fees are collected from royalties coming to Indian tribes. I will say to the Senator that in handling leases on properties, Executive-order lands, if we may call them that, or other lands belonging to Indians, there is a great deal of expense to the Government. The bill gives the Secretary of the Interior the right to levy a tax on the royalty that accrues in his hands from those lands in sufficient quantities, not exceeding 3 per cent, to cover the actual expense of making the leases and handling the matter of leasing.

Mr. JONES of New Mexico. Then the bill relates to cases where individuals become lessors in leasing lands under the supervision of the Interior Department.

Mr. HARRELD. Exactly so. It allows them a certain amount, not exceeding 3 per cent, for expenses incidental to the handling of the leases, and it relieves the Public Treasury to that extent.

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

RELIEF OF CERTAIN NEWSPAPERS

The bill (S. 2620) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston, Tex., newspaper, $65.17, and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. BAYARD. I think I can explain the bill. The bill is to aid certain newspapers who printed advertisements at the request of the Federal Government. When the time came for payment it seemed that conditions precedent had not been complied with which required certain notice to be given to and permission obtained from the Secretary of the Treasury.

The first item was for the publication by the Federal Government of an advertisement in regard to the "flu" epidemic, and others in regard to sanitary arrangements conducted by the Federal Government. In each case the Federal Government got full consideration and in each case the money was in the Treasury, but because of this technical requirement of notification before hand, it could not be paid to the claimants. In each case the money was turned back to the Federal Treasury. The Government has lost nothing, but obtained full benefit from the advertisement. I trust the Senator realizes the situation, as it was explained two years ago and again last year. A similar bill has passed this body twice.

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

CUSTOMS BUILDINGS IN PORTO RICO

The bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the completion and repair of customs buildings in Porto Rico, under allotments provided by the acts of Congress approved January 10, 1920, and June 7, 1924, respectively, the sum of $7,700, and that he be, and is hereby, authorized and directed to pay Contractor Antonio Higuera the sum of $1,826.80 for extra work performed in addition to the amount of money available under allotment provided by the act of January 10, 1920, and that he be likewise authorized and directed to reimburse said contractor the sum of $300 for balance due him for furnishing labor, equipment, and materials to test foundations before building the new customhouse at San Juan, P. R., act of January 10, 1920, all said amounts to be paid out of duties collected in Porto Rico as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

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

Mr. WILLIS. Mr. President, in order that there may be a full explanation at hand I ask to have printed in the RECORD a letter from the Secretary of the Treasury bearing upon this subject.

The PRESIDING OFFICER. Without objection, the letter from the Secretary of the Treasury will be printed in the RECORD.

The letter is as follows:

MARCH 26, 1926.

MY DEAR MR. CHAIRMAN: Your letter of the 6th instant addressed to the First Assistant Postmaster General, transmitting copies of H. R. 9831 and H. R. 9314, alloting certain funds from the Porto Rico tariff fund for the erection and completion of customs buildings in Porto Rico, and asking for the facts in this connection, has been referred to this department for attention.

H. R. 9314 provides for the construction of customs offices on the roof of the customs warehouse. The customs offices at San Juan are now located in the Federal building at that port and have sufficient space in which to transact the customs business. The post office, located in the Federal building, however, is in urgent need of additional space, according to reports received by the department. The proposition to construct quarters for customs offices on the roof of the customs warehouse at San Juan is made to relieve congestion in the Federal building, so as to provide much needed space for the post office. It is not essential to the proper functioning of the customs service in the islands, but will concentrate the work of the headquarters port of the customs service in one building, and in this respect be an added convenience to the importers as well as the officers of the service.

H. R. 9831 provides for the completion and repair of customs buildings in Porto Rico under allotments provided by the acts approved January 10, 1920, and June 7, 1924, and also authorizes and directs the payment to Antonio Higuera of $1,826.80 for extra work in connection with the construction of the customs warehouse at San Juan, and $300 for expense incurred in connection with the testing of the foundations before the building was erected.

There is transmitted herewith a letter dated January 13, 1926, addressed to the collector at San Juan by the commissioner of the interior of Porto Rico, under whose technical supervision the building was constructed, which fully states the facts connected with the charge of $1,826.80 for work in excess of the contract and in excess of the expenditures authorized by the department.

A copy of the letter of October 7, 1925, addressed to the department by the collector at San Juan, and a copy of a letter from the commissioner of the interior to the collector of San Juan, under date of December 26, 1925, giving the facts in detail concerning the additional charge of $300 for the testing of foundations before the erection of the customs warehouse was commenced, are also inclosed.

The $7,700 mentioned in this bill for the completion of repairs to certain buildings is needed to complete the work of repairs of buildings damaged by the earthquake, for which the allotment originally made by the act was not sufficient. It is desirable that these buildings be fully completed, which can be done if the amount mentioned in the bill, $7,700, is made available.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. FRANK B. WILLIS,
Committee on Territories and Insular Possessions,
United States Senate.

(Inclosures.)

GOVERNMENT OF PORTO RICO,
DEPARTMENT OF THE INTERIOR,
January 13, 1926.

COLLECTOR OF CUSTOMS,
San Juan.

DEAR SIR: You will remember that when the customs warehouse building at this port was nearing completion it was found that the money available would not be enough to finish certain items included in the contract, and that it would therefore be necessary to leave these unfinished unless more money was made available.

You will no doubt recall that when we made a visit to the building together we saw that it would really be a shame to leave these few items unfinished, since the money required to complete the building entirely was really very small, and, on the other hand, the building could hardly be left in the state it then was, as it would suffer greatly in appearance and in its ability to stand wear and tear.

The two big items which were not complete were the cement top dressing and the wall finish with carborundum. The difference in appearance between the finished sections and those not completed was very marked, and it was also easy to see that unless the entire floor received a good cement top dressing it would deteriorate rapidly under the heavy traffic.

With this thought in mind, and considering also that if this work was done at a later date, as would no doubt be the case, the cost of execution would far exceed its cost at that time, we instructed the contractor to go ahead with the work, so that the building could be turned over to you complete in all its details.

When we took this step we felt confident that under the circumstances it was the wise thing to do, and that when matters were fully explained it would be easy for you to obtain the money needed to cover the cost of this work.

The following is an itemized list of work done by the contractor for which he has not received payment:

928 square yards cement top dressing, at $1	$928.00
4 cubic yards reinforced concrete slat over elevator shaft, at $22	88.00
2,286 square yards wall finish with carborundum, at $0.30	685.80
1 wood platform for the auctioneer, at $25	25.00
10 hose bibbs, at $10	100.00
Total	1,826.80

It should also be mentioned that in order that this work might be carried on, the contractor agreed to reduce the price for the wall finish and the hose bibbs from $0.50 to $0.30 and from $15 to $10, respectively.

I trust that this letter, which is in the way of a reminder and an explanation, will enable you to obtain the small amount necessary to close this matter.

Very truly yours,

——— ———, *Commissioner.*

CERTAIN PRIVILEGES UNDER NATURALIZATION LAWS

The bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War was considered as in Committee of the Whole and was read.

Mr REED of Pennsylvania. Mr President, I think I can save time by explaining in a few words the purpose of the bill.

It was found at the close of the World War that a number of American veterans accepted their discharges in Europe in order that they might visit their families, their parents, who are still living abroad. Most of them came back to this country within the following 12 months. A few of them, for family or business reasons, were detained. There are at present abroad something less than 5,000 American veterans holding honorable discharges from our Army and Navy. Most of them want to stay there, but a few of them have tried to come back and have discovered to their astonishment that although they hold an honorable discharge from our service they are not good enough to be allowed free admittance to the United States without waiting for the quota.

The American Legion post in Rome is the original sponsor for the legislation. They have a membership of over 700 ardent American veterans, all English-speaking, all of them trained soldiers, all of them with honorable discharges. About half of them are anxious now to get back to the United States. Their parents have died or they have settled up the business matters which kept them there, and it seemed to the Committee on Immigration, although we believe most sternly in standing by the immigration policy of the United States, that any man who had an honorable discharge from our forces and was good enough to fight for us in our Army or our Navy is good enough to come back to the United States where he was enlisted.

Mr. JONES of Washington. Mr. President, I think the Senator has answered what I was about to ask, which was that most of these men, as I understand, actually enlisted in this country.

Mr. REED of Pennsylvania. Oh, absolutely every one of them enlisted in this country. They were all here originally. Their absence from the United States occurred because we took them abroad with our armed forces. They were here lawfully in the beginning. They had emigrated to the United States in the past. We took them away from the United States to fight for us, and now we will not let them come back.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Utah.

Mr. KING. The bill is reported just as we agreed upon it in the committee?

Mr. REED of Pennsylvania. Precisely; but I want to add a word in that connection. I am coming now to the second section of the bill, which relates to naturalization. During the World War there was put into one of the World War acts, an act passed in July, 1918, I think, a provision allowing the immediate naturalization of these men. A good many thousand aliens then in our Army took advantage of that provision. It was discovered afterwards that a requirement had been adopted here by the Bureau of Immigration, which was not communicated to the officers of our forces abroad, that the naturalization papers then issued should be invalid unless they were filed in the office of the clerk of a district court in this country. Possibly that was in the original law. In any event, it was not known to the officers who administered the naturalization.

I know of several instances in my own State of men who came back and regarded themselves as citizens and went ahead voting. Some of them are voting yet. But technically their naturalization was not complete, because on their return to this country they did not file their papers with the clerk of a district court.

The provisions of the bill are entirely temporary. Immigration is allowed only for a period of one year from the passage of the bill. It is not intended to be a permanent policy. Naturalization is allowed only for a period of two years from the passage of the bill under the provisions of the war time law. Neither section changes the permanent policy of the country.

The PRESIDING OFFICER. Under the five-minute rule the Senator's time has expired.

Mr. REED of Pennsylvania. I ask unanimous consent to proceed two minutes more.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. REED of Pennsylvania. The legislative drafting service has drafted a bill accomplishing exactly the result aimed at by this bill, making no change in any sense except that it provides against the return of any veteran who has a loathsome or dangerous or contagious disease. Such a provision ought to be put in, and I think the committee overlooked it. It provides against the return of a polygamous person, a procurer, contract laborer, a person previously deported, or a person convicted of a crime. The drafting service thought properly enough that these exceptions ought to remain in the bill, and they have rewritten to the same effect the bill now reported. I believe what they have written and what has been instituted in the House by Mr. TILSON does the same thing in a better way than the bill now here, and therefore I offer it as a substitute for the bill now pending and ask that it be read.

The PRESIDING OFFICER. The Clerk will read the proposed substitute.

Mr. REED of Pennsylvania. It is very short and will not take long.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That (a) as used in this act the term "alien veteran" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the immigration act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the immigration act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the immigration act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported;

(6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband of an alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant when accompanying or following within six months to join him, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of one year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms of this act, even though such alien would be subject to exclusion if this act had not been enacted.

SEC. 7. An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

Amend the title so as to read: "A bill to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War."

Mr. WADSWORTH. Mr. President, I have an amendment to offer to House bill 9761, which has already been printed. That amendment is drawn to fit the text of House bill 9761. The Senator from Pennsylvania [Mr. REED] has now moved to substitute another bill for the bill which is on the calendar with an entirely different arrangement textually. That means that the amendment which I have drawn would not fit it. I suggest that the amendment which I have drawn and have submitted to the Senate, and which now lies on the table, which I want to offer, should take precedence over the amendment suggested by the Senator from Pennsylvania, because my amendment is to perfect the text of the bill now on the calendar.

Mr. REED of Pennsylvania. Mr. President, I think that is a proper way of going about the matter. We can first vote on the amendment of the Senator from New York and then on the substitute. I hope the Senate will do that. In that way the matter can be disposed of very readily.

The PRESIDING OFFICER. The Chair will rule that the amendment of the Senator from New York is in order and direct the clerk to read the amendment.

Mr. JONES of Washington. Might I ask, should we adopt the amendment of the Senator from New York and then adopt the substitute of the Senator from Pennsylvania, would not that do away with the amendment of the Senator from New York?

Mr. WADSWORTH. The test will come on the amendment offered by myself. Of course, if the amendment offered by myself shall be adopted, the amendment of the Senator from Pennsylvania logically would be rejected, because it would be inconsistent.

Mr. JONES of Washington. It would be inconsistent.

Mr. REED of Pennsylvania. I think the two amendments are so inconsistent that if the amendment of the Senator from New York wins mine must lose.

Mr. FESS. Is the amendment proposed by the Senator from New York to the Senate bill?

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor. Does he yield; and if so, to whom?

Mr. WADSWORTH. No; I want to say in explanation of the question which has been asked me by the Senator from Ohio [Mr. FESS] that the amendment which I have had printed and which now lies on the table awaiting the consideration of House bill 9761 is an amendment to the House bill now being considered.

Mr. FESS. It is an amendment to the House bill?

Mr. WADSWORTH. It is an amendment to the House bill which is now on the calendar and is drawn to fit into that bill.

Mr. FESS. And a House bill is the substitute offered by the Senator from Pennsylvania [Mr. REED]?

Mr. WADSWORTH. The Senator from Pennsylvania, after describing the House bill that is on our calendar, offered a substitute for it to accomplish the same purpose, but with an entirely different arrangement of language.

Mr. FESS. Does the Senator from Pennsylvania offer a substitute for the House bill to which the Senator from New York desires to offer an amendment?

Mr. WADSWORTH. Yes; I have offered an amendment to it.

Mr. FESS. Then the question will come first on the amendment of the Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has conceded that.

Mr. BRUCE. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. BRUCE. I should like to ask the Senator from Pennsylvania whether the amendment offered by the Senator from New York is satisfactory to him?

Mr. REED of Pennsylvania. Absolutely not. The amendment proposed by the Senator from New York does not relate to the veterans.

Mr. ASHURST. Mr. President, before the vote is taken, I hope the Senator from New York and the Senator from Pennsylvania, respectively, will explain just what the two proposals are.

Mr. FESS. Mr. President——

Mr. WADSWORTH. The amendment which I now offer—and I will ask the Secretary to read it in just a moment—does not——

Mr. BLEASE. Mr. President——

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

Mr. WADSWORTH. I yield for a question.

Mr. BLEASE. I object, Mr. President, to the consideration of either of the amendments. The amendment of the Senator from Pennsylvania should lie over. I think this is too important a matter to be passed on now.

The PRESIDING OFFICER. The Senator from New York yielded only for a question, the Chair will say to the Senator from South Carolina.

Mr. BLEASE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York did not yield for any purpose except for the asking of a question.

Mr. REED of Pennsylvania. I will say to the Senator from South Carolina that my amendment has been printed as a House bill and is available for every Senator.

Mr. BLEASE. I object.

Mr. WADSWORTH. I did not yield the floor to be taken off the floor.

The PRESIDING OFFICER. The Senator from New York has the floor and declines to yield.

Mr. BLEASE. This is a matter of unanimous consent. I have suggested that there is no quorum present, and I demand a quorum to transact the business of the Senate.

The PRESIDING OFFICER. The Senator from New York has the floor and has declined to yield.

Mr. BLEASE. Does the Chair hold that a Senator can not raise the question of a quorum at any time?

Mr. KING. A parliamentary inquiry, Mr. President.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. I inquire if it is not permissible, even when a Senator is on the floor, under the rule under which we are operating this morning, for another Senator to raise objection to the consideration of a bill?

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor, and having been asked to yield stated that he yielded for a question only. The Chair therefore construed his yielding the floor to be for that purpose only.

Mr. BLEASE. I call for the regular order.

Mr. COUZENS. A parliamentary inquiry, Mr. President.

Mr. BLEASE. I call for the regular order of business.

Mr. COUZENS. Mr. President, a parliamentary inquiry.

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

Mr. WADSWORTH. I have to yield to the parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state his parliamentary inquiry.

Mr. COUZENS. The Senator from Pennsylvania asked unanimous consent to proceed for two minutes beyond the time allowed by the rule. I ask the Chair if that two minutes have not expired and if therefore the Senator from Pennsylvania was not out of order?

The PRESIDING OFFICER. The Chair rules that the Senator from New York has the floor on another amendment.

Mr. COUZENS. I submit that when this bill came up the Senator from Pennsylvania asked permission to go two minutes beyond the five minutes allowed under the rule, and he proceeded over the two minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania did not exceed the two minutes granted to him.

Mr. REED of Pennsylvania. Will the Senator from New York yield to me for a question?

Mr. WADSWORTH. Yes.

Mr. REED of Pennsylvania. If the Senator from New York will look at Order of Business No. 603 on the calendar, being House bill 6238, he will see that it is an immigration bill to change the nonquota provision. His amendment will be more appropriate to that bill than it would be to the bill now under consideration. I wish to ask the Senator, therefore, if he will not consider offering his amendment to that bill and let the bill now pending go through. Every Senator, I think, is agreed that we should take care of the veterans in this matter. Why not offer the Senator's amendment to House bill 6238 and debate that if it is desired? I am sure the Senator from South Carolina will agree to that.

Mr. CURTIS. Mr. President——

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

Mr. WADSWORTH. I have no opportunity to answer any questions put to me.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

Mr. WADSWORTH. I should like to answer the question of the Senator from Pennsylvania.

Mr. CURTIS. I withhold my parliamentary inquiry until the Senator from New York may answer the question.

Mr. WADSWORTH. Mr. President, in answer to the question of the Senator from Pennsylvania, let me say that I have no objection to offering my amendment to Order of Business No. 603, House bill 6238.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas wishes to submit a parliamentary inquiry?

Mr. CURTIS. I desire to submit a parliamentary inquiry for the benefit of the Senator from South Carolina, if I may. I inquire if he may not raise objection at any time before final action is taken on the bill if he delays his objection until after the Senator from New York shall have concluded his remarks?

The PRESIDING OFFICER. Will the Senator again state his parliamentary inquiry for the benefit of the Chair?

Mr. CURTIS. Can not the Senator from South Carolina raise objection to the bill at any time before final action on it?

The PRESIDING OFFICER. The Chair understands that objection can be raised at any time when a Senator secures the floor.

Mr. BLEASE. Mr. President——

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

Mr. WADSWORTH. Mr. President, I do not wish to yield for a speech.

Mr. BLEASE. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator will state his question of personal privilege.

Mr. BLEASE. Mr. President, I wanted to appeal from the decision of the Chair, but I was refused the opportunity of doing so. I want to know whether a practice of that kind is to be followed in the Senate. If so, I should like to have the Senate settle the question. This is an effort to press a bill through here in the face of many absent seats on this side of the Senate, and when a quorum is asked for the Presiding Officer refuses to order the roll called, although he must know that absent Senators on this side of the Chamber are against opening the doors of this country to immigration.

The PRESIDING OFFICER. The Chair will rule that the suggestion of the absence of a quorum may not be made when the Senator making it has not the floor, but only when he has the floor. The floor was yielded by the Senator from New York for another purpose. The Senator may not make the suggestion until he secures the floor.

Mr. BLEASE. I will be compelled to appeal from the decision of the Chair.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to appeal from that decision?

Mr. BLEASE. Yes, sir; and I ask for a quorum to vote on it.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. FESS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. Suppose there is but one Member in the Chamber besides the Senator speaking; does the Chair hold that Member could not raise the question of the absence of a quorum while the Senator speaking was on the floor?

The PRESIDING OFFICER. Without securing the floor?

Mr. FESS. Yes; without securing the consent of the Senator holding the floor.

The PRESIDING OFFICER. The Chair does not understand that a Senator not having the floor may properly make any inquiry.

Mr. FESS. A Member can make the point of no quorum at any time even without the consent of a Senator who holds the floor at the time. That is the ruling of the Senate.

The PRESIDING OFFICER. The Senator from South Carolina has appealed from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. SWANSON. Mr. President, a point of order can be made at any time even when a Senator is on the floor and without his consent. The Constitution requires the presence of a quorum. The only circumstance in which it has been held that the point can not be raised is when the roll has been called, the presence of a quorum disclosed, and no business has intervened. Debate is not considered the transaction of business. A Senator, therefore, can not keep on calling for a quorum until some business has intervened. However, to-day the point of no quorum has not been made until now. A Senator can be taken off his feet by another Senator to make a point of order. The Senator from South Carolina really made a point of order that the Senator from New York was not proceeding in order because a quorum was not present. I am satisfied that if the Chair will examine the rule and consider the circumstances he will realize that a Senator can not proceed except in order, and he is not in order unless a quorum is present if the absence of a quorum is suggested.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that the Senator from South Carolina did not rise to a point of order; otherwise he would have obtained the floor.

Mr. SWANSON. He did that when he raised the point of no quorum. Of course, when the Senator from South Carolina stated that he wished to object to the bill he could not raise the objection at that time while the Senator from New York had the floor, and the Chair was right to that extent; but, subsequently, he made the point of order that there was no quorum present and insisted that it should be ascertained whether there was or not, and the Senator from New York was not proceeding in order, because a quorum must be present if the question of the lack of a quorum is raised.

Mr. CURTIS. Mr. President, I desire to call the Chair's attention to a decision which I think settles this question:

> The agricultural bill being before the Senate and Mr. McCumber having the floor, Mr. Jones made a point of order that nothing can be settled without a quorum.
>
> The PRESIDING OFFICER (Mr. Hitchcock). The Chair rules that a Senator can not be taken off his feet by a point of no quorum against his consent.

Mr. JONES of Washington. Mr. President, you will find several other decisions to the contrary.

Mr. SWANSON. Why, all the decisions are to the contrary. A Senator can only proceed in order. A point of order can be raised at any time under the specific terms of the rule. I admit that when the Senator wanted to interpose an objection while the Senator was on the floor, he could not do that while the Senator had the floor by unanimous consent; but when he shifted and said: "I am going to raise the point of order that the Senator is proceeding out of order because there is no quorum present," that point of order can be made at any time.

Mr. WADSWORTH. Mr. President, this discussion will have become entirely academic if I can have a chance to say what I have been trying to say for the last 15 minutes.

Mr. SWANSON. The point of order is that the Senator has no right to say it until there is a quorum present.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has suggested that I offer my amendment to Order of Business No. 603. I think my amendment would be germane to that bill. I realize perfectly well that my amendment, whenever offered, will give rise to debate. I wanted, however, if the other bill should be taken up to-day, to propose it and have it pending. That was my sole object in rising.

Mr. President, I have no intention whatsoever of holding up the bill affecting the return of these former American soldiers. I am heartily in favor of it. That provision was a part of my bill originally. It has been separated from my bill and reported as a part of a House bill by the Committee on Immigration of the Senate. That is how it happens to be here now. I am willing to vote for it as a separate bill or as part of another bill, the provisions of the other bill being satisfactory; that is all. I have no objection to the passage of this bill, but I shall——

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

Mr. WADSWORTH. I will not yield.

Mr. FESS. I rise to a point of order.

Mr. SWANSON. If the Senator is going to make a speech again, I must insist upon the point of order that there is no quorum present.

Mr. FESS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. My point of order is that the Senator from South Carolina was within his rights when he raised the question of the absence of a quorum; and I quote section 22, on page 498 of volume 2, of the Precedents:

> A Senator may take another Senator off his feet at any time to suggest the absence of a quorum.

Mr. GLASS. Otherwise, it would be entirely with the Chair to conduct the business of the Senate all day long without a quorum being present by refusing to recognize any Senator to suggest the absence of a quorum.

Mr. FESS. Certainly.

Mr. WADSWORTH. May I make a suggestion? Will the Senator from South Carolina withdraw his request for a quorum? There is no necessity for it, as my amendment is not to be pressed.

Mr. BLEASE. Mr. President, if it is a courtesy to the Senator from New York, I will do it with pleasure.

The PRESIDING OFFICER. The question now before the Senate is on the appeal by the Senator from South Carolina from the decision of the Chair. Does the Chair understand that the Senator from South Carolina withdraws the appeal?

Mr. BLEASE. Yes.

Mr. WADSWORTH. Now, I withdraw the amendment which I offered. I have been trying to do that for 20 minutes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania, which has been read.

Mr. BLEASE. Mr. President, I desire to ask the Senator from Pennsylvania whether he does not think that after the words "or following to join him" there should be an amendment giving a limited time for that—say within 6 months or 12 months?

Mr. REED of Pennsylvania. I shall be very glad to accept that.

Mr. BLEASE. I suggest that the Senator offer such an amendment, then.

Mr. REED of Pennsylvania. I think that is entirely reasonable.

Mr. BLEASE. I am in favor of the bill, except that I think there should be some limitation there.

Mr. REED of Pennsylvania. After the word "following," then, I accept the amendment to insert the words "within six months."

Mr. WADSWORTH. Mr. President, may I ask the Senator from Pennsylvania a question? As I understand, he prefers the bill which he has offered as a substitute on the ground that he thinks it better maintains the safeguards erected in the law against the entrance of those who are diseased or otherwise highly objectionable from a sanitary or moral standpoint.

Mr. REED of Pennsylvania. That is correct.

Mr. WADSWORTH. Is not that covered in the language of the bill as reported by the Senate committee, on lines 20, 21, and 22? The language reads:

and who applies at a port of entry of the United States in possession of a valid, unexpired, nonquota immigration visa.

Mr. REED of Pennsylvania. I think that is implied, but we did not want to leave it in any doubt. If people have loathsome diseases we do not want them here, no matter what their qualifications are.

Mr. WADSWORTH. Of course not.

Mr. REED of Pennsylvania. And we wanted to make it sure beyond peradventure. That is why we preferred the redraft.

Mr. WADSWORTH. My own construction is that the expression "a valid, unexpired, nonquota immigration visa" keeps the door locked against those cases just as well as if we said it all over again in another way.

Mr. COPELAND. Mr. President, do I understand that the amendment offered by the Senator from Pennsylvania is the House bill?

Mr. REED of Pennsylvania. It is the House bill. It is simply a redraft by the legislative drafting service of the bill which is on the calendar.

Mr. COPELAND. It is House Calendar 196; is it not?

Mr. REED of Pennsylvania. I do not recall its House Calendar number. The clerk can tell us.

Mr. BLEASE. I think the only difference is to take in the mother and father; is it not? That is practically the only difference in the printed bill.

Mr. REED of Pennsylvania. Oh, no; we do not admit the mother and father.

Mr. BLEASE. That is what I say.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Pennsylvania.

Mr. HARRISON. May I ask where that amendment is to be inserted?

Mr. REED of Pennsylvania. It is a substitute for the bill as rewritten by the legislative drafting service.

Mr. HARRISON. I understood, though, that the Senator from South Carolina offered an amendment, or the Senator from Pennsylvania offered an amendment. Where does the amendment come in the bill?

Mr. REED of Pennsylvania. That is in the substitute. In dealing with the relatives following to join the immigrant, the Senator from South Carolina very wisely suggested that they ought to follow within six months; and I was glad to accept his amendment.

Mr. BLEASE. That is to keep them from staying there and marrying, and then coming in under the same permission that they had before they were married.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

On a division, the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

The title was amended so as to read: "A bill to admit to the United States and to extend naturalization privileges to alien veterans of the World War."

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT

The bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, a number of amendments have been suggested to me which I think ought to receive consideration. Under the limited time I shall ask that this bill go over without prejudice; and I will join with the Senator from Kansas to-morrow, if we can get the floor, or day after to-morrow, to take it up.

Mr. CAPPER. Mr. President, at the request of the Senator from Utah the bill will, of course, be passed over; but I do want to emphasize the importance of getting action on this bill at the earliest possible opportunity. There are over 100,000 operators' permits in this city to-day that are of no force and effect, and it is exceedingly important that the traffic department should have action on this bill.

Mr. KING. I share the views of the Senator.

The PRESIDING OFFICER. The bill will be passed over.

ANNUAL CONVENTION OF AMERICAN LEGION IN PARIS

The bill (S. 3560) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927 was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion in Paris, France: *Provided, however*, That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, limiting the annual leave which may be granted with pay to 30 days in any one year except that any portion of the 30 days' leave not granted or used during the year 1926 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 30 days' leave with pay in 1927.

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

BOISE RECLAMATION PROJECT, IDAHO

The bill (S. 3732) making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments.

Mr. JONES of Washington. Mr. President, I am not going to object to the consideration of this measure, but I do want to say that I think we are embarking upon a very unwise policy in passing bills authorizing the appropriation for specific projects of the reclamation fund.

In the first place, I do not think it is necessary. That fund is already appropriated for reclamation purposes; and the matter of the selection of the projects, the investigation of the projects, and the approval of the projects that are to be taken up, is left to the Secretary of the Interior; and upon estimates that come down from the Budget this fund can be appropriated to any project or any unit that is found to be feasible and has the recommendation of the Secretary of the Interior. In addition to that, it is entirely within the jurisdiction and power of the Appropriations Committee to appropriate any part of that sum for any project that it considers advisable; so that this legislation is, I think, wholly unnecessary under the existing circumstances. I think that if we do start in upon this policy there will be a scramble in the Senate and a scramble in Congress to pass special appropriation acts for these special projects, and I think it will bring our reclamation policy into discredit; but this bill has the recommendation of the committee, and, as I say, I am not going to object. I just wanted, however, to express my view that this is very unwise from the standpoint, especially of reclamation.

I asked the other day that the bill that was reached, in which the Senator from Texas was interested, should go over. That was largely because there were only three or four minutes left, and I thought there ought to be some explanation of it. I have examined that bill. It is on all fours with this, and so if I make no objection to this, of course, I will not object to that; but I wanted to have in the RECORD my view on the policy upon which we are embarking.

Mr. GOODING. Mr. President, I am sure that this unit of the Boise project, called the Hillcrest project, stands out individually in the work of the Reclamation Bureau.

Something like 20 years ago the Government threw open for settlement what is known as the Boise project. The people settled upon the Hillcrest project, which is a part of the Boise project, built their homes and built their schoolhouses. They have been waiting almost 20 years now for water. In 1918 the Government asked them to form an irrigation district, which they did, and in 1921 the Government signed a contract to furnish the Hillcrest people with water. Since that time not a dollar has been spent for the completion of this project. Five hundred and ninety thousand dollars have been spent on this project. Let me say it is not a new project in any sense. It will take $850,000 to complete it, and then the money will come back into the Treasury. Three times the Secretary of the Interior recommended a direct appropriation for this project, and three times the Budget turned it down. Now, this bill makes an authorization of this project.

I want to do something to give the people who have been living on that project out there, within 5 miles of the capital of the State of Idaho, out on the desert, some encouragement that this work is going to be done and that the project is going to be finished, so that they may stay there with the hope of getting water.

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

Mr. GOODING. I yield.

Mr. KING. Why was not an appropriation for this project, if it was approved by the department, included in the last appropriation bill, which carried several million dollars for reclamation projects?

Mr. GOODING. I will say to the Senator that the Budget took the position that they did not care to increase the direct appropriation, so I changed this to an authorization, which, of course, gets away from the objection of the Budget.

Mr. KING. I would like to ask the Senator one other question. Is this for the irrigation of private lands or of public lands?

Mr. GOODING. Private lands. The people went out there and homesteaded. There are a number of homes standing out there now as monuments of a forlorn hope, of people who have been waiting practically 20 years for water. This will complete the last unit of the Boise project. The Secretary held that it was economically sound to appropriate; in fact, he recommended $850,000, and I took the responsibility of cutting it down to $450,000, with the hope that these people could get some encouragement to hang on to their claims, for I believed it would be easier to pass an appropriation for $450,000 than one for $850,000.

Mr. TRAMMELL. Mr. President, I am not going to object to the consideration of this bill, while it does seem to me that heretofore Congress has manifested considerable generosity in making appropriations for these arid-land projects of the West. As I have before stated upon the floor of the Senate, I have no objection to the policy that is being carried out in the reclamation of the arid lands of the West, but I am again going to express my condemnation of a policy which recognizes reclamation of only one class of lands within this country that is worthy and deserving of the assistance of the Government.

The Government having launched upon a policy of appropriating millions and millions of dollars for the reclamation of the arid lands, at a cost per acre of from $50 to $75, in justice and in equity it should also assist the projects in this country where reclamation is carried on by drainage.

In the southern part of the country we have great areas of land that are as fertile and productive land as there is in the world—lands which can be reclaimed for from $10 to $25 an acre. Yet Congress has never seen proper to even give any financial assistance in the way of lending credit to those projects.

Within my own State we have by far the greatest reclamation project in the whole country within one territory, 4,000,000 acres of wonderfully rich land, that territory being reclaimed at the present time under State laws and through a State agency. We have time and time again asked Congress to incorporate in the reclamation laws provisions that would apply to the swamp and overflowed lands of the South.

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

Mr. TRAMMELL. They are projects which can be carried on more economically, where the lands can be reclaimed for not more than 25 per cent of what it costs to reclaim arid lands, and when once reclaimed, especially in my State, the cost of irrigation is not necessary, as we have 55 to 60 inches annual rainfall, making conditions ideal for growing crops.

Mr. GOODING. I want to say to the Senator that I shall always be with the South when that matter is presented to the Senate. I have always stood for appropriations for the improvement of rivers and for the building of levees to control the floods, which has resulted in the reclamation of something like 17,000,000 acres of land. I have always stood by the South in those projects, and I always shall.

Mr. TRAMMELL. I appreciate the spirit of the Senator, and I am sure he has done as he has said. I have been promised time and time again by certain Senators on the committee, and Senators coming from the West supporting all these projects, that they would give me their assistance. I have nothing against them and their projects. I desire to see them progress. I have been assured by them that they would assist me in bringing about legislation which would assist the reclamation projects in the South. But session after session measures are presented which does not include those sections. This is true, although I have as many as three sessions of Congress had reclamation bills before the committee.

Mr. SMOOT. In the Interior Department appropriation bill which has recently been agreed to by the Senate and the House, with the exception of two items, there is an appropriation of $15,000 for the investigation of the overflowed and swamp lands of the South. That investigation no doubt will be made during the coming year.

I may say to the Senator that I wish the southern Senators had supported the bill I offered for the very purpose of developing the cut-over and the swamp lands of America, along the lines of the reclamation of the arid lands of the West; but I did not get enough votes. I believe that if the bill had been enacted there would have been more land reclaimed under it than has been reclaimed under the western reclamation projects; but the Senator did not vote for it.

Mr. TRAMMELL. As I recall——

The VICE PRESIDENT. Under the five-minute rule the time of the Senator has expired.

Mr. KING. Mr. President, just one word. I want to make one observation in reply to my friend from Florida.

I think the condition in the South to which he has referred is to be distinguished from the reclamation projects of the West in this regard, that the lands in the South are owned by private individuals. The lands which the Government is reclaiming in the West belong to the Government itself. They have no value and they can not be disposed of unless water is furnished. The Government has to provide reclamation projects in order to dispose of them.

I should oppose reclamation projects if they involved the appropriation of money to irrigate private lands. I should oppose an appropriation for the irrigation of private lands of Utah, the private lands of Colorado, or of Florida. So I hope the Senator will distinguish between Government-owned lands and privately owned lands.

Mr. SMITH. Mr. President, I want to ask the Senator from Utah one question. Unirrigated arid land is valueless. The Government goes to the expense of irrigating the land it owns, and makes it valuable, then allows it to be homesteaded without any cost to the one who takes up the homestead. What is the difference between that and taking land that is already owned that is valueless and making it valuable?

Mr. KING. The land is absolutely valueless unless water is placed upon it and unless persons go on the land, and it takes them years to develop that land. As a matter of fact, there are two or three crops of settlers before settlers can be found to stay and reclaim the land.

Mr. SMITH. I would like to debate that with the Senator. There is no difference.

The VICE PRESIDENT. The Clerk will state the amendments.

The first amendment of the committee was, on page 1, line 3, after the word "following," to strike out the words "sums are" and to insert in lieu thereof the words "sum is"; on the same line, after the word "hereby," to insert the words "authorized to be"; on line 6, after the word "reclamation," to strike out the words "fund, to be available immediately" and to insert the word "fund"; on page 2, to strike out the words "Black Canyon unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, $300,000," so as to make the bill read:

Be it enacted, etc., That the following sum is hereby authorized to be appropriated out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund."

Hillcrest unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, $450,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The title was amended so as to read: "A bill authorizing an appropriation for the Hillcrest unit of the Boise reclamation, Idaho."

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The Chef Clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Goff	McKellar
Bayard	Dale	Gooding	McKinley
Bingham	Deneen	Hale	McLean
Blease	Dill	Harreld	McMaster
Borah	Edge	Harris	McNary
Bratton	Ernst	Harrison	Mayfield
Broussard	Fernald	Heflin	Metcalf
Bruce	Ferris	Howell	Neely
Cameron	Fess	Johnson	Norbeck
Capper	Frazier	Jones, N. Mex.	Nye
Caraway	George	Jones, Wash.	Oddie
Copeland	Gerry	Kendrick	Overman
Couzens	Gillett	King	Phipps
Cummins	Glass	La Follette	Pine

Ransdell	Shipstead	Tyson	Wheeler
Reed, Mo.	Smith	Underwood	Williams
Reed, Pa.	Smoot	Wadsworth	Willis
Robinson, Ark.	Stephens	Warren	
Sackett.	Swanson	Watson	
Sheppard	Trammell	Weller	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER].

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

At 2 o'clock p. m., the managers of the impeachment, on the part of the House of Representatives, of Judge George W. English appeared below the bar of the Senate, and the Assistant Doorkeeper of the Senate (C. A. Loeffler) announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct proceedings in the impeachment of George W. English, a United States district judge for the eastern district of Illinois.

The VICE PRESIDENT (CHARLES G. DAWES). The managers on the part of the House will be received and the Sergeant at Arms will assign them to the seats provided for them.

The managers were escorted by the Sergeant at Arms of the Senate (David S. Barry) to the seats assigned to them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Hon. George W. English, judge of the United States Court for the Eastern District of Illinois.

Mr. Manager MICHENER. Mr. President.

The VICE PRESIDENT. Mr. Manager.

Mr. Manager MICHENER. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against George W. English, a district judge of the United States for the eastern district of Illinois. The House adopted the following resolution, which I will read to the Senate:

House Resolution 201

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
April 6, 1926.

Resolved, That EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STORBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against George W. English, United States district judge for the eastern district of Illinois; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said George W. English of misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by the House; and that the said managers do demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and demand his impeachment, conviction, and removal from office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAGE, *Clerk.*

The articles of impeachment, which have been adopted by the House of Representatives and which the managers on the part of the House have been directed to present to the Senate, are in the words and figures following:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
SIXTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,
April 1, 1926.

Resolved, That George W. English, United States district judge for the eastern district of Illinois, be impeached of misdemeanors in office; and that the evidence heretofore taken by the special committee of the House of Representatives under House Joint Resolution 347 sustains five articles of impeachment, which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

ARTICLES OF IMPEACHMENT OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF THEMSELVES AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA AGAINST GEORGE W. ENGLISH, WHO WAS APPOINTED, DULY QUALIFIED, AND COMMISSIONED TO SERVE DURING GOOD BEHAVIOR IN OFFICE AS UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ILLINOIS, ON MAY 3, 1918

ARTICLE I

That the said George W. English, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as the district judge for the eastern district of Illinois, did on divers and various occasions so abuse the powers of his high office that he is hereby charged with tyranny and oppression, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute and by his tyrannous and oppressive course of conduct is guilty of misbehavior falling under the constitutional provision as ground for impeachment and removal from office.

In that the said George W. English, on the 20th day of May, 1922, at a session of court held before him as judge aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Thomas M. Webb, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Thomas M. Webb, to be heard in his own defense, and without due process of law; and also

In that the said George W. English, judge as aforesaid, on the 15th day of August, 1922, in a court then and there holden by him, the said George W. English, judge as aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Charles A. Karch, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Charles A. Karch, to be heard in his own defense, and without due process of law; and also in that the said George W. English, judge as aforesaid, restored the said Karch to membership of the bar in said district, but willfully, tyrannically, oppressively, and unlawfully deprived the said Charles A. Karch of the right to practice in said court or try any case before him, the said George W. English, while sitting or holding court in said eastern district of Illinois; and also

In that the said George W. English, judge as aforesaid, on the 1st day of August, 1922, unlawfully and deceitfully issued a summons from the said district court of the United States, and had the same served by the marshal of said district, summoning the State sheriffs and State attorneys then and there in the said eastern district of Illinois, being duly elected and qualified officials of the sovereign State of Illinois, and the mayor of the city of Wamac, also a duly elected and qualified municipal officer of said State of Illinois, residing in said district, to appear before him in an imaginary case of "the United States against one Gourley and one Daggett," when in truth and fact no such case was then and there pending in said court, and in placing the said State officials and mayor of Wamac in the jury box and when they came into court in answer to said summons then and there in a loud, angry voice, using improper, profane, and indecent language, denounced said officials without any lawful or just cause or reason, and without naming any act of misconduct or offense committed by the said officials and without permitting said officials or any of them to be heard, and without having any lawful authority or control over said officials, and then and there did unlawfully, improperly, oppressively, and tyrannically threaten to remove said State officials from their said offices, and when addressing them used obscence and profane language, and thereupon then and there dismissed said officials from his said court and denied them any explanation or hearing; and also

In that the said George W. English, judge aforesaid, on the 8th day of May, 1922, in the trial of the case of the United States *v.* Hall, then and there pending before said George W. English, as judge, the said George W. English, judge as aforesaid, from the bench and in open court, did willfully, unlawfully, tyrannically, and oppressively, and intending thereby to coerce the minds of the jurymen in the said court in the performance of their duty as jurors, stated in open court and in the presence of said jurors, parties, and counsel in said case, that if he told them (thereby then and there meaning said jurymen) that a man was guilty and they did not find him guilty that he would send them to jail; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, willfully, unlawfully, tyrannically, and oppressively did summon Michael L. Munie, of East St. Louis, a member of the editorial staff of the East St. Louis Journal, a newspaper published in said East St. Louis, and Samuel A. O'Neal, a reporter of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and when said Munie and the said O'Neal appeared before him did willfully, unlawfully, tyrannically, and oppressively, and with

angry and abusive language, attempt to coerce and did threaten them as members of the press from truthfully publishing the facts in relation to the disbarment of Charles A. Karch by said George W. English, judge as aforesaid, and then and there used the power of his office tyrannically, in violation of the freedom of the press guaranteed by the Constitution, to suppress the publication of the facts about the official conduct of said George W. English, judge aforesaid, and did then and there forbid the said Munie and the said O'Neal to publish any facts whatsoever in relation to said disbarment under threats of imprisonment; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, at East St. Louis, in the State of Illinois, did unlawfully summon before him one Joseph Maguire, being then and there the editor and publisher of the Carbondale Free Press, a newspaper published in Carbondale, in said eastern district of Illinois, and then and there, on the appearance before him of said Joseph Maguire in open court, did violently threaten said Joseph Maguire with imprisonment for having printed in his said paper a lawful editorial from the columns of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and in a very angry and improper manner did threaten said Maguire with imprisonment for having also printed some lawful handbills—said handbills having no allusion to said judge or to his conduct of the said court—and then and there did threaten this member of the press with imprisonment.

Wherefore the said George W. English was and is guilty of a course of conduct tyrannous and oppressive and is guilty of misbehavior in office as such judge and was and is guilty of a misdemeanor in office.

ARTICLE II

That George W. English, judge as aforesaid, was guilty of a course of improper and unlawful conduct as said judge, filled with partiality and favoritism, resulting in the creation of a combination to control and manage in collusion with Charles B. Thomas, referee in bankruptcy, in and for the eastern district of Illinois for their own interests and profit and that of the relatives and friends of said George W. English, judge as aforesaid, and of Charles B. Thomas, referee, the bankruptcy affairs of the eastern district of Illinois.

In that said George W. English, judge as aforesaid, corruptly did appoint and continue to appoint said Charles B. Thomas, of East St. Louis, in said State of Illinois, a member of the bar of the district court of the United States in and for said district, as sole referee in bankruptcy in said district with all of the advantages and preferments of said appointment, notwithstanding he then and there well knew that said eastern district was a great commercial district of 45 counties nearly 300 miles long with a large volume of business in bankruptcy, and that the said volume of business would necessarily take all the time and attention of any appointee as referee in bankruptcy to perform properly the work and duties of said office, and well knew at the time of said appointments that said Charles B. Thomas was practicing in all the courts, both civil and criminal, in said eastern district of Illinois, he, the said Charles B. Thomas, through said appointment as sole referee in bankruptcy and the favors in connection therewith extended to him by said George W. English, judge aforesaid, built up a large and lucrative practice; and that, notwithstanding the size of the eastern district of Illinois, the volume of bankruptcy business therein, and the large practice of said Thomas, referee aforesaid, did then and there give said referee in bankruptcy enlarged duties and authority by unlawfully changing and amending the rules of bankruptcy for said eastern district for the sole benefit of said George W. English, judge aforesaid, and the said Charles B. Thomas, sole referee aforesaid, as follows:

"It is hereby further ordered that the following rule be, and the same is hereby, made and adopted as a rule of this court in bankruptcy, to be effective in all cases from and after this date, namely:

"All matters of application for the appointment of a receiver, or the marshal, to take charge of the property of the bankrupt or alleged bankrupt, made after the filing of the petition, and prior to its being dismissed or to the trustee being qualified, shall be and are hereby referred to the referee in bankruptcy for his consideration and action; and the clerk will enter such order of reference as of course in each case; and the referees of this court heretofore or hereafter appointed are hereby authorized and empowered to appoint receivers, or the marshal, upon application of parties in interest, in case the referee shall find same is absolutely necessary for the preservation of the estate, to take charge of the property of the bankrupt; and to exercise all jurisdiction over and in respect to the actions and proceedings of the receiver or marshal which the court by law may exercise. After adjudication, where the referee deems it necessary for the protection of the estate, he may make such appointment on his own motion.

"And it is hereby further ordered that all special rules and general orders heretofore entered or adopted be, and they are hereby, set aside and annulled in so far as they in any way conflict with the provisions of the above rule and general order.

"For the purpose of transacting the business of the court of bankruptcy, it is ordered that the referee [meaning then and there said Charles B. Thomas] be, and he is hereby, authorized and directed to procure and maintain suitable offices for the transaction of said business, and to suitably furnish and equip same for said purpose; that the referee be, and he is hereby, further authorized and directed to employ such clerks, stenographers, and court reporters or any other assistance which he finds and deems necessary for the proper management of said court and offices and the administration of bankrupt estates; to install telephones; to procure and keep on hand needed stationery; and generally to provide all such other and further office equipment proper to transact business of the referee; and

"It is further ordered that in the event that the charges for referee's expenses authorized by any and all of the rules of this court to be charged against the estates administered before the referee do not amount to a total to pay the expenses which the referee has incurred or for which he may have paid or obligated himself to pay, the referee be, and he is hereby, authorized and directed to make a charge against the bankrupt estates administered before him, in as equitable pro rata share as the nature and circumstances will permit, sufficient in amount to meet the deficit existing by reason of the referee's receipts from expenses or charges authorized by this and other rules being less than the total expenses incurred by the referee."

Said amendments of the rules of court were then and there made with the intent to favor and prefer said Charles B. Thomas and did thereby give said Charles B. Thomas the power and opportunity to appoint his friends and members of his family and the family of said George W. English, judge aforesaid, to receiverships and to use said office of referee as aforesaid for the improper personal and financial benefit of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and the friends and families of both.

The said Thomas, in pursuance of said unlawful combination and by authority of said rule and order aforesaid, and with the full knowledge and approval of said George W. English, judge aforesaid, did rent and furnish a large and expensive suite of rooms and offices in said East St. Louis near the said judge's chamber, in the Federal building in said East St. Louis, occupied by said George W. English, judge aforesaid, at the expense and cost of the United States and of estates in bankruptcy by virtue of said rule and order;

And the said Charles B. Thomas then and there, with the full knowledge and consent of said George W. English, judge aforesaid, did wrongfully and unlawfully create and organize a large and expensive office force supported by and paid for out of the funds and assets of estates in bankruptcy as aforesaid, and then and there did hire and provide a large number of clerks, stenographers, and secretaries, at the cost and expense of the United States and the funds and assets of the estates in bankruptcy, as aforesaid;

And the said Charles B. Thomas did then and there hire and place in said offices, with the knowledge and approval of the said George W. English, judge aforesaid, one George W. English, jr., the son of the aforesaid Judge English, at a large compensation, salary, and fees, paid out of the funds and assets of the estates in bankruptcy, in and under the charge and control of said Thomas, referee aforesaid;

And the said Charles B. Thomas, referee aforesaid, did further confer upon said George W. English, jr., appointments as trustee and receiver and appointments as attorney for trustees and receivers in estates in bankruptcy;

And said Referee Charles B. Thomas then and there, with the knowledge, consent, and assistance of the said George W. English, judge aforesaid, did hire and place in the said office and make a part of said organization one M. H. Thomas, son of said Charles B. Thomas; and one D. S. Leadbetter, son-in-law of said Charles B. Thomas; and one C. P. Wideman, son-in-law of said Charles B. Thomas;

And the said Charles B. Thomas, referee aforesaid, did then and there wrongfully and unlawfully pay to all of the persons last aforesaid large salaries, fees, and commissions, and did likewise confer upon said persons, appointments as trustees, receivers, and masters in estates in bankruptcy, with the full knowledge, consent, and approval of said George W. English, judge aforesaid;

And said George W. English, judge aforesaid, in order further to carry out and make effective said improper and unlawful organization, did appoint one Herman P. Frizzell, United States commissioner in and for said eastern district of Illinois, and said commissioner did occupy free of charge the said offices of Charles B. Thomas, referee aforesaid, and did receive from said Charles B. Thomas, as said referee, large and valuable fees, commissions, salaries, appointments as trustee, receiver, and master in estates in bankruptcy with the knowledge and consent of the said George W. English, judge aforesaid;

And the said George W. English, judge aforesaid, did further allow and permit the said Charles B. Thomas, referee aforesaid, to appear as attorney and counsel before said Commissioner Frizzell in divers and sundry criminal cases; and then and there, further to carry out and make effective the said unlawful and improper combination, the said

George W. English, judge aforesaid, with full knowledge of the premises, did improperly and unlawfully consent and approve the appointment by the said referee, Charles B. Thomas, of one Oscar Hooker, of said East St. Louis, as chief clerk in said offices of said referee, and thereby the said Hooker did receive from said Charles B. Thomas, referee aforesaid, large and valuable fees, salaries, appointments as trustee, receiver, and master, and as attorney for trustees and receivers in bankruptcy estates;

And, further, the said George W. English, judge aforesaid, did improperly allow and permit said Hooker, as the agent of a bonding company, to furnish surety bonds for said George W. English, jr., the son of George W. English, judge aforesaid, and also surety bonds for said Herman P. Frizzell, said United States commissioner, and surety bonds for said M. H. Thomas, son of said Charles B. Thomas, as aforesaid, and surety bonds for D. L. Leadbetter and said C. P. Wideman, sons-in-law of said Charles B. Thomas, in all matters of trusteeships and receiverships to which they were appointed by said Charles B. Thomas, referee aforesaid, the said Oscar Hooker, George W. English, jr., D. S. Leadbetter, C. P. Wideman, and Herman P. Frizzell being then and there without property or credit;

And then and there, further to carry out and make effective said unlawful and improper combination, the said George W. English, judge as aforesaid, with full knowledge of the premises, did improperly and unlawfully allow said Charles B. Thomas, referee as aforesaid, to organize and incorporate from his office force and employees a corporation known as the Government Sales Corporation, organized and incorporated November 27, 1922, for the object and purpose of furnishing appraisers in bankruptcy estates and auctioneers in the sale and disposal of assets of estates in bankruptcy, the said Government Sales Corporation being then and there made up and composed, organized, and formed of incorporators and directors from the families and friends of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and from said office force of said Thomas, referee aforesaid;

The said George W. English, judge aforesaid, well knowing the facts and premises, then and there did willfully, improperly, and unlawfully take advantage of his said official position as judge aforesaid, and did aid and assist said Charles B. Thomas, referee aforesaid, in the establishment, maintenance, and operation of said unlawful and improper organization as above set forth, for the purpose of obtaining improper and unlawful personal gains and profits for the said George W. English, judge aforesaid, and his family and friends;

Wherefore the said George W. English was and is guilty of a course of conduct as aforesaid constituting misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE III

That George W. English, judge aforesaid, was guilty of misbehavior in office in that he corruptly extended partiality and favoritism in divers other matters hereinafter set forth to Charles B. Thomas, said sole referee in bankruptcy in the said eastern district of Illinois, and by his conduct and partiality as judge brought the administration of justice into discredit and disrepute, degraded the dignity of the court, and destroyed the confidence of the public in its integrity;

In that in the matter of the case of East St. Louis & Suburban Co. et al. *v.* Alton, Granite & St. Louis Traction Co., pending before George W. English, judge as aforesaid, upon the petition for appointment of receivers for said Alton, Granite & St. Louis Traction Co., the said George W. English, judge as aforesaid, did improperly and unlawfully refuse to appoint the temporary receivers suggested by counsel for the parties in interest in said case unless said Charles B. Thomas was appointed attorney for the receivers; that by reason of the condition imposed by George W. English, judge aforesaid, the counsel for the parties in interest in said case did agree to the appointment of said Charles B. Thomas as counsel for said temporary receivers at a salary stipulated by said Charles B. Thomas of $200 a month; and thereupon the said George W. English as judge, improperly, corruptly, and unlawfully appointed said Charles B. Thomas as attorney for the temporary receivers and approved of the payment of said salary by an order entered in said case as of August 11, 1920; and that subsequently, to wit, on January 20, 1921, George W. English, judge aforesaid, did issue an order making the temporary receivers permanent and that the said Charles B. Thomas, as attorney and counsel for the receivers, be paid the sum of $350 per month, and that the further sum of $500 per month additional be paid to said Charles B. Thomas for his services and responsibilities in assisting the receivers in the control and management of said receivership properties, making a total salary of $850 per month, and that said salary should be retroactive from October 1, 1920; that the services of said Charles B. Thomas, both as attorney for the receivers and for assisting in the management of the receivership properties, were not required or necessary, and thereby an additional burden upon the receivership properties was imposed which said George W. English, judge aforesaid, well knew; that his salary of $850 per month was continued to be paid to said Charles B. Thomas for a long period of time, to wit, from October 1, 1920, to January 1, 1925, making the total amount received under said order by said Charles B. Thomas $43,350; that the said appointment of said Charles B. Thomas was made by George W. English, judge aforesaid, with the intent wrongfully and unlawfully to prefer and show partiality and favoritism to said Charles B. Thomas, to whom George W. English, judge aforesaid, was under obligations, financial and otherwise; and also

In that in the case of Handelsman *v.* Chicago Fuel Co. pending before him, George W. English, judge as aforesaid, did improperly and unlawfully appoint said Charles B. Thomas as one of the receivers in said case and then and there did improperly order, direct, and fix the compensation and salary of said Charles B. Thomas as said receiver at the rate of $1,000 per month; and did then and there improperly and unlawfully appoint said Herman P. Frizzell, United States commissioner for said eastern district of Illinois and chief clerk in the office of said Thomas as referee in bankruptcy, to be attorney for the said receiver Charles B. Thomas, and then and there did improperly fix the salary and fees of said Frizzell as said attorney at the rate of $200 per month; that all said acts of said English as judge aforesaid were done with the unlawful and improper intent unlawfully to favor and prefer said Thomas and benefit the said organization.

In that on the 15th day of August, 1924, at a session of court then holden by George W. English, judge as aforesaid, in the matter of Gideon N. Heuffman et al. *v.* Hawkins Mortgage Co., in bankruptcy, did improperly and unlawfully allow and permit said Charles B. Thomas, referee as aforesaid, to appear and conduct said case as attorney and counsellor at law in behalf of Morton S. Hawkins, one of the bankrupts in said case, in violation of the statute of the United States that forbids a referee to practice as an attorney or counsellor at law in any bankruptcy proceedings, and afterwards, to wit, on the 27th day of August, 1924, George W. English, judge as aforesaid, did again improperly and unlawfully allow and permit said Charles B. Thomas, referee as aforesaid, to appear before him and practice as an attorney in behalf of said bankrupt, Morton S. Hawkins; that said unlawful acts were willfully permitted in order to favor said Charles B. Thomas in obtaining from said Morton S. Hawkins, a fee for his services of $2,500, which was then and there paid to said Charles B. Thomas by said Morton S. Hawkins, all with the full knowledge and consent of George W. English, judge as aforesaid; and, also,

In that on the 18th day of May, 1922, after conviction by a jury of one F. J. Skye, in a case before George W. English, judge as aforesaid, involving the crime of selling and possessing intoxicating liquors, the said George W. English, as judge, did impose a sentence upon said F. J. Skye of imprisonment in jail for four months and the payment of a fine of $500; that on the trial the said F. J. Skye was represented by one Charles A. Karch; that after such conviction and sentence said Charles A. Karch took an appeal to the United States Circuit Court of Appeals for the Seventh Circuit in behalf of his client and filed an appeal bond in due course; that subsequently to the appeal said F. J. Skye discharged said Charles A. Karch as attorney and retained Charles B. Thomas, referee aforesaid; that on July 5, 1922, said F. J. Skye, by his attorney, said Charles B. Thomas, abandoned his appeal to the circuit court of appeals and filed a motion for a stay of the sentence of imprisonment, which motion, after hearing, George W. English, judge as aforesaid, did allow and did stay the sentence of imprisonment until December 31, 1922; and on June 7, 1923, George W. English, judge as aforesaid, did order said jail sentence vacated and said stay of execution and commitment to jail of said F. J. Skye made permanent, relieving said F. J. Skye from imprisonment and only obligating him to pay a fine of $500; that said F. J. Skye paid to said Charles B. Thomas $2,500 as a fee in said case; that said vacation of the jail sentence and the permanent stay of execution and commitment was granted by George W. English, judge as aforesaid, without the presence of said Charles B. Thomas in court and without any investigation of the affidavits filed in support thereof, and was done willfully, improperly, unlawfully, and with intent to prefer and show favoritism to said Thomas, to whom said George W. English, judge as aforesaid, was under obligations, financial and otherwise; and, also,

In that in the case of Hamilton *v.* Egyptian Coal Mining Co., George W. English, judge as aforesaid, did arbitrarily and unlawfully and without notice remove from office the duly appointed receiver in said case, and with intent improperly to prefer and favor Charles B. Thomas, aforesaid, did then and there appoint the said Charles B. Thomas in place of the removed receiver; that this removal of the receiver was made on July 11, 1924, with the intent to prefer unlawfully the said Charles B. Thomas, to whom the said George W. English, judge aforesaid, was under great obligations, financial and otherwise; and, also,

In that on or about March, 1924, at a hearing before George W. English, judge aforesaid, in the case of Wallace *v.* Shedd Coal Co., George W. English, judge aforesaid, did appoint Charles B. Thomas as an attorney for the receiver (one F. D. Barnard), when in truth and in fact no attorney for said receiver was needed, and afterwards, to wit, on or about August, 1924, said George W. English, judge as aforesaid, did arbitrarily and improperly remove from office said F. B.

Barnard as such receiver and then and there did improperly appoint as receiver in place of said Barnard said Charles B. Thomas; that the removal of said receiver and the appointment of said Charles B. Thomas was made with the intent to corruptly prefer said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 27th day of June, 1924, at a hearing held by him, George W. English, judge as aforesaid, in the case of Ritchey et al. *v.* Southern Gem Coal Corporation, George W. English, judge as aforesaid, did then and there improperly appoint Charles B. Thomas, aforesaid, one of the receivers in said case, and then and there unlawfully did order and decree that said Charles B. Thomas, as said receiver, should have as his salary the excessive and exorbitant sum of $1,000 per month; that said act of George W. English, judge aforesaid, in the appointment of said Charles B. Thomas, as receiver aforesaid, and in the fixing of said exorbitant salary was all done by George W. English, judge as aforesaid, with intent to prefer unlawfully said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 24th day of October, 1921, at East St. Louis, in the State of Illinois, George W. English, judge as aforesaid, wrongfully, improperly, and unlawfully did accept and receive from said Charles B. Thomas, sole receiver in bankruptcy aforesaid, the sum of $1,435, which was applied toward the purchase price of an automobile that had been purchased by George W. English, judge as aforesaid; that said sum of money was improperly and unlawfully accepted and received by the said George W. English from the said Charles B. Thomas as a return or in recognition of the favoritism and partiality extended by George W. English, judge as aforesaid, to Charles B. Thomas, aforesaid; and, also,

In that George W. English, judge as aforesaid, at a term of court held by said judge for the eastern district of Illinois in the case of the Southern Gem Coal Corporation in receivership, did receive and approve the report of Charles B. Thomas, as one of the receivers in said case, for the first six months of said receivership; that in said report to George W. English, judge as aforesaid, said Charles B. Thomas stated that he had during those six months spent all of his time in Chicago looking after the interest of said Southern Gem Coal Corporation in receivership; and then and there George W. English, judge as aforesaid, did receive and approve said reports; that with full knowledge that said referee, Charles B. Thomas, was neglecting his duties as referee in bankruptcy in his office at East St. Louis in spending six months of his time 290 miles away from his office at East St. Louis, George W. English, judge as aforesaid, did then and there, despite this knowledge and these facts, approve said negligence on the part of said Charles B. Thomas and said neglect of duty without criticism or rebuke by then and there reappointing him for another term.

Wherefore the said George W. English was and is guilty of misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE IV

That George W. English, while serving as judge as aforesaid in the District Court of the United States for the Eastern District of Illinois, did, in conjunction with Charles B. Thomas, sole referee in bankruptcy aforesaid, corruptly and improperly handle and control the deposit of bankruptcy and other funds under his control in said court by depositing, transferring, and using said funds for the pecuniary benefit of himself and said Charles B. Thomas, sole referee in bankruptcy, thus prostituting his official power and influence for the purpose of securing benefits to himself and to his family and to the said Charles B. Thomas and his family.

In that George W. English, judge as aforesaid, on or about December, 1918, did designate the First State Bank of Coulterville, in the State of Illinois, to be the sole United States depository of bankruptcy funds within said district; that said bank was situated a great distance from East St. Louis, the office and place of business of Charles B. Thomas, said referee in bankruptcy; and that then and there one J. E. Carlton, a brother-in-law of George W. English, judge aforesaid, was a large stockholder and director and cashier of said bank; and that George W. English, judge as aforesaid, was a depositor, stockholder, and director in said bank; that said improper act of George W. English, judge as aforesaid, in designating said bank, tended to scandalize the court in the administration of its bankruptcy business; and, also,

In that on or about July, 1919, George W. English, judge as aforesaid, at a hearing then had before him in the case of Sanders *v.* Southern Traction Co., in which certain assets had been sold for the sum of $400,000, did willfully and unlawfully order and decree that of said sum of $400,000 the sum of, to wit, $100,000 should be deposited in the Merchants State Bank of Centralia, Ill., a United States depository of bankruptcy funds, said deposit to draw no interest; that said deposit was made in said bank as ordered and that George W. English, judge as aforesaid, was then and there a depositor, stockholder, and director in said bank; that said order and deposit of funds was made for the benefit of himself, George W. English, judge as aforesaid, and for his personal gain and profit and for the benefit of his family and friends, to the great scandal of the said office of judge aforesaid, and all tending to bring the administration of justice in said court into distrust and contempt; and, also,

In that George W. English, judge as aforesaid, on or about October 1, 1922, and Charles B. Thomas, sole referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with the officers of the Drovers National Bank of East St. Louis, to wit, that in consideration that said bank would employ one Farris English, son of said George W. English, as cashier in said bank at a salary of $1,500 per year, that George W. English, judge as aforesaid, and Charles B. Thomas, referee aforesaid, would make and designate said bank as a Government depository of bankruptcy funds without interest thereon, and that funds from estates in bankruptcy and receiverships should thereafter largely be sent to and deposited in said bank, and that George W. English, judge as aforesaid, and Charles B. Thomas, sole referee as aforesaid, and said Farris English would become depositors in said bank and then and there would purchase shares of stock therein as follows:

George W. English, judge as aforesaid, 10 shares; said Farris English, 10 shares; and said Charles B. Thomas, 50 shares, at $80 per share; that in pursuance of said agreement said Farris English was hired as cashier at said salary of $1,500 per year and entered upon this employment; that George W. English, judge as aforesaid, in pursuance of said agreement, did designate said bank to be a Government depository of bankruptcy funds, and said George W. English and said Farris English and said Charles B. Thomas, in pursuance of said agreement, did become depositors in said bank, and the said George W. English, judge as aforesaid, the said Charles B. Thomas, referee as aforesaid, did make 17 transfers of bankruptcy funds from the Union Trust Co. of East St. Louis and cause the same to be deposited in said Drovers National Bank without interest to the aggregate amount of $100,000, and then and there George W. English, judge as aforesaid, did receive and pay for his said 10 shares of stock and also for the stock of his son, said Farris English; that the said improper acts were done and performed by George W. English, judge as aforesaid, with the wrongful and unlawful intent to use the influence of his said office as judge for the personal gain and profit of himself, said George W. English, and for the unlawful and improper and personal gain of the family and friends of the said George W. English; and, also,

In that George W. English, judge as aforesaid, on or about the 1st day of April, 1924, with the knowledge and consent of Charles B. Thomas, referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with said Union Trust Co., a Government depository of bankruptcy funds, to wit, that if said Union Trust Co. would then and there employ one Farris English, the son of George W. English, judge aforesaid, at a salary of $200 per month, he, said George W. English, judge aforesaid, with said Charles B. Thomas, would become depositors in said Union Trust Co., and that he, the said George W. English, and said Charles B. Thomas would cause to be removed from the Drovers National Bank of East St. Louis the bankruptcy funds deposited there and would deposit the same in said Union Trust Co. and that said Union Trust Co. should pay to said Farris English, in addition to his said salary of $200 per month, interest on said bankruptcy funds from time to time on deposit in said Union Trust Co. at the rate of 3 per cent on monthly balances, and for this consideration George W. English, judge as aforesaid, further did agree with said Union Trust Co. that while said agreement continued said funds should not be withdrawn and deposited in any other Government depository, and thereupon said Farris English was employed by said Union Trust Co. under said agreement and remained in the services of said company for 14 months and drew out of said company during this said period, in addition to his salary of $200 per month, the sum of $2,700 as interest on bankruptcy funds; that the bankruptcy funds were withdrawn from said Drovers National Bank and deposited in the said Union Trust Co. under said agreement; that George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, did then and there become depositors in said Union Trust Co., the said George W. English did then and there use his influence as judge for the unlawful and improper personal gain and profit to himself, family, and friends; and, also,

In that George W. English, judge as aforesaid, did improperly designate the Merchants State Bank of Centralia, Ill., to be a Government depository of bankruptcy funds, in which bank he, the said George W. English, and he, the said Charles B. Thomas, were then and there depositors and stockholders, and George W. English was then and there a director; and, also,

In that George W. English, judge as aforesaid, on divers days and times prior to the 7th day of April, 1925, and while George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, were each depositors and stockholders and George W. English, a director of said Merchants State Bank of Centralia, Ill., and while said bank was a Government depository of bankruptcy funds, did borrow from said bank without security, at a rate of interest below the customary rate, sums of money from time to time amounting in the aggregate to $17,200, and that during said time prior to the 7th day of April, 1925, Charles B. Thomas, said referee in bankruptcy, did borrow from

said bank without security and at a rate of interest below the customary rate sums of money to the total of $20,000; that said sums were loaned and said loans were renewed from time to time and carried by said bank to the said George W. English and said Charles B. Thomas, by reason of the use of the official influence of George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, and by reason of said bank having been made and continued as a United States depository for bankruptcy and other funds without interest; that said George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, acting in concert with officers and directors of said Merchants State Bank of Centralia, Ill., did borrow with said directors sums of money in the total equal to all of the surplus, assets, and capital of said bank and at a low rate of interest and without security.

Wherefore the said George W. English was and is guilty of a course of conduct constituting misbehavior as such judge and that said George W. English was and is guilty of a misdemeanor in office.

ARTICLE V

That George W. English, on the 3d day of May, 1918, was duly appointed United States district judge for the eastern district of Illinois, and has held such office to the present day.

That during the time in which said George W. English has acted as such United States district judge, he, the said George W. English, at divers times and places, has repeatedly, in his judicial capacity, treated members of the bar in a manner coarse, indecent, arbitrary, and tyrannical, and has so conducted himself in court and from the bench as to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their right to appear and be protected in their liberty and property by counsel, and in the above and other ways has conducted himself in a manner unbecoming the high position which he holds and thereby did bring the administration of justice in his said court into contempt and disgrace, to the great scandal and reproach of the said court.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as such judge, did disregard the authority of the laws, and, wickedly meaning and intending so to do, did refuse to allow parties lawfully in said court the benefit of trial by jury, contrary to his said trust and duty as judge of said district court, against the laws of the United States, and in violation of the solemn oath which he had taken to administer equal and impartial justice.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, when acting as such judge, did so conduct himself in his said court, in making decisions and orders in actions pending in his said court and before him as said judge, as to excite fear and distrust and to inspire a widespread belief, in and beyond said eastern district of Illinois that causes were not decided in said court according to their merits but were decided with partiality and with prejudice and favoritism to certain individuals, particularly to one Charles B. Thomas, referee in bankruptcy for said eastern district.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as said judge, did improperly and unlawfully, with intent to favor and prefer Charles B. Thomas, his referee in bankruptcy for said eastern district, and to make for said Thomas large and improper gains and profits, continually and habitually prefer said Thomas in his appointments, rulings, and decrees.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places while acting as said judge, from the bench and in open court, did interfere with and usurp the authority and power and privileges of the sovereign State of Illinois, and usurp the rights and powers of said State over its State officials, and set at naught the constitutional rights of said sovereign State of Illinois, to the great prejudice and scandal of the cause of justice and of his said court and the rights of the people to have and receive due process of law.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while acting as said judge, unlawfully and improperly attempt to secure the approval, cooperation, and assistance of his associate upon the bench in said eastern district of Illinois, Judge Walter C. Lindley, by suggesting to said Walter C. Lindley, judge as aforesaid, that he appoint George W. English, jr., son of said George W. English, judge as aforesaid, to receiverships and other appointments in the said district court for said eastern district of Illinois, in consideration that said George W. English, judge as aforesaid, would appoint to like positions in his said court a cousin of said Judge Walter C. Lindley, and thereby unlawfully and improperly avoid the law in such case made and provided; all to the disgrace and prejudice of the administration of justice in the court of George W. English, judge as aforesaid.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while serving as said judge, seek from a large railroad corporation, to wit, the Missouri Pacific Railroad Co., which had large trackage, in said eastern district of Illinois, the appointment of his son, George W. English, jr., as attorney for said railroad.

All to the scandal and disrepute of said court and the administration of justice therein.

Wherefore, the said George W. English was and is guilty of misbehavior as such judge and of a misdemeanor in office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAGE, *Clerk.*

(Seal of the House of Representatives, United States.)

Mr. Manager MICHENER (continuing). And, Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said George W. English, a district judge of the United States for the eastern district of Illinois, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said George W. English may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. President, the managers on the part of the House of Representatives, in pursuance of the action of the House of Representatives by the adoption of the articles of impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and do now demand his impeachment, conviction, and removal from office.

The VICE PRESIDENT. Mr. Manager, the Senate will take proper order in the matter of the impeachment of Judge George W. English and will communicate its action to the House.

Mr. CUMMINS. Mr. President, in addition to the announcement made by the Chair, I think it is appropriate to present the following order. I ask that it be read at the desk, and I will ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the order proposed.

The Chief Clerk (John C. Crockett) read as follows:

Ordered: The House of Representatives, by its managers, having presented to the Senate articles of impeachment against George W. English, judge of the District Court of the United States for the Eastern District of Illinois, the House, through its managers, is hereby informed that the Senate will, in accordance with its rules, on Friday, the 23d day of April, at 1 o'clock p. m., resolve itself into a body for the trial of said impeachment proceeding, enter the necessary orders, and inform the House of the time at which the Senate will be ready to receive the managers for further action with respect to said impeachment proceeding.

The VICE PRESIDENT. Without objection, the order is agreed to.

Mr. Manager MICHENER. Mr. President, if there is nothing further, the managers will retire at this time.

The VICE PRESIDENT. There is nothing further.

The managers thereupon withdrew.

Mr. BLEASE. Mr. President, when I was a practicing attorney at my home, Newberry, S. C., there was a young man who was my law partner and my constant daily associate for many years. We were and are now the very closest of friends and love each other possibly as well as most brothers do.

He managed my campaign for governor. He was assistant attorney general when I was governor of my State. He himself was afterwards elected to Congress and is now serving his fifth term. We live in the same hotel. We take many of our meals together and are close and constant associates. I consider him one of the ablest lawyers I have ever known. He is a very close student both of law and facts and when he has made up his mind I have the most perfect confidence in his judgment.

On account of my close relations with the Hon. FRED H. DOMINICK, Representative from the third district of South Carolina, who is on the Board of Managers on the part of the House of Representatives, I request that I be excused from taking any part in the impeachment trial of Judge George W. English.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

OCEAN STEAMSHIP CO. (LTD.)

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2368) for the relief of Ocean Steamship Co. (Ltd.), a British corporation, which was to strike out all after the enacting clause and to insert:

That the claim of the Ocean Steamship Co. (Ltd.), a British corporation, owner of the steamship *Alcinous*, against the United States for damages alleged to have been caused by collision between said steamship *Alcinous* and the U. S. transport *Artemis*, in or near the harbor of New York on December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Ocean Steamship Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

Mr. BAYARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

LEASE OF TRACKS AT ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y., which was, on page 2, line 10, after the word "States," to insert the following:

and the discontinuance without cost of any action now pending by said company against the United States.

Mr. WADSWORTH. I move that the Senate concur in the House amendment.

The motion was agreed to.

SANDUSKY BAY BRIDGE

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay, at or near Baybridge, Ohio, 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 disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to G. S. Beckwith, of Cleveland, Ohio, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near Baybridge, in the county of Erie, in the State of Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The said G. S. Beckwith, his heirs, legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Ohio under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"SEC. 5. The said G. S. Beckwith, his heirs, legal representatives, and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said G. S. Beckwith, his heirs, legal representatives, and assigns, shall make available to the Secretary of War all of his or their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said G. S. Beckwith, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

SETTLEMENT OF ITALIAN INDEBTEDNESS

Mr. REED of Pennsylvania. Mr. President, I would like to ask the Senator from Missouri when he expects to present his motion for a reconsideration of the Italian debt settlement bill?

Mr. REED of Missouri. Mr. President, I have just had a very brief conference with the chairman of the committee [Mr.

SMOOT]. I have said to him that I would present the motion for a reconsideration now, with the understanding between the chairman of the committee and myself, which is somewhat informal, that the matter may be discussed to-day, and that to-morrow we will agree on a time to vote.

Mr. SMOOT. Can we not agree now to vote at 3 o'clock to-morrow?

Mr. REED of Missouri. I do not want to agree to a time to vote until I know what discussion there will be, but I will say to the Senator that I shall not obstruct the matter at all.

Mr. SMOOT. Let us vote not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I do not want to agree now on an absolute time to vote. If Senators will trust to me in the matter——

Mr. SMOOT. Let us agree to vote before we recess or adjourn to-morrow.

Mr. REED of Missouri. I do not want to make an agreement. I am willing to say to-day that I have no desire to delay the matter further than until such time as the Senate has had a chance to discuss it. To agree at this moment on a time to vote is impossible. Will not the Senator take my assurance that that is my attitude and let me enter the motion now? I understand the Senator from Nebraska [Mr. HOWELL] is prepared to discuss the question.

Mr. REED of Pennsylvania. Of course I take the assurance of the Senator from Missouri unhesitatingly. All I am disturbed about is that some other Senator who is not a party to his assurance might object to a vote to-morrow. It is very important that the matter shall be finally disposed of one way or the other.

Mr. REED of Missouri. It is possible that some Senator may object; and if so, we might have to proceed in the ordinary way to get to a vote.

Mr. REED of Pennsylvania. Of course, we can always bring it to a vote by moving to lay on the table, but we do not want to do that.

Mr. REED of Missouri. I hope not. I will say to the Senator that this is my attitude: I shall enter the motions forthwith. Let them go to discussion. So far as I am concerned there will be no effort to delay them beyond legitimate and necessary discussion. Probably to-morrow we will agree on an hour to vote, and I shall be agreeable to fixing an hour to vote provided that Senators are prepared to vote. If some one wants to discuss the question he ought not to be cut off from such discussion. I think if the Senator will let the matter drift along we will have no difficulty in getting through.

Mr. FESS. Mr. President——

Mr. SMOOT. The only reason why I want to fix the time is in order that Senators may know when we are going to vote, so that they may be present.

Mr. REED of Missouri. It is difficult now to fix a time. The debate may go on for only an hour. I do not know the attitude of Senators at all. I do not know how they will receive these motions.

Mr. REED of Pennsylvania. May I ask the Senator from Nebraska if he is ready to go on now?

Mr. HOWELL. I am prepared to proceed.

Mr. REED of Pennsylvania. I yield now to the Senator from Ohio.

Mr. FESS. Mr. President, I announced yesterday that unless a motion was made to-day to reconsider I would feel under obligation to make it myself. If the motion is going to be made, that obviates the matter of undue delay and consideration, but I still reserve the right, if it proceeds unduly, to make the motion to table it. I want to have that understood. I do not want to do it unless it becomes necessary in order to get a vote.

Mr. REED of Missouri. Did the Senator say he would reserve the right to move to table the motion or to make a motion to reconsider?

Mr. FESS. I will make a motion to table the Senator's motion to reconsider.

Mr. REED of Pennsylvania. We all have that right. We do not have to reserve it.

Mr. FESS. I do not want to be considered as adopting sharp parliamentary practices as was charged yesterday. I want to announce in the beginning that if the matter proceeds unduly long, I shall be compelled to bring it to a vote by that motion.

Mr. REED of Missouri. Mr. President, I move to reconsider the vote by which the Senate rejected the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. REED of Pennsylvania. Mr. President, a point of order.

Mr. ROBINSON of Arkansas. We will have to reconsider the vote by which the bill was passed in order to have a reconsideration of the vote by which the amendment of the Senator from Nebraska was rejected.

Mr. REED of Pennsylvania. My point of order is that only a motion to reconsider can be made of the vote by which the bill was finally passed.

Mr. REED of Missouri. I am going to incorporate that in my motion. I move to reconsider the vote by which the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the bill commonly known as the Italian debt settlement bill was rejected, and I move to reconsider the vote by which the bill commonly known as the Italian debt settlement bill was passed by the Senate.

Mr. REED of Pennsylvania. Mr. President, a point of order to the first part of the motion. The motion is not in order to reconsider any interlocutory vote previous to the final passage of the bill.

The VICE PRESIDENT. The point of order is well taken. The motion for reconsideration should be upon the passage of the bill and then the bill would be open to amendment.

Mr. REED of Missouri. I have tried to approach this matter in a way perfectly fair to the Senate and so as to present without any technicalities the broad questions that we have under consideration. The Chair having sustained the point of order that both matters can not be embraced in one motion, and having saved my record so far as I am able by the motion I have made, I now move to reconsider the vote by which the bill commonly known as the bill for the settlement of the Italian debt was passed.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

Mr. HOWELL obtained the floor.

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

Mr. HOWELL. I yield.

Mr. KING. I suggest the absence of a quorum. I think we ought to have a full attendance here when the Senator from Nebraska is addressing the Senate.

The VICE PRESIDENT. The clerk will call the roll.

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

Bayard	Fernald	Kendrick	Reed, Pa.
Bingham	Ferris	King	Robinson, Ark.
Blease	Fess	La Follette	Sackett
Borah	Frazier	McKellar	Sheppard
Bratton	George	McLean	Shipstead
Broussard	Gerry	McMaster	Smith
Bruce	Gillett	McNary	Smoot
Cameron	Glass	Mayfield	Stephens
Caraway	Goff	Metcalf	Trammell
Copeland	Gooding	Neely	Tyson
Couzens	Hale	Norbeck	Underwood
Cummins	Harreld	Nye	Wadsworth
Curtis	Harris	Oddie	Warren
Dale	Harrison	Overman	Watson
Deneen	Heflin	Phipps	Wheeler
Dill	Howell	Pine	Williams
Edge	Johnson	Ransdell	Willis
Ernst	Jones, Wash.	Reed, Mo.	

Mr. CAMERON. I was requested to announce that the Senator from New Mexico [Mr. JONES] and the Senator from Oregon [Mr. STANFIELD] are engaged in a hearing before the Committee on Public Lands and Surveys.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Seventy-one Senators having answered to their names, a quorum is present.

FORMS FOR BRIDGE BILLS

Mr. BINGHAM. Mr. President, will the Senator from Nebraska yield to me?

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

Mr. HOWELL. I yield.

Mr. BINGHAM. Mr. President, some misunderstanding has arisen with regard to the new bridge policy of the Senate Committee on Commerce, due to one or two matters which have come up since that policy was first adopted. I should like to call the attention of Senators who are interested in bridge bills to the conference report adopted this afternoon on a typical toll bridge bill within the boundaries of a State, an intrastate bridge, constituting what is known to the committee as Form 3; and to the last three conference reports, adopted on yesterday, which embrace the bills providing for bridges over the Mississippi River at Natchez, at Vicksburg, and at Louisiana, Mo., which are in the form now agreed upon by the joint conference committee of the two Houses considering bridge bills, and which may be referred to as Form 4, the form for private toll bridges of an interstate character. If Senators will consult those two forms as printed in to-day's RECORD and in yesterday's RECORD, they will find the forms upon which they can rely as being those which will be followed in the

future by the committees of both the Senate and House of Representatives, which have to pass upon bridge bills.

They will notice that those forms omit the proviso requiring a certificate from the Secretary of War as to whether the bridge is adequate from the point of view of the use to which it is to be put. A communication from the Secretary of War has shown that that proviso would greatly add to the cost of conducting the office of Chief of Engineers in the War Department, and would also greatly delay the construction of bridges. In view of that fact, the committee deemed it wise to postpone the inclusion of such proviso until a general revision of the bridge authorization legislation should take place. I ask unanimous consent to insert in the RECORD at this point an excerpt from the letter of the Secretary of War to which I have referred.

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

The excerpt from the letter is as follows:

The probable addition to department expenditures that will arise from this new procedure can not now be given. Experience will be needed in order to form an intelligent opinion. The present force of employees is organized to perform only the work Congress has heretofore directed. Judging from the experience of recent years, the probable number of bridge applications to be handled under congressional acts will average one per week. If the law is modified to require similar procedure in all bridge applications, the number of cases will average between four and five per week. The work of investigation and checking will be technical and difficult; and in view of the public necessity of prompt action upon applications, of the responsibility that must be accepted in the matter, of the liability that will rest upon the Government if changes in plans directed by its officers are found to be at fault, an adequate corps of thoroughly qualified assistants must be organized. The cost will undoubtedly be great—so great that, in my judgment, the proviso should receive consideration by the Bureau of the Budget before its adoption.

I wish it understood that the department is in no way hostile to the plan and will willingly undertake the work. The features of the matter herein set forth are presented simply for the reason that I regard it a duty to bring forward whatever may be suggested by the experience of the department as worthy of consideration in embarking upon new responsibilities. In this connection, I would also call attention to the fact that failure of bridge structures in the United States is a comparatively rare occurrence. The cost of mistakes in such work and the heavy liability likely to arise if they occur has been sufficient to cause the exercise of great care by bridge builders, both in designing and erecting their structures. Whether similar efficiency will be shown when the Federal Government assumes something of the responsibility, or whether proponents of bridges will rely on the Government to do the costly work of preparing proper designs and plans, remains to be seen.

Mr. BINGHAM. In the second place, Mr. President, a misunderstanding has arisen over the third paragraph of the statement which I made on March 3 regarding the proposal of the committee for securing an opinion from the highway commission or commissions of the State or States affected before we should give approval to the request of private parties for franchises for toll bridges over navigable streams.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the report of a hearing before the subcommittee of the Committee on Commerce on the Big Sandy River bridge project, which contains a statement from Thomas H. Macdonald, Chief of the Bureau of Public Roads in the Department of Agriculture, with regard to the desire of the department to secure from State highway commissions their opinion as to the desirability of a proposed toll bridge at a particular point, or whether they are about to construct a bridge on behalf of their own State.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

STATEMENT OF THOMAS H. M'DONALD, CHIEF OF BUREAU PUBLIC ROADS, DEPARTMENT OF AGRICULTURE

Mr. MACDONALD. Mr. Chairman, I should like to be permitted to make a short general statement, which I regard as more important than any extended comment on this particular bill.

The Department of Agriculture has, in reporting on a number of bills which have been submitted to it, taken this method of putting before the Congress the situation which exists with reference to legislation affecting the building of toll bridges over streams under the jurisdiction of the Federal Government.

We believe that the present law does not meet the present situation and we have known of no better way to place this important matter before the Congress than by incorporating in our reports those principles which we believe are desirable to safeguard and protect the public interests.

There are over 3,000,000 miles of public highways in the United States. We have now operating over them about 20,000,000 motor vehicles. These facts are important in their relation to bridges at certain points because the 3,000,000 miles of public highways, over all of which some traffic moves, have been divided into groups. Certain main highways have been selected for the Federal highway system, to the extent of about 7 per cent of this total mileage, leaving 93 per cent of roads not in the Federal system. The State highway systems contain a total of slightly more, or in the neighborhood of 10 per cent of the total mileage. In other words, 10 per cent of the public-road mileage is under State jurisdiction and 90 per cent under local jurisdiction. There have been improved with surfacing, roughly, over 400,000 miles, a very small portion of the total public-road mileage.

The improvement of so small a percentage of the whole mileage has this effect: The traffic from all of the public roads tends to concentrate on the improved roads. All those roads which are or will be improved as parts of the State or Federal highway systems are known, and the maps indicate without any possibility of material change the places at which these roads will cross the rivers. Our whole road improvement policy is concentrating traffic upon the roads of the State and Federal highway systems leading directly to these important or strategic river crossings.

This will be the tendency for an indefinite period, because it will be years before we will be able to improve fully the entire mileage of the 10 per cent State systems, to say nothing of the 90 per cent which is being improved by the local jurisdictions. So that we have in this situation our public-road policy not only concentrating the traffic on certain roads, but pointing out through the distribution of maps the strategic points where it would be profitable to erect toll bridges.

This fact is being taken advantage of by a very large number of individuals or corporations who have asked Congress to grant franchises for them to erect toll bridges at these points. We are mildly interested in this one particular bridge, but we are interested in performing any responsibility which ought to attach to us in finding out and bringing to the attention of Congress the conditions which exist. I may say that we are very highly interested in the permanent policy established. This proposed franchise seems to me to take away something of authority which ought to lodge with the States. That is, it is a serious question whether a franchise granted by the Federal Government for the erection of a toll bridge on the highway system which will in large part be paid for out of State funds, or out of funds of two adjoining States, does not take away from the States something of authority over the property which belongs to them.

Senator COUZENS. I understand you are suggesting that it might be proper for the Congress to inquire of the States before it grants the franchise?

Mr. MACDONALD. It seems to me so. Here is the point: I am in full sympathy with the general proposition that the Federal Government ought to stay out of local affairs.

Take this particular bridge, without any reference to any individual connected with it. This is not a matter that Congress ought to bother with. A $300,000 bridge ought not to be built as a toll proposition. I believe this is about the probable cost of this bridge. It ought not to be a toll bridge. If it were to cost $1,000,000 or $2,000,000, that would place it in another category; but my judgment is that this is purely a local matter, although technically it is under the jurisdiction of the Congress, because this stream is a navigable stream. At least on paper it is navigable.

Mr. MEEK. It is actually navigable.

Senator COUZENS. I understand, then, your idea is before Congress grants this franchise the wise thing and the proper thing to do would be to refer it to the States and get their viewpoint as to granting the permit.

Mr. MACDONALD. It seems to me that would be a very wise thing to do; but, of course, having the view of those two States would not answer this question of the general policy, which, it seems to me, Congress must meet.

About our position with reference to these privately owned bridges, we believe, first, that so far as possible all bridges ought to be free bridges; that the bridges on all these important highways ought to be free bridges. Second, assuming there is a lack of public funds to meet the cost of construction, we believe that the States ought to be allowed to erect toll bridges and finance them by public bond issues to be retired by the collection of tolls and the bridge thereafter become a free bridge. Third, if a bridge is seriously needed and it is not possible to finance it by one of the first two methods, there may be in particular cases justification for the granting of franchises to private concerns to erect a toll bridge. It is our judgment that franchises are being granted without proper investigation or proper hearings as to the merits of these projects, and we believe that in the future the public will pay dearly to recover these franchises. If, after full investigation, the circumstances are such that Congress believes a franchise should be granted, this should certainly be only in the case of large structures. Then we believe there should be included in the franchise definite provisions as to items of cost that shall be included, as to the

organization charges and as to the length of time that each franchise shall run.

Senator COUZENS. Do you think it would cover the ground if Congress should adopt a policy of requiring the application to come from the States interested rather than individuals? In other words, just take this particular case; if West Virginia should make this request of Congress, that that would be much better than to have it come from a private individual?

Mr. MACDONALD. It seems to me that would be highly desirable, because in that event the States would have to say, "We do not have the money to build this as a free bridge."

Senator COUZENS. In other words, they could state in their application that they wanted to do it themselves or whether they wanted it to be a matter of franchise.

Mr. MACDONALD. It seems to me so.

* * * * * * *

Senator BINGHAM. One more question. Would you believe that if Congress were to adopt the policy of getting the opinion of the States involved as to whether they desired to have such franchise granted and whether to themselves or to a corporation, that this could best be done by the Department of Agriculture by a communication from the Secretary to the governor of the State, or what method would you suggest?

Mr. MACDONALD. That might be handled by this committee through the Department of Agriculture or by this committee direct with the highway department of the States. I should say it would be a matter of reference to the highway department of the States, and as a matter of convenience it might go through the Department of Agriculture.

Senator BINGHAM. If you were requested by this committee before reporting on the bill to ascertain from the highway department of the State what attitude they took toward the bill, would that meet your objection?

Mr. MACDONALD. I think so. I might say, Mr. Chairman, that we came into this question of the bridge situation rather reluctantly. It was only after I had had a conference with the Chief of Engineers of the War Department, at that time General Beach, who told me that under their operations in connection with bridges of this character they were only concerned with the navigation features; that is, I asked if they would not go into the matter of tolls and the general traffic desirability of the bridge and assume rather more extended responsibility in dealing with matters of this character, and it was only with the assurance that they were only concerned with navigation features that we came into the situation at all. When we did so, however, there were protests against the granting of franchises for private toll bridges filed by certain State highway departments with us. Generally the State highway departments do not favor toll bridges.

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Mr. BINGHAM. A reading of a portion of the statement which I asked to have printed in the RECORD will explain the misconception which arose over the language which I used on March 3. That language has given rise to a misunderstanding, particularly on the part of people in the city of Portland, Oreg., as to the necessity of procuring from the State highway commission approval of the plans for any bridge before a bill authorizing it could pass. The idea of the committee, as appears from the hearing, was merely to secure from the highway commissions of the States involved a statement as to whether they proposed to build a free public bridge at the particular point in the near future, and if so, whether they were opposing the granting of a private franchise.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. Has the committee modified its policy with respect to requiring a report from the State highway department touching intrastate bills?

Mr. BINGHAM. Not at all, Mr. President. The committee request in each case the Bureau of Roads of the Department of Agriculture to ascertain from the highway commission of the State or States involved whether they are proposing to build a public bridge at the particular point and therefore do not desire any franchise to be given to private parties. The misunderstanding which arose was due to a very proper interpretation of the language I inadvertently employed, which led to a belief on the part of certain persons that it was necessary for the State highway commission to approve of the plans of the bridge before the permit should be granted.

Mr. ROBINSON of Arkansas. As I understand, all that is required in that connection is information from the State highway department that it does not itself propose to build a bridge at or near the same point?

Mr. BINGHAM. Exactly. It is not the intention of the Senate to grant private franchises where the State itself proposes to build public bridges.

THE RAILROAD LABOR BILL

Mr. WATSON. Mr. President, will the Senator from Nebraska yield to me?

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

Mr. HOWELL. I yield.

Mr. WATSON. Mr. President, after the public buildings bill shall have been disposed of, the next legislation on the program, as arranged by the steering committee on this side of the Chamber, will be what is known as the railroad labor bill. Because of the present situation in the Senate, the inability to determine definitely when this measure can be taken up, and because of the further fact that a number of Senators expect to be away and others want to go away for a time, and all of them, as I am advised, want to be present when the bill shall be taken up, I wish to ask unanimous consent that the railway labor bill be made a special order of the Senate immediately after the morning hour on the 6th day of May.

Mr. SMOOT. Mr. President, I do not like to object, but I do not know how long the public buildings bill is going to take.

Mr. WATSON. Of course, if there is unfinished business before the Senate at that time, all I can do will be to take up the special order at the close of the morning hour on that day and again take it up as soon thereafter as possible; but there is no reason to believe, there is no justifiable ground to believe, as I now think, that the public buildings bill will run until the 6th of May.

Mr. SMOOT. Of course, I hope not.

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. WATSON. I yield to the Senator from Arkansas, with the permission of the Senator from Nebraska.

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. I do not understand that the Senator is asking to fix a time to vote on this bill at all?

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. He is simply asking to make it a special order for the 6th of May?

Mr. WATSON. For consideration.

Mr. ROBINSON of Arkansas. I myself will be absent for several days prior to the 9th of May, but I will not object to the request to make the bill a special order if other Senators are inclined to agree to the proposal.

Mr. WATSON. I thank the Senator.

Mr. HARRISON. Mr. President, reserving the right to object——

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

Mr. HOWELL. I do.

Mr. HARRISON. Reserving the right to object, I should like to inquire what is the intention of the steering committee with reference to agricultural legislation? Are we going to pass other foreign debt agreement bills now on the calendar that will give away billions of dollars of the money of the American taxpayers, pass the public buildings bill so that Mr. Mellon may do with it what he desires as to public buildings, then pass railroad labor legislation, and do nothing with reference to the agricultural situation?

Mr. WATSON. Is the Senator asking me a question?

Mr. HARRISON. Yes. The Senator is chairman, as I understand, of the steering committee.

Mr. WATSON. I am not even on the steering committee, I will say to my friend.

Mr. HARRISON. Well, the Senator is in the inner councils on his side of the Chamber.

Mr. WATSON. I will answer the Senator so far as my knowledge extends, which is that agricultural legislation is on the program, and that——

Mr. HARRISON. Where does it come in on the program, may I ask the Senator?

Mr. WATSON. My understanding is that the railway labor bill has been on the agenda, if I may use that term, for some time as a part of the program, after that the McFadden banking bill, as I understand, is to be taken up, and then agricultural legislation is to be considered, so far as I am advised. As to that, however, I defer to my leader, the Senator from Kansas [Mr. CURTIS]. But be that as it may, it is my understanding that agricultural legislation is to be considered before the Senate shall adjourn; and I will say to the Senator that, if I have anything to do with it, it will be considered or the Senate will not adjourn.

Mr. HARRISON. The Senator has told us that, first, the public buildings bill is to come up. It may keep us here until

the 6th of June, and it will if it is adequately discussed—and I hope it will be fully discussed before we vote on it—then it is proposed, as I understand, to consider certain foreign debt settlement bills, which are going to give away a lot more money, then the bankers' bill comes up for consideration, and the Senator does not know for sure whether the agricultural bill is on the program. Until we do know I object to the request.

Mr. CURTIS. Mr. President——

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

Mr. HOWELL. I yield.

Mr. CURTIS. At the time of the last meeting of the steering committee no agricultural measure had been reported from the committee and placed upon the calendar. Since that time such a bill has been reported. It is the practice of the steering committee, of course, not to put bills on the list of measures to be considered until they shall have been reported to the Senate; but I can assure the Senator that at the next meeting of the steering committee the bill for the relief of agriculture will be put on the program.

Mr. BRUCE. Mr. President——

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

Mr. WATSON. I hope the Senator from Nebraska will yield until we can thrash this matter out.

Mr. HOWELL. I yield.

Mr. BRUCE. I was out of the Chamber at the time, and merely wanted to ask whether the Senator stated what items were on the steering committee's program.

Mr. CURTIS. I only referred to the one item, and said that a bill with regard to agricultural conditions had not been reported at the time of the last meeting of the steering committee, but at the next meeting several measures that are pending will be considered by the committee.

Mr. HARRISON. When did the steering committee meet last, may I ask the Senator from Kansas?

Mr. CURTIS. I have not the date in my mind, but it was before the bill having to do with agricultural conditions was reported.

Mr. HARRISON. As I understand, the Committee on Agriculture had agreed on a report some 10 days before the report was submitted to the Senate.

Mr. CURTIS. We did not know that.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

PERSONAL PRIVILEGE

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me for a matter of personal privilege?

The PRESIDING OFFICER. The Senator from Pennsylvania will state his question of personal privilege.

Mr. REED of Pennsylvania. Mr. President, in the debate yesterday afternoon in the Senate Chamber certain remarks were made by the Senator from Idaho [Mr. BORAH], which led me to send for and put into the RECORD the yea-and-nay vote on the Warren nomination last spring. The RECORD as it appears in this morning's printed transcript did not accord with my recollection of what occurred, and therefore I ask unanimous consent now to read into the RECORD the reporter's notes of the remarks which were made and then the remarks as changed in lead pencil.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Just a moment, Mr. President. Does the matter which the Senator from Pennsylvania desires to read relate to the remarks of the Senator from Idaho?

Mr. REED of Pennsylvania. It does.

Mr. JOHNSON. Will the Senator pause until the Senator from Idaho can be present? I have just sent for him.

Mr. REED of Pennsylvania. I will be very glad to do so.

Mr. JOHNSON. I think that only fair to him.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, will the Senator from Nebraska yield to me while we are waiting for the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. McLEAN. I should like to ask the Senator from Indiana if he desires to have the railroad labor bill take precedence of the McFadden banking bill?

Mr. WATSON. I shall desire to have that done if I am here.

Mr. McLEAN. I should like to ask the Senator if that is in accordance with the plan prescribed by the steering committee?

Mr. WATSON. It is.

Mr. McLEAN. The Senator wants that set down for a special order, does he?

Mr. WATSON. Yes. To be entirely frank about it, my primary in Indiana is on the 4th of May, and I want to be in Indiana three or four days before that happens; and I do not intend to leave here, if I can not make this kind of an arrangement, until I know what disposition is to be made of this railroad labor bill, because if I can not make this arrangement I shall stay here and bring it up at the first opportunity.

Mr. ROBINSON of Arkansas. Mr. President, the Senator suggested the 6th of May. He might not feel like coming back so soon after the 4th of May.

Mr. WATSON. Oh, I feel perfectly satisfied about that, I will say to my friend.

The PRESIDING OFFICER. Objection was made to the proposed unanimous-consent agreement.

Mr. WATSON. I know it. I am trying to get my friend from Mississippi to withdraw it.

Mr. HARRISON. Mr. President, may I say to the Senator that as soon as these other debt agreements are out of the way I will join with him in a motion to set aside the public buildings bill and take up his railroad proposition.

Mr. WILLIS. Mr. President——

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

Mr. HOWELL. I yield.

Mr. WILLIS. I suggest to the Senator from Indiana that he can solve this whole matter, so far as the great national question to which he is alluding and in which we are all interested is to be settled in Indiana——

Mr. WATSON. I thank the Senator.

Mr. WILLIS. He can settle this question by simply announcing that he proposes to call up this bill on the 6th of May.

Mr. WATSON. I can settle it much more definitely if I have unanimous consent to make it a special order. Of course, I can move to make it a special order, but I would so much rather do it in a nice way and have all the Senators concur.

Mr. WILLIS. If the Senator would announce his intention to call it up at that time, then every Senator could make his plans accordingly.

Mr. McLEAN. Does the Senator assume that his special order will interfere with the unfinished business?

Mr. WATSON. I do not.

Mr. McLEAN. Then would it not be better to postpone the consideration of the labor bill until the Senator has been renominated?

Mr. REED of Missouri. That might be indefinitely.

Mr. WATSON. I think I can give my friend some assurance upon that proposition.

Mr. REED of Missouri. I have not any doubt that the Senator has it fixed.

Mr. WATSON. I thank the Senator. If I can get the attention of the Senator from Mississippi, who seems inclined to insist on his objection, we will let it go over until to-morrow.

Mr. HARRISON. I will say to the Senator that I have no objection to that legislation. I am very much more in favor of that legislation than the unfinished business, the public buildings bill; and I told the Senator that I would join with him to-morrow or next day in a motion to set aside the public buildings bill and to take up this bill. If the Senator does not make such a motion, I shall make it and see whether or not the Senator will join with me in that effort.

Mr. WATSON. Does the Senator, then, still object to the unanimous-consent agreement that I have requested?

Mr. HARRISON. The 6th of May is quite a long time off. We may be able to pass the bill in the next four or five days.

ITALIAN DEBT SETTLEMENT

The Senate resumed the consideration of the motion of Mr. REED of Missouri to reconsider the vote by which the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was passed.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me now on a matter of personal privilege?

Mr. HOWELL. I yield.

Mr. JOHNSON. Mr. President, if the Senator will yield for an instant, I asked him to defer his remarks for a brief period until I had an opportunity to summon the Senator from Idaho [Mr. BORAH]. I failed to reach him, and I do not wish to trespass further on the courtesy of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not wish to make any argument, Mr. President, but simply to read into the RECORD,

as I now shall do, the Reporter's transcript and the changes that were made in it.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Pennsylvania. I do not ask unanimous consent.

Mr. President, the reporter reported the dialogue in this way:

Mr. REED of Pennsylvania. Mr. President, the Senator did not feel that way last March when my motion to table was before the Senate.

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have never sat silent when a motion to table has been made. I have always voted against the proposition to lay anything upon the table. It is a universal record of mine here, and the Senator can not challenge it.

Those remarks appear in the RECORD this morning as they have been changed in lead pencil to read as follows:

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have repeatedly protested when a motion to table has been made. It has been my rule to vote against the proposition to lay anything on the table. My record here will show that I have all but universally protested and voted against the practice.

I think I owed that to myself, because without that in the RECORD the subsequent proceedings of yesterday were unintelligent.

Mr. REED of Missouri. Mr. President——

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

Mr. HOWELL. I yield.

Mr. REED of Missouri. This is the old story that so often is repeated on the floor of the Senate. Men have a general policy which they think they have adhered to without change, yet it may appear under particular circumstances that they have apparently varied from the policy.

I recall an experience of my own in which some industrious Member dug up the fact that apparently I had voted for a rule of cloture in the Senate. At the time I was astounded by the condition of the RECORD. I did know then, and I do know now, that I have consistently disapproved and opposed every effort to impose cloture upon the Senate. Upon reflection regarding the RECORD, as nearly as I was able to figure out the matter, the situation was that a motion was about to be carried imposing cloture upon the Senate by a majority vote, and I was compelled to take my choice between cloture by a majority vote and cloture by a two-thirds vote. Therefore I voted in favor of cloture by a two-thirds vote as the lesser of the two evils. So I suppose I may say, in the absence of the Senator from Idaho—who generally needs no sponsor or defender, certainly never when he is present—that it may be that technically, upon the question of a reconsideration of the vote relative to Mr. Warren's confirmation, he voted in favor of a motion to table; but let me call attention to this fact:

The Senate had had before it for many days the question as to whether Mr. Warren would be confirmed or not confirmed. It was a simple question as to the fitness of a particular man for a particular place. After full debate, a vote was had, and my distinguished friend from Pennsylvania, whose name I have the honor to bear, voted for Mr. Warren. He was an earnest advocate of Mr. Warren, and a good-faith advocate. Having ascertained that the vote was a tie, or that it was going to be announced as a tie, with the shrewdness which becomes the family name he changed his vote in order to move a reconsideration, not because he wanted Mr. Warren defeated, but because he wanted Mr. Warren confirmed, and he knew that if a John Gilpin alacrity could be injected into the sleeping form of the President of the Senate he might be projected to this body in time to cast the deciding vote. So, in order to get that vote, he changed his own vote from an attitude in favor of Mr. Warren to an attitude against Mr. Warren, in order that he might get a vote here in favor of Mr. Warren; and in that situation I believe that the Senator from Idaho [Mr. BORAH] voted against carrying out this device, scheme, and artifice, and said it could not be consummated in the Senate. The Senator from Idaho voted to table the motion.

That is a very different situation from the one now presented.

Mr. REED of Pennsylvania rose.

Mr. REED of Missouri. I yield to my friend.

Mr. REED of Pennsylvania. I thought the Senator had finished.

Mr. REED of Missouri. No; I have only started.

So, although opposed to the efforts to cut off full discussion and debate, possibly the Senator from Idaho conceived this not to be a matter of discussion or debate, but a matter of how fast an automobile could travel from the Hotel Willard to the Senate bearing the somnolent form of the President of the Senate. That does not affect the merits of the question, and I think does not reflect upon the good faith of the announcement made by the Senator from Idaho on yesterday on the floor of the Senate. But, Mr. President, let us contrast that with the question we had before us yesterday.

A debate had occurred relative to the Italian debt controversy. An insistence was made that a time should be fixed for voting. It was felt by some of the Members of the Senate that the question had not been fully discussed, and the chairman of the committee, the Senator from Utah [Mr. SMOOT], agreed to fix the time two or three days in advance, which carried it to Wednesday.

The intervening period was taken up largely with discussions of other questions. The Senators who desired to discuss the Italian debt were in the major part compelled to attend to other duties; so that when we came to the discussion of the final matter of the Italian debt there remained certain questions which had not been discussed. Among others was the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The Senator from Nebraska, proceeding under a limitation of time, found himself, as he approached the proposition involved in his amendment, ruled down by the gavel, which was properly applied, for his time had expired; and so the Senate failed to obtain from him the light that it might have obtained from his views. Under those conditions, because that question had not been discussed, I reserved or asserted the right to make a motion for reconsideration, which motion is now pending. It was upon that question, and under those circumstances, that the Senator from Idaho made his statement. He may have made it a little too broad.

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

Mr. REED of Missouri. I yield.

Mr. McKELLAR. I call the Senator's attention to the motion made by the Senator from Pennsylvania as disclosed in the RECORD at page 7905.

Mr. REED of Pennsylvania. I move a reconsideration of the vote just taken, and on that I ask for the yeas and nays.

Mr. WALSH. I move to lay the motion of the Senator from Pennsylvania on the table, and upon that I ask for the yeas and nays.

I call the Senator's attention to the fact that both the Senator from Pennsylvania and the Senator from Montana asked for an immediate vote, and demanded the yeas and nays on that vote, and, of course, I imagine that my good friend from Pennsylvania was anxious to have the vote at that time on the motion to lay on the table, because it took a majority to carry it, and the Senate, as we all knew, was about equally divided. So that as a matter of fact it was purely a technical matter. The Senate desired to vote at that time.

Mr. REED of Pennsylvania. The Senator understands that a call for the yeas and nays, even if granted, does not necessarily mean an immediate vote. There is opportunity for debate by any Senator.

Mr. McKELLAR. Not necessarily; but of course this record discloses the fact that the Senate was ready to vote at that time, and it was only a question of how that vote should come. Evidently the Senator, and those who believed with him, thought that it had better come on a motion to lay on the table, because it took a majority.

Mr. REED of Missouri. Mr. President, I think we need not deceive ourselves about it. The Senator from Pennsylvania was sparring for time enough to revive the man in his corner of the ring and get him here so that he could cast the deciding vote. The motion to table was intended, if I may pursue my somewhat improper analogy, to accelerate the count so that the vote would become final.

Mr. REED of Pennsylvania. So that the Vice President, to whom the Constitution gave the deciding vote, should not have an opportunity to cast it.

Mr. REED of Missouri. Yes; and that of course involved getting your man here and depriving the other side of the opportunity perhaps to get here some of their men who were absent.

Mr. REED of Pennsylvania. Does the Senator see any ethical difference between an effort to exclude debate, as was suggested yesterday, and an effort to exclude a vote, as was accomplished last March?

Mr. REED of Missouri. I do not see any ethical difference, but I see a very practical difference.

Mr. REED of Pennsylvania. As a practical matter, then, will not the Senator agree that this tender conscience that was displayed yesterday is like a boarding-house beefsteak—it is only tender when it is beaten? [Laughter.]

Mr. REED of Missouri. Mr. President, I do not want to enter into the ethical constituency of a boarding-house beefsteak, although the illustration is very humorous; and gazing at my friend's emaciated countenance, I can imagine his beefsteaks have not always been beaten. [Laughter.]

Mr. REED of Pennsylvania. That is a family failing, is it not?

Mr. REED of Missouri. Not at all. I am well favored, so far as fat is concerned.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Senator will state his inqury.

Mr. ROBINSON of Arkansas. What is the pending question?

Mr. REED of Missouri. My motion to reconsider; and I hope the Senator from Arkansas is not going to try to hold us to a discussion of the question, because if he ever establishes that rule, he will be ruled off the floor perpetually.

Mr. ROBINSON of Arkansas. Mr. President, since no one seems to have any idea of what we are discussing, I thought perhaps the Chair would inform the Senate.

The PRESIDING OFFICER. The Chair is informed that the question is upon a reconsideration of the vote whereby the Italian debt settlement bill was passed. The Senator from Nebraska had the floor, and the Senator from Nebraska stated that he yielded the floor to the Senator from Missouri. So the Senator from Missouri has the floor.

Mr. REED of Missouri. If the Senator from Arkansas has not understood what we are discussing, I am very sure nobody in the world has a brain acute enough to really catch the point.

Mr. ROBINSON of Arkansas. I am sure the Senator from Missouri does not know what he is talking about. [Laughter.]

Mr. REED of Missouri. Well, Mr. President, I should dislike very much to submit any question of logic to my friend from Arkansas, because I feel convinced he would be so prejudiced in the matter that he would render a verdict against me anyway.

Mr. ROBINSON of Arkansas. I take pleasure in leaving it to my friend the Senator from Missouri.

Mr. REED of Missouri. Very well; the Senator is leaving it in safe hands.

Mr. President, after this diversion, there is this great difference between these two questions: In one case we lined up on either side against Mr. Warren or for him, and everybody got here the votes he could get, and we had it out. It was simply a question of the fitness of a man. In this case the question is whether there has been a matter of great legislative import, which ought to be discussed, that has really been overlooked because of the fixing of a definite time for voting. In perfect good faith, and with an absolute hope in my heart that the Senate might reverse its attitude, I stated that I would offer a motion to reconsider. Thereupon the Senator from Ohio [Mr. FESS] said that he would offer such a motion presently, or immediately, and the Senator from Utah [Mr. SMOOT] said he would—and he did—present a motion to lay on the table, which would cut off all debate and all chance to even state the question to the Senate. We had a controversy about that, and it was finally agreed that the motion should be made to-day.

I see no real parallel between the two cases. But I take this occasion to say, although off the RECORD, I am not talking particularly to this question, that I have consistently urged in the Senate—and I will not say there has been no exception on any particular vote—the policy of keeping freedom of debate always a principle to be observed by the Senate. Any abandonment of that in the past has been a mistake. I think we would have had a different result on the World Court vote if we could have waited until the League of Nations' secretariat notified the other sovereign nations of the world that they should not treat with the United States as a sovereign Nation, but ought to assemble themselves under the ægis of the League of Nations and have it determine what their action should be in the negotiations with the United States of America. And I might give other illustrations.

Since the Senator from Nebraska has yielded to me, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Bingham	Gerry	McMaster	Sheppard
Blease	Gillett	McNary	Smith
Bruce	Hale	Mayfield	Smoot
Cameron	Harris	Neely	Swanson
Caraway	Harrison	Nye	Trammell
Copeland	Heflin	Oddie	Tyson
Curtis	Howell	Overman	Wadsworth
Deneen	Johnson	Phipps	Warren
Dill	Jones, Wash.	Pine	Watson
Edge	Kendrick	Ransdell	Weller
Ernst	King	Reed, Mo.	Wheeler
Fernald	La Follette	Reed, Pa.	Willis
Ferris	McKellar	Robinson, Ark.	
Fess	McKinley	Sackett	

Mr. KING. I desire to announce that the Senator from West Virginia [Mr. GOFF], the Senator from Georgia [Mr. GEORGE], and the Senator from Missouri [Mr. WILLIAMS] are engaged in a meeting of the Committee on Privileges and Elections.

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

Mr. SMOOT. Mr. President, I ask unanimous consent that the pending motion of the Senator from Missouri be voted upon not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I presume the Senator would include in that request the right, if the motion be reconsidered, then to consider my motion to reconsider the vote had upon the amendment of the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah if it is expected to bring any other business before the Senate in the meantime?

Mr. SMOOT. If consideration of the motion occupies all the time, nothing will be done until we vote at 4 o'clock if Senators desire to discuss it, but if nobody desires to discuss the question, the Senator would not object to laying it aside temporarily.

Mr. CURTIS. Mr. President, we are to proceed to-morrow at 1 o'clock to organize the impeachment court, though that will take only a few minutes.

Mr. McKELLAR. I have no objection at all.

Mr. HARRISON. Mr. President, reserving the right to object, there are two objections to the proposition. One is the condition we find here on the floor now. The Senator from Nebraska rose some two hours ago to make a speech and we obtained a quorum for him, and now the Senate Chamber is deserted. Senators to whom the speech of the Senator from Nebraska ought to appeal leave the Chamber and do not hear the argument upon which the motion to reconsider is based.

Secondly, when we fix a time certain to vote, then Senators are going to desert the Chamber and are not going to stay here. We saw an example of another reason yesterday. When the time was fixed to vote the Senator from Pennsylvania occupied the last 30 minutes. I had no objection to that. Just before that the Senator from Kansas [Mr. CURTIS] called for a quorum, which took about 10 minutes. Some Senator could have occupied the floor during that time. The Senator from Idaho [Mr. BORAH] could not even present his views. Therefore, I object.

Mr. CURTIS. Mr. President, the Senator from Kansas did not call for a quorum yesterday until after the Senator from Pennsylvania was recognized and had the floor, and the Senator from Mississippi knows that to be true.

Mr. HARRISON. I had not any objection to it except that it took about 10 minutes to call the roll. If that 10 minutes had not been occupied in the roll call, there would have been 10 minutes more to discuss the proposition and someone could have made a reply to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I hope the Senator from Mississippi will not insist upon his objection. We can make an arrangement that suits the Senator from Missouri as to the apportionment of the time, or provide that no other business shall interfere; but if he does not agree to a time for a vote he forces us to move to table the motion, which is the last thing we want to do.

Mr. HARRISON. If the Senator wants to make a motion to table, let him do it. Why should we be in such a hurry to give away $1,500,000,000? If the Senator wants to take that course, let him take it, but for the present I object to any unanimous-consent agreement.

Mr. REED of Missouri. Mr. President, I think we can agree on this matter. So far as I am concerned, all I want in the world is a chance, when Senators are here, to have the Senator from Nebraska present his views. I would like to present my views, and of course I want the door to be wide open for any other Senator to present his views. I would like to have the question disposed of on its merits. I have no doubt that we can agree on some time to vote to-morrow, and conduct the matter so that everybody shall have a fair chance on each side to argue the question.

Mr. SMOOT. I would be perfectly willing to say that the supporters of the motion should have three-fourths of the time if they want it. It is not a question of time.

Mr. SWANSON. Mr. President, under the rule, to prevent any unnecessary delay, a motion to lay on the table is in order at any time. There is no need to have an agreement on a time to vote, because a motion to lay on the table can be made at any time. I see no occasion for an agreement to vote at a specific time. If there is any delay in the matter, the Senator can move to lay on the table, and that ends it.

Mr. REED of Pennsylvania. As long as the motion is before the Senate, I think it ought to be kept before the Senate. I know the Senator from Missouri agrees with me.

Mr. REED of Missouri. I agree to that, but I now ask unanimous consent that the Senate consider Senate bill 2858.

Mr. REED of Pennsylvania. With the understanding that it shall not displace the pending motion as the business before the Senate?

Mr. REED of Missouri. Yes.

Mr. SMOOT. The Senator is asking unanimous consent that we take up a bill?

The VICE PRESIDENT. Yes; Order of Business No. 379.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a unanimous-consent request first?

Mr. REED of Missouri. Certainly.

ORDER FOR RECESS

Mr. REED of Pennsylvania. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

SALARIES OF CERTAIN JUDGES

Mr. REED of Missouri. I renew my request that the Senate proceed to the consideration of the bill (S. 2858) to fix the salaries of certain judges of the United States.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $21,500 per year and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $15,000 per year.

To each of the district judges the sum of $12,500 per year.

To the chief justice of the Court of Claims and to each of the other judges thereof the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia and to each of the associate justices thereof the sum of $13,500 per year.

To the chief justice of the Supreme Court of the District of Columbia and to each of the associate justices thereof the sum of $12,500 per year.

To the presiding judge of the United States Court of Customs Appeals and to the judges thereof the sum of $13,500 per year.

To each member of the Board of General Appraisers, which board functions as the customs trial court, the sum of $12,500 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. That this act shall take effect on the first day of the month next following its approval.

Mr. TRAMMELL. Mr. President, I am in favor of making a reasonable increase to the judiciary, but I am not in favor of the increase proposed by the bill. I therefore object.

Mr. REED of Missouri. I move that we proceed to the consideration of the bill.

Mr. SMOOT. Mr. President——

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

Mr. SMOOT. I ask the Senator from Missouri not to make that motion because it would displace the unfinished business. We can take his bill up to-morrow.

Mr. HARRISON. Mr. President, did I not understand the Chair to state that the motion of the Senator from Missouri prevailed?

Mr. SMOOT. No; because I was trying to get the attention of the Chair at the time.

Mr. ROBINSON of Arkansas. Mr. President, I submit a parliamentary inquiry. Was not unanimous consent given for the consideration of the bill?

The VICE PRESIDENT. The Chair so understood.

Mr. ROBINSON of Arkansas. Then I make the point of order that, consent having been given at this time for the consideration of the bill, it is not in order for the Senator from Florida to object to its further consideration. I want to be heard on the point of order, if the Chair is in doubt about its correctness.

Mr. TRAMMELL. I thoroughly agree with the Senator in regard to the rule. I did not know, however, that unanimous consent had been given.

The VICE PRESIDENT. Unanimous consent had been given and the bill was under consideration when the Senator from Florida spoke. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. TRAMMELL. Mr. President, I did not know that a bill of this importance was going to come up under what might be termed a suspension of the rule. I believe that a reasonable increase should be made in the salaries of the judiciary and I am willing for this bill to be amended so as to give an increase of $2,000 a year to the district judges, to the circuit judges, to the judges of the Supreme Court, and probably to some of the judiciary in the District of Columbia and the Customs Court of Appeals in New York. But the bill in general carries an increase of compensation of about $5,000 to $6,500 a year to each member of the judiciary. I have not had time, the bill having come up unexpectedly, to get all of the details of the proposed increases, but in general it means raising the salaries about 65 to 75 per cent over the present salaries.

In considering the salaries to be paid the judiciary and to those occupying high offices I always reflect upon and think of the policy of the Government in dealing with the average, ordinary everyday employee of the Government. Scattered throughout the country, here in the city of Washington and elsewhere, the Government has thousands and thousands of employees who are contributing all of their time to the Government's service, who are working for the pitiful salaries of $1,200, $1,500, and $1,800 per annum; but, as a rule, when an effort has been made in this body to increase the salaries of those poor clerks, who, as I say, are working for a pittance, with scarcely enough to exist upon, we find at least certain Senators getting up and opposing the proposition and saying that it is not in keeping with Government economy; that we can not increase such salaries. Throughout all my public career I have been in favor of giving reasonable and adequate compensation to those filling positions requiring technical or professional training, but I never have worked myself up to the idea of placing them upon a pinnacle and giving them any salary they might desire and ignoring the right and justice of paying fair compensation to the poor employees who are eking out an existence working for the Government.

Mr. OVERMAN. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I am making these comparisons because I think it proper to make them. I guarantee that a bill could not be brought before the Senate by the unanimous consent to give 10 per cent increase in salary to employees who are working for the Government and who get salaries of under $2,000 per annum.

Mr. OVERMAN. Mr. President, before the Senator from Florida goes into a discussion of this matter, I wish to say that I do not say I will vote against the bill myself—I am on the committee from which it was reported—but I wish to say to the Senator from Missouri, who was present at the meeting of the committee, that I think it hardly fair to Senators who are on the committee and who opposed this bill that it should now be considered. The Senator remembers very well that the Senator from Montana [Mr. WALSH], who is absent and can not be here, having been called out of the city to deliver an address, and also the Senator from Utah [Mr. KING], and perhaps other Senators opposed the bill in committee. So I wish the Senator from Missouri would let the matter go over until those Senators may return. I think they would feel very grateful if the Senator would do that. They desire to be heard on the subject. I believe the Senator from Missouri will agree with me, because he remembers what took place in the committee.

Mr. REED of Missouri. I know the bill encountered some opposition.

Mr. TRAMMELL. Mr. President, I suggest to the Senator from North Carolina [Mr. OVERMAN] that I shall not conclude my speech on the subject this afternoon unless the Senate shall remain in session very late, so I do not think there can be much hope of getting a vote on the bill this afternoon. I am going to discuss the bill a little. I am going to let the RECORD contain some comparisons and I am going to discuss the question of policy as applied to poor Government employees who scarcely get sufficient salaries to live on even in cheap rooms and cheap boarding houses, and the contrary policy that seems to prevail, with some Senators at least, when it comes to giving an increase of salary to those who now have salaries providing them with every reasonable comfort in life.

Mr. BRUCE. May I interrupt the Senator from Florida for a moment?

Mr. TRAMMELL. I do not yield the floor but I yield for a question, not for an argument.

Mr. BRUCE. I merely wish the Senator to yield for a question. Does the Senator from Florida propose when he makes up his table of comparisons to institute a comparison also between the salaries that the Members of Congress voted to themselves last year and these proposed judicial salaries?

Mr. TRAMMELL. Yes; I do not object to even showing a comparison as to that.

Mr. BRUCE. The Senator, I believe, was one of the Members of Congress who voted for an increase in the salary of Members of Congress?

Mr. TRAMMELL. No; I did not vote for the increase. I think it is all right, however. I did not vote for it, though; I voted against it. I was not willing to vote to increase my own salary.

Mr. BRUCE. I was not aware of that.

Mr. TRAMMELL. Regardless of the merits of the proposition I did not vote for it. I refused to vote for it and voted against it.

Mr. BRUCE. The Senator remembers that increase. It seems to have been approved by the country generally, because I have never heard any objection made to it in any responsible quarter; but does the Senator think that the present salary of a Congressman furnishes quite a fair standard of comparison for what a judge should receive?

Mr. TRAMMELL. If we make that comparison, I say the salaries should not be increased to the point proposed in the pending measure. I do not think that the judges of the court of appeals——

Mr. BRUCE. The Senator can go to Florida after the Senate shall adjourn and practice law for the rest of the year, but a judge has to give all of his time exclusively, of course, to the discharge of his official duties from one end of the year to the other. He is absolutely debarred from the privilege of practicing law, and for all practical purposes the making of any addition of any kind whatsoever to his income.

Mr. TRAMMELL. The Senator from Maryland may practice law during the recess, but there are a great many of us who in the vacation are kept very busy with the work of our constituencies and the interests of our States and we do not have time to practice law when we get away from here.

Mr. BRUCE. Mr. President——

Mr. TRAMMELL. If the Senator is going to proceed along that line, I desire to say that I have a great respect and regard for the judiciary of the country, but I very seldom have seen a judge of a United States court who did not take a good long vacation each year, regardless of the condition of the docket of his court.

Mr. BRUCE. Of course a judge has the ordinary summer vacation.

Mr. TRAMMELL. The judges take long vacations each year. I have a great deal of respect for the United States Supreme Court, but Senators will notice that court adjourning and taking long vacations every year while their docket is two or three years behind.

Mr. BRUCE. I am glad they do so, because I think that otherwise they would physically be unable to discharge the very onerous duties of their position.

Mr. TRAMMELL. I am not criticizing that; I will say, though, in some instances I think the judges take too much time in vacations when they have congested dockets, for thereby litigation is delayed and litigants are deprived of their rights which are pending in the courts. That militates always against men of moderate means or without means who have to contend with long delays in the courts. I do not approve of too much vacation.

Mr. BRUCE. If the Senator will allow me, I would suggest to him also that when he makes up the table to which he has referred, he institute a comparison between the salaries that the judges of the Supreme Court of the United States are proposed to be paid under this bill and the salaries received, for instance, by the English judges, the chief justice of England, the Lord Chancellor of England, and the other English judges of dignity and importance.

Mr. TRAMMELL. I think that is entirely irrelevant. I will confine myself to America. I do not care to take my examples from England.

Mr. BRUCE. Let me ask the Senator whether he draws that line of discrimination when he comes to apply judicial decisions to cases in which he may happen to be interested? Does the Senator rule out the English decisions in chancery and at common law?

Mr. TRAMMELL. I think, if the Senator please, that there are a good many of them, some of the very old common-law, musty precedents, that ought to have been ruled out, and our courts have been ruling them out and changing policies. We have changed them by statutory law in this country in instance after instance. One of the plagues, one of the curses in this country, so far as our court proceedings are concerned, has been following too much the old English common-law precedents, musty and hoary with age.

Mr. BRUCE. We all learn something if we live long enough. I had supposed that the common law was the glory not only of English but also of American jurisprudence.

Mr. TRAMMELL. I am very glad that America is getting away from being guided too much by English jurisprudence.

Mr. BRUCE. The Senator, of course, does not want to apply anything but Floridian law.

Mr. TRAMMELL. Nothing better could be used as a guide, I assure the Senator.

Mr. DILL. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. I yield.

Mr. DILL. I should like to say, in answer to the suggestion of the Senator from Maryland about judges having to work so hard as compared with Representatives and Senators, that it ought to be remembered that once a judge is appointed he holds his position for life.

Mr. TRAMMELL. I was going to bring that out.

Mr. DILL. He does not have to spend $10,000 to get reelected every few years.

Mr. BRUCE. All I have to say is that if some ill-equipped Members of Congress were to undertake to discharge the onerous and responsible duties that a judge of the Supreme Court of the United States discharges he would soon suffer a mental and physical breakdown.

Mr. DILL. What about the district judges whose salaries are going to be increased to $12,000?

Mr. BRUCE. Why should they not be?

Mr. DILL. Because I do not think they are entitled to such an increase.

Mr. BRUCE. That is to say, the Senator thinks he is entitled to $10,000 a year, although every other year he is in Washington only for three months, but a judge of the circuit court of the United States is not entitled to $15,000 a year.

Mr. DILL. We increased the salary of Senators $2,500, but it is proposed by this bill to raise the salaries of judges $5,000.

Mr. TRAMMELL. Mr. President, I do not want any misunderstanding; I have a very high regard for the judiciary, and I appreciate the fact that they are rendering a great service to their country and to their Government; but I balk when it comes to the question of the enormous increase proposed by this bill.

Of course, when it comes to comparisons, we can argue such matters here from many different angles; but take a Member of the House of Representatives or a Member of the Senate. They have the expenses of their campaigns and a great deal more expense than the average judge has. Since I have been here I have seen Members of this body retire in order to accept judgeships. I have known others who had an ambition and a desire to do so.

So far as the question of work is concerned, the average Senator has all of his time occupied in representing his people, whether the Senate is in actual session or whether it is having an adjournment. The judges also, as a rule, have their vacations, and, as a rule, they do not have any longer hours than has a Senator. I believe if it be put on that basis of comparison, there is no reason why the increase should be made that is sought by this bill, if we are going to apply that as the standard.

Mr. BRUCE. Mr. President, there are some Members of the Senate, who happen to be lawyers and who probably in the course of a year after they leave the Senate make twice the amount of salary that they received from the Public Treasury, and, if rumor can be believed, in some instances three or four times as much.

Mr. TRAMMELL. That is correct. I think a great many Senators here would make more money in private life, if we are going to make the dollar the standard, than they make as Members of the Senate.

Mr. BRUCE. A judge has not that opportunity at all. He is totally barred from practicing law and from the privilege of making any addition of any kind to his income.

Mr. TRAMMELL. Judges do not have their positions imposed upon them; they seek them; they are eager to obtain them. In the Senator's State and in my State and all over the Union lawyers have been eager to become judges at the present salaries. A lawyer feels when he receives a lifetime appointment in the honorable position of a judge, a position of distinction and importance, at a good reasonable salary, that he is, indeed, fortunate. Judgeships are sought after all

over the country by the best lawyers of the country, as a rule.

Mr. BRUCE. That is unquestionably so. Of course, the judicial position is one that carries along with it the very highest degree of public distinction and honor, but, at the same time, the judge has his material necessities as well as the other members of the community.

At any rate, I wish to thank the Senator from Florida for stating that I do not have to court the favor of my constituents with quite the same degree of assiduity that he does. I wish I could think that were true.

Mr. TRAMMELL. I do not know what the Senator means when he refers to courting the favor of constituents. I try to represent them; but I do not believe that the average American, either in Maryland or in Florida or in any other State of the Union, when he comes to consider the question and comes to consider the salary policy of this country, would approve of the enormous increase in salary to the judiciary as proposed by this bill.

Mr. BRUCE. Now, let me call the attention of the Senator to the fact that the President of the United States receives $75,000 per annum, does he not?

Mr. TRAMMELL. Certainly; he receives that sum.

Mr. BRUCE. I believe that was the salary during the incumbency of Mr. Taft as President; while President he received $75,000 a year. Why should he not as Chief Justice, a position that is certainly of almost, if not equivalent, dignity, receive $21,000 a year?

Mr. TRAMMELL. I do not see any reason why he should be paid that salary out of the pockets of the American people. He is getting a salary now of $15,000 a year, which is about $1,250 a month. If the proposal should be made to increase by 10 per cent the salary of every Government clerk in this city and throughout the United States who is working to-day for $1,250 a year, we could not get a dozen Senators here who would favor taking such a bill up out of order.

Mr. BRUCE. Since the salary of the Chief Justice of the United States was fixed, of course, the cost of living has just about doubled, has it not, for the Chief Justice and everybody else?

Mr. TRAMMELL. It probably has about doubled.

Mr. BRUCE. It has about doubled. So that in point of purchasing power the salary of the Chief Justice of the United States at present is not $15,000 a year; it is $7,500 a year; and, if for no other reason, these additions ought to be made to the salaries of judges because of the tremendous enhancement that has taken place in the cost of living.

Mr. TRAMMELL. Of course if we consider that there has been an increase of 50 per cent in the cost of living, it depends a great deal upon the station of life and the amount of expenditure. That might represent an increase of only $2,000 a year to the average family, or $2,500 a year to the average family; and yet it is proposed here to increase the salary of the Chief Justice $6,000 a year.

Mr. BRUCE. The wages of every servant in the land have been increased since the World War, the wages of every railroad employee, the wages of every mechanic, of every artisan. A skilled bricklayer in the city of Baltimore is receiving at the present time $14 a day, upward of $4,000 a year. Now, as I say, why should all wages be increased and practically all salaries in industrial life be increased, and yet the salaries of the judges, including the Chief Justice of the United States and the members of the Supreme Court of the United States, not be increased?

Mr. TRAMMELL. If we were to take the comparison of salaries, we would have to consider the salary from which we started. Take labor in this country: In my opinion, 15 or 20 years ago labor in this country was not getting more than about one-half the salary that labor should have been paid at that time. The people who were engaged in the various vocations requiring hard manual labor were receiving such poor compensation that they could not provide reasonably comfortable, decent places in which their families could live; they could not provide reasonable educational opportunities for their children; they could not enjoy any of what the average of us would like to enjoy in the way of pleasure or of amusement, because their wages were so inadequate that they could not do it. But that can not be said in regard to the distinguished men of this country who are occupying places on the judiciary or occupying positions in Congress. They had sufficient at least to live in reasonable comfort, and to enjoy reasonable recreation and amusement and pleasure from their earnings; but the poor laboring man of this country did not have 15 or 20 or 25 years ago.

Mr. BRUCE. The Senator and myself will never disagree about the workers of the country. I do not hesitate to say—and I am arriving at a stage of life now where it is not so easy to impugn the sincerity of any statement I make—that to me the happiest thing that has been brought to my attention in the whole course of my existence is the steady improvement, as respects increase of wages and everything else, that has taken place in the condition of the working classes of this country. That, to me—and I say it unaffectedly—is the thing that of all others has given me the most pleasure.

Mr. TRAMMELL. It has given me a great deal of pleasure.

Mr. BRUCE. But at the same time, of course, when we come to deal with an employment we must ask ourselves in what scale of dignity and importance that employment is; because certainly one employment is not entitled to precisely the same measure of pecuniary compensation as respects salary as another.

Mr. TRAMMELL. I fully realize that.

Mr. BRUCE. What position in the world could be a position of more supreme dignity and importance than that position of a judge? Chief Justice Marshall said, in the Virginia Constitutional Convention of 1829-30—

> The greatest curse that an angry Heaven can call down upon a sinning people is a corrupt or an ignorant or a dependent judiciary—

Or words to that effect.

Mr. TRAMMELL. Mr. President, I thoroughly agree with Chief Justice Marshall's reference to the judiciary, and the honored position they occupy; but on the present salaries paid in this country I do not know of any corrupt judiciary. I think we have a very honorable judiciary, and, generally speaking, a very capable lot of men occupying the bench. That is outside of the question, however. I am dealing purely with the question of salaries and the policy of the Government in dealing with salaries.

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

Mr. TRAMMELL. Yes.

Mr. DILL. This bill has been brought up here without the Senate generally knowing about it, and I think we ought to have a quorum here. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Frazier	McKellar	Reed, Mo.
Blease	Gerry	McMaster	Reed, Pa.
Bruce	Harris	McNary	Robinson, Ark.
Cameron	Harrison	Mayfield	Sackett
Copeland	Heflin	Metcalf	Sheppard
Curtis	Howell	Neely	Smoot
Deneen	Johnson	Norbeck	Swanson
Dill	Jones, N. Mex.	Nye	Trammell
Fernald	Jones, Wash.	Oddie	Wadsworth
Ferris	Kendrick	Overman	Warren
Fess	La Follette	Phipps	Willis

The VICE PRESIDENT. Forty-four Senators having answered to their names, a quorum is not present.

RECESS

Mr. SMOOT. In accordance with the unanimous-consent agreement, I ask that the Senate take a recess at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 4 o'clock and 43 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, April 23, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 22, 1926*

The House met at 12 o'clock noon.

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

All merciful Father, for all the encouragements that make us hopeful we bless Thee; for all loving messages and glad surprises we thank Thee; for sincere friendships we praise Thee, and for all the little joys and sweet blessings that come to us through the hours of each day we are grateful to Thee. So bless and help us with Thy spirit that hate shall lose its sting and malice its guile. Teach us to work as hard and be as just as if the whole world were looking on. Give us each day little opportunities to do good and subdue evil. Continue, blessed Saviour, to make the whole earth glad with a new song, young with a new spring, and alive with a new hope. Amen.

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

PERMISSION TO ADDRESS THE HOUSE

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

Mr. GARNER of Texas. Mr. Speaker, will the Chair recognize me to submit a unanimous-consent request?

The SPEAKER. The gentleman from Texas.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow morning and matters on the Speaker's table are cleared up I may address the House for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow morning immediately after the reading of the Journal and the clearing of business on the Speaker's desk that he may address the House for 15 minutes. Is there objection?

Mr. BEGG. Reserving the right to object, would the gentleman care to disclose on what subject?

Mr. GARNER of Texas. I am going to speak on the question of the President's economy program as outlined in what is known as the Mills bill. [Laughter.]

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

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege. I will withhold that for a moment.

CONFERENCE REPORT

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce I present five conference reports on bridge bills for printing under the rule.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; and

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.

The SPEAKER. Ordered printed.

The conference reports and statements are as follows:

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. 8771) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, with an amendment as follows:

"SEC. 3. That the said American Transit Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said American Transit Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department."

Change section 3 to section 2, section 4 to section 3, and section 5 to section 4, and agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city of Detroit, Mich., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The original House bill was simply a short form bill extending the time for beginning and completing the construction of a bridge across the Detroit River, the consent of Congress for the construction of which had heretofore been granted and extended on two former occasions. Senate amendment No. 1 was a provision granting to the parties who are to construct the bridge the right to condemn property needed for the construction of a bridge. Such a provision is inserted in bills granting the consent of Congress for the construction of bridges over interstate navigable waterways of this country. But Congress has no right to authorize anyone to condemn property in a foreign country that may be needed for the construction of a bridge over an international waterway. Upon this amendment the Senate receded.

On No. 2: Senate amendment No. 2 was a provision which gave to the State of Michigan or any of its political subdivisions the right to take over and acquire the bridge at any time by condemnation, and after 20 years from its completion to take it over by condemnation under a limited measure of damages. This is a provision which is ordinarily inserted where Congress grants its consent for the construction of a toll bridge over interstate navigable waterways in this country. It is not within the power of Congress to grant to the State of Michigan or the city of Detroit or any other political subdivision thereof the right to condemn an international bridge, part of which is located in a foreign country. Moreover, such a provision might lead to complications in our friendly relations with the Canadian Government, and that provision was disapproved by the State Department. Therefore the Senate receded from its amendment No. 2.

On Nos. 3 and 4: The House receded from its disagreement to the amendments of the Senate numbered 3 and 4 and agreed to the same with an amendment. The substance of these amendments agreed to is that the company who constructs the bridge will be required within 90 days after its completion to file with the Secretary of War a sworn itemized statement of the cost of the bridge, including expenditures actually made for enginering and legal services and fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such statement will be investigated by the Secretary of War and his findings with relation thereto shall be made a part of the records of the War Department. It was thought advisable to include a provision of this kind in order that there might be an official finding and record as to the cost of the bridge for the purpose of determining the reasonableness of tolls that may be charged for passing over it.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

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. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, 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 disagreement to the amendments of the Senate and agree to the same with an amendment

as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to the George Washington-Wakefield Memorial Bridge, a corporation chartered under the laws of the State of Virginia, its successors and assigns, to construct, maintain, and operate a highway or combined highway and railroad bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation from a point in the vicinity of Dahlgren, in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said George Washington-Wakefield Memorial Bridge, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"SEC. 3. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Virginia, the State of Maryland, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property); and (4) actual expenditures for necessary improvements.

"SEC. 5. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said George Washington-Wakefield Memorial Bridge, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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. 8908) granting the consent of Congress to the George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River near Dahlgren, King George County, Va., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the House bill, which consisted in striking out all after the enacting clause and substituting in lieu thereof a new bill. The Senate amendment in substance was the same as the original House bill, with the exception of omitting certain provisions which the Senate would not approve. The House recedes from its disagreement to the Senate amendment and agrees to the same with certain amendments which have been embodied in a new bill which is set out in full in the conference report in lieu of the Senate amendment. As finally agreed upon the bill now represents the agreement of the committees of the House and Senate with reference to the standard form that should be used in granting the consent of Congress for the construction of toll bridges over interstate navigable waterways of the United States. It grants to the States of Maryland and Virginia and their political subdivisions the right, either jointly or severally, to acquire and take over the bridge by condemnation at any time upon the payment of the full value thereof. It also provides that if this privilege of condemnation is not exercised until after 20 years from the completion of the bridge, the bridge can then be taken over and acquired for a limited measure of damages, the limitation consisting principally in a provision that in fixing the compensation to be paid there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits. The bill agreed upon also provides that if the bridge is taken over or acquired by the States or their political subdivisions, they in turn may operate it as a toll bridge, but they must so adjust the tolls as to provide a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge, and provide a sinking fund sufficient to amortize the amount paid for the bridge within a period of not to exceed 30 years. After the amount paid for the bridge shall have been amortized from the tolls they must thereafter be reduced and adjusted so as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS.
Managers on the part of the House.

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. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Colo., 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 disagreement to the amendments of the Senate and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to John Lyle Harrington, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, near the city of Blythe, Calif., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said John Lyle Harrington, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"SEC. 3. The said John Lyle Harrington, his heirs, legal representatives, and assigns are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of California, the State of Arizona, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"SEC. 5. The said John Lyle Harrington, his heirs, legal representatives, and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said John Lyle Harrington, his heirs, legal representatives, and assigns shall make available to the Secretary of War all of his records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said John Lyle Harrington, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the Part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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. 8190) granting the consent of Congress for the construction of a bridge across the Colorado River near Blythe, Colo., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: The Senate made one amendment to the House bill which consisted in striking out all after the enacting clause and inserting an entirely new bill. The Senate amendment in substance was the same as the original House bill with the exception of omitting certain provisions which the Senate would not approve. The House recedes from its disagreement to the Senate amendment and agrees to the same with certain amendments which have been embodied in a new bill which is set out in full in the conference report in lieu of the Senate amendment. As finally agreed upon the bill now represents the agreement of the committees of the House and Senate with reference to the standard form that should be used in granting the consent of Congress for the construction of toll bridges over interstate navigable waterways of the United States. It grants to the States of California and Colorado and their political subdivisions the right, either jointly or severally, to acquire and take over the bridge by condemnation at any time upon the payment of the full value thereof. It also provides that if this privilege of condemnation is not exercised until after 20 years from the completion of the bridge, the bridge can then be taken over and acquired for a limited measure of damages, the limitation consisting principally in a provision that in fixing the compensation to be paid there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits. The bill agreed upon also provides that if the bridge is taken over or acquired by the States or their political subdivisions, they in turn may operate it as a toll bridge, but they must so adjust the tolls as to provide a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and provide a sinking fund sufficient to amortize the amount paid for the bridge within a period of not to exceed 30 years. After the amount paid for the bridge shall have been amortized from the

tolls they must thereafter be reduced and adjusted so as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

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. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., 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 disagreement to the amendments of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, beginning at or near the city of Louisiana, Pike County, Mo., and extending to a point opposite, in Pike County, Ill., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"SEC. 3. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Missouri, the State of Illinois, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditure for necessary improvements.

"SEC. 5. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
HIRAM BINGHAM,
JAMES COUZENS,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the House bill which struck out all after the enacting clause and inserted a new bill in lieu thereof. The House recedes from its disagreement to this Senate amendment and agrees to the same with certain changes which are set out in full in the conference report and which carry out very largely the provisions of the original House bill. As the bill passed the House it contained a provision authorizing the States of Missouri and Illinois or their political subdivision to jointly or severally acquire and take over the bridge at any time by condemnation under the laws of either State, upon the payment of the full value of the property. The bill also contained the further provision that if the bridge should not be taken over or condemned until after the expiration of 20 years from the date of completion, then the States or their political subdivisions could take it over by condemnation upon the payment of a limited measure of damages, the limitation consisting principally in a provision that in fixing the damages or compensation there should not be included any credit or allowance for good will, going value, or prospective revenues or profits.

The House bill contained the further provision that if the bridge should be taken over or acquired by the States or their political subdivisions, it should be maintained free of tolls after five years from the date it was acquired.

The Senate amendment struck out this latter provision and would have allowed the States or their political subdivision

after taking over the bridge by condemnation to operate it as a toll bridge indefinitely, or as long as they might desire to do so.

The agreement reached and now reported provides that if the bridge is taken over or acquired by condemnation or otherwise by the States of Illinois and Missouri or their political subdivisions jointly or severally, they may charge tolls for the use of the bridge, but they must so adjust the tolls as to provide a sufficient fund to pay the cost of maintaining, repairing and operating the bridge, and to provide a sinking fund sufficient to amortize the amount paid for it within a period of not to exceed 30 years from the date of acquiring it, and thereafter the bridge shall either be maintained free of tolls, or the tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

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. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., 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, and agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.
W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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. 8950) granting the consent of Congress for the construction of a bridge across the Minnesota River at or near Shakopee, Minn., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate amended the House bill by inserting a provision that the bridge should not be constructed or commenced until the plans and specifications shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being adequate from the standpoint of the volume and weight of traffic which will pass over it. Similar provisions have been inserted in other recent bridge bills. The Chief of Engineers has communicated with the committees of the House and Senate and advised them that if such provisions are inserted in other bridge bills it will make necessary the employment of additional help in his office and the appropriation of additional funds to pay the expenses thereof; that if such provisions are inserted in bridge bills it will make it necessary for the Chief of Engineers' office to provide inspectors at the construction of all bridges for the purpose of seeing that the plans and specifications are carried out in the construction of bridges. Moreover, the Chief of Engineers has pointed out to the two committees that if such provisions are inserted in bridge bills, requiring the Chief of Engineers and the Secretary of War to approve the plans for bridges from the standpoint of their adequacy with reference to the weight and volume of traffic which will pass over it, that the United States would probably be liable in case a bridge should prove to be insufficient in strength to carry the weight of traffic which might pass over it. For these and other reasons the Chief of Engineers urged very strongly that this provision be omitted from bridge bill and his recommendations have received the approval of the two committees. Therefore the Senate has receded from its amendment to the House bill.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3559. An act to incorporate Strayer College.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and ordered that Mr. WALSH, Mr. DENEEN, and Mr. GOFF act as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8771. An act entitled "An act to extend the time for commencing the construction of a bridge across Detroit River within or near the city of Detroit, Mich.";

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8190. An act entitled "An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.";

H. R. 8918. An act entitled "An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo."; and

H. R. 8950. An act entitled "An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn."

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 3559. An act to incorporate Strayer College; to the Committee on the District of Columbia.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the bill H. R. 6707, the Interior Department appropriation bill, and move that the House further insist upon its disagreement to the amendments of the Senate remaining in dispute and agree to the conference and appoint the conferees.

The SPEAKER. The gentleman from Michigan calls up the bill which the Clerk will report by title.

The Clerk read as follows:

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The gentleman moves to further insist on the disagreement to the Senate amendments and agree to the conference and appoint the conferees. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER of Oklahoma.

Mr. MACGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 202

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, until otherwise authorized by law, additional compensation per annum, payable monthly, to certain employees of the House, as follows:

To the clerk to the Speaker's table the sum of $400;

To the clerk of the Committee on Ways and Means the sum of $600;

To the clerks of the following committees: Judiciary, Accounts, and Claims, each, the sum of $420;

To the superintendent of the House document room the sum of $450;

To Joel Grayson, special employee in the House document room, the sum of $560.

Mr. BLACK of Texas. Mr. Speaker, I make a point of order against the resolution. I do it for this reason: A law was passed by the House and Senate and signed by the President fixing the compensation of employees of the House and employees of the Senate, including clerks of the committees, and while it may well be true that those who are mentioned in this resolution are entitled to and ought to have an increased compensation, many of the other employees not mentioned in the resolution may have just as good a claim for increases as those who are mentioned in it, and if we are to have a revision of salaries I think we ought to have a committee to go over the whole subject and give every employee a chance to be heard. I am opposed to making fish of one and fowl of another. The Committee on Accounts brings in this resolution ostensibly to pay these increases out of the contingent fund of the House. But under a precedent that has heretofore been made, it has been held that this contingent resolution acts as authority of law for the Committee on Appropriations to make the increase permanent.

I do not think it is a sound parliamentary rule. We have a law enacted by both Houses of Congress and signed by the President fixing these salaries in definite amounts, and I make the point of order that there is no law authorizing this resolution to pay this money out of the contingent fund of the House. If we can repeal this particular law fixing salaries by passing a simple resolution of the House, why can not we repeal other laws in the same manner?

Mr. MACGREGOR. Mr. Speaker, I do not think it is necessary to argue that proposition. It has already been decided.

The SPEAKER. This form of resolution has been the practice for a number of years.

Mr. BLACK of Texas. Yes; but, Mr. Speaker, I think the circumstances were somewhat different. The precedents, as I now recall them, were cases where there was a resolution from the House creating a new position. But here in this instance we have got a law passed by the House and passed by the Senate and signed by the President, and while I am going to acknowledge with perfect frankness that those decisions would seem to hold that this is in order, yet I believe that under a sound parliamentary construction these former decisions were in error and ought to be overruled.

The SPEAKER. The Chair would think that the Committee on Accounts would not undertake to add additional employees, but it certainly has been the practice for a great many years to increase salaries by resolution.

Mr. BLANTON. Mr. Speaker, I want to call the attention of the Chair to one question. In the Sixty-fifth Congress I made the same point of order that my colleague has made against a similar resolution and Mr. Speaker Clark, in answering a parliamentary inquiry, held that the Committee on Accounts has authority to bring in such a resolution respecting any employee of the House, and that has been the rule ever since.

The SPEAKER. That is a precedent, and the Chair overrules the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, I offer an amendment.

Mr. MACGREGOR. I do not yield for that purpose.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. Has a Member a right to offer an amendment to a pending resolution under these circumstances?

The SPEAKER. The gentleman from New York has an hour, which he can dispose of as he desires.

Mr. JOHNSON of Washington. Will the gentleman from New York yield to me for five minutes?

Mr. MACGREGOR. Yes; for a question.

Mr. JOHNSON of Washington. The amendment that I had proposed to offer is as follows——

Mr. BLANTON. The gentleman from New York did not yield to the gentleman from Washington for the purpose of offering an amendment.

Mr. JOHNSON of Washington. I had thought to read it in the time granted to me, but as it can not be acted on under the parliamentary situation, I shall not read it.

Mr. Speaker, the pending resolution proposes that the Clerk of the House is authorized and directed to pay out of the contingent fund, and so on, extra compensation to the clerk to the Speaker's table, $400; extra compensation to the clerk of the Committee on Ways and Means several hundred dollars; and to the clerks of the following committees, Judiciary, Accounts, and Claims, each the sum of $420; to the superintendent of the document room $450, and to Joel Grayson $560.

Now, I had that to offer, to amend the resolution so as to authorize the Clerk of the House to pay to the clerk of the House Committee on Immigration and Naturalization extra compensation, the sum of $600. I have had recently to borrow clerks from the Department of Labor in order to partially carry on the work of the committee and to meet the demands made on the clerk of that committee by other Members of the House and their clerks.

Mr. MACGREGOR. Mr. Speaker, may I say to the gentleman from Washington that if the chairmen of the various committees will restrain themselves until the Committee on Accounts has an opportunity to properly review these cases which have been brought to our attention by the chairmen of the House committees, we can determine what increase of compensation, if any, the clerks of these committees should have, and then we shall endeavor to satisfy the different chairmen, including the gentleman from Washington.

Mr. JOHNSON of Washington. I may say to the gentleman that I am now paying out of my personal income several hundreds of dollars in order to keep up the work of the committee. A Senator has offered the clerk of the committee of which I am chairman a fine salary—about $1,000 more than that expert clerk is paid—to become personal secretary to the Member of the other body. The clerk has decided to remain with the House committee, for he realizes that the committee's legislative program must be pressed very hard from now until adjournment in preparing legislation which the House is asking for. That is what we all call loyalty. It should be rewarded.

Mr. MACGREGOR. The gentleman can rest content with the assurance that his case will be considered with the others. Why not withhold until the others are taken into consideration?

Mr. JOHNSON of Washington. All Members know what the hitch is. There are a dozen committees of the House that are known as first-rank committees, those that formerly had appropriations under their jurisdiction. Most of them had and have clerks and assistant clerks at various rates of pay. Then the House has a number of so-called second-rank committees, which have a lot of work to do, with a clerk and a messenger or janitor assigned to each one of those. Many of the clerks who belong to these committees and who have been in their positions a sufficient time to become expert believe that they ought to have more pay. That is the case with the Committee on the Public Lands, and with the Committee on Immigration, the Committee on Accounts, and with others that I might mention where the routine work is really heavy. Now, the proposition is how to secure additional pay for the really overworked clerks, and that at once is met by the proposition that hereafter the clerks of all the committees shall be similarly taken care of. I wish the members of the Committee on Accounts would drop in at any hour, 8.30 to 5.30, and see the vast amount of public and congressional business that is carried on in the Committee on Immigration and Naturalization, a large part of it of a personal nature for my colleagues. I thank the gentleman from New York [Mr. MACGREGOR], and I shall not now read the amendment which I had in mind.

Mr. MACGREGOR. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

The resolution was agreed to.

MRS. F. S. KOPETSCHINY

Mr. MACGREGOR. Mr. Speaker, there is another resolution that I wish to offer.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 108

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Mrs. F. S. Kopetschiny, daughter of Henry T. Duryea, late employee of the House of Representatives, a sum equal to six months' salary of the position he held, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and funeral of the said Henry T. Duryea, not to exceed the sum of $250.

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

The resolution was agreed to.

FORT DEARBORN ADDITION TO CHICAGO

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago, with a

Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 9964 and moves to concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendment.

The motion was agreed to.

PERSONAL PRIVILEGE

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his personal privilege.

Mr. BLANTON. Mr. Speaker, in the Washington Post appears in large headlines:

Colladay denies jail charge. Says BLANTON statement in House false.

I send that to the Speaker's desk. I claim privilege on that and then I have another one.

Mr. SNELL. Mr. Speaker, I make a point of order against the gentleman's personal privilege.

The SPEAKER. Does the gentleman from Texas claim privilege on the headlines?

Mr. BLANTON. Yes; on that headline where it says my statement about Colladay was false. It also says it in the body of the article. The Speaker will notice where the charge is made that my statement, which I made here in the House of Representatives in my Representative capacity, was false. Then I call the Chair's attention to the following, which appeared in the Star——

Mr. CHINDBLOM. Mr. Speaker, a point of order. That is not the same question of privilege.

Mr. BLANTON. I do not want to take up the time of the House on two separate matters, hence am presenting them together.

Mr. SNELL. Mr. Speaker, in order to preserve my rights, I make a point of order against the first personal privilege presented by the gentleman from Texas.

Mr. BLANTON. We will decide that now, then. It has been held by a uniform line of precedents that where a Member of the House is charged with making a false statement in his representative capacity that it is privileged, and I submit it to the Chair.

The SPEAKER. The Chair does not think that is sufficient. The Chair thinks the statement would have to go further than the mere statement that the charge made was false. The Chair thinks it would have to go to the extent of imputing some dishonorable motive or purpose on the part of the gentleman. The Chair does not see that in either the headlines or the body of the letter. The Chair finds this in the letter and thinks this is what the gentleman is referring to——

Mr. BLANTON. If the Chair will read the headlines of the paper I sent to him, which is a different issue from the one the Chair has in his hand, he will see it is different.

The SPEAKER. The Chair is referring to the body of the letter. The Chair does not think that headlines should be considered by themselves.

Mr. BLANTON. But most of the people read only the headlines.

The SPEAKER. But that is not a definite statement. A headline statement does not mean the body of the statement itself. The gentleman is founding his question of privilege on this, I assume:

The statement that I was indicted is false, and the statement that I was in jail is equally false.

Mr. BLANTON. Mr. Colladay intimated that my statement about him was false. But predicated on what the Washington Star has said in its headlines, the Washington Star, which is one of the leading papers of the United States, has said in this headline that BLANTON's statement is false.

The SPEAKER. The gentleman means the Washington Post?

Mr. BLANTON. Yes; I mean the Washington Post, which is a national paper.

The SPEAKER. That headline is as follows:

Colladay denies jail or indictment charge. Republican committeeman says BLANTON statement in House false.

Mr. BLANTON. And that is something that goes out to the public all over the United States, and I am prepared to show that my statement is absolutely true in spirit and in letter, and I am prepared to show that that statement was given out to the press by one of our colleagues [Mr. FAIRCHILD] when he, the gentleman from New York, had been denied the right to put it in the RECORD, although I asked that he be given the time. He gave it out when he had been denied the right to insert it in the RECORD. As I say, I am prepared to show that my statement concerning Mr. Edward F. Colladay is absolutely true. I can prove it to the Chair and everyone in this House by the court records, which I hold in my hand.

The SPEAKER. The Chair is always inclined to give full latitude to questions of privilege where a Member shows it affects him in his representative capacity.

Mr. BLANTON. This does affect me in my representative capacity.

The SPEAKER. It appears in this article that the gentleman made a speech on the floor of the House wherein he charged that a certain individual had been indicted.

Mr. BLANTON. No; I did not charge that.

The SPEAKER. Or whatever it may have been.

Mr. BLANTON. I stated that he had been charged with forgery.

The SPEAKER. Now, the only thing that appears of record is that this gentleman says that the statement that he was indicted is false and the statement that he was in jail is equally false. That does not impute to the gentleman some dishonorable motive or purpose.

Mr. BLANTON. Well, Mr. Speaker, I have in my hand the judgment of the court here in the District of Columbia to show that my statement was absolutely true in every particular.

Mr. SNELL. Mr. Speaker, that is not the question before the House.

The SPEAKER. That is a question of fact. The only question for the Chair to decide is whether this statement in the newspaper affected the gentleman in his capacity as a Member of the House or imputed motives to him which were improper. The Chair does not see that at all. It is a mere denial of the facts stated by the gentleman from Texas with no imputation of any improper motive. The Chair can not fail to sustain the point of order.

Mr. BLANTON. I have another one that is good, Mr. Speaker. Knowing the Chair as well as I do, I know he can not hold it is out of order. [Laughter.]

In the Washington Star of Tuesday, April 20, 1926, appears—

Citizens denounce attack on Fenning; northwest group brands accusers un-American and cowardly.

Then it says:

We deplore and denounce as un-American, unpatriotic, and opposed to all the laws of justice—

The impeachment I made of Mr. Fenning.

The SPEAKER. Does the article mention the gentleman by name?

Mr. BLANTON. No; but that is not necessary, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I make a point of order against the additional question of personal privilege.

Mr. BLANTON. Mr. Speaker, I submit it is not required that the article mention my name, but under the precedents of the House any statement which singles out some one without mentioning him, by inuendo or otherwise, which imputes motives that affect a person in his standing or affects his integrity is a question of privilege. It is well known to everyone in this House and to everyone in this city that I am the one who preferred impeachment charges in this matter, and this A. P. Siler resolution states that was un-American, unpatriotic, and cowardly.

Mr. SNELL. That is merely a general newspaper charge and the gentleman's name is not mentioned, if I remember correctly.

Mr. BLANTON. That does not make any difference. It imputes a wrong motive to the one who preferred impeachment charges against Mr. Fenning, and the gentleman certainly does not want a precedent established here that when a Member of Congress in his representative capacity——

Mr. SNELL. I am maintaining the precedents of the House as well as the dignity of the House.

Mr. BLANTON. When a Member in his representative capacity presents impeachment charges, he certainly can not be charged with being unpatriotic or with doing a cowardly act.

The SPEAKER. The Chair will read what he thinks is the ground, if there is a ground, on which the gentleman bases his question of personal privilege. This is a part of a resolution adopted by the Northwestern Suburban Citizens' Association.

The resolution declares:

It has happened, not often, but too frequently for a broad-minded, dignified body of men who should be, or aim to be, an example for the intelligent people in all the world to follow, that men of honor and great repute who have climbed the ladder of success by faithful and dignified service, who have been respected by all right-thinking people who have known them, and are acceptably occupying an exalted position by the wish of the people whom they represent, have been shamelessly and in a cowardly, unpatriotic way maligned by those who so far forgot themselves as to insult the dignity of the House of Representatives, as well as to insult the entire citizenry of the United States, by squandering the time and patience of all fair-minded Americans, whose high ambition is for fair play and justice, and who are waiting for legislation that should be enacted, rather than listen to the rantings of a barn-storming political demagogue.

We deplore and denounce as un-American, unpatriotic, and opposed to all the laws of justice and equity this plan to defame, from the Halls of Congress, to the whole world the character and integrity of our highly esteemed and worthy honorable commissioner, Col. Frederick A. Fenning, whom certain ones are trying to immolate without a fair and just opportunity to be allowed a hearing, a persecution that is displeasing to all fair-minded Americans.

The Chair thinks that, while the gentleman from Texas is not mentioned specifically, it is the plain intention to charge that any Member of the House of Representatives who made these charges, whether they are true in fact or not, was unpatriotic and insulted the dignity of the House. The Chair thinks that founds a question of privilege. [Applause.]

Mr. BLANTON. Mr. Speaker, if uninterrupted, I hope to take up much less of the time of the House than that to which I am entitled.

I have shown by evidence of probative conclusiveness that for 23 years continuously Dr. William A. White, who is the superintendent of St. Elizabeths Hospital for the Insane, has wrongfully confederated with Frederick A. Fenning and has named him committee in each and every petition he has filed, aggregating several hundred. While testifying under oath before our committee Doctor White was not able to name one other person whom he had ever named as committee or recommended as committee in any of his many petitions other than Mr. Fenning in 23 long years.

ADMITTED BY DR. WILLIAM A. WHITE

I showed from the official hearings that Doctor White testified under oath in 1906 that he had recommended Mr. Fenning in his petitions for appointment as committee, and that when Congressman Wallace asked the question:

For the purpose of preparing these petitions in lunacy, does Mr. Fenning have free access to the hospital records of these cases and their Army papers?—

That Doctor White replied:

I think so.

And I showed that as far back as 1906, 20 years ago, Mr. Frederick A. Fenning admitted that he was then guardian and committee for 69 inmates of St. Elizabeths, most of whom were veterans of wars.

CONCESSION GIVEN ONLY TO FREDERICK A. FENNING

I introduced before our committee and this House the sworn statement of Mrs. Ellen H. Finotti, who for the past eight years was the record clerk there in St. Elizabeths, who testified that Dr. William A. White ordered that Frederick A. Fenning "should have free access to such records and to correspondence concerning any cases that he should ask for," and that no other attorney enjoyed such privilege or concession.

CERTIFIED TO IN VETERANS' BUREAU

I showed that the control officer of the Veterans' Bureau, Dr. Henry Ladd Stickney, who was ordered by General Hines to investigate St. Elizabeths Hospital, certified in his official report which he filed with Director Hines on April 26, 1924, that he learned—

that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital, and that he was then guardian of 100 bureau patients—

And Doctor Stickney further officially certified in his said report that Mr. Fenning—

constantly opposes the transfer of his wards from St. Elizabeths, and that Superintendent White is very friendly to Mr. Fenning, and that he raises the question as to the propriety of allowing one attorney in the city to obtain guardianship of so many beneficiaries of the bureau.

CORROBORATED BY CHIEF CLERK OF ST. ELIZABETHS

Frank M. Finotti was employed in St. Elizabeths 42 years. He was chief clerk until July 1, 1925. Doctor White testified under oath before our committee that when Frank Finotti had been employed 40 years in St. Elizabeths and under the law was required to retire, he prevailed upon the Interior Department to issue an order permitting him to serve two years longer, and that he did serve two years after the law provided his retirement, thus serving 42 years in St. Elizabeths as a trusted employee.

I produced before this House and our committee the sworn statement of said Frank M. Finotti, wherein he testified under oath that Frederick A. Fenning—

had free access to all records and correspondence, allowed him by Dr. William A. White, and I have seen him many times going through such records hunting up information concerning inmates who had money and property, or who were entitled to pensions or compensation.

And he further testified that he had seen several hundred petitions filed by Doctor White wherein Doctor White recommended that Frederick A. Fenning be appointed committee.

It is not conjecture that I have put before you gentlemen. It is admissions from Doctor White and Mr. Fenning themselves, official printed documents of this Congress, certified copies of court records, certified accounts and official certificates of court officials acceptable in any court proceeding, and the sworn evidence of credible witnesses who are unimpeachable, that I have placed before this Congress and which shows that for 23 long years Dr. William A. White and Frederick A. Fenning have been in wrongful collusion and have wrongly conspired, confederated, and acted together in unlawfully exploiting afflicted and helpless veterans of all wars, many of them being perfectly sane yet who were cruelly mistreated behind the barred windows and high-walled grounds of St. Elizabeths. It is evidence of probative force and effect. You can not wave it away by a motion of the hand. It calls for action. There must be definite, proper action to satisfy it.

COUNTLESS CASES NOT BEFORE AUDITOR

There are many, many cases in which Frederick A. Fenning has drawn fat commissions which have long since been disposed of and are not embraced in the ones enumerated in the report I have filed from Auditor Davis, of the Supreme Court of this District. Only the live, pending cases that were still before the court and which on May 1, 1925, Mr. Fenning was required under the law to file his annual report appear in the certified report of said auditor, Herbert L. Davis. I have not yet told you about the old cases disposed of during the past 23 years—and there are several hundred of them—in which Mr. Fenning has been paid thousands of dollars in commissions, but I have thus far brought to your attention only the live present pending cases, concerning which reports had to be made on May 1, 1925, and in which live, pending cases Auditor Davis certifies that Mr. Fenning had received $109,070.25 of his wards' money in fees and commissions and only about $14,000 of that was previous to the year 1920.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. Let me get these facts before the House first, and then I will gladly yield to my friend from Mississippi.

I made Doctor White admit under oath that Mr. Fenning had told him that he owned a share of stock in Gawler's Undertaking Co. and that he was attorney for Gawler's Undertaking Co. This is the undertaking company that buries Mr. Fening's wards.

Mr. KING. Mr. Speaker, I make the point of order that the gentleman is not addressing himself to the point in issue.

Mr. BLANTON. Yes I am. I am showing that my charges impeaching Frederick A. Fenning were not cowardly and were not unpatriotic, which is the charge that was made by A. J. Siler's resolution against me in the Star.

Mr. KING. The gentleman is undertaking to state something about Doctor White. Doctor White is not concerned in this matter.

Mr. BLANTON. Yes; he most certainly is concerned; he is Mr. Fenning's collaborator and partner in some of these matters.

Mr. KING. Why does not the gentleman show he is not unpatriotic, and why does he not answer the charge in the Star?

Mr. BLANTON. I am going to reply to that statement before I get through.

Mr. KING. You are going to have an opportunity to be heard before the Judiciary Committee.

Mr. BLANTON. But I am going to answer this article first in this forum, and I will get through in a few minutes if the gentleman will not bother me.

I showed by Doctor White testifying under oath——

Mr. KING. Mr. Speaker, I ask for a ruling on the question of whether Doctor White is involved in these charges against the gentleman.

The SPEAKER. The Chair can not undertake to answer that question, not knowing the facts. The Chair thinks the gentleman is proceeding in order.

Mr. KING. Has the membership no relief whatever from this thing, day after day?

The SPEAKER. That is a question of fact.

Mr. BLANTON. You will never get any relief from it until you put Mr. Fenning out of office and you put Doctor White out of office [applause], because I am going to the people of the country on this matter if I have to. Both of them must be put out.

I made Doctor White admit under oath that Mr. Fenning had admitted to him that he owned a share of stock in the Laurel Sanitarium, which is presided over by a former doctor of St. Elizabeths, and that Mr. Fenning is general attorney for it.

I made Doctor White admit under oath that he and Mr. Fenning have had a joint account in the Washington Loan & Trust Co., of which Mr. Fenning was a director, and that they have bought notes together and have invested in financial matters together under facts that in law make them partners, and you can not escape that conclusion. For in the United States when two men contribute their money into a joint fund and a joint account, and use such joint funds in buying and selling real-estate notes and mortgages, dividing the profits between them, in the way Doctor White and Frederick A. Fenning have been carrying on a joint business, they are partners in the eyes of the law, no matter how much each may now deny it.

AND THEY REALIZED IT DID NOT LOOK GOOD

Both Doctor White and Mr. Fenning have realized that they could not afford to let these facts become public, for when I wrote a letter to Doctor White and asked him specific questions about these joint operations I made him admit that he refused to answer my letter and refused to give the information demanded. And when I had him brought before a committee and put under oath and asked the questions, he first refused to answer, and I had to compel him to answer before he would admit the facts.

AND FENNING CLOSED UP LIKE AN OYSTER

And you will remember that when I wrote a letter to Frederick A. Fenning and asked him to answer my questions about his commissions he replied that I would have to get the facts from the courts under such rules as were prescribed there. He did not believe that I would ever go to the trouble of getting all these facts from the courts, for it has taken extremely hard work for weeks, but I am getting the facts, and I am placing them before you and the country. Then I made Doctor White admit under oath that when Fenning ceased to be a director of the Washington Loan & Trust Co.——

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

Mr. BLANTON. Well, if there is not, we will have a call of the House, for I am going to finish this now. [Applause.]

Mr. KING. Mr. Speaker, I withdraw the point.

Mr. BLANTON. I made Doctor White admit under oath——

Mr. KING. Will the gentleman yield? Do not get us all into St. Elizabeths.

Mr. BLANTON. I yield; there is nothing but politics that makes the gentleman from Illinois [Mr. KING] do what he is doing now. [Applause.] I made Doctor White admit that when Frederick A. Fenning ceased to be a director of the Washington Loan & Trust Co. on February 8, 1922, to become director in the National Savings & Trust Co., that he and Mr. Fenning immediately transferred their partnership account to Fenning's new bank, the National Savings & Trust Co., where they have kept their joint partnership account ever since.

WHITE AND FENNING BORROW TOGETHER

And I made Dr. William A. White admit under oath that when he and Fenning needed any money for their joint operations they have borrowed same together, and that they borrowed money together from the Riggs National Bank in Washington in their joint operations and investments. It did not seem to occur to Doctor White that all of these facts placed him in an unenviable position, for after I had grilled him for about two hours Tuesday night, and I had to grill him and corkscrew him to get any facts out of him, as he tried at first to hide behind the criminal's old subterfuge of saying, "I don't remember." He stated in the press that I had treated him as one who was under accusations. I made it very plain to him last night that he was under accusations, and that I was accusing him, and that I was asking for his removal from St. Elizabeths as superintendent.

I have shown by the official certificate of Director Hines that Mr. Fenning has received from your United States Veterans' Bureau as funds of the World War veterans who are his wards the enormous sum of $733,855.87. He has put it in the National Loan & Trust Co., of which he is director for at least some time, and gotten the benefits from it in dividends on his stock.

I have shown that Fenning is a common barrator. He has written to people all over the country to employ him—people he had never met and never seen—and he succeeded in having them employ him to prosecute scores of claims against the Government. That is common barratry in every State in the Union. I have shown by good proof that Mr. Fenning is a common champertor.

Mr. HOWARD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOWARD. We can not hear very well over here; but is this the same fellow that they charge with robbing the disabled soldier boys?

Mr. BLANTON. Yes; and he has been doing it for 23 years in conspiracy with Doctor White?

Mr. HOWARD. You call him a barrator and champertor; why do you not call him the rest of it? [Laughter.]

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield to the main generalissimo of all the defenders of Fenning. [Laughter.]

Mr. LUCE. The gentleman has assented to the use of the word "robber." On Monday I asked the gentleman this question: Has the gentleman any knowledge as to whether any charge of delinquency by the guardian in the District of Columbia has been laid before the officer——

Mr. BLANTON. Oh, I can not yield. I assure the gentleman that the report of the investigator, Dr. Henry Ladd Stickney, of the Veterans' Bureau, made to General Hines, where he showed that Fenning was collaborating with Doctor White, and that Doctor White gave him these concessions, was not in the interest of the veterans of the country.

Mr. LUCE. After the gentleman so informed me I read the report cited by him and it contains no charge of delinquency.

Mr. BLANTON. Well, I do not yield any further. The gentleman from Massachusetts [Mr. LUCE] rose to defend Fenning, and he prevented an investigation by the Veterans' Bureau Committee until the steering committee said, "You must go ahead." I will let the gentleman defend him before the Judiciary Committee.

Mr. RANKIN. Now will the gentleman yield?

Mr. BLANTON. Let me answer further the gentleman from Massachusetts for one minute. Let me tell the gentleman from Massachusetts [Mr. LUCE] when the people in his district find out there are 900 World War veterans in St. Elizabeths, none of whom were ever lawfully committed there by a legal judgment of the court, they are going to have the gentleman so busy answering his defense in his district he will have no time to bother me when I try to get up and tell people something important. [Applause.] I can not yield further.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. I will yield to my friend from Mississippi.

Mr. RANKIN. I saw one member of the Committee on World War Veterans' Affairs on the other side applaud the gentleman from Massachusetts, indicating that he evidently agrees with the contention of that sub rosa committee here in Washington, which denounces Congress as being unpatriotic for investigating these affairs. I desire to call attention to one item set out in the statement put in the record and certified to by the auditor of the Supreme Court of the District of Columbia. That is the case of Neils P. J. Erendjerg, a demented, disabled soldier of the World War. The record shows that this man Fenning was appointed as guardian, or committee, as he calls it. On June 1, 1920, he received his first commission of 10 per cent, $152.52. The next year $118.30. The next year he was allowed two commissions, one $148.65 and one of $150.99. On June 23, 1923, he was allowed a commission out of that poor boy's estate of 22 per cent, plus, which amounted to $500.

The next year he took $206.11. The next year he took $216.82, amounting in all to $1,493.39, for merely being the pallbearer of this boy's check between the Veterans' Bureau and his bank and what little went to the boy's support in St. Elizabeths Hospital. That is one of the charges made, for investigating which we are accused of being unpatriotic. [Applause.]

Mr. BLANTON. I want to relieve the rank and file of the Members on the same side of the aisle with the gentleman

from Massachusetts, because the most of them are for this investigation and do not believe in this business.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BLACK of Texas. I want to know what the court is doing that makes such an allowance as this. It seems to me the judge of the court who sits in this case is entitled to about as much criticism as the man who charges such an unreasonable commission. My colleague is doing the House a valuable service in throwing the light of publicity on these transactions.

Mr. BLANTON. Some of them are perfunctorily signing orders whenever Mr. Fenning brings them there and sticks them under their noses.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Unless it is something defensive, I will.

Mr. JOHNSON of Washington. If the gentleman wants to pursue this matter further, which I think is unnecessary, for I feel that the Members are with him, I want to suggest that the laws in this District with regard to the commitment of the insane are probably so faulty that anybody can be committed on the affidavit of two physicians. Many years ago it was that way, certainly. About 30 years ago in this District the Washington Post caused one of its own employees to walk around St. Elizabeths until he was picked up as insane and committed to the insane asylum on the affidavit of two physicians, who were not provided by the newspaper. It took the newspaper three months to get that man out. Mr. Fenning may have learned about the system from the great publicity given to that exposure.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BLANTON. I am not going to yield until later. I showed by the superintendent of insurance that Mr. Fenning has had himself issued a solicitor's license by two of the big bonding companies that issue his bonds, and that the court allows him to take out of the ward's money the annual bond premium every year, and on that, as solicitor of the insurance company, he makes 15 or 20 per cent, 15 in one and 20 in the other company. Are you going to stand for that?

I showed by Doctor White under oath last night that 2,200 of his patients now in St. Elizabeths had never been committed by order of court. Is not that astounding? Why do not the papers tell the country about it? But the Star and Post here are protecting Fenning. Two thousand two hundred of them are there by reason of the fact that some bureau chief has sent a letter to Doctor White directing him to take in this man, and he has kept them there, some of them, ever since. That is worse than being a murderer. When a murderer is convicted of murder, say, in the second degree, he is given 10 years. When the 10 years are out he gets out, but when a fellow in St. Elizabeths is sent there he is sent for life, and he has no escape at all.

Mr. KING. Will the gentleman yield for a question?

Mr. BLANTON. I can not yield now—and because I tried to get justice for these soldiers, the war veterans, 900 of them; also Spanish War veterans are out there, and Civil War veterans; old soldiers from soldiers' homes are placed out there without a hearing, because the superintendent of the home may get mad at them and send them there by letter; 4,500 human beings in all incarcerated there—I am criticized by these papers. Do you know the superintendent of every soldiers' home can send them there by letter without a trial?

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a few minutes I will. The Secretary of the Navy will tell you that there are a lot of Navy men sent there by letter without trial. They are sent there from the War Department by letter without trial. The Public Health Service has sent hundreds of them there, without trial, by letter.

Is not that an awful condition that exists in this country? And because I try to stop it a fellow named A. P. Siler got a few citizens to meet the other night, with only a few persons present—there were not many members of the association there—and he got a resolution through condemning me and condemning my action as "unpatriotic and cowardly." This fellow Siler is the father of one of Fenning's employees, and this attack on me was thus influenced by Fenning.

Oh, if you knew what a proposition I have had to run up against and the big combination here I am fighting, you would say I was not cowardly. I have been facing their whole gang for weeks. I do not have any police guards around my home at night either, as Mr. Fenning did Monday night. Do you know that he had policemen placed outside of his home the other night all night? He must have been afraid of a mob.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. OLIVER of Alabama. I think the information that the gentleman from Texas has furnished to this House ought to lead, and will lead at this session, to legislation that will prevent unjust and unfair charges, which seem to have been imposed in the past upon the funds of veterans, from being repeated in the future.

Mr. BLANTON. I am glad to hear the gentleman say that.

Mr. OLIVER of Alabama. And when that legislation passes, no Member of this House can say that it is not solely due to the disclosures made by the gentleman from Texas. [Applause.]

Mr. BLANTON. I thank the gentleman very much.

This man Siler, the man that got this resolution through, saying I am "unpatriotic and cowardly," is the father of a boy named Siler, who is one of Fenning's employees in his traffic department, a part of his municipal government, and the attack was influenced by Commissioner Fenning, and was not the sentiment of the people in that citizens' association.

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GREEN of Florida. Is the gentleman not surprised at Members of Congress undertaking to block such an investigation?

Mr. BLANTON. Yes; I am. I just simply can not understand them. Oh, it is just a few of them. The rank and file of these splendid men on the other side of the aisle are behind this proposition, and they are going to see that both Fenning and White are put out of office just as soon as we can force a vote on the question.

Mr. GREEN of Florida. What these two men have done is worse than the action of Daugherty or Forbes, because those men swindled soldiers who were not mentally infirm, and this man Fenning swindled war veterans who are not mentally capable.

Mr. BLANTON. Yes.

Mr. BROWNING. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. BROWNING. Right in line with what the gentleman from Alabama [Mr. OLIVER] has said, I want to put the Members on guard by notifying them that an attempt will be made to cover up the District situation by undertaking to pass general guardian legislation as applied to States where such a situation has not existed. I do not think we should permit this condition to continue to be hidden behind a smoke screen under the plea of making the inquiry general.

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

Mr. BLANTON. Yes.

Mr. LINTHICUM. Is there no limit prescribed by the court here as to the amount of commissions a man can receive?

Mr. BLANTON. It is supposed to be not more than 10 per cent.

Mr. LINTHICUM. Do not the court rules cover it?

Mr. BLANTON. Yes. It is supposed to be not more than 10 per cent.

Mr. LINTHICUM. How did the auditor allow other rates of percentage?

Mr. BLANTON. It was by order of the court.

Mr. LAGUARDIA. These percentages are based on the idea that a man is actually doing a man's business and not just clipping his commission from the check?

Mr. BLANTON. Yes. I know of an instance, the case of a man who is the constituent of our colleague [Mr. SCHAFER] from Wisconsin, where Commissioner Fenning has drawn $1,100 commissions out of his ward's estate, when that man has been in Wisconsin for five years, and Commissioner Fenning just sat here in Washington clipping the coupons.

Mr. LINTHICUM. Would it not be possible to get from the files of the court these items of extra compensation?

Mr. BLANTON. Yes. I will see that they are gotten later and put in the RECORD. There is the recent account in the Robey case, where Judge McCoy directed the auditor to fix a fee at $213 for the past year. The auditor said he did not have to make an audit, because the court had already ordered the commission paid.

I asked Doctor White why he did not tell me about the fees he had been getting for testifying outside of this Leopold and

Loeb case, in which he had received $250 per day for 14 days. I asked him to tell about the other cases, and he said he did not remember. Then I took a corkscrew and made him admit that in a case over in Baltimore he had received $500 for two days at $250 a day. Then there was the Shelley case over here in Virginia, where a man was trying to put his wife in an insane asylum on the ground that she was of unsound mind, and Judge Mackey, of Virginia, who for 12 years had been an attorney for the Commonwealth of Virginia, testified that William C. Shelley had Doctor White render an opinion declaring his wife insane, when the jury found she was sane, and that Mr. Shelley paid Doctor White $500, and the attorney for Mr. Shelley, afterwards Judge Thornton, over in Virginia, was trying a big will case later on, and Doctor White got on the stand and swore that the testator was insane when he made the will.

Judge Thornton said, "Are you not the same Doctor White who testified in the Shelley case?" Doctor White said, "Yes, sir." "And you testified then that she was insane when she was found to be sane?" Doctor White said, "Yes; I made a mistake in that case." And Judge Thornton said, "Doctor White, if you could make a mistake in that case you could make a mistake in this case and I will not believe your testimony." [Applause.] And Doctor White refused to admit it until Mr. Mackey testified. Yet you let Doctor White stay out here and handle millions of dollars. You will never know how much money he has squandered there. The various guardians pay him from $15 to $20—even have paid him $30 a month—to buy clothes and things for those wards out there. Do you know what becomes of that money? It is squandered. They charge them up with a $40 suit of clothes and get a $15 or a $20 suit down here at Eiseman's on Seventh Street. And do you know what they do? They get a 10 per cent discount for themselves. [Laughter.] You get Eiseman down here and make him swear to it, because it is true.

When one of these unfortunates asks for money to buy things down town, instead of giving him the money, do you know what Doctor White does? He issues a little piece of scrip, a Doctor White scrip; it is on a white sheet of paper and it says: "This will be good for $15"—or $20 or $25 or $50—"worth of goods or merchandise, and this will be redeemed by St. Elizabeths Hospital." And when the doctors or nurses take that to Eiseman, Eiseman gives them that much stuff and then he gives them a 10 per cent rebate to the St. Elizabeths representatives who buy the goods.

You let it go on and a few of you do not want me to tell you about this, and the papers do not want to tell the people of the country about it, because Mr. Fenning is so closely connected with big business in Washington, and whenever I get up here and try to put this thing before the people of the country in my representative capacity some of the papers here defending Fenning make fun of me and belittle me and try to make me look ridiculous. Look here what the Star did the other day. Look at the caricature they put in there about me the other day, trying to make me look like a roughneck. [Laughter.]

Now, when a reputable newspaper puts a picture of a Congressman in a paper they are supposed to get that picture from a reputable photographer. Tell me what photographer made that picture. There is no photographer's name on it. They fixed it up. [Laughter.] And they think I am going to stand for it. Trot them all out, and I will stand up against all of their bunch.

Let me show you this. In this Times the other day they had a ridiculous article written by Josephine Tighe exploiting this poor woman, Mrs. Eliza Lee, and her boy, exploiting him and her instead of helping them, and she said in this Washington Times that this poor woman told her that she was sorry she had ever brought her case to me. I ask unanimous consent to put her statement in the RECORD—no; I will read it, because somebody might object:

WASHINGTON, D. C., *April 21, 1926.*

The TIMES:

Please correct a great injustice. Your published article yesterday by Josephine Tighe was unfair and unjust both to me and to Mr. BLANTON. I did not tell her that I was sorry I went to see Mr. BLANTON. When she came to my room near St. Elizabeths Friday night, I refused to give her a statement because her attitude was unfriendly toward Mr. BLANTON. She stated that he had refused to tell her about my case, and that she felt like slapping him because he wouldn't talk to her. She was mad about it. Later, at Mr. BLANTON's request, I signed a written statement for her, thinking she might help me, but instead of publishing my affidavit she attacked Mr. BLANTON because he had sent her away from his office twice without giving her a statement. Mr. BLANTON has been the truest friend I ever found, and has worked faithfully to have my boy returned to me.

MRS. ELIZA LEE.

And I want to tell you that I got an order from Director Hines yesterday morning that will return that boy to this good woman and let her take him home to Virginia. [Applause.]

I called your attention to a piece of barratry on the part of Fenning when he had that good woman, who was run over by a street car here in Washington and had two of her ribs broken—I called your attention to the fact that Mr. Fenning went to her and had her go to Paul V. Rogers, one of his assistants down there, with a door opening right between their offices. They claim to be separate but go down and look at their offices; ask people about them and you will find that they are connected there. He sent her to Paul V. Rogers, and because I called attention to it she got a letter yesterday from Paul V. Rogers saying that because she had brought her case to the attention of Mr. BLANTON and he had made an attack on Mr. Fenning, he would not have anything more to do with it. He just turned it back to her. I took that poor woman down to the Washington Railway & Electric Co.'s office yesterday and I put the facts before them. I said, "Gentlemen, what do you want to do about this?" They said, "The lady does not have to get an attorney; we will attend to this for you, good woman; we will see that you get justice and you do not have to pay out attorney's fees." [Applause.] So Rogers and Fenning did that poor woman a kindness when they sent that case back to her.

Suppose I were to turn this case over to the gentleman from Massachusetts [Mr. LUCE]? What do you suppose he would do with it? [Laughter.] Suppose I turned this case over to the gentleman from New York [Mr. SNELL], who held my resolution in his committee for a month? What would he do with it? He would put it in the wastebasket.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman.

Mr. LOZIER. I hope there will be no politics injected into this case, because graft does not recognize any race or party.

Mr. BLANTON. There will not be any put in by me; and may I say that the splendid, fine gentleman you have over here, Judge GIBSON, of Vermont—God bless him—has stood like the Rock of Gibraltar helping me to clean this thing up. [Applause.] There is not going to be any whitewashing with the gentleman from Vermont, Judge GIBSON. I promise you that. He is going to the bottom of this thing, and lots of you gentlemen on the other side are going to help him. I know that.

Mr. LOZIER. May I finish my question?

Mr. BLANTON. Yes; I yield.

Mr. LOZIER. In view of the facts in this case, are we to understand there is any considerable number of the Members of this House, either Democrats or Republicans, who approve or want to indorse or defend this grafting?

Mr. BLANTON. No; there is only just a little handful, and I could name every one of them.

Mr. LOZIER. I hope no Member of this House will condone these grave abuses.

Mr. BLANTON. But I am not going to do that. I am going to yield the floor now, gentlemen. [Applause.] If I had that one gentleman's name who applauded I would put it in the RECORD, because he must be in with LUCE, of Massachusetts.

Mr. LUCE. Mr. Chairman, I rise to a point of order.

Mr. BLANTON. That was improper. I should have said the distinguished gentleman from Massachusetts.

Mr. LUCE. In return, will the gentleman now answer one question?

Mr. BLANTON. If you will make it brief and to the point and not make it defensive, I will.

Mr. LUCE. The Committee on World War Veterans' Legislation, I think, unanimously desires facts. You have not as yet brought to the attention of that committee one delinquency on the part of any guardian in this District. Does the gentleman know of any violation of law by any guardian in the District of Columbia; and if so, will the gentleman help the Committee on World War Veterans' Legislation by informing it of that fact?

Mr. BROWNING. Will the gentleman yield to me?

Mr. BLANTON. First, let me say this to the gentleman from Massachusetts [Mr. LUCE]. If he has not yet been able to find any delinquency on the part of Mr. Fenning, I would just as soon try to convince one of the sphinxes of Egypt. [Applause.]

Mr. LUCE. But you have not pointed out to the committee a single case of delinquency by any guardian in the District of Columbia.

Mr. BLANTON. What about Mr. Fenning?

Mr. LUCE. You have not pointed out as yet a violation of law by Mr. Fenning.

Mr. BLANTON. Now, if the gentleman will be seated, I will see if I can even convince him.

Mr. LUCE. I only want facts. I want to know when, where, and who, and such facts are not in any charge you have made here.

Mr. SPEAKS. Will the gentleman yield to me long enough to ask the gentleman from Massachusetts a question. In view of the disclosures and actual charges openly made on the floor of the House and in the press, does not the gentleman from Massachusetts feel that there is sufficient proof to warrant the House in taking action, and thus relieve the gentleman from Texas in carrying on this necessary work alone? [Applause.]

Mr. BLANTON. I can not yield any further. I think that disposes of the obtuse gentleman from Massachusetts.

Mr. BROWNING. Will the gentleman yield to me just for a moment?

Mr. BLANTON. I yield.

Mr. BROWNING. Does not the gentleman know that the gentleman from Massachusetts [Mr. LUCE] and others on the Veterans' Committee have deliberately blocked the gentleman from Texas and prevented him from coming before that committee?

Mr. BLANTON. Yes; the gentleman from Massachusetts [Mr. LUCE] did that. I asked for 10 minutes, and he would not let me have it. And the gentleman from Oklahoma [Mr. MONTGOMERY] helped him.

Mr. BROWNING. And I will say to the gentleman that in the committee the chairman of the committee [Mr. JOHNSON of South Dakota] has already expressed himself and stated that in his opinion the gentleman from Texas has not any facts that would throw any light on these questions at all.

Mr. BLANTON. These facts which I have produced, and which have convinced everybody but the gentleman from Massachusetts [Mr. LUCE], the gentleman from South Dakota [Mr. JOHNSON], and the gentleman from New York [Mr. SNELL], these facts may not be considered facts by them, but when I bring a certified auditor's report from Herbert L. Davis, auditor of the Supreme Court of the District of Columbia, certified to in a way that would be accepted in any court in the United States as evidence, showing rates of interest or commission ranging from 10 per cent up to 94 per cent of his ward's estate, drawn by Frederick A. Fenning, God knows that ought to convince the gentleman, when Fenning has drawn from the Veterans' Bureau alone $733,855.87, funds due veterans of the World War now in insane asylums.

Mr. LUCE. But those are not delinquencies on the part of the guardian. They may be delinquencies on the part of the court but not the guardian.

Mr. BLANTON. Then the gentleman applauds Fenning for getting all he can. What about Mr. Fenning being attorney for the Gawler Undertaking Co. that goes out there and buries his wards when they die, and Mr. Fenning pays them twice as much as he would have to pay the undertaker for the Veterans' Bureau, Mr. Tabler?

Mr. LUCE. But you have pointed out no violation of law on the part of any guardian.

Mr. BLANTON. Oh, my goodness! Well, I am going to show you two violations. The law prevents the Commissioner of the District of Columbia from prosecuting claims against any department of Government, and the law prevents attorneys from collecting more than $10 in any veteran's case.

Mr. JOHNSON of South Dakota. Will the gentleman yield for just one question?

Mr. BLANTON. Certainly; I want to be fair.

Mr. JOHNSON of South Dakota. I would like to direct the gentleman's attention to the fact that before the Committee on World War Veterans' Legislation will be heard Mr. Fenning, the auditor of the court, and the clerk of the court, with all of the records, on Monday. Those gentlemen would have testified to-morrow but for the fact that objection was made that one witness had not finished his testimony. I assure the gentleman all the actual facts concerning the treatment of veterans of the World War, the sole part of which the Veterans' Committee has jurisdiction, will be brought to the attention of that committee and to the House.

Mr. BLANTON. And I want the gentleman not only to send for Mr. Davis, the auditor, but also the assistant auditor, and ask them about all the several hundred cases in which Mr. Fenning has been getting fees for the last 23 years that were dropped off the docket and finished before the last report which he has shown here in this report of May 1, 1925. He will find several hundred of them, and God only knows how much money Frederick A. Fenning has collected from the soldiers of the various wars in the last 23 years.

Mr. JOHNSON of South Dakota. May I call the gentleman's attention to the fact that there are three committees handling this Fenning matter. The Judiciary Committee, of course, has complete jurisdiction——

Mr. BLANTON. Well, there is one committee that is really handling it, and that is our Subcommittee on the District of Columbia; and we are getting the facts, because I am asking most of the questions.

Mr. JOHNSON of South Dakota. The District Committee has jurisdiction to revise the general law with respect to incompetency and the Veterans Committee, which, I believe, within a short time will bring in a proposed law with respect to the handling of these cases of the World War veterans.

Mr. BROWNING. Will the gentleman let me ask him one question?

Mr. BLANTON. Yes.

Mr. BROWNING. May we find out from the gentlemen on the Veterans Committee, who have been denying the gentleman from Texas [Mr. BLANTON] the privilege of coming before that committee, if they will let him testify before the committee?

Mr. BLANTON. Yes; will the gentleman from South Dakota [Mr. JOHNSON] let me have 10 minutes before his committee?

Mr. JOHNSON of South Dakota. I will say to the gentleman that when these records are all before the committee I will be perfectly willing to give the gentleman that time; but the gentleman is so ably represented on that committee——

Mr. BLANTON. Yes; I do not think I need to go, because I think my friends on the committee will take care of the situation.

Mr. RANKIN. The gentleman from Texas is no more ably represented on the Veterans' Affairs Committee than Mr. Fenning seems to be. [Applause.]

Mr. BLANTON. I wonder if the gentleman from South Dakota [Mr. JOHNSON] knows, and do you know, that where a veteran dies in St. Elizabeths Hospital the doctors there cut him up? One died some time ago, the case I have in mind, where they split his head wide open, and the undertaker refused to accept him for embalming—said he could not embalm a body like that.

I have another case where they cut the body all to pieces, and when they turned the cut-up body over to the undertaker he said, "I won't receive that body; it is not fit for embalming." I got these facts from a real investigator. The man that gave me these facts is an honored employee of this Government to-day.

He knows all about affairs in St. Elizabeths and just how World War veterans are treated there. He was the one who gave me the facts concerning which Bill Franklin criticized me. Mr. Tabler is employed as an undertaker for the Veterans' Bureau. I am willing to pay $150 or $200 for the funeral of every veteran of the World War that dies and I will vote for a bill now to pay $150 or $200 for their funeral and give these boys a decent burial. These are the facts. Mr. Tabler went to Director Hines and said, "I know that by cutting down the profit I can give just as good a coffin, just as good an outside box, just as good embalming, and just as good a burial to World War veterans for $52 as the undertakers now charge $100 and $150 for. If you will turn all the cases over to me, I will bury them all for $52 each under a standardized, specified burial." Director Hines made the contract with him. Doctor White testified the other night that Tabler was now his undertaker under the same arrangement.

Now, there was a man drowned down here in the basin some time ago. It turned out that the Veteran's Bureau had jurisdiction over him, and the representative of the Veteran's Bureau phoned down to the coroner, the brother-in-law of Fenning, and said that the Federal bureau demanded the body for burial. Nevitt, the coroner, said, "As soon as we can hold an autopsy and have a coroner's verdict we will turn the body over to you, and we will phone you." But there was no phone message. He would have been buried for $52 by the Veteran's Bureau. I do not say that that kind of a burial is good enough, but that is the rule of the department. But instead of turning that body over to the Veterans' Bureau, do you know what Coroner Nevitt did with it? Commissioner Fenning's right-hand man down here in the District Building, Bill Franklin, who is a member of the Costello Post, had Coroner Nevitt turn the body over to

another undertaker, wholly without authority of law, and made the United States pay $108 for the funeral, and it was no better in any respect than the funeral Tabler would have given the Government for $52.

Because I had called attention to it Franklin had his Costello Post pass a resolution condemning me and intimating that I wanted to give a poor burial to these World War veterans, which was not the fact. At that meeting they passed a resolution and John Murphy said:

> I was present at one of the $52 funerals of which BLANTON spoke. BLANTON was present also.

That is an absolute falsehood; I never was at such a burial; I never was at such a funeral. Why do they not tell the truth about me in the papers. He said:

> The occasion was the funeral of a resident of Texas in the next congressional district to BLANTON'S, and when the pallbearers went to lift the coffin the handles fell off, and that is the kind of a $52 funeral that they have.

You see that they attribute wrong motives to me, and it is not right.

Now, in the last minute I am going to use I am going to ascertain just how many of you are not backing me up in this undertaking, in trying to get justice for our war veterans. I wish you who are not backing me would stand up. If there is a man in this House who is not backing me, I want him to stand up. I pause, and no one stands. I am glad to see that I have the unanimous backing of Members. [Applause.]

SEVERAL VOICES. Put it the other way.

Mr. BLANTON. How many of you are backing me in a proper investigation of this matter? I would like to see all who are backing me stand up. I note that with the exception of about 20 men who have not arisen, I seem to have almost the unanimous backing of you Members. [Applause.]

Mr. Speaker, I yield the floor, thanking my colleagues.

LEAVE TO ADDRESS THE HOUSE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that immediately after the conclusion of the remarks of the gentleman from Texas [Mr. GARNER] to-morrow, the gentleman from Tennessee [Mr. BROWNING] and myself may have 15 minutes each to discuss the general subject of veterans' legislation—not the matters discussed to-day.

Mr. BROWNING. We do not want to be excluded from matters affecting general legislation.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that instead of proceeding to-day the gentleman from Tennessee [Mr. BROWNING] and the gentleman from South Dakota [Mr. JOHNSON] may have 15 minutes each to-morrow immediately after the conclusion of the remarks of the gentleman from Texas [Mr. GARNER]. Is there objection?

There was no objection.

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. BUCHANAN] for 35 minutes. [Applause.]

TAXATION AND APPROPRIATIONS

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House [applause], I appreciate beyond expression your friendly applause at the commencement of my speech. It cheers my heart and makes me realize that I am not like one—

> Who treads alone
> Some banquet hall deserted;
> Whose lights are fled,
> Whose garlands dead,
> And all but he departed.

A nation is like a family. In its infancy it is noted for its simple manners, frugal habits, and honest intentions; but with success comes power, with power comes wealth, with wealth comes gigantic combinations, conspiracies, agreements in restraint of trade and other machinations by individual groups, all seeking to obtain control in the political, industrial, and financial affairs of the nation.

If you will take a retrospective view of past ages, you will find that no free government has ever been overcome by force; but all were overcome by internal dissensions, strife, extravagance, and corruption, resulting in decay and death. Let us profit by the verities of history. There is no surer light by which to guide our future than the light given by the lamp of experience.

The first 50 years of our Government's existence was characterized by our simple manners, frugal habits, and honest intentions; but with success came power, with power came wealth, with wealth came pernicious combinations and conspiracies—agreements in restraint of trade and every effort known to avaricious men to gain undue advantage in the political, industrial, and financial affairs of our Nation. Yes; the first 50 years of our Government constituted the age of pristine purity; men held office for honor then, not for profit; soldiers fought for glory, not for dollars; and statesmen, not politicians, guided the "Ship of state." During this early period of our history neither States nor individuals depended upon or requested the Federal Government to do those things for them, which, under every principle of States sovereignty and individual initiative, should be done by themselves. In those days the Federal Government was regarded as a trustee to carry out certain rights, powers, and duties expressly delegated to it in the Constitution of the United States by the sovereign States of this Union.

In this day and time the Federal Government has assumed the position of master to our once sovereign States, which are sinking to the grade of supplicants. As a result, the dominating iron hand of the Federal Government has been thrust into every State, directing and controlling not only many public activities of such States but in some instances the private enterprises of the individual citizen, and as a further result appropriations of the Federal Government have grown by leaps and bounds, until they have reached the enormous sum for the past four years under the operation of the Budget system of $16,000,000,000, or an average of $4,000,000,000 per year.

I am not fully informed on the internal organism of all foreign governments, but I venture the assertion that there is no government on the face of the earth where an individual citizen has to pay as many different kinds of taxes to as many different units of the Government and public-service taxing districts as citizens of the United States.

A gentleman who lived in a large city told me the other day that he had to pay 11 different kinds of taxes to 11 different governments and political subdivisions of government; that he conducted a small business, worked hard, practiced economy, and that in spite of all this he was unable to feed and clothe his family comfortably, educate his children, and pay these enormous taxes; that any road he selected for life's travel seemed to lead to the bankruptcy courts.

In my State, the individual citizen is generally compelled to pay six different kinds of taxes to six different Government and political subdivisions.

First, he must pay to the Federal Government, both direct and indirect tax, then he must pay State tax, then he must pay a county tax, then he must pay a city tax, then a good-roads tax, then a school-district tax, and in addition to this in many places, he must pay public improvement district taxes, such as levee, irrigation, drainage, and navigation tax.

If it were not for the fact that when God created our country, he endowed it with wonderful productivity, our citizenship could not stand the burden of taxation imposed. The sun in his majestic course does not look down upon a richer land or one more capable of administering to the wants and gratifying the luxurious taste of man.

When we realize that the citizens of this country are being taxed by the Federal Government for the administration of our Government alone, seven years after the great war, the enormous sum of $4,000,000,000, making an annual drain upon the productive forces of our country, the wayfaring man, though he be a fool, will clearly understand that the citizenship and industry can not long stand up under this fearful annual drain. The sole responsibility for our loose and inefficient appropriation system, rests solely upon Congress. It can not dodge this responsibility, nor hide behind the request of the Chief Executive for appropriations. The President, of course, is responsible to the people for extravagantly requesting Congress for extravagant appropriations; but Congress itself is alone responsible for granting such appropriations. Reduction of appropriations, reduction of public expenditures, reduction of taxation is the crying need of the hour, and it is up to Congress to rise above party expediency, and follow the real economists of the Senate and House, regardless of party affiliations. We should get together and devise a definite system of appropriating public funds that will reestablish our Government upon an efficient and economic basis.

I must admit that the history of appropriations for the four years' operation under the much-heralded Budget system is disappointing to me and falls far short of accomplishing the economic reforms I hoped for when I supported the legislation creating the Budget system. I admit, however, that it renders some real economical service. It is my purpose to-day to review the four years, 1923, 1924, 1925, and 1926, operation under the Budget system.

I find that the grand total estimated by the Budget and requested of Congress by the President for the ordinary expenses of the Government amount to $10,627,335,181.39; that the Appropriations Committee of the House, taking these Budget estimates as a basis, conducted thorough hearings to determine the amount actually necessary for the economical administration of the Government and reported bills to the House carrying a total appropriation of $9,994,658,781.53, which was a decrease of the amount estimated as necessary by the Budget, and requested of Congress by the President, of $632,676,400.06. Notwithstanding the fact that the Appropriations Committee of the House had conducted searching investigations into every item of the appropriations in determining the necessity therefor, and that the members of this committee have become specialists on the amount needed for the economical administration of the Government, the House increased this recommendation $65,304,024.30; and notwithstanding this increase by the House of the recommendations of the Appropriations Committee, this amount appropriated by the House was $567,172,375.76 less than the amount estimated as necessary by the Budget and requested of the Congress by the President. When these bills went to the Senate it increased the House Appropriations $336,668,591.97; and notwithstanding this enormous increase of the House appropriation bills by the Senate, this amount passed by the Senate was still $230,503,783.77 less than the amount estimated was necessary by the Budget and requested of Congress by the President.

These appropriation bills then went to conference committees. All of these conference committees are composed of Members selected from the Appropriations Committee of the House and Senate. In conference the House conferees succeeded in reducing the Senate's increase of appropriations $113,675,017.20, which resulted in a total amount being appropriated of $10,283,156,380.62, which is an increase of the amount appropriated in the original appropriation bills by the House of $222,993,574.97. This amount, thus finally enacted into law, is $344,178,800.97 less than the amount estimated as necessary by the Budget and requested of Congress by the President.

Thus it appears that the Appropriations Committee of the House is the most economical Government appropriation agency in our Government, to the extent of $632,676,400.06. That the House is more economical than the Senate to the extent of $336,668,591.97, and that the Senate and House combined as Congress, is more economical than the President by $344,178,800.97. [Applause.] It therefore follows that if the House and Senate had been as economical as the Appropriations Committee of the House, the taxpayers would have been saved $632,676,400.06; that if the Senate had been as economical as the House, the taxpayers would have been saved $336,668,591.97; that if the President and the Bureau of the Budget had been as economical as the House and Senate, the taxpayers would have been saved $344,178,800.97, and corresponding decrease of taxes would have resulted.

Mr. BLACK of Texas. Will my colleague yield for a brief observation. As I understand the situation, it is nearly always the custom of the Senate to increase the appropriations of the House, and the conferees of the House usually succeed in bringing about a very material reduction from the increases which are made in the Senate.

Mr. BUCHANAN. I have tried to make this a complete review of the appropriations of the Budget system and to point out the most extravagant department of the Government, the second most extravagant department of the Government, and the third most extravagant department. As I have stated above, the Appropriations Committee of the House is the most economical governmental appropriating instrumentality within our governmental organism, and it is reasonably backed up by the House. The House conferees, appointed from the Appropriations Committee of the House, succeeded in cutting down the increased appropriations of the Senate $113,675,017.20. Answering the first part of my colleague's [Mr. BLACK] question, the Senate always needlessly increases the amount of every appropriation bill passed by the House. For instance, I have before me a tabulated statement of the appropriation bills as passed by the House and Senate for the year 1926, which I will place in the RECORD and which shows that the Senate increased every bill in various amounts from $30,060 to $33,994,457.21, such increases amounting to the aggregate of $45,276,998.72 for the fiscal year 1926 alone.

Mr. BLACK of Texas. Will the gentleman yield for another brief observation.

Mr. BUCHANAN. Yes.

Mr. BLACK of Texas. I think the country ought to know that while this service is usually of a rather inconspicuous kind, it is very valuable nevertheless. And I want to add this further observation for the consideration of the Members of the House, that this work of the conferees of the House is of the greatest importance to the sound economical administration of our Government. There is no more important work performed by any Members of the House than this.

Mr. BUCHANAN. The gentleman is correct. The real service rendered to the people of the United States by Congress is not rendered on the floor of the House or Senate, but is rendered in the committee room, where an enormous amount of work is performed and which is entirely unknown to the public generally. [Applause.] So, concluding this branch of the discussion and basing conclusions upon the estimates of the Bureau of the Budget, as approved and requested of Congress by the President, the executive is the most extravagant branch of the Federal Government; the Senate is the second most extravagant branch of the Government; and the House is the most economical unit of the Federal Government in appropriating the taxpayer's money. [Applause.]

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

Mr. BUCHANAN. I will.

Mr. TILSON. Has not that been true time out of mind, and yet the House rarely gets credit for doing this work?

Mr. BUCHANAN. Credit! The House never gets credit for any of its good work. It is derided throughout the country, and yet it is the one department of Government that protects the Treasury of the United States from numerous raids from many sources. I am glad the gentleman from Connecticut interrupted me. That recalls to mind an incident that happened two weeks ago; and lest any man think I do not hold this good Republican, Mr. TILSON, in high esteem, I want to say to you that I understand that years ago the gentleman from Connecticut [Mr. TILSON] was a barefoot boy roaming over the hills and valleys of Connecticut. At that time he had no fund to educate himself, and there was no one who was legally liable for his education, but he determined to make his mark in the world, and by his individual efforts he worked his way through preparatory schools and through Yale and continued that course after he graduated by instructing himself, by preserving himself, by living for his fellow man, that he might live for him; he gained steadfast footing at every step, mounting to eminence and distinction until he is one of the principal personalities directing the policy and guiding the destiny of this great Nation. [Applause.] But I will say to the majority leader that this deserved compliment to him does not mean that I approve of all his votes and actions in this House. I will now relate an incident of his that I do not approve, which happened about two weeks ago.

The gentleman from Connecticut had a conference at the White House, and evidently appropriations, extravagance, and economy were discussed in that conference; and the President of the United States requested the gentleman from Connecticut to carry a request to the House, with which he complied, to the effect that the President hoped that the House would not increase the appropriations. Now, had I been the majority leader and the President had been of my party, I would have said, "Oh, no, Mr. President; I will not carry that message to the House. Do you know, Mr. President, that the House during every Congress since the Budget system has been in operation consistently and persistently reduced the amount you requested of Congress in the enormous sum of $567,172,375.76? With all due respect to you and your high office, my carrying this message to the House would be too much like the devil sending a message by St. Peter to the Saviour to be good." [Applause.]

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

Mr. BUCHANAN. Yes.

Mr. BYRNS. I have served with the gentleman on the Committee on Appropriations for a number of years and am familiar with the great value of the services rendered by him in the preparation of the various appropriation bills and the paring down of the estimates submitted, and I unhesitatingly say that there is no Member of this House who by reason of his work, his ability, and his general knowledge of the subject of appropriations and the finances of our country is better qualified to speak on the subject of appropriations by Congress than the gentleman from Texas. He is one of the most hard-working and most influential members of the Committee on Appropriations, and has contributed in large measure to the economies and reductions to which he refers. There has not been a session of Congress that his effective work in behalf of governmental economy has not saved millions of dollars to the Treasury. I wanted to ask the gentleman this: With the exception, possibly, of one or two bills at this session, has there been during the entire history of the Budget a single bill carrying appropria-

tions recommended or reported to the House by the Committee on Appropriations in which the estimates of the Budget and the requests of the President were not greatly reduced?

Mr. BUCHANAN. I do not think there has been. In reply to the gentleman, I will say, further, that I have the figures, year by year, for each year since the operation of the Budget; and in answer to that question I will state: In 1923 the Appropriations Committee of the House reduced the Budget estimates and the amount requested by the President $509,855,659.33, in 1924 by $40,971,815.39, in 1925 by $29,328,642.65, in 1926 by $52,520,282.69, or a total in the four years of $632,676,400.06.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. SUMMERS of Washington. Will the gentleman's figures finally show how the bills, as prepared by the Committee on Appropriations, compare with the way they passed through the House and were finally enacted into law?

Mr. BUCHANAN. Yes; to the cent.

Mr. SUMMERS of Washington. They show, do they not, that the bills as they come from the Appropriations Committee are smaller than they ever are afterwards?

Mr. BUCHANAN. Certainly. It shows this, in further reply to the gentleman, that they come from the Appropriations Committee, you might say, carrying moderate amounts. When they strike the House it is one continued fight, the Appropriations Committee battling to keep them down and Members of the House offering amendments to increase the amounts. Have you ever known of an amendment being offered on the floor of the House to decrease an appropriation?

Mr. SUMMERS of Washington. Never; and, in turn, has the gentleman ever known a bill recommended by the Appropriations Committee to carry a less amount when it left the House than when it came to the House from the Appropriations Committee of the House?

Mr. BUCHANAN. Absolutely not. Then when these bills went to the Senate, every amendment offered in the Senate was to increase and none to decrease the appropriations.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. GARNER of Texas. But after all these stupendous efforts are made by the membership of the House and the membership of the Senate to increase the appropriations they are still less than the President says is necessary to run the Government.

Mr. BUCHANAN. Absolutely—$344,178,800.97 less.

Mr. GARNER of Texas. And yet he is held out to the country as the economy President, is he not?

Mr. BUCHANAN. Yes. He is like the moon, only reflecting the light of the sun. The Appropriations Committee of the House, and the House, forces upon the President, the Budget, and the Senate such economies as we practice, and the President permits himself to be heralded abroad as the great economy President in violation of the sacred injunction: "Render unto Cæsar the things that are Cæsar's and unto God the things that are God's."

Mr. JONES. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. JONES. Has the gentleman ever known the newspapers to carry the fact that the House is reducing the Budget every year?

Mr. BUCHANAN. I have never known of it.

Mr. JONES. None of the big papers carry that information.

Mr. BUCHANAN. A very few of the small ones.

Mr. JONES. But frequently they carry the statement that the House is extravagant?

Mr. BUCHANAN. Yes. Contrary to the facts.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. SUMMERS of Washington. Has the gentleman any figures showing how the appropriations prior to the operation of the Budget compare with the estimates submitted by the departments?

Mr. BUCHANAN. No; I could not get the time to handle that vast subject.

Mr. SUMMERS of Washington. That would have been a very interesting subject.

Mr. BUCHANAN. It would have been a very interesting study, and at some later day I may be able to reach it. I want to further comment on the action of the gentleman from Connecticut [Mr. TILSON]. If those on the majority side of the House will stand up before the House and proclaim the economies it is forcing upon the President, the Budget, and Senate, and proclaim it from the house tops, and produce the figures and the facts, then, and only then, will we occupy the exalted position that our real services command in the eyes of the American people.

Mr. TILSON. Will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. TILSON. While the Appropriations Committee—and the House backing up the Appropriations Committee—trims the Budget and trims what the Senate does, is it not a fact that all of the difficulty is not with the appropriations but it is with the authorizations, and sometimes the House is a little bit reckless in its authorizations, which the gentleman's committee has to make good?

Mr. BUCHANAN. That is true.

Mr. TILSON. And it is the authorizations we fear and not the committee. The committee has done very well, and no praise could be too high for what it has done.

Mr. BUCHANAN. I concede that. A great deal of the extravagance in this Government comes from authorizations which never ought to have been made, and I further contend that there are other extravagances which can be eliminated by the Congress. [Applause.] And let me tell you one thing: Just as long as we have the present appropriating system we will never have an economical Government. The Federal Government has branched out into numerous cooperative enterprises between the Federal Government and the States, each paying one-half the expense. This money thus appropriated by the Federal Government is spent in the different States, and every Member of the House and every Member of the Senate coming from such States conceives it to be his duty to try to increase that appropriation; and if he succeeds in increasing it, he receives the plaudits of his constituents for his great work and great accomplishments in Congress. And thus from year to year and from session to session the appropriations are piling higher and higher. Where will this end? What will 50 or 100 years from to-day unfold on the question of extravagance. The people and industrial enterprises will be ground to death under the iron heel of taxation. For illustration, compare the fiscal years 1925 and 1926 for the ordinary expenses of conducting the Government (not including the permanent annual appropriations which constitute the interest and sinking fund for our public debt, amounting to $1,400,000,000), the total appropriations for 1925 amounting to $2,329,042,585.50, while for 1926 these appropriations were increased to $2,751,624,741.67, which is an increase of governmental expenditures of 1926 over 1925 of $422,582,156.10. If these figures denote the enormous annual increase under our inefficient appropriation system, we may well look to the future with fear and apprehension. We must change our appropriating system that there may be guaranteed to the people of the United States a real economical Government.

I see my distinguished colleague, who made such an able speech on constitutional construction the other day in the House, the gentleman from Virginia [Mr. TUCKER]. [Applause.]

The gentleman contended that Congress did not have the power under the Constitution to make these cooperative appropriations. He may or he may not be right, but I know that when Congress makes such appropriations there is no one vested with a legal right to test the constitutional right of Congress to make them. So whether the Congress has that right or not makes no difference. In view of my distinguished colleague's position, let me suggest to him that he could verify his views by proposing an amendment to the Constitution prohibiting Congress from making any appropriations other than those essential to carry into effect the powers expressly delegated in the Constitution to the Federal Government, and prohibiting Congress from making any appropriation under the general welfare clause of the Constitution of the United States. If that amendment was adopted—and I am not ready to commit myself to it without referring it to my constituents—we would have an economical Government so long as it was retained in the Constitution.

As the Constitution now stands, Congress can make appropriations for any purpose under the sun, and no one is vested with the right to legally question the legal right of Congress to make such appropriations. The only remedy is to refuse to reelect such Members of Congress who voted for such appropriations. A poor remedy. It is like locking the garage door after your automobile has been stolen. Congress, in my judgment, will not, of its own accord, submit to the people any amendment placing a limitation upon its unlimited appropriating powers. No government or department of government has

ever been known to voluntarily surrender any of its rights and powers. So that if a limitation is to be placed upon the unlimited appropriating powers of Congress, it must be done by the States submitting such amendment of the Constitution to the States or people for ratification.

This suggested amendment is a drastic remedy and should be thoroughly and well considered, and the results of its adoption should be carefully weighed as against the evils that now exist.

Mr. BLACK of Texas. Will the gentleman yield for another question?

Mr. BUCHANAN. Certainly.

Mr. BLACK of Texas. In Texas our governor has the authority to veto any item of an appropriation bill without vetoing the whole bill. I wonder what my colleague thinks of the advisability, if it could be done, of conferring upon the President that power. I think it would be a wise thing to do.

Mr. BUCHANAN. Yes; if you had an economical President at the time the bill went to him, if an item was not included in the Budget, it might do some good, but under present conditions, with the House and the Senate appropriating less than the Budget estimates and therefore less than requested of Congress by the President, how could you expect the President to veto any item he had theretofore requested Congress to appropriate?

Gentlemen, there are only two hopes of an economical Federal Government in the future. One of them is—and this is no reflection upon our present President because he is doing the best he knows how to conduct an economical administration—but one hope is the adoption of the amendment I have just suggested. The other hope is that there may arise from the American people a man who may be called to the White House possessing those qualities that equip him for leadership of men; possessing moral, physical, and political courage, and imbued with the real principles of economy; a man who can see the great problem confronting the future of this Nation as an extravagant and corrupt Government resulting in decay and ruin, and who regardless of party expediency or party success will exercise the veto power in the cause of economy. Such men do not often arise, but they have arisen in our country; men like the immortal George Washington; men like the immortal Andrew Jackson; men like the immortal Grover Cleveland and Woodrow Wilson. [Applause.] These men, all of them, came not to pillage but to serve their country and have retired from her service through the portals of everlasting fame.

Mr. HUDSPETH. Will the gentleman yield for just a short question?

Mr. BUCHANAN. Certainly.

Mr. HUDSPETH. I have seen some criticism in the papers that the Committee on Appropriations has been a little negligent in its appropriations for agriculture. Is it not the fact that they have in all instances taken care of the needs of agriculture in the appropriations they have made in recent years?

Mr. BUCHANAN. Absolutely.

Mr. HUDSPETH. From my observation I do not think that criticism is justified.

Mr. BUCHANAN. Absolutely not. I will say to my colleague from Texas, the subcommittee of the Committee on Appropriations, which handles the agricultural appropriations, presided over by that able economist and agriculturist, Mr. MAGEE of New York, assisted by Mr. WASON, Mr. DICKINSON, Mr. LEE of Georgia, and myself, have at heart a sincere desire to promote the agricultural interests of the Nation in every legitimate way, and we have done that. [Applause.] Even the Department of Agriculture has no complaint.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BUCHANAN. Certainly.

Mr. MOORE of Virginia. Can the gentleman in any way account for the fact that Congress gets no credit for being economical while the administration seems to be constantly praised for its economy program?

Mr. BUCHANAN. Oh, yes; that explanation is plain. It only proceeds from the lips and pens of those who before the President "crook the pregnant hinges of the knee that thrift may follow fawning." Of course, the head of the Nation, with all its patronage at his command, must be praised. His every effort must be applauded by those who seek to profit by his patronage, and they are the busybodies who defame and slander the House and laud every act and word of the President. It has ever been thus and will probably continue so throughout unending time.

Gentlemen, in conclusion let me state to you that until our appropriating system has been revised and a new and effective one adopted the Committee on Appropriations of the House and the House must stand, as they have always stood, between the Treasury of the United States and the cohorts of extravagance. They must stand like Stonewall Jackson stood at Bull Run; yes, they must stand like a stone wall around the Treasury of the United States, a stone wall that vandals can not scale and loot the Treasury under the form of law. [Applause.]

That the Members of Congress may have an opportunity of studying this great question of economy versus extravagance and the people of the United States may rightly place the responsibility for extravagant appropriations, I insert here in the RECORD six correctly tabulated statements showing consecutively the amount requested of Congress by the President and the Budget, the action of the Appropriations Committee of the House thereon, the action of the House and the action of the Senate, and the action of the conference committees of the House and Senate during the existence of the Budget system, which covers the fiscal years 1923, 1924, 1925, and 1926. These statements do not include the permanent annual appropriations, which are approximately the same amount for each year:

A statement relating to the completed fiscal years since the inauguration of the Budget system

Year	Grand total of the Budget estimates requested of Congress by the President	Grand total of the appropriations recommended by House Committee on Appropriations	Decrease
1923	$2,957,787,376.83	$2,447,931,717.50	$509,855,659.33
1924	2,567,259,344.61	2,526,287,529.22	40,971,815.39
1925	2,338,067,222.58	2,308,738,579.93	29,328,642.65
1926	2,764,221,237.57	2,711,700,954.88	52,520,282.69
Grand total	10,627,335,181.59	9,994,658,781.53	632,676,400.06

Fiscal year	Grand total of the appropriations passed by the House	Increase compared with recommendation of House appropriation Committee	Decrease compared with Budget estimates
1923	$2,484,459,641.69	$36,327,924.19	$473,327,735.14
1924	2,546,808,596.89	20,521,067.67	20,450,747.72
1925	2,312,118,801.34	3,380,221.41	25,948,421.24
1926	2,716,775,765.91	5,074,811.03	47,445,471.66
Grand total	10,060,162,805.83	65,304,024.30	567,172,375.76

Fiscal year	Grand total of the appropriations passed by the Senate	Increase compared with House bills	Increase (+) or decrease (−) compared with Budget estimates
1923	$2,721,806,104.37	$237,346,462.66	−$235,981,272.46
1924	2,571,538,902.10	24,730,305.21	+4,279,557.49
1925	2,341,433,626.72	29,314,825.38	+3,366,404.14
1926	2,762,052,764.63	45,276,998.72	−2,168,472.94
Grand total	10,396,831,397.82	336,668,591.97	−230,503,783.77

Fiscal year	Grand total of the appropriations passed by the House	Grand total of the appropriations as finally enacted	Increase compared with House totals
1923	$2,484,459,641.69	$2,645,615,084.56	$161,155,442.87
1924	2,546,808,596.89	2,556,873,968.89	10,065,372.00
1925	2,312,118,801.34	2,329,042,585.50	16,923,784.16
1926	2,716,775,765.91	2,751,624,741.67	34,848,975.76
Grand total	10,060,162,805.83	10,283,156,380.62	222,993,574.79

The foregoing statement does not include the permanent annual appropriations, amounting to $1,400,000,000 for fiscal year 1926, and slightly larger amounts for preceding years, which constitutes the sinking fund and interest on the public debt. So that to determine the amount of all appropriations for all purposes, add $1,400,000,000 to the totals of each year's appropriations in second column of above statement.

Fiscal year	Grand total of estimates requested by the President	Grand total of the appropriations as finally enacted	Decrease
1923	$2,957,787,376.83	$2,645,615,084.56	$312,172,292.27
1924	2,567,259,344.61	2,556,873,968.89	10,385,375.72
1925	2,338,067,222.58	2,329,042,585.50	9,024,637.08
1926	2,764,221,237.57	2,751,624,741.67	12,596,495.90
Grand total	10,627,335,181.59	10,283,156,380.62	344,178,800.97

Concise statement showing history of appropriations for the four years' operation under the Budget system, fiscal years 1923, 1924, 1925, and 1926

[Read down the columns]

Action of Budget and President	Action of Appropriation Committee of House	House's action	Senate's action	Action of conference committee and Congress
Total amount estimated by the Budget and requested of Congress by the President—	Total amount recommended to the House for passage by Appropriations Committee of the House—	Total appropriations passed by the House in acting upon the recommendation of its Appropriations Committee—	Total appropriations passed by the Senate in acting upon the appropriation bills passed by the House—	Total amount as finally enacted into law—
$10,627,335,181.59	$9,994,658,781.53	$10,060,162,805.83	$10,396,831,397.82	$10,283,156,380.62
	which is a decrease of the amount estimated by the Budget and requested of Congress by the President of—	which is an increase of the Appropriation Committee's recommendation to the House of—	which is an increase of the total amount passed by the House of—	which is an increase of total appropriations passed by the House of—
	$632,676,400.06	$65,304,024.30	$336,668,591.97	$222,993,574.79
		and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of—	and which is an increase of the amount approved by the Appropriations Committee of the House (as sufficient for all) of—	and which is an increase of amount approved by the Appropriations Committee of the House of—
		$567,172,375.76	$402,172,616.29	$288,497,599.09
			and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of	and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of—
			$230,503,783.77	$344,178,800.97
				In conference, the House conferees succeeded in reducing the Senate's increases in the sum of—
				$113,675,017.20

The SPEAKER pro tempore (Mr. ACKERMAN.) Under the special order the gentleman from New Jersey [Mr. LEHLBACH] is recognized for 35 minutes. [Applause.]

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. LEHLBACH. Mr. Speaker, as chairman of the Committee on the Civil Service of the House, it seems necessary, in justice to the committee, to outline briefly the existing system of retirement for classified civil-service employees and the activities of the committee with respect to proposed legislation for the purpose of liberalizing the present system and correcting the more glaring of its defects.

By reason of stories recently appearing in the press, including purported interviews by those who have to do with controlling the legislative program for the remainder of this session, an impression may be created, both in the minds of the public and of the Members of this House, that failure to enact any retirement legislation at the present session would be due to the indolence, ignorance, and general incompetence of the committee in dealing with the subject. In fact, one might imagine that the existence of the problem itself, with its attendant difficulties, perplexities, and possible embarrassments, is solely the fault of the Committee on the Civil Service.

The committee does not relish the rôle of scapegoat, does not deserve it, and refuses to play it. The retirement system, with its vexatious problems, is here whether we like it or not and whether we legislate with respect to it or not. The retirement act was passed in the spring of 1920 by the overwhelming votes of both the Senate and the House of Representatives and became a law by the signature of President Wilson on May 22, 1920. It passed in the House of Representatives on April 30, 1920, and there were only 54 votes cast against it. Of these, there are Members of the present Congress 34, of whom only 2 are Republicans. Everybody who voted for the bill then knew, and ought to know now, that the payment of retirement annuities costs money, and that this money must be found somewhere, sometime.

The system has been in operation for six years, during which time substantial sums of money have been paid out in annuities that manifestly were not contributed by the beneficiaries. Yet, as far as I know, not one step has been taken or even a suggestion made to meet the situation, either by those charged with financing the activities of the Government or those preparing the appropriations for these purposes.

The Committee on the Civil Service has not been remiss in this respect. It is no part of the function of a legislative committee to draft or report methods of financing Government activities entered into by reason of its recommendations or to direct the making of specific appropriations therefor. The retirement law carries blanket authority for the making of any and all necessary appropriations to carry out such method of financing the system as may be adopted. Instead of being remiss in this respect the Civil Service Committee has exceeded its duties and responsibilities and has in its reports on bills in the last Congress repeatedly called attention to the financial obligations of the Government with respect to the system and to the fact that these obligations were increasing. In the last Congress, in a speech under date of March 4, 1925, I again called attention to these facts, pointing out the actuaries' estimate of the Government liability and specifically pointing out that the Government's actual indebtedness as of June, 1924, was about $12,000,000.

The law created a board of three actuaries, who annually report on the financial condition of the retirement fund. The fifth annual report of such actuaries was submitted to Congress on March 29, 1926, was promptly printed, and was available to all who are concerned or ought to be concerned about the Government's financial responsibilities to the retirement fund. This contained not only revised estimates of the cost of the existing system but also of various proposed modifications. Such estimates were carried in the three previous reports of the actuaries, equally available to all who care to be informed on the subject.

The one outstanding fact to be learned from a study of the actuaries' figures is that none of the estimates of the actuaries, standing by itself, reveals the cost to the Government of the retirement system either now or at any given time in the future. The actuaries have submitted only two kinds of estimates. The first is a valuation of the retirement system limited to what is termed the "membership" at the time the valuation is made. In their last estimate of the existing system this membership was limited to the 11,000 annuitants now on the roll and the active employees to the number of 388,000. The valuation includes the sum total of annuities payable and to become payable to this limited membership until the last one is gone. It estimates the amount of contribution to be paid by the existing membership until their retirement, together with the earnings of such contributions. It subtracts these contribution assets from the annuity liabilities and balances the valuation by inserting the difference as the sum total of appropriations to be made by the Government. Of course, in actuality new contributors are constantly entering, and these eventually will become new annuitants not embraced in such a valuation. This class of estimate has value and is necessary in determining a sound method of financing retirement, but manifestly standing alone it does not shed light on the specific amount to be appropriated next year or 10 years hence or 50 years hence.

The other class of estimates furnished by the actuaries consists of segregating the normal cost of the retirement system

from the deficiency cost. In a retirement system such as ours, where the employee contributes a certain percentage of his salary to defray the cost of his annuity, the total amount of his contributions and their earnings during his active period of service can be estimated, the value of his annuity at the time of his retirement can be estimated, and consequently the extent to which such contributions will cover the cost of the annuity can be ascertained.

The difference, if any, is the cost of his annuity to the Government. The actuaries call "normal cost" when each annuitant has contributed throughout the entire period of his active service, and this state will arrive when all those who are beneficiaries of the system and who were in the service prior to 1920, when contributions first began, are gone. It is perfectly obvious that the Government in retiring those who have contributed not at all or only during a part of their service is assuming an added burden with respect to them. The difference between the full contribution the law contemplates an employee to make and the actual contribution made since 1920 by the retired employee is the measure of the increased burden on the Government and is called by the actuaries the deficiency cost.

This second class of estimates approximates the total lump sum of the deficiency cost, divides it into 30 annual payments, and figures what the percentage of the total pay roll such annual payments represent. The estimate also approximates the normal cost of the retirement of the existing membership and likewise divides it into 30-year periods, ascertaining the amount of each such annual payment and the percentage of the pay roll it represents. It is obvious that these annual payments and these percentages of the pay roll mean nothing at all unless it is determined to meet the deficiency cost and the normal cost of the present membership of the retirement system in the first 30 years of the system's existence. No one responsible for the finances of the Government or the appropriation of its money or who has any official interest in retirement has suggested such a course.

Mr. HUDSON. Is it not self-evident that when the Government established the retirement system that they must provide for this deficiency? And they should have done it before this time.

Mr. LEHLBACH. The gentleman emphasizes the point which I made earlier in my speech.

From all this it is perfectly obvious that the figures of the actuaries do not reveal the cost to the Government year by year of either the existing system or any proposed modification. Consequently, additional reports from the actuaries may be called for from now until doomsday without receiving further light on the question of what appropriation should be made now or in any given year in the future. No answer to this question can be given until some one determines in what manner the cost of retirement is to be met. The question is not what must be paid, but how and when it shall be paid. This determination is most emphatically outside the jurisdiction of the Committee on the Civil Service, and unless and until it is answered your committee is utterly helpless to procure and present estimates of appropriations necessary from year to year to meet the cost to the Government of either the existing system or any modification thereof it may propose.

Mr. COLTON. I have followed the gentleman with a great deal of interest, but I can not see why your committee can not determine the amount.

Mr. LEHLBACH. The actuaries have guessed at it.

Mr. COLTON. Is it just a guess?

Mr. LEHLBACH. It is more than a guess; it is based on figures that the committee believed are approximate but substantially inflated. There are certain elements of inflation we can demonstrate.

Mr. COLTON. What I can not see is why you can not determine the amount.

Mr. LEHLBACH. The total amount of deficiency?

Mr. COLTON. Yes.

Mr. LEHLBACH. That has been estimated and reported by the committee in its report and by the actuaries.

Mr. BOX. Perhaps the gentleman gave it, but I did not catch it. What would be the cost over and above the amount contributed by the employees, whether the bill the committee proposes will bring the normal sum within the sum contributed by the employees?

Mr. LEHLBACH. The committee is of that opinion.

Mr. STRONG of Kansas. What do you mean by the normal cost?

Mr. LEHLBACH. The cost to the Government of the annuity of each individual, or the sum total of the annuities of all beneficiaries, when each such beneficiary has contributed throughout the active period of his service. In the generations to come it is not fair to charge the employees making full contributions for the expenditures incurred by the Government in paying deficiency costs to those who were retired without having made contributions.

In these circumstances, upbraiding the committee for the omissions of others beyond its control is grossly unfair. All this was set forth in the recent report of the committee, a copy of which was mailed to every Member of the House. Apparently the report found prompt lodgment in the waste baskets of the committee's detractors.

Furthermore, the committee has found the estimates of the actuaries to be substantially inflated, even beyond the point of the ordinary loading which cautious actuaries indulge in to protect the solvency of their companies. Thousands of people are carried in the estimates as retired employees drawing annuities when, in fact, they are active employees paying contributions.

After considering and analyzing available figures, the committee recently reported a bill. This bill is not a new proposition. It is substantially the bill reported in the last Congress and passed in the Senate. Neither in the last Congress nor in this was the committee made aware of any substantial objection to its provisions until recently. The committee believes this bill to be fair and reasonable and advantageous to the Government as well as to the employees. It believes that under its provisions the contributions of the employees will come pretty close to carrying the normal cost of retirement. Certainly the provisions of the bill can be so modified as to insure this result. We have expressed our willingness to consider all suggestions for such modifications as do not violate the fundamental principles underlying the system.

The bulk of the cost to the Government is the deficiency cost. The system is perpetual as long as the Government endures and has employees. Methods can be devised for spreading this cost over as long a space of time as may be desired, in order that no undue burden need fall on the Treasury in any one year or period of years. Such a method is indicated in the report of the committee.

The impressive totals found in the actuaries' tables do not frighten the committee. The salary of a $1,200 clerk entering at the average age and quitting the service at the average age will with its earnings exceed $100,000. Yet when it is proposed to employ an additional $1,200 clerk in a bureau nobody wrings his hands with despair at the $100,000 cost involved. The nations of Europe, sweating blood in an effort to make their budgets balance, generally maintain equitable systems of retirement for their civilian employees. It is fair to assume the United States can afford to do likewise. [Applause.]

Mr. HUDSON. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. HUDSON. I recognize the gentleman is making a very fine connected statement and I do not want to interrupt him except to bring out further the question of the gentleman from Kansas as to the normal cost. Has the gentleman estimated what will be the normal basis for the retirement fund?

Mr. LEHLBACH. Anybody can determine that as readily as I can. It will be when the last person now in active service who was in such service prior to August, 1920, shall have retired and eventually died.

Mr. WOODRUM. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. WOODRUM. The chairman of the Civil Service Committee has made a very splendid speech, and I would like to make an observation asking him a question. Is it not true in the last Congress the Committee on Civil Service in the House reported out a bill which passed the Senate, and that committee made every effort to get a hearing on the floor of the House for the bill, but we were unable to do so. Is not that correct?

Mr. LEHLBACH. That is a fact.

Mr. WOODRUM. Is it not further true that the committee has unanimously reported out a bill in the present Congress that does not call for the present appropriation of a single penny, nor does it contemplate calling for an appropriation for years to come, in order to allow an increase in annuities for these employees, the maximum being $720, and only a few getting the maximum. Is not that a correct statement?

Mr. LEHLBACH. In a modified way it is. I would like to say to the gentleman from Virginia that the report of the committee advocates and the gentleman personally advocates the payment of interest on the annual cash obligations of the Government to the retirement fund that have accumulated and that will accrue from year to year. In that way the Government liability will not be pyramided but remain the same through the years by the payment of interest. In other words, whatever is due at any given time will still be due in the future, but without accretions, and that is all that in the

judgment of myself is necessary at the present time, or for a period running from 15 to 25 years from now. The payment of this interest, as Government expenditures go, is a trivial sum.

Mr. WOODRUM. Is it not true the committee has made every effort in the last Congress and this Congress to get retirement legislation and so far has been unable to get the steering committee of the House to allow us to bring the legislation on the floor of this House for consideration.

Mr. LEHLBACH. The chairman of the committee will state that he has made no formal demand as yet either upon the steering committee or the Committee on Rules for consideration of this legislation.

Mr. WOODRUM. Is not the chairman of the committee aware of the fact that the distinguished leader of the majority has stated to the press that there would be no consideration of retirement legislation because the committee had brought the matter to the House in such a sloppy manner that they could not tell anything about it. Are not those the words he used, "sloppy manner"?

Mr. LEHLBACH. The leader of the House, the gentleman from Connecticut, has assured the gentleman from New Jersey that he was misquoted in that interview; that what he may have said was grossly exaggerated.

Mr. BROWNING. Will the gentleman yield? Can the chairman of the committee at this time give any hope for the consideration of this measure at this session?

Mr. LEHLBACH. The chairman, of course, can give hope, because he himself entertains hope. Hope springs eternal in the human breast. [Laughter.]

Mr. BROWNING. Does the gentleman have anything except his hope to base his expectation on?

Mr. LEHLBACH. Nothing definite, I will say to the gentleman from Tennessee; the gentleman has nothing definite.

Mr. BROWNING. Of course, as a member of the committee and knowing how the chairman of this committee has worked faithfully for this legislation, I was in hope possibly the leadership of the House would relent from their present apparent position and allow us a chance to get the House to pass on whether they think this legislation is proper or not.

Mr. RANKIN. If the gentleman will permit, what is the extent of the gentleman's hope? The gentleman says he hopes to get the bill before the House. Will the gentleman tell us the extent of that hope? Does the gentleman say this is an eternal hope? Does the gentleman think we will have to wait eternally before this measure is brought in here?

Mr. LEHLBACH. It is a hope that is limited by the last day of the present session of Congress.

Mr. BROWNING. I want to say that I am not questioning the sincerity of the chairman in getting this legislation before the House, but I was in hope the gentleman might have some message from the leadership on the other side that we might have consideration at this session.

Mr. LEHLBACH. No; but the gentleman will answer the gentleman from Tennessee by stating generally that nothing has been done tending to estop the consideration of the legislation.

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

Mr. LEHLBACH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. Do I understand the gentleman to state that he has not asked the Committee on Rules for a rule or asked the steering committee for an opportunity to have this legislation considered at this session?

Mr. LEHLBACH. The gentleman, I believe, stated that he had made no formal application either to the steering committee or to the Committee on Rules as yet.

Mr. SCHAFER. Will the gentleman make formal application in the near future?

Mr. LEHLBACH. The gentleman has been instructed by his committee to use all proper parliamentary means to secure consideration. Such means may vary from time to time, and therefore the gentleman can not state precisely what means he intends to employ at any given time.

Mr. SCHAFER. In view of the fact that this is a long session and the session does not expire at any definite time, the friends of this legislation could refuse to vote for an adjournment until the legislation was placed before the House, could they not?

Mr. LEHLBACH. That is an interesting speculation.

Mr. WOODRUM. The distinguished gentleman, of course, could not make the statement which I want him to make, but I know it is true, and I want to say that if the distinguished chairman of his committee had had his way there would have been retirement legislation in the last Congress, because I can say with all sincerity—and I hope it will not embarrass the gentleman—that he has been conscientious and relentless in his efforts to secure legislation, but the gentleman is in an embarrassing situation.

The members of his Cabinet and of his party are standing out to the country as deploring the fact that there is not an increase in the annuities, and lambasting Congress on that account, and yet his President and the steering committee of his party in the House will not let him bring the bill out before the House, where it could pass unanimously if it had an opportunity to come on the floor.

Mr. LEHLBACH. If the gentleman thinks that is a proper interpolation in my speech, well and good; but I have had no intimation, either from the President or any others, to the effect that the legislation will not be considered. On the other hand, I have received expressions from various sources showing that a sympathetic interest in such legislation is being entertained, and I believe that to be the fact.

Mr. Speaker, I now yield the floor. [Applause.]

Mr. BROWNE. Mr. Speaker, how much time is left of the gentleman's 35 minutes?

The SPEAKER pro tempore (Mr. ACKERMAN). It is a special order. The gentleman has yielded the floor.

Mr. BROWNE. How much time has he taken?

The SPEAKER pro tempore. The gentleman from New Jersey has consumed 27 minutes.

Mr. BROWNE. Out of the 35?

The SPEAKER pro tempore. Yes.

Mr. BROWNE. I ask unanimous consent that I may have the balance of that time.

Mr. WOODRUFF. Mr. Speaker, I hope the gentleman will not make that request.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that he may proceed for eight minutes. Is there objection?

Mr. WOODRUFF. Reserving the right to object—and I shall not object—I want to say that the balance of the afternoon has been set aside by unanimous consent of the House for the consideration of conservation and reforestation discussion. I hope that when the gentleman from Wisconsin finishes his eight minutes no further requests for time will be made this afternoon.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for eight minutes.

Mr. BROWNE. Mr. Speaker, the Committee on the Civil Service, of which I am a member, began joint hearings on the retirement bills with the Senate committee soon after the convening of this Congress. The committee has had a great many witnesses before it—actuaries, experts, and others. It has considered this bill, H. R. 7, which it has reported favorably upon, very thoroughly. The Senate committee has reported a bill similar to the House bill. Both bills have been considered for over four months by the committees, and both committees were unanimous in reporting the bills for passage. In the last session the House and Senate, after full consideration, presented similar bills with unanimous reports. The Senate bill passed the Senate, but the committee of the House were not able to get a consideration of it in the House. Now, it is very doubtful if the House will have a chance to even vote on the bill that the committees have unanimously reported to the House at this session of Congress.

I hold in my hand here an interview printed by all the Washington papers which I have never seen contradicted, and I do not think it has been contradicted. The headings are:

[From the Washington Times, Saturday, April 17, 1926]

HOPE FOR ACTION IS LOST

"There is no possibility of any legislation liberalizing retirement for Federal employees in this session of Congress," Representative JOHN Q. TILSON, of Connecticut, Republican floor leader of the House, stated to-day after a conference with President Coolidge at the White House.

This statement was made on last Saturday, April 17, and has not been contradicted. The question arises whether, after a thorough consideration of an important measure of this kind by a committee and a favorable report, it is possible that one man or a set of men can prevent the House of Representatives from voting and putting itself on record as being for or against this legislation? If so, it is not only a peculiar but a humiliating situation. I do not think that there is a State in the Union or a single government in the world that pretends to have a democratic form of government where the parliament of that government or the legislature of that State would tolerate having the right to vote on legislation reported favorably by a committee taken away from it without having a chance to vote upon it. And yet the House of Representatives, the first

of the three departments of government created by the Constitution, has reduced itself, if this rule is continued and this precedent established, to a mere debating society, where we can only go through the motions of legislating and consider matters of great importance by mere academic discussion. This legislation affects 188,000 faithful employees of the Government. They are very anxious about it.

My friend from New Jersey [Mr. LEHLBACH] has said that they have a retirement system in practically all the nations of the world and in most of the large cities and most of the large corporations in the United States have such a system. Such a system is not only humane but helps in efficiency; and yet when a bill has been thoroughly worked out here and presented with a unanimous report from the committee composed of Republicans and Democrats, one man, a Member representing no more important constituency than any of the other 434 Members of the House of Representatives, can walk along the well-beaten path to the White House and afterwards to state to the press of this country that we shall not have any legislation on the subject!

Now there is other important legislation pending that has been reported favorably by committees, the Civil War veterans' bill, the bill affecting the World War veterans, and the truth-in-fabric bill, one of the early pieces of legislation reported out of the Committee on Interstate and Foreign Commerce. Why can not the House have an opportunity to vote upon these important bills and say whether they want them or not? I object to the President vetoing legislation before it gets to him. [Applause.] When any department of government dictates what bills shall be considered by Congress and what bills shall not, that department of government is encroaching on the legislative branch of the Government, and I for one resent it.

In other words, when a committee has for weeks and weeks considered an important measure and has favorably reported it—a measure which affects as many people as this measure does—and there is other legislation which should be considered, like the pension bill for aged Civil War veterans and their widows that I referred to, which was passed almost unanimously in the last session, and the truth-in-fabric bill, which has been knocking at the doors of this House for five or six years, I do not see why this House, the great sovereign body it is, can not bring up this legislation before it and vote it up or down, and if a majority vote in favor of it, then the President can exercise his prerogative as the Executive and veto it, and we can have our recourse after that.

There is a movement all over the world to weaken the powers of the parliaments and usurp the power of the legislative branch of the government. Mussolini, the black-shirted dictator of Italy, has reduced the Parliament of Italy to a mere debating society. There are other countries, claiming to be democratic countries, whose parliaments are now under such dictatorships that the legislative branch of those countries has been reduced to a mere debating society. The Reichstag under the Kaiser was a mere debating society, going through the motions while the Kaiser was legislating, but the House of Representatives of America and the Parliament of England have heretofore stood up as great sovereign bodies and maintained their rights.

Mr. SCHAFER. Will the gentleman yield?

Mr. BROWNE. For a question; yes.

Mr. SCHAFER. The gentleman does not think it necessary to adjourn on the 15th or 16th of May with this important legislation not considered, does he?

Mr. BROWNE. I certainly do not. I believe we could take up this legislation any afternoon, have two or three hours of general debate, and pass it almost unanimously.

The Constitution of the United States, Article I, section 1, provides that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
>
> SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States. * * *

The House of Representatives, the most important of the three coordinate branches of Government and created in the first article and first section of the Constitution, was supposed to legislate for the people without any interference or intimidation from either of the other departments of Government. Is the present Congress fulfilling the sovereign functions for which it was created? Did the framers of the Constitution contemplate that before any important legislation could be voted for by the Members of the House of Representatives that one or more of the Members of this body should go to the White House and consult the President; and if the President was not favorable to the legislation proposed, then prevent the Congress from considering and voting upon such legislation? Is it within the province of the President of the United States to tell Congress whether it can consider and pass upon certain bills before it or not? If on all important matters of legislation the President's approval or disapproval of the consideration and voting upon such legislation is necessary, then the President is legislating and not Congress.

The Sixty-eighth Congress was severely criticized by Mr. Gary, president of the United States Steel Corporation, and Orin Lester, president of the Bowery Savings Bank, because it manifested some independence and insisted in drafting a revenue bill instead of accepting the Mellon tax bill. Mr. Gary stated that—

> The worst thing we have is our American Congress.

Mr. Lester said:

> With such agencies at work in the country as Bolshevism and the present United States Congress we have some job on our hands to maintain the integrity of the Nation and the security of our institutions.

There is an effort from certain sources in the United States to undermine and belittle the American Congress and make it absolutely subservient to the dictates of the Executive. The present Congress has been eulogized and lauded by those people who condemned the Sixty-eighth Congress because it would not take orders from them.

The Members of this Congress are responsible to the people for legislation and not the President of the United States. If this Congress believed in letting the President legislate for it, then what is the use of taking up the time and holding committee meetings for the consideration of bills that will never be voted upon by Congress? [Applause.]

CONSERVATION OF FORESTS

The SPEAKER pro tempore. Under the special order of the House adopted on April 20, 1926, it was ordered—

> That debate on the general subject of conservation of forests be in order for three hours on Thursday, April 22, 1926, after completion of the address by Mr. LEHLBACH, time to be controlled by Mr. TILSON and Mr. GARRETT of Tennessee.

Mr. TILSON. Mr. Speaker, I should like to have the privilege of yielding the control of the time allotted to me to the gentleman from Michigan [Mr. WOODRUFF].

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to yield the control of the time in my charge to the gentleman from Ohio [Mr. DAVEY].

The SPEAKER pro tempore. Unless there is objection, it is so ordered.

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that all gentlemen speaking upon the subject of conservation and reforestation this afternoon have five legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that all gentlemen who speak upon the subject of conservation and reforestation have five legislative days in which to extend and revise their remarks. Is there objection?

Mr. JONES. The gentleman, of course, means their own remarks?

Mr. WOODRUFF. If this general permission is granted, I intend to ask that I be allowed to print in connection with my speech a speech delivered by the Chief Forester of the United States at the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926.

Mr. JONES. I think that would be all right. I do not think leave should be granted to extend remarks on any subject other than this subject, and that the extension should include remarks made by the gentlemen themselves.

Mr. WOODRUFF. I would like to have permission to include the speech to which I have referred.

Mr. JONES. With that understanding, that otherwise they will be the Member's own remarks, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, I am glad to speak the opening word in this discussion on conservation, with special reference to the subject of forestry, for it is a subject in which I have always felt a deep and abiding interest. It is the desire of every right-thinking man to leave the world better than he found it. Upon this very laudable characteristic of mankind has been built much that is best in civilization. The principle involved can be most aptly applied to the question of the conservation and reproduction of our forests.

Man found the earth covered with vegetation, a large part of it being forests. When in the course of his development he reached the agricultural stage it was necessary for him to remove the forests in many places in order that he might dig his living from the earth. Quite naturally he came to regard the forest as one of his principal enemies rather than his best friend. He found that the forest not only occupied the ground and prevented his cultivation of it, but it also harbored wild beasts, and sometimes wilder men, who sought to destroy him. With such an environment it is but natural that he should ruthlessly devastate the forests, which, in fact, he did.

In many countries of the Old World, like China, the attitude and policy of hostility to the forest, without a thought of its beneficence, eventually produced its logical result in the immense denuded areas of those countries. At a later stage this same process went on in Europe, though not on such a scale as in Asia, but here, having learned something of the lesson taught by the experience of Asiatic countries, a wiser policy was evolved, so that in some countries of Europe forests of incalculable and increasing value have been maintained through many centuries.

In our own country the boundless expanse of forest, and the seemingly impossible task of seriously depleting it, caused an attitude on the part of Americans much like that of our earlier yellow brethren. With my own hands I have helped to fell the stately trees that grew in superabundance upon the farm where I grew up. I have helped roll these trees into immense heaps and burn them in order to plow and hoe the ground upon which they grew. We have ruthlessly and wastefully destroyed much of our forests, and even yet the process is one of destruction rather than rehabilitation. We have already sufficient data to foresee the inevitable result of the policy of destruction. Fortunately, our people are gradually realizing the seriousness of the situation, and have begun in a more or less effective way to undo what has been done, or at least to offset what is being done.

When we reflect that man not only found the earth covered with forests but that he found underneath the soil an abundance of oil, natural gas, and coal of all descriptions, all of which he is proceeding to use up at an incredibly fast rate, it is enough to cause us to stop and consider what the final result will be. We can not replace the oil, the gas, or the coal. These came from the vegetable growth of bygone ages. The surface of the earth, however, can be caused to produce new forests, and if we would have regard for the future, if we would really have the world be better for our having lived in it, and not materially worse, it is necessary that we enter not only upon a policy of conserving the forests that have been left but of restoring as far as possible the forests to the condition in which they should have been maintained through the years that have passed. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON]. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, I think it is quite right that this House should devote a few hours to-day, during conservation week, to a discussion of the great subject of the conservation of national resources. We have seen in the last 30 years the whole development of the idea of the conservation of resources, beginning with proclamations issued by the several Presidents since that time, under which great areas of public domain in the West were covered into reserves to be held for posterity, and which we hope will be for the children of those now in the United States and not for those yet unborn in foreign countries. [Applause.]

It so happens that in the district which I have the honor to represent, the third district of Washington, are three large forest reserves. These reserves are in reality forests; they are not treeless forest reserves or grazing lands. The last great stands of timber in the United States are in the extreme Pacific Northwest.

I have always felt that the question of the proper conservation of our forest resources has been misunderstood by the people of the East. I have always resented a little the fact that so many people living in that part of the United States east of the Mississippi River, having discovered that the natural resources that the East once had were gone, were so determined to preserve the resources in our part of the country that they would do it without rhyme or reason, and have, as a fact, literally "preserved," and embalmed a lot of our resources. In fact, some of our greatest resources are becoming mummified, frozen, and valueless either to this generation or to posterity.

I have been surprised during all of these years I have been a Member of Congress that for such a long time the appropriations for the forest reserves came from the Committee on Agriculture, and it has been a rare Congress when we have had on the Committee on Agriculture anybody who really understood much about actual forests and actual forest conservation. Therefore, I am very glad to see the whole House beginning to carefully consider this subject.

The first year I was in Congress—at an extra session in 1913, I believe—I secured 40 minutes to address the House and did address the House. I had quite a large audience and close attention. I addressed the House on the subject of conservation at close range, telling something about the sad side of the forest-reserve system and how the national forests were thrown upon the old-time homesteaders, thus shutting him out of every opportunity, such as roads, schools, churches, and neighbors. Also I told how the Western States were deprived, cut out from the development of that from which they had expected to derive population, prosperity, and taxes.

I do not now desire to sound one discordant note. We have seen the States and the Forest Reserve Bureau come more into harmony and better understanding. The officials these days are highly efficient. I wish I had time to compliment them by name. Impossible rules and barbarous regulations have been abandoned. The squandering of public funds on trifling contests has ceased.

I have one idea to suggest for your consideration. When you begin to talk about reforestation out in these great cut-over areas of the Pacific Northwest, you must remember it is not quite fair to call upon the owner of the land, who harvested the possible one crop of his lifetime—which crop he may have been obliged to cut on account of high taxation by the State. That is to say, if he had held that timber any longer he never would have gotten his money back, because the taxes he would have been compelled to pay would have been more than he would have received. That forces liquidation. It forces premature cutting.

Then, when it is proposed to reforest, the State legislatures and conservation congresses always argue that the owners of the cut-over stump land must do the reforesting. They say: "Why should we put the good money that we have earned and now have into expensive reforestation for results 60, 80, or 100 years from now, to develop something from which our children and our grandchildren may derive some income when under the inheritance-tax system of State or Nation, or both, that income is to be snatched away from us?" You can see the problem. I need not develop it further, but I shall, under permission granted, find time, I hope, to extend my remarks on this most interesting subject. I thank you. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. MCSWEENEY], who will read the proclamation of the President of the United States with reference to American forestry week, and concerning which he may have some comments of his own.

Mr. MCSWEENEY. Mr. Speaker and gentlemen of the House, it seems to me that a gracious Providence has lavished upon America wonderful natural resources; and when I think of all the things lying beneath the surface of our earth and the wonderful vegetation on the earth, I wonder whether Christ's parable of the talent is not applicable to us. You remember that parable. I wonder as a citizen of America whether I am taking care of my talent, whether I am enhancing its value or whether I am allowing it to lose its value. Can we as Americans ever hand back the talent that was given to us and say, "Here is Thy talent"? I am afraid we can not. This gracious Providence wants us to utilize these wonderful resources, not waste them, but in many instances we have not utilized them but have wasted them. I only hope our conscience has been awakened in time for us in some way to preserve some of these resources and to give to the next generation a portion of that wonderful heritage that was left to you and to me. We can waste money, because money is made by man, although the component parts of it were made by that same gracious Providence; but we all know that God Almighty alone can make a tree. We can aid Him if we will by giving that tree a start, and then He will give it life and growth and allow it to beautify the earth, so that we may, as was so beautifully expressed by the gentleman from Connecticut [Mr. TILSON], leave it a better place than we found.

We are awakening the public conscience; and this year, as in years past, the President of the United States has set aside this week for us to pay attention to this great question of reforestation, and I shall read the President's proclamation which he has issued with regard to forestry week:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A proclamation

In again proclaiming American forest week it is fitting that, while giving full weight to the evils resulting from impoverished forests and idle land, I should lay stress upon the outward spread of forestry

in industrial practice and land usage. Too long have we, as a Nation, consumed our forest wealth without adequate provision for its wise utilization and renewal. But a gratifying change is taking place in the attitude of our industries, our landowners, and the American people toward our forests.

The wise use of land is one of the main foundations of sound national economy. It is the corner stone of national thrift. The waste or misuse of natural resources cuts away the groundwork on which national prosperity is built. If we are to flourish, as a people and as individuals, we must neither wastefully hoard nor wastefully exploit, but skillfully employ and renew the resources that nature has intrusted to us. America's forest problem essentially is a problem involving the wise use of land that can and should produce crops of timber.

Flourishing woodlands, however, mean more than timber crops, permanent industries, and an adequate supply of wood. They minister to our need for outdoor recreation; they preserve animal and bird life; they protect and beautify our hillsides and feed our streams; they preserve the inspiring natural environment which has contributed so much to American character.

Although our national progress in forestry has been well begun, much remains to be done through both concerted and individual effort. We must stamp out the forest fires which still annually sweep many wooded areas, destroying timber the Nation can ill afford to lose and killing young growth needed to constitute the forests of the future. Forest fires, caused largely by human indifference or carelessness, are the greatest single obstacle to reforestation and effective forest management.

We must encourage and extend methods of timber cutting which perpetuate the forest while harvesting its products. We must plant trees in abundance on idle land where they can profitably be grown. We must examine taxation practices that may form economic barriers to timber culture. We must encourage the extension of forest ownership on the part of municipalities, counties, States, and the Federal Government. And we must take common counsel in public meetings to the end that the forestry problems of each region may be well considered and adequately met.

Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby designate the week of April 18–24, inclusive, 1926, as American Forest Week; and I recommend to the governors of the various States that they also designate the week of April 18–24 as American Forest Week and observe Arbor Day within that week wherever practicable and not in conflict with law or accepted custom. And I urge public officials, public and business organizations, industrial leaders, landowners, editors, educators, clergymen, and all patriotic citizens to unite in the common task of forest conservation and renewal.

The action of the Canadian Government in likewise proclaiming the week of April 18–24, inclusive, as a period when the utmost stress shall be laid upon the problems of forest conservation and renewal, thus unifying the respective efforts of Canada and the United States, is an added reason why our citizens should give careful thought to a matter so important to both countries.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of March, A. D. 1926, and of the Independence of the United States of America the one hundred and fiftieth.

[SEAL.] CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,
Secretary of State.

This is the President's attitude. We, as Representatives, are really coworkers with him, trying to do what we can for the welfare of our country. We should join hands and with a concerted effort move in one direction which will lead us to make our land more beautiful, more pleasant, and more prosperous for those who follow us. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I simply wish to ask the Clerk to read in my time a little poem written by our distinguished colleague, the gentleman from West Virginia, Hon. J. ALFRED TAYLOR.

The Clerk read as follows:

WHEN A GREAT OAK FALLS

By J. ALFRED TAYLOR, M. C.

Deep rooted it stood in the mountain wood—
A lord of the forest—a giant oak;
The storm god tried, but never could
Cause it to bend to his lowly yoke.
He tested its strength in a thousand ways—
With wind and the lightning, storm and rain;
But the oak stood staunch through the countless days,
Regarding these efforts with deep disdain.

But there came a day—as there comes to all
The trees of the forest, small or great,
When the oak, in answer to nature's call,
Went down in the wood of its own sheer weight.

That happened a thousand years ago;
Earth gathered the oak to mold and decay,
And ferns and wild flowers richer grow
Along a path where the great oak lay,
A stauncher oak is towering high—
Sprung from the soil where the old oak stood.
The old oak lives, though it seemed to die
An age ago in the mountain wood.

Mr. WOODRUFF. Mr. Speaker, I yield 30 minutes to the gentleman from Montana [Mr. LEAVITT]. [Applause.]

Mr. LEAVITT. Mr. Speaker and gentlemen of the House, the fact that the President of the United States has issued a proclamation setting aside this week for the consideration of the question which is before the House of Representatives at this time is in itself a sufficient proof of the importance of the question.

Of necessity we approach problems from the standpoint of our own experience, and I hope you will bear with me if I speak from time to time of personal experiences. For about 11 years my work was forestry, and during all of that period of time the foremost thought in my mind was the preservation of the Nation's forests.

We learn, as I have said, from our experience, and we approach these things from that angle. The thing that shocked me into an appreciation of the forestry problem that confronts the United States may be interesting. I was born and grew up in the woods of Michigan. Back at the beginning of my memory I recall almost unbroken forests. I went West as a young man, and was gone for nine years without returning to the place where I had been a boy. When I had left there had been a shingle mill cutting shingles from the cedar, a hoop and stave factory cutting elm and manufacturing it into barrel material, a band-saw mill and two circular-saw mills making lumber, and a hardwood woodenware factory making butter bowls and similar products from the maple. After that nine years nothing whatever was left except the band-saw mill running for a few days out of each year. The pay roll which had existed and which had formed the prosperity of one of the finest of villages had ceased to exist. The population of the town had shrunk to a half, and as time has gone by it has shrunk to a still smaller figure.

Meanwhile, however, I had gone into the forestry work and had had forced on me a study of the situation. I was shocked at this result of the lack of foresight, because I had learned meanwhile to know that if there had been wisdom used, if there had been set aside in that State the land best fitted for raising forests, better fitted for that than agriculture, there could still have been a great lumber industry not only then but for every year of the years to come. [Applause.]

It has been proven in Michigan that there are 10,000,000 acres, at least, better fitted for raising forests, valuable kinds of forest species, than for any other purpose.

In my own State of Montana there have been set aside great areas of national forests in common with other States. To-day over 18,000,000 acres are in national forests and have the supervision of the Federal Government. The State of Montana, still small in population but marvelous in natural resources because of this great foresight, has nothing to fear from a lumber famine. We have nothing to fear from the drying up of the heads of our streams. We know, because of the protection of our streams, that Montana can develop one-tenth of all the water power that can be developed in the United States, and that some time, with the growth of population, it will be used. In many other parts of the Nation that possibility has gone with the depletion of the forests and the destruction of the forest areas, because upon the existence of the forest cover depends the protection of the stream heads, the water for irrigation, and all those things which are benefited by the supply of water.

So in the new States of the West we are respecting the foresight of the great conservationists, the men who first established a real conservation program in this country.

What was the situation in our Nation at the beginning? That is of interest to us. We have a total acreage in the continental United States of something like 1,900,000,000 acres. It is estimated that 822,000,000 acres of that great area was forest land. It was necessary to remove much timber because much land was more valuable for agriculture, thus making way for the farms of the Nation. That was a legitimate process for the development of our country. But it is evi-

dent that even with that need considered there was a mistake in bringing about a condition so that now 81,000,000 acres in the United States has been cut over, and left without protection, to be burned over time and again until they are completely denuded, and will never produce agricultural crops nor forest crops until planted. That is the result on cut-over land burned by repeated forest fires and which have not been taken in hand by the Government or the State. We have confronting us to-day the problem of acquiring greater acreage of lands of forest value, and to protect from fire these lands that must again produce timber for the prosperity of our country. At the present time, with something like 2,200,000,000,000 feet of timber left in the country, we are consuming it at a rate of 60,000,000,000 feet a year.

That would not be so serious but for the fact that we are only replacing it by natural growth and by all the steps we are taking as a Nation at the rate of 15,000,000,000 feet a year. In other words, cutting into our reserve of timber at a rate four times as fast as it is produced to hold our own. I claim every Member of this House is interested. Some of us may be more interested than others—and those of us who are particularly interested are sometimes charged with being excited about this problem. That reminds me of the time of a forest fire in the mountains of Montana. One of the rangers rode into camp where I was in charge of a number of fire fighters, and I said to another near me, "This ranger in telling about the fire sweeping through the canyon is excited." He said, "No; he is not excited; he is simply anxious about the situation." That is how it is with us who are helping to present this matter here to-day. There are economic questions that should be considered as well as others. I will take up first what it is costing the people in the United States in added freight on lumber because we have denuded great timber areas of our country and made them unproductive. Go back to that time when this eastern part of the United States, from the Potomac River where we are to-day north through the New England States was the great timber-producing section of the United States. The average cost of lumber at wholesale here in the East was then about $10.50 a thousand feet, board measure.

The freight bill of 1,000 feet was only between $1 and $2 a thousand. That was from 1840 to 1860, down to the time of the beginning of the Civil War. Then with the depletion of the forests here in the East the great lumber center shifted to the Great Lakes States, and from 1860 to 1900 that section was supreme. Back here to the East there was then an average haul of a thousand miles by the railroads and the Lakes, and the cost per 1,000 feet of lumber at wholesale here in the East went up to $16 per 1,000, and the freight bill increased to from $3 to $7 per thousand. From 1900 to 1915 the industry shifted again, and instead of the Great Lakes States, that as a boy I thought had an inexhaustible supply of lumber, it went to the Southern States and from there was drawn the greater part of the lumber coming to the East. Some, of course, still came from the Lakes States. The cost per 1,000 feet now rose to an average of over $25. That added cost went into the building of our people's homes here in the eastern part of the country, and the freight cost went up again to from $6 to $12 per 1,000 feet. And what is it now here in the eastern part of the United States? Mr. Speaker, wholesale lumber for the building of the people's homes averages now about $55 a thousand, and the freight bill for 1,000 feet of lumber ranges at from $15 to $25 per 1,000, because the bulk now comes from the South and the Pacific Coast. What does all this mean to the Nation as a whole? What does it mean? I will give one or two specific illustrations.

I will take the great State of Illinois, for example, that in the days when I was a boy got most of its lumber from the woods of Michigan, shipped down the Lakes to Chicago and from there distributed through the State. At the present time the lumber for Illinois is coming largely from the Pacific coast and from the South; some of it still from Michigan, but a very small part. And in 1920 it was estimated that the freight bill alone on lumber coming into Illinois was $28,000,000.

In 1924 it had increased to $32,000,000. Thus, during four years' time the freight bill on lumber to the State of Illinois had increased $1,000,000 a year. Just one other thing in this connection, and that is in regard to the city of Cincinnati, from which the Speaker of the House [Mr. LONGWORTH] comes. Twenty years ago lumber could be purchased in Cincinnati at wholesale at about $24 a thousand. To-day it costs about $24 a thousand for freight alone on similar lumber, because it is now being shipped clear from the Pacific coast and from the pineries of the South. That means something important to this country.

In Michigan, between the years 1850 and 1910, there was about 1,000,000,000 feet of lumber shipped out of Michigan. In 1920 Michigan shipped in 1,000,000,000 feet of timber. The process now was exactly reversed. Note, too, from where Michigan is getting its timber at this time. From Michigan herself about 468,497,000 feet; from the other Lake States, 161,444,000. From the south pine region, 626,712,000, that being the greatest single source of supply; from the central hardwood region, 174,152,000 feet; from Washington and Oregon, clear out on the Pacific coast, 148,775,000; from Idaho and Montana, including the western part of my own State, it being shipped across the entire great plains section, 87,397,000 feet of timber; and from other sources an added 50,875,000, making a grand total of lumber consumed in Michigan of 1,117,852,000 feet, and less than 500,000,000 feet of it now produced in Michigan itself.

What does that mean to Michigan in the way of freight? Michigan pays for the moving of its own timber from different parts of the State down to the great centers like Detroit and Grand Rapids $2,500,000 in freight. But that is only a small part of the $19,400,000 annual freight bill which the State is paying. What does that mean to you and to me when we buy furniture made in Grand Rapids? And what does it mean in the crowded centers of Michigan when they wish to buy lumber for their homes?

I must leave that and take up the question of forest fires. You will be surprised when I tell you that every year in the United States there are about 50,000 forest fires, averaging about 200 acres apiece, and most of them set by human agencies. That means a line of fire creeping through the forests along the ground and through the tops of the trees three-quarters of a mile deep and some 34,000 miles long. You can take that line of fire and run it from the Atlantic coast to the Pacific coast how many times? Once, twice, three times, four times, five times, six times, seven times, eight times, nine times, ten times! Can you imagine such a thing as that taking place in the United States every year and destroying timber of inestimable value?

Suppose that sort of damage was taking place because of the invasion of an enemy into this country! How long would it take the people of the United States to recognize that they were confronted with the necessity of rushing to the defense of their country and the protection of the resources of the land? There will be a response from the people to this danger some day that will help us to solve the problem.

Mr. Speaker, that means that 10,000,000 acres of forest area, some virgin timber and some of second growth, but all of it capable of producing forests to the extent of 10,000,000 acres, has gone up in smoke.

Now, what has been done, and what is there to do? There are many phases of this problem that would be interesting. The history of it might briefly be touched upon. It was about 100 years after the signing of the Declaration of Independence that the Federal Government and the American people realized, except in the case of a few, that there should be some constructive steps taken for the preservation of the forests, and in the year 1876, $2,000 was appropriated by Congress to investigate the situation. Five years before that, in 1871, a bill of the same kind was introduced here in Congress and was defeated.

In 1886 there was a Division of Forestry created in the Department of Agriculture, but it was without scope or adequate power. In 1901 that division in the Department of Agriculture became the Bureau of Forestry. But the year 1894 is the historic year of the real beginning of the forestry movement. The act of March 3, 1891, gave authority to the President to create permanent forests for stream protection. That was the reason given. It was then beginning to be realized back in the older parts of the country that the stream flow depends on stream protection, and that something must be done to protect the woodlands and the sources of the streams. President Harrison created the first timber reserve, one that lies east and south of the Yellowstone National Park, on March 30, 1891.

In 1896 the President requested the National Academy of Sciences to draw up a national forest policy, and out of that report grew the present forestry policy. The title of the Bureau of Forestry was changed to the Forest Service in 1905, and then began the present real work of the national forests and the spread of the forestry doctrine.

President Harrison withdrew 13,416,710 acres of forest lands. During Cleveland's administration he became the outstanding champion of the conservation movement, and withdrew by proclamation 25,686,320 acres of forest lands on the public domain, and, Mr. Speaker, it was proposed here that he be impeached for doing that thing which we now realize was one of the most constructive things ever done by a President

of the United States. How the national understanding has been clarified! He was followed by McKinley with 7,050,089 acres. Then came Roosevelt. I do not know whether any of the Members here to-day were Members at that time or not, but you will recall that some one started a bill through Congress providing that in certain Western States no further forest lands could be set aside by Executive proclamation, but that it could be done only by this Congress. Theodore Roosevelt had the Forest Service work night and day for three or four days preparing proclamations that he signed and sent down to the State Department for safe-keeping just as fast as they were prepared, with the result that the move was frustrated by that marvelous man while the bill was being passed. So we have to-day, with later eliminations of large areas not most valuable for that purpose, something like 155,000,000 acres of national forest lands.

That gives us something of the history up to the present time. Within the last few years Congress has been taking further steps. In 1911 there was the Weeks Act, the purpose of which was to allow the purchase of land upon which timber could be preserved at the head of streams in the White Mountains and the Appalachians. Then there was the Clarke-McNary Act, which we passed in the Sixty-eighth Congress. Most of us had a part in that, very much to our credit.

We ought now to take another forward step and make it possible to bring about, by appropriating sufficient funds for an extended 10-year program, the consummation of a statement made by Secretary Jardine on the 16th of April at Atlantic City. He said this:

> The public forest acquisition program likewise represents a progressive policy. The Government has so far bought 2,690,000 acres of forest land, and during the next 10 years, according to present plans, hopes to buy 500,000 acres in the Northwest, 3,000,000 acres in the Appalachians, 2,500,000 acres in the South, and 2,500,000 acres in the Lake States. The McNary-Woodruff bill, which is now pending in Congress, will, if passed, make some such program possible.

That outlines the thing that is immediately necessary for this Congress to do.

Now, in closing I hope you will pardon me if I state this illustration from a personal standpoint——

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. O'CONNELL of New York. I have been very much interested in the gentleman's statement about the fire proposition. I have before me a copy of the New York American which states that a large forest fire is raging in the lower part of Long Island, which bears out what the gentleman said.

Mr. LEAVITT. I thank the gentleman for bringing that up.

Mr. EVANS. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. EVANS. I am very much interested in the gentleman's statement, and I know his qualifications for speaking upon this subject, and particularly concerning the forest reserves which are in the West. I think the gentleman will agree with me that for many years there was some considerable friction between the western people and those in charge of these reserves when they were primarily set apart, and the feeling, I think, has grown up in the country that the western people—the people who live contiguous to and in and about these forest reserves—are opposed to conservation. I would like to have the gentleman's view, he having had years of experience and living with these people, as to what their attitude is on this proposition.

Mr. LEAVITT. I will say to the gentleman and to the House that the people of the western country, who have had actual experience and contact with the national forests, are the most ardent upholders of the conservation idea. They have learned that their first fears were unfounded and that the location of these forests in the western country, handled in such a way that their forage and timber resources are made available to the local communities, and at the same time protecting the stream heads, making irrigation possible, making possible the development of power, and making certain that during the years to come there will always be a comparatively cheap supply of lumber and timber for the development of those great sections, has been of great value to them. They are the most ardent upholders of that program.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired.

Mr. DAVEY. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CARTER of Oklahoma. I just want to ask the gentleman this: If it is not a fact that the people in the West originally opposed very vigorously the proposition of conservation and the setting aside of forest reserves.

Mr. LEAVITT. They did, because the majority of the people then misunderstood and got the wrong idea. They thought that the establishment of a national forest—and I say national forest, because that is the proper name of those great areas that were at first called forest reserves—meant that the areas would be locked up and reserved for some time in the future. But we know now that the existence of a forest policy makes it possible to use the timber now and next year and next year, just as long as we protect it and keep it under proper control, and that all the resources of the national forests are open for use.

Mr. CARTER of Oklahoma. I want to ask the gentleman another question, because I know he has had the experience and knows. How long after a forest is denuded does it take to replenish it?

Mr. LEAVITT. That depends on the species of timber that is being considered. I talked down at the National Museum to somewhere between 800 and 1,000 small boys and girls yesterday, and I used this illustration. I said:

> Take the room in which I am speaking and in which you are listening and we will say that it is an ideal area with 100 trees ranging in age from a year up to 100 years, of a species of timber which requires 100 years to reach its full merchantable growth. If we keep fire out of that area, and if we replace what we cut with plantings every year, not only this year but next year and every year as far into the future as you can see, you can cut one great tree off of that area and there is no end to it. But if it is a forest of that kind and we allow fire to run through it repeatedly and denude it, it would take to replace it, naturally, just as long as it would take for the particular species of timber to mature. In that particular case it would be 100 years. There are other kinds of timber that will mature in lesser periods of time, some 25 years, 30 years, 40 years, 80 years, and so on. In any event, the key to the problem is fire protection, and that means a knowledge of the real situation and the arousing of public sentiment and action here as well as elsewhere.

If we all become, as has been well stated, "forest minded," so that we are thinking not only from the standpoint of the present but of the future of our country, we would be able by merely keeping out fire and doing a reasonable amount of replanting to bring back into the State of Michigan, for example, 10,000,000 acres of productive forests; to bring as much back into the State of Pennsylvania; to bring as much back in other States, like New York, that at one time were great producers of timber and which lie very close to the great centers of population.

At the present time Michigan, for example, could be saving one-half the freight bill by getting her timber supply within her own territory. This would be a saving alone of $10,000,000 a year to that one State, a thing that can well be demonstrated. Reforesting everywhere lands are available will have similar results.

Just briefly, another matter that needs attention, and that is the experimental work. At Madison, Wis., there is a forest-products laboratory. Experiment stations are located in other parts of the United States. At Madison they are making studies of how there can be brought about a closer utilization of our forestry products to reduce the waste. Millions of feet of timber are lost through lack of close utilization. There has been a program brought before the Congress and partially provided for in the agricultural appropriation bill to get that work under way, but the well-founded plans justify far more money as a real investment.

This was of such importance that Secretary Wallace had taken steps before he died to call together a great conference here in Washington which I was fortunate to attend. It was addressed by President Coolidge, and it set in motion a commission to study this problem of utilization and to present to Congress a constructive plan reaching out into the future.

I am sure there will be further discussed by the gentleman from Michigan [Mr. WOODRUFF], the author of the Woodruff-McNary bill, the necessity of our having a forward view with regard to acquiring of great areas of timber lands. If we allow them to be burned over and lose their possibility of being brought again into production, we shall have moved too slowly. We should move as rapidly as we can in conformity with the resources of the Government. Any other plan is not economy but waste.

I remember one time, in the days when I was a ranger in the western forests, riding my horse to the top of a peak of the mountains during the dangerous fire season. My duty at that time was to stand on the top of the mountain with field glasses and to scan the entire horizon. I remember how impressive it

looked with the great forested slopes stretching out as far as I could see in every direction. And then when there appeared a rising cloud of smoke my duty was to get the word out, to get reinforcements started to the fire, and then to get my pack horse loaded with shovel and ax and mattock, with my bedding and my food, and to get to that fire just as quickly as I could, across country and by the best trails possible, and to try to hold it from spreading until the reinforcements came. I like to think that this forestry week means an arousing of that idea of watchfulness and of that spirit of action in the minds of all the American people. I like to think that we here in Congress, in recognition of this great occasion of American forest week, set aside by the President of the United States, are ourselves, on this Capitol Hill in Washington, like the lookouts on guard in our great national forests, on the watch against whatever, like the fires of the forest lands, may threaten the carrying out of this great constructive, conservation movement, so that the future of the Nation, so far as we are concerned, will be eternally secure. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

CONSERVATION OF LOUISIANA'S NATURAL RESOURCES

Mr. ASWELL. Mr. Chairman and gentlemen, the American people are coming to recognize that the conservation of our national resources is one of the most vital and pressing questions before the American people and the Congress.

The Congress has taken some steps, but the steps have been feeble and halting in comparison with the sentiment of the American people. A few days ago in the Committee on Agriculture the Bureau of the Budget, by the direction of the President, reduced the conservation program to $2,000,000 for two years, when a year ago the Bureau of the Budget recommended the complete program outlined in the Woodruff-McNary bill; that is, $3,000,000 a year for five years and $5,000,000 for the following five years.

The sentiment among the American people is far in advance of the activities of the Congress.

I wish to speak upon the conservation program in Louisiana. Louisiana has 2,200 acres of State forests. We have 60,000 acres of public shooting grounds and a game refuge or a game sanctuary of 300,000 acres supported and maintained by the State, protected by the State, feed provided for the migratory birds by the State, scientists and doctors provided by the State to treat the sick birds in that great sanctuary, and it might be well to note in passing that the Department of Agriculture reports that 75 per cent of all the migratory birds of Canada and of the United States spend their winters in Louisiana in our sanctuaries. [Applause.]

And the State of Louisiana takes care of that vast plan to improve and conserve the wild life of America. It is not a question only of preserving our wild life to benefit the shooters or the hunters, but the question is primarily before the Congress to conserve our national resources, including wild life, for the whole American people—3 per cent are killers, but 97 per cent of the people enjoy the benefits of conservation also.

I wish to call your attention to this fact. As has been stated by gentlemen who preceded me, great conventions have been called by the Presidents of the United States to talk about conservation, but that time is passed. The time now is to act. By no means is conservation the abstract impersonal subject of concern to far away theorists. It is a tremendous industrial movement of immediate and direct concern to the people of every community. The United States as a Nation has been able to reach its present stage of great development because it was originally blessed with an abundance of natural resources. Louisiana has had its full share of these natural treasures to which we owe a large share of our State wealth.

Natural resources of one kind or another may be classed into four classes: First, those which are inexhaustible and occur in unlimited quantities, such as light and air. Second, inexhaustible resources, but limited in quantity, such as land and water. Third, those which are exhaustible and not capable of replenishment, such as oil, gas, and sulphur. Fourth, exhaustible resources which can be renewed, such as fish, game, and forests.

The wild life comes under the class of renewable resources. I wish I might have time to present this great question as it seems to me is imperatively pressing upon the attention of this Congress, so that in the future our steps as a great legislative body shall not be feeble and light, but that Congress will make an effort to go at least as far in advance as public sentiment of the American people. [Applause.]

Each class presents a different problem and calls for different treatment. The essence of treatment, however, is wise use, with elimination of waste, managed for the greatest benefit to greatest number of people. In the case of renewable resources the use should be such that renewal is not made unduly difficult or impossible.

THE FORESTS AND FOREST INDUSTRIES OF LOUISIANA

The forests of Louisiana, included in the last class of our catalogue of resources, have been the industrial and social backbone of the State. These resources have been worth more to Louisiana than the gold found in California has been to that State. Moreover, our forests have been of greater value to the United States than that selfsame gold has been. Let me read you a few figures, which show the importance of our forest resources.

The forest industries of Louisiana now employ around 50,000 persons, or more than half of all industrial employees in the State. These workers were paid over $40,000,000 wages and salaries in 1924, and the forest products sold were worth more than $110,000,000. According to the State forester, more than $300,000,000 is now invested in lumbering and dependent industries. Our forest industries pay 17 per cent of our taxes, or more than all the farms.

The cut of sawed lumber alone in the last 25 years exceeded 80,000,000,000 board feet, worth close to $1,500,000,000, or more than all the gold that California has produced. This is more lumber than any State of the Union cut during the same period, with the single exception of Washington.

In Louisiana there are now upward of 13,000,000 acres of cutover land and less than 4,000,000 acres of virgin timber, which is being cut off at the rate of 300,000 acres a year. At this rate the forest industries are facing an early end, unless the cutover land is made to produce more timber. A large proportion of it is not doing so now, and mill after mill is cutting out and being dismantled, leaving behind thousands of acres of idle land and deserted villages. This means heavier taxes on the farmers remaining, as the whole burden of local government, schools, roads, and so forth, falls on them; heavier taxes on the cities and other parts of the State as total taxable wealth is diminished; fewer local markets for crops and fewer jobs to help out when crops are poor; higher costs of lumber for building; less freight for the railroads and the bankruptcy or abandonment of many lines.

During the eight years 1915 to 1922 the railroad mileage in Louisiana decreased by 12 per cent, or 664 miles, a greater decrease than has ever taken place in any other State during any period. This necessarily means less adequate transportation facilities and a handicap on settlement in the localities affected. In the 20 years from 1900 to 1920 at least 7,000,000 acres of timber were cut, while the area of improved farm land increased less than 1,000,000 acres; and during the 10 years 1910 to 1920 the rural population increased less than 1 per cent (10,000), while the total population of the State increased by 142,000, or 8.6 per cent.

TRENDS OF LUMBER PRODUCTION AND CONSUMPTION

During the development of the United States the drift of the population has been to the westward. With the people have gone the production and consumption of goods.

When the United States Government was first organized the center of the population was on the Atlantic coast near Baltimore, and the center of lumber production was, for all practical purposes, at the same place.

With the expansion of our Nation the center of population moved nearly straight west, and with it went the lumber production center. For many years the production center stayed in the North, on account of the heavy lumber cut in the Lake States. But in 1890 it started south and came toward Louisiana for 20 years as our southern forests took over more and more the task of supplying lumber.

But recently a change has occurred. The increasing lumber production in the Northwest is dragging the center of production faster and faster away from the South toward Oregon and Washington. Already it has gone 500 miles west of the center of population, and this increasing distance between the mills and the consumers means a greatly increased cost for lumber transportation. Lumber freights cost Americans upward of $350,000,000 in 1923, and the bill is growing at the rate of $25,000,000 a year.

Economists think that the center of population will finally come to rest near St. Louis, which is not far from the center of our forest land in the United States. The center of lumber production, however, never stops. It has marched far past St. Louis on its westward journey and will continue to go west with corresponding increases in the annual lumber freight bill until we of the East and the South take steps to draw it back to a more normal location. The only way in which this can be done is by increasing our share of the lumber cut, and

the only way we can increase our share is by conservation of our forests to make them produce more lumber. [Applause.]

PERPETUATION OF FOREST INDUSTRIES

The perpetuation of our forest resources involves first stopping fires so that the cut-over land can restock. In recent years fires have burned over annually almost 1,000,000 acres of forest land in Louisiana, killing the seedlings, retarding the growth of the older trees, and gradually destroying the soil fertility.

The next step is growing more and better timber to the acre in less time than was required for the old growth stands. A farmer who is content to harvest self-sown wild crops that came up without cultivation of any sort would not be considered a successful farmer. Furthermore, in that way it would be impossible to raise enough food to keep us all alive.

TIMBER GROWING

The same is true with timber. By growing timber systematically as a crop we should be able to produce at least three to five times as much wood and at a lower unit cost. A few progressive and far-sighted lumbermen in Louisiana, led by State Senator Henry E. Hardtner, have made a good start in this direction, and their holdings are becoming models for the whole southern-pine region. In scientific timber growing only the surface has yet been scratched, and the possibility of speeding up yields and improving the quality of the material is good. The Southern Forest Experiment Station, with headquarters at New Orleans, is at work on the problem, and is sure to produce results of incalculable value to the forest industries of the State. We can never have conservation of the kind that pays dividends until we know all there is to know about the best ways to speed up timber growth. In this matter each region has special problems, though the main principles are the same for all.

But equally essential to growing the timber is the utilization of what is grown. It would be foolish to spend money and labor to produce larger quantities of timber only to throw away two-thirds of it in the various processes between the stump and the consumer, as is done now. To utilize the wood economically it will be necessary to build up all sorts of wood-using industries and by-products industries subsidiary to the sawmills, plants that can take the "waste" material near its point of origin without a high intervening transportation cost.

Such plants, by making it possible to market a larger proportion of the wood grown in the forest, will help to make timber growing profitable, will provide a ready local market for the wood cut by farmers, and will create many flourishing local communities, which, depending on several industries, will be on a more stable basis than the old sawmill towns whose prosperity fluctuated with every turn of the timber market.

THE PAPER INDUSTRY IN THE SOUTH

One of the best examples is the development of the pulp and paper industry in the South. Here a tremendous opportunity is awaiting.

The United States now consumes well over 8,000,000 tons of paper annually, fully 90 per cent of which is manufactured from wood. More than 9,000,000 cords of pulp wood are required to manufacture one year's supply of paper for the country as a whole. Over three-quarters of our pulp-wood requirements are centered in the spruce, fir, and hemlock forests of the Northeast and Lake States. Continual drain upon these forests for both lumber and pulp wood has reduced them to a point where they can not support our requirements. During recent years imports of pulp wood, wood pulp, and paper have increased until now over 51 per cent of our requirements for paper are imported.

Furthermore, the possibilities of using southern woods to replace the heavy demands upon spruce, fir, and hemlock are not remote. The Forest Service has developed in their laboratory a modification of one of the pulping processes whereby the southern pine and hardwoods may be pulped for use in newsprint paper. This modified process gives great promise for the South. [Applause.]

The pines of the South are well adapted to pulping by the sulphate process for wrapping paper and for paper boards. In 1922 more than 1,200,000 cords of wood were required to manufacture the paper made from sulphate wood pulp. Sixty-three per cent, or 770,000 cords, were imported in some form or another. There is ample pulp wood in the South to wipe out this difference between domestic production and consumption. And there is ample forest land to grow the material necessary for any expected demands of the future.

Recent experimental work has proven the feasibility of using the southern pines and gums in combination in the manufacture of book paper. Some commercial tests have borne out the laboratory results. Here again is a great opportunity. [Applause.]

MINOR WOOD-USING INDUSTRIES IN THE SOUTH

Other possibilities in this direction include the establishment of various hardwood industries, such as the manufacture of furniture, woodenware, and numerous other products for which Louisiana hardwoods are now being shipped out of the State in great quantities to factories in other parts of the country. The largest remaining supplies of old-growth hardwoods in the United States are in the region tributary to the lower Mississippi Valley, but the whole country is drawing on them, and large quantities are being sent abroad. The development of local hardwood-using industries would not only add to the prosperity of the State, but it would also tend to bring about closer utilization of the hardwood timber. Moreover, not only will the high-grade hardwoods of this region probably outlast those in other parts of the country, but Louisiana is closer to the tropical hardwood forests of Central America and northern South America, to which our furniture industry and others requiring high-grade timber will no doubt turn as our own supplies become depleted. New Orleans is already an important center for the importation of mahogany and other tropical American woods.

After all is said and done, the best brand of conservation is wise use. In the case of the forests this means perpetuation of timber supplies and forest industries and the establishment of coordinate groups of wood-using industries. We already have in our State an excellent example of coordinate or integrated wood-using industries. The Great Southern Lumber Co. has expanded on just such a systematic program, making lumber primarily and using the waste from the sawmill to manufacture pulp and paper. In this way waste is eliminated as far as possible, meaning more complete use, which should result in greater profits.

To support such industries the forests must be well managed and every aid given to nature in restocking and growing a new crop of timber when the first is cut off. Herein lies the prosperity of a large part of our State. There is no more patriotic work than this, in doing our best to replenish our timber supply for our future enjoyment and industrial betterment.

Never forget that we have in the forest soils of this great State an asset of incalculable value. Properly treated these soils will yield wealth to our children's children, and long after the last dollar has been extracted from the gold mines of other regions. Neglect and abuse them and the golden harvest of our greatest natural resource will dwindle to a pittance, just as has occurred in many other States. [Applause.]

In this matter we are partners with nature. Give nature a chance to do her beneficient work. Keep out the fires. Plant the trees. Use God's gift wisely. Give nature a chance to restore the forests on our devastated lands and the never ceasing, resistless energies of the soil, the air, and the sunlight will keep Louisiana what she has always been—a Golconda of forest wealth. [Applause.]

Arthur Newton Pack, author of "Our Vanishing Forests," says:

> Prohibition is difficult to enforce because a considerable portion of the public does not want it. Only when the public wants forest-fire protection will it be thoroughly effective. The crux of the whole matter lies in education.

This necessity for education along these lines is reiterated by E. T. Allen:

> I do not undertake to outline the complete program of dealing with the fire evil, most of which is as familiar to you as it is to me, but only to urge a campaign against its cause. Because this is belated and difficult, it calls for action more decisive and vigorous than any we have attempted, or, as far as I can see, is being contemplated. I would, in every budget in this land for forest protection, devote not less than 5 per cent—sometimes more—to education against the starting of fire.

[From Our Vanishing Forests]

> Tobacco firm in Canada adopted a novel plan of making each package of cigarettes preach a sermon against carelessness. A slip was inclosed, reading: "Please don't throw away a lighted cigarette. See that it is dead out. Lighted tobacco and matches are especially destructive in the forests. Living forests mean liberal employment; dead forests employ nobody. Don't be responsible for a dead forest!"

Forests are the background of America. We turn to our woods for recreation. They are one of our great preservers. Feed our lakes and streams. Shelter and renew our wild life. Contribute to moral stamina and bodily vigor. (Colonel Greeley.)

[Idle lands and costly timber—United States Department of Agriculture Bulletin 1417]

The United States leads the nations of the earth in the use of wood. We consume nearly half of the world's cut of lumber and two-fifths of all the forest products which it produces. The quantity, variety, and cheapness of our timber have led to its use in our home industries and commerce to a degree that is without parallel. Ninety-eight per cent of our rural dwellings and from 59 to 98 per cent of our urban dwellings, varying in the different States, are still built of wood. From 25,000,000,000 to 28,000,000,000 board feet of lumber are used annually in building and construction, the farmers being the largest consumers, and 9,000,000,000 shingles are laid annually in roofing these homes and other structures. Another 6,000,000,000 feet of lumber is manufactured yearly into crates and boxes to carry our commerce. Our railroads normally require from 100,000,000 to 125,000,000 wooden ties annually. Our mining industry could not live without timber and consumes nearly 300,000,000 cubic feet of stulls and lagging every year. A hundred million cords of fuel are cut annually from our forests and wood lots. To support a per capita consumption of paper which is double that of any other country we cut 5,000,000 cords of pulp wood from our forests every year, and still import from Canada and other foreign sources over half of our paper or paper-making materials. There are 53 categories of manufacturers which depend on wood. All told, we take nearly 22,500,000,000 cubic feet of wood from our forests annually, which is equivalent, roughly, to 53,000,000,000 board feet.

In a very important sense the forest problem of the United States is primarily a problem of education. We must as a people grow out of old habits of mind and practice regarding timber and land that will grow timber. We must become a people skilled in the craft of producing wood as a staple crop and in the art of using wood with intelligence and thrift. The facts necessary to guide and stimulate this evolution must be dug out and made common property. In the nature of the case this must be done to a large degree by public agencies, and its accomplishment should be an important aim of public policy.

Natural resources, including our wild life, must be developed and preserved for the benefits of the many and not merely for the profit of a few.

The outgrowth of conservation is national efficiency. National efficiency will be the deciding factor in the great commercial struggle between the nations of the earth.

Conservation stands for the same kind of practical, common-sense management of this country's resources that every business man stands for in the management of his own business

Conservation is the most democratic movement this country has known for a generation.

There are over 350,000,000 acres of cut-over land in the United States from which valuable timber trees have been removed. Most of this area is east of the Rocky Mountains. Eighty per cent of the remaining forest land is privately owned.

Dr. W. T. Hornaday in Our Vanishing Wild Life says:

I have been shocked by the accumulation of evidence showing that all over our country and Canada fully nine-tenths of our protective laws have practically been dictated by the killers of the game, and that in all save a few instances the hunters have been exceedingly careful to provide "open seasons" for slaughter as long as game remains to kill!

And yet the game of North America does not belong wholly and exclusively to the men who kill! The other 97 per cent of the people have vested rights in it, far exceeding those of the 3 per cent. Posterity has claims upon it that no honest man can ignore. There is one State in America, and so far as I know only one, in which there is at this moment an old-time abundance of game and bird life. That is the State of Louisiana.

In Bulletin No. 21, Biological Survey, it is calculated that if in Virginia and North Carolina there are four bobwhites to every square mile and each bird consumes 1 ounce of seed per day the total destruction to weed seeds from September 1 to April 30 in those States alone would be 1,341 tons.

Over the world at large I think the active destroyers outnumber the active defenders of wild life at least in the ratio of 500 to 1, and the money available to destroyers is to the funds of the defenders as 500 to 1.

Mr. DAVEY. Mr. Speaker and gentlemen of the House, the problem of conservation is of as deep and far-reaching importance as any question that may present itself to the great American people. It is a problem that projects itself further into the future than most of the questions that agitate the official mind. This question of conservation is not merely a matter of future lumber supply, great and vitally serious as that is, but it is a matter that takes in the broad sweep of the great outdoors and the preservation of the basic natural wealth upon which the greatness and prosperity of America are founded.

Indeed, the question of conservation has in it even an appeal to the heart and soul of man, because God wove into the fabric of the forest a majestic loveliness and grandeur that are incomparable. No doubt there are men who can not think in terms of beauty, but there are vast numbers of people who see something more in conservation than the protection of the money wealth which comes from the things that God put here and which man has turned to his own advantage with a selfish and prodigal hand.

To express the thought of the nature-loving conservationist, I would like to repeat a moving story that I heard from the lips of one not long ago. His story was so full of romance and pathos and lofty sentiment that I want to give it to you as nearly as possible in his own words.

He said:

As I think back over the long struggle for conservation, in which I have played my little part, my memory stops abruptly as there flashes before my mind's eye a vision. It is a vision of a fateful day, not so many years ago, a day that will live with me always and serve as an inspiration for greater effort in this wonderful cause.

On that memorable day, to be exact, the 29th of October, in the year 1915, I found myself, while still merely a boy, kneeling by the side of a dying comrade in a little log hut some 200 miles from civilization on the south shore of the Hudson Bay country. As I knelt there by his side, gazing down through tear-dimmed eyes upon that poor body, racked as it was by scurvy, that dreadful disease feared throughout that entire north land, he opened his eyes and looked into mine.

Seeing my distress and apparently out of sheer consideration for my youth, he smiled, actually smiled, in his dying and suffering condition. Still smiling, he said in a hoarse broken whisper, "It is not time for grief, my boy. I am not going to die; and if I were, who could wish to die among more glorious surroundings or to the strains of more beautiful music?" I looked at him in amazement. I remember it as if it were yesterday. In a doubting voice I said to him, "Music, Mr. Black?" "Yes; music. Listen; don't you hear it?" And as I did so there came from without those dark and otherwise silent forests a wild, weird moaning of the wind through the fir tops. "That's music, Del," he continued, "the most glorious music in all this world. In future years I want you to remember this day. Remember it always, not in the spirit of sadness, not in the spirit of regret, but always in a spirit of deep love and admiration for trees."

It is impossible to overemphasize the importance of conservation in the matter of our future lumber supply, especially in view of the statement made by the United States Forest Service that we are using lumber four times as fast as we are growing it, and in view of the probability that the eastern half of the United States will be stripped bare of its timber, from a commercial standpoint, within the next 25 or 30 years, according to the present rate of consumption. When you add to this serious situation the estimate of the United States Forest Service that the tremendous supply in the Western States will probably be exhausted in 35 or 40 years and realize that America, the most richly blessed of any nation in the matter of forest wealth, has gone farther on the road of devastation than any nation in the history of the world and is approaching so rapidly to the exhaustion point, you may find ample cause for serious concern over the future of our lumber supply.

Mr. Speaker and gentlemen of the House, it is not my purpose to-day to discuss the question of lumber supply at great length. I want, so far as the power within me lies, to direct your attention to the broader phases of this question as they relate to the effects of forest devastation in other equally serious ways, perhaps more serious.

Let me call your attention to the fact that scientists have estimated that one average tree in a single growing season throws into the air through its leaves about 500 barrels of water by the process called transpiration.

Just as our breath is laden with moisture when it comes from our lungs, so there is breathed out through the leaves of trees great quantities of water in vapor form to remain in the air and be condensed and come back to the earth as rainfall, to be taken up again by the various forms of vegetation and again thrown out into the air in vapor form, to be condensed and come back once more as rainfall. And thus we see a very direct relation between the existence of trees and the rain that may come to bless the earth.

The moisture in the atmosphere comes from two sources, one from evaporation and the other from the leaves of vegetation. Naturally there is more evaporation from the ocean or large bodies of water along the coasts than there could possibly be inland, and yet even where there is the maximum amount from evaporation, that which is furnished through the leaves of vegetation is tremendously greater. It is obvious, therefore, that in all of the inland portions of the

country the existence of vegetation and particularly trees is absolutely vital for the assurance of an adequate rainfall.

Mr. LOWREY. Will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. LOWREY. The gentleman made a most interesting statement; I wish him to repeat that statement concerning the amount of water given off by the leaves of large trees.

Mr. DAVEY. Scientists tell us that one tree during one growing season gives off through its leaves about 500 barrels of water.

Mr. LOWREY. That is very interesting and worth while, and I wanted to be sure to get it straight.

Mr. DAVEY. This problem of conservation is tied up inseparably with the question of water supply for all purposes. I am told that the city of Columbus, Ohio, several years ago came within three days of a water famine because the Scioto River, from which all the municipal water supply is secured, was almost dried up. The situation was so serious that the people held prayer meetings, calling upon the Almighty to save them from the threatened disaster. Whether these prayers were answered no one may know, but a providential rain did come in time to save a great city. Can you imagine anything more serious than a water famine affecting a community of several hundred thousand people? The very fact that they came so close to it is significant enough. Their difficulty lies in the fact that the forests have been cut away from the headwaters of the streams that make up the Scioto River, and so they have periods of floods and periods of comparative droughts. Many another city has been threatened in much the same way, and we shall see many repetitions of the same dangerous situation with greater frequency as the process of devastation goes on.

This matter of protecting the headwaters of the streams is of such vital importance that it can not be measured in words. It strikes at the very foundations of national life and prosperity. We can not ignore it without paying a price that is all too tragic to contemplate.

The erosion of soil is a tremendously serious problem that is inseparably interwoven with forest devastation. Some two years ago the Potomac River was on a rampage and a great flood was sweeping down past the city of Washington. As is always the case with floods the water was muddy, and I said to myself as I watched it, "What part of my country is making this terrible contribution of precious topsoil to the sea?" After the flood waters had subsided I went down to look at the results in Potomac Park, and there on the grass was an inch or two of soil—precious topsoil—deposited by the waters that had gone. It was only a tiny portion of the tremendous quantities that had been swept oceanward. Every great flood takes its tragic toll of the soil from the interior of America.

Is it possible that anyone would doubt the relation between forest devastation and floods? The more serious floods would not be possible if the forests remained to hold the water in check and let it seep out gradually as was intended by the laws of nature. A friend of mine told me of being on a fishing expedition up in the wilds of Canada where the profligate hand of man had not cut away the woods. He told me that it rained three days and three nights and that the water in the stream was raised only a little as a result. But more important than that, he told me that the water was scarcely discolored, which meant that the precious topsoil remained where it was intended to be.

Mr. COLE. Mr. Speaker, will the gentleman yield there?

Mr. DAVEY. Certainly.

Mr. COLE. The gentleman from Ohio has stressed the necessity of conservation. Everybody has been talking about it all over the country. Will not the gentleman give us a few ideas as to how to start on that?

Mr. DAVEY. How to start on conservation?

Mr. COLE. Yes. How can we restore these forests, and how can we increase them?

Mr. DAVEY. I will be glad to reply to my distinguished friend from Iowa. To do so I must be very frank and say that it was a tremendous disappointment to me that this House only two or three weeks ago, on the recommendation of its Committee on Agriculture, cut down the program of the original Woodruff-McNary bill from $40,000,000 in a 10-year period to only $4,000,000 in a 2-year period. We provided in the Clarke-McNary law two years ago a program of acquisition and of fire protection and forestry planting, and it was proposed in the original Woodruff-McNary bill to provide the funds by which that program could be carried out.

There are two phases to this question of conservation; in fact, you can not very well consider one without the other, if you are going to consider them properly. The first is conservation of the existing supply until we can grow more. As was ably brought out by the gentleman from Montana [Mr. LEAVITT], it is not necessary to quit cutting timber, and no conservationist wants to stop proper and sensible timber cutting. You must prevent wasting it.

You must protect the half-grown and little trees so that they will grow into forest wealth to meet the future needs. The conservationist wants to keep out the fire which yearly takes a tragic toll. He wants also to make it a matter of legal requirement that the débris be cleaned up, that the branches and leaves and chips be taken away, so that the fire hazard may be greatly reduced. He insists that seed-bearing trees be left in their place so that nature itself can help take care of reforestation. In other words, the conservationist wants the forests of America to be treated as a crop, from which can be taken a regular annual yield, so that for all time the forests can provide for the needs of the American people, rather than to cut and slash everything and leave behind a worthless barren waste.

I am told that in the State of Michigan and in other States they are cutting everything, leaving the land bare, using the large trees for lumber and the small trees for wood alcohol and other by-products. It seems to me it is a crime against civilization, a crime against God Almighty, for any man to assume that because he has the ownership of a piece of forest land he can lay it waste and rob the people of America of their most priceless heritage.

Mr. LAZARO. Mr. Speaker, will the gentleman yield there?

Mr. DAVEY. Yes.

Mr. LAZARO. Is it not true that the States are just beginning to understand that they must adopt a different system of assessing and taxing forest land? In other words, whenever a tract of land is set aside for that purpose the individual is sure that for a certain number of years he will be assessed and taxed at a low rate for that purpose, and then, of course, when the trees are of such a size as to allow them to be used the assessment is raised and the tax is raised. Is not that a very important part of conservation in the States?

Mr. DAVEY. I think that is true.

Mr. LAZARO. Otherwise if you assess and tax too high, you make it so that the individual must cut all of his timber and use it.

Mr. DAVEY. Of course, I will say to the gentleman from Louisiana, that while I agree with him largely, yet I could not agree that it would ever be necessary to cut the land bare, even under the present conditions. But it seems to me the necessities would require that the States lift all taxes from the growing forest areas and assess all taxes on the lumber when it is cut. Probably they would get more revenue by that method than by the other way.

Mr. LAZARO. I will say to the gentleman that in my part of Louisiana they are encouraging the people to grow trees by assessing and taxing them low for a certain number of years, and then when the timber is ready to be used for commercial purposes, of course, the land is assessed and taxed at its full value.

Mr. DAVEY. That is fine.

Now, I would like to bring out one point that was given to me by my distinguished colleague from Louisiana [Mr. ASWELL] to this effect, that in his State there were originally about 17,000,000 acres of forest land; that about 13,000,000 acres of that has been laid bare by the wasteful processes of lumbering; that the present value of those 13,000,000 acres is so small that the tax return is almost negligible. In other words, from the standpoint of the taxable values the forests ought to be preserved, otherwise the States are robbing themselves of one of the great sources of revenue.

Mr. LEAVITT. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LEAVITT. It has occurred to me that the gentleman might say in that connection, the taxation question referred to, what the Federal Government should do in the revenue act by way of giving some depletion allowance, just as it does in connection with mining industries and so on. That was proposed, but I understand not fully accepted, this last year, and that is a vital problem for the Congress with regard to the taxation of timberland.

Mr. McSWEENEY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. McSWEENEY. Does the gentleman remember, speaking about the value of land, in France near the Bordeaux section that was absolutely waste land and from which no tax return was received, and they planted trees in order to stop the shifting of the sand and to-day over 300,000 French people are living off of the naval stores derived from that land?

Mr. DAVEY. I did not know that and it is a very interesting point. I would like to emphasize in this connection, in further answer to the gentleman from Iowa [Mr. COLE], that the other important phase of the problem is reforestation. We have it on the authority of the United States Forest Service, as it was referred to by the gentleman from Montana [Mr. LEAVITT], that there are 81,000,000 acres of land in this country so severely cut and burned as to become an unproductive waste. It is good for nothing else except growing trees; it is not good for agriculture; and while it was forest land, it has been burned over and over again until it is nothing but an unproductive waste.

Mr. LOWREY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LOWREY. The gentleman is a past master of this subject and we are willing to be a school and let him teach us a little. The gentleman spoke about the leaves, the brush, the tops of trees, and so forth. In cutting down forests, where they cut for saw logs, there is an immense amount of the tree left, leaves and other waste matter. The gentleman hinted that something might be done about that. Is it the gentleman's idea that that should be burned or what should be done with it? Of course, that increases the fire danger if it is just left there. The gentleman started to say something about that but left it a while ago.

Mr. DAVEY. In that connection my thought is this: There are being devised now certain plans to make use of more of the lumber that has heretofore been thrown away, to utilize the small pieces. But in addition to that it seems to me perfectly obvious, in view of this tremendous danger from fire, that this waste material ought to be gathered up, under the force of legal requirement, and burned or disposed of otherwise, so as to remove the constant danger of uncontrolled fire.

Mr. YATES. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. YATES. Just a question in regard to the depletion of the lumber supply. Could the gentleman make a statement with reference to the number of years in which there will be an entire exhaustion of the lumber supply?

Mr. DAVEY. As a result of studying the report of the United States Forest Service, which was issued in 1920, I made the statement that they predicted the eastern half of the United States will be stripped bare of its timber, from a commercial standpoint, within about 25 or 30 years, as we are now going, and that the seemingly inexhaustible supply in the far West will probably be exhausted in 35 or 40 years; 50 years at the outside.

Mr. YATES. That is a serious statement.

Mr. DAVEY. I know it is, and I was greatly impressed by it when I read it in the Government's document.

Mr. FLETCHER. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. FLETCHER. Does that statement apply to pulp timber?

Mr. DAVEY. Presumably it applies to the whole supply, speaking broadly.

Mr. FLETCHER. Can the gentleman give us any information as to whether or not the manufacturers of pulp are devastating the forests to any degree?

Mr. DAVEY. Well, I could not undertake to answer that specifically except to say that my study of the question would indicate that is a part of the whole program of devastation which is now before us. Whether there is any cure for it I do not know, but this I do know: It is possible to grow trees for pulp wood in a tremendously shorter time than it is to grow trees for lumber; in other words, you can use smaller trees for pulp wood. I am told that one paper concern in Ohio 20 years ago planted some land for the purpose of growing pulp-wood trees and they are now beginning to gather the harvest from it.

There are miles and miles of desolate waste in the hilly portions of this country where the lands have been denuded. Where the forests exist, the rain comes down through the leaves and finds its way through the loose, porous soil into the subsoil, and it goes by underground channels to the springs, which feed the little streams, and they in turn feed the rivers. And thus is preserved the continuity of the water supply and the stream flow. And thus is also prevented the damaging floods. The great trees and other forms of vegetation that grow upon the hillsides act as nature's reservoir, and they are indispensable to America, wholly aside from the question of lumber.

It is said that it takes nature 10,000 years to make 1 inch of fertile top soil by the process of decaying vegetation. The millions and millions of acres of barren American hillsides, from which the precious topsoil has been swept away by the floods that have followed forest devastation, cry out as a constant warning against our national folly. If we continue on the present course of destruction the shame of the ages will be pon us who inherited a land more richly blessed in natural wealth than any people in the history of the world.

Where there is a desert there can be no trees, and where there are trees there can be no desert. There is a direct and vital relation between the great forest areas and the conditions which make a country livable.

America as a Nation is only 150 years old, and in that short time we have gone farther on the road of destruction and devastation and wastefulness and profligacy than any people that ever lived. In the last few years we have been reading about King Tut, who was supposed to have reigned in Egypt some 3,500 years ago. As we glance down through the long span of history intervening we see countless nations rise and fall. We see kingdoms and principalities and powers almost without number come and go, and it makes us wonder what may be the future of this, our America, only 150 years old. It makes us wonder especially when we realize how great a garden spot America was and how richly endowed with all the magnificent wealth that nature creates, the most favored land of which civilized man has any knowledge, and yet a land that has been despoiled and robbed and driven further on the road of devastation than any land heretofore known.

Now, I want to discuss one other phase of the great tree problem. While it does not come directly in line with the question of forest devastation, it is so closely akin to it that it seems to me quite proper. I want to refer to the terrible practice of butchering roadside trees on the part of the telephone and electric-light wiremen. [Applause.] I want to say in this connection that this practice is absolutely inexcusable. I have seen it everywhere. I have gone into the towns and cities and along the great highways of America, and have seen countless trees that have been absolutely ruined by the conscienceless linemen who represent the telephone and light companies.

Mr. McSWEENEY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. McSWEENEY. Can not a proper trimming of the tree be done, so as to allow the wires to go through it without serious damage, and would not thoroughly trained and reliable tree men be able to do it?

Mr. DAVEY. I will be glad to answer that question. I would like to offer my own opinion that nearly every tree I have seen could be cleared for the wires without cutting any limbs much larger than your thumb. I have seen it done. I know it can be done. I know the telephone and electric-light wiremen cut from ten to fifty times as much out of the trees of America as they need to cut. The tragic part of it is they seem to go about it without any regard for the individual or the collective rights of the citizens.

Perhaps I may be pardoned for expressing the horror that I feel over this ruthless slaughter of millions of street and roadside trees by the telephone and electric-light linemen. I wonder sometimes whether men are entirely human who could continue to slaughter trees mercilessly and needlessly, as is done by the linemen in the employ of the telephone and electric-light companies all over the country. Not only is this true of countless beautiful trees in the towns and cities, but it is also true in a tragic sense along the highways.

Everywhere I go I see so many butchered and ruined trees that it gives me a sense of horror and shame and resentment. You can drive out in almost any direction from Washington and see so many roadside trees that have been needlessly slaughtered by the linemen that it makes you almost sick at heart.

The infamy of this practice is shown in the fact that it is the regular practice of telephone and electric-light linemen to cut out ten or twenty or fifty times as much as could be reasonably justified by the most liberal interpretation of necessity.

These linemen and at least their immediate superiors are guilty of an absolute disregard of the rights of the people and will stop at nothing to gain their terrible ends. They cut and slash their way through with an utter disregard of legal rights or moral responsibility. A lineman told me one time how they proceeded with the butchery of a magnificent maple tree in front of a farmer's house in Ohio. They waited until the farmer had gone to the other end of his fields and then the foreman told them to cut fast and cut plenty. Then the foreman went down the road so that he could not be located when the storm broke. The farmer came back, too late, because the damage was done. He was burning with rage and demanded the foreman, but the men did not know where the foreman had gone.

It is not alone the destruction of beauty that is involved in this terrible practice of butchering trees. Beheading a tree is

the beginning of the end. It means premature death. It is never justifiable except where a tree is in advanced stages of decline, when it may be used with discretion to stimulate new growth temporarily.

When you cut the top out of a tree or cut off the end of a large limb you open up the cell structure to the certain inroads of fungous diseases. If you look at the cross section of a limb under a microscope, you will see that it somewhat resembles a sponge. The cells of a tree overlap each other and are hollow, with a tiny connection from one cell to another.

Various forms of fungous diseases live in decaying trees. In fact, that is what causes the decay. At certain times of the year they send out to the surface of the bark their fruiting bodies, which more or less resemble toadstools on the side of the trunk. Those fruiting bodies give off a myriad of microscopic spores or seeds which float through the air and most of which fall to the ground harmless. But some of those spores find lodgment in an open wound, and nothing could be more inviting than the top of a tree that has been beheaded. The spores of the fungi attach themselves to the open and exposed cell structure where the limb has been cut away, and they start to grow, sending out little threadlike tentacles called mycelium. It works somewhat like cancer, and the little threadlike mycelium travels from one cell to another, breaking them down and consuming them. They travel in all directions inside the stump of the limb or the trunk of the tree.

Fungus is a low form of vegetable life, a parasite by nature. It lives by tearing down some other form of life. There are various forms of fungus that attack trees, especially the cell structure in open wounds. They continue to travel from cell to cell until the whole inside of the tree is destroyed, and then the tree breaks to pieces from sheer weakness.

When a tree is beheaded or butchered, as is the common practice of telephone and electric-light linemen, that tree is ruined. Its open wounds are certain to be attacked by fungous disease, and the interior cell structure is certain to be destroyed by it. The result is what we call decay. The active cause is the fungous disease itself, and no butchered or beheaded tree ever escapes.

A Member of this House from the State of Florida told me of an experience that he had some two years ago that illustrates what is necessary sometimes to prevent the destruction of trees. I will relate the experience as nearly as I can in his own language. He said to me:

> When our oldest son was born my mother suggested that we plant a magnolia tree. I was young and not altogether sympathetic with the idea, but she persisted, and she said that perhaps she might not live to see the tree in bloom, and perhaps I might not, but certainly the boy would, and then he would know that tree was planted for him. So, as a matter of consideration for her, we planted the magnolia. The first time it bloomed was when the boy was graduated from high school. The next time it bloomed was when his sister was graduated. Some years passed after that, and finally the boy went away to war, during which he contracted an incurable disease. He came home and lingered for a while and died. Last summer I heard that they were going to widen the street in front of my house, and I understood that they planned to cut that magnolia tree. So I went down to see the city engineer.

This Member of Congress from Florida is an old, white-haired gentleman, one of the most dignified, courtly men whom it has been my privilege to meet. I have never seen him excited nor have I ever seen him lose his poise, and yet he said to me—

> I went down to see the city engineer, and I said to him, "Sir, I understand you are going to widen the street in front of my house," and he replied, "Yes; that is the plan." "Well, sir, I understand you plan to cut the magnolia tree in my front yard," and the city engineer answered, "Well, I am afraid we will have to." "Well, sir, I came to tell you that the man who cuts that tree I shall shoot him." "Do you mean it?" said the city engineer. "Yes, sir; I mean it! The man who cuts that tree, I shall shoot him and kill him." "Well," he said, "it won't be cut."

It is not my purpose to suggest that people take the law into their own hands, even though I realize that the temptation to do so is sometimes very strong. I know one determined man in a small community in Ohio who, single handed, defied the electric-light company and dared them to ruin the century-old trees in his community. That one determined man saved the trees that made the beauty of that little city. Unless the wire companies follow a more civilized course and stop this unpardonable and unnecessary practice of butchering America's trees, the only recourse is for organized society to provide adequate punishment for those who commit these acts against the collective and individual rights of the people.

Sometimes it seems to me that the wire companies are doing everything in their power to make America a treeless Nation as fast as their brutal hands will do it.

Think, friends, of that wonderful impulse which has prompted people to plant thousands upon thousands of memorial trees along the roadsides in honor of the war heroes! Think of those fine public-spirited citizens who plant other countless thousands of trees along the roads of America just for the sake of making our country more beautiful! And then think of those unselfish and far-seeing patriots of 50 or 100 years ago who planted trees by the roadsides of America to bless the generations that would follow them! What a horrible tragedy it is that this unselfish labor of love should be brought to naught by the army of telephone and electric-light linemen who everywhere challenge the rights and interests of organized society. When we consider the problem of conservation let us serve notice on these tree destroyers that we shall no longer tolerate their unpardonable crime against America.

There is one thing more I want to say in closing. We do not own America. We have this great land only on a life lease, even though the property stands in our names at the courthouses all over America. We have it only so long as the breath of life is in us, and then, according to the laws of nature, we must pass it on to another generation. This great land, the most favored in the history of the world, the most richly blessed in the matter of natural resources which we have spent with a lavish prodigal hand, this land that came to us with all its manifold and magnificent blessings, brought to us also a great and solemn and everlasting responsibility, to keep this our America as great and as wonderful and as worth while as it was when we received it. I thank you. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield 15 minutes to the gentleman from Missouri [Mr. KIEFNER]. [Applause.]

Mr. KIEFNER. Mr. Speaker and Members of the House, it will be observed that President Coolidge in his proclamation, just read by the distinguished gentleman from Ohio [Mr. McSWEENEY], while giving full weight to the evils resulting from impoverished forests and idle lands, laid stress upon the increased attention being given to scientific forestry in industrial practice and land usage. "Too long," said the President, "have we as a Nation consumed our forest wealth without adequate provision for its wise utilization and renewal, but a gratifying change is taking place in the attitude of our American people toward our forests." In other words, we are commencing to appreciate in slight degree, at least, that conservation of our forests and reforestation is a great national question and with that thought in mind, to emphasize and broaden it, as well as to review what is being done to solve the question, American forestry week has been proclaimed by the President, and for the same purpose three hours of debate in this House are dedicated to-day.

Engaged personally in the distribution and sale of lumber and timber products for many years, the conclusion has long since been forced upon me that the question involving our rapidly vanishing timber supply constitutes a national problem that sooner or later the American people will have to face and solve or suffer dire consequences.

To-day in my limited time I intend to discuss the problem in what might be considered a business-like way. I intend to treat the subject as a business man would treat an account on his ledger, examining in detail the debits, credits, and the balance that remains. In order to do that it will be necessary to recite somewhat the history of our forests, a history both short and sad. For the facts and figures I shall use in this discussion I am indebted to Charles Lathrop Pack, president of the American Tree Association; Col. George P. Ahearn, of the Tropical Plant Research Foundation; and A. L. Hager, nationally known lumberman, of Lansing, Mich. Mr. Hager is also an officer in the lumbermen's fraternal organization, known as Hoo-Hoo, to which almost all prominent lumbermen in the country belong and whose activities are directed toward the restoration of our forests.

When our forefathers from Europe landed in America, bringing with them civilization, practically one-half of the land area of our country, or about 820,000,000 acres, was covered with virgin timber scattered fairly well over what is now the United States of America. This virgin timber is the chief item to be found on the credit side of our forestry account. For more than 200 years following the first settlement in America but little of this virgin-timber account was depleted. During that time the demand for timber supplies was limited, the cut being not much in excess of the growth of new timber. In addition to small consumption, conservation, even at that early date, also played a part in maintaining equality between supply and demand. It is of interest to-day to know that the first settlers

in America were the original conservationists, having issued a decree to conserve timber as early as 1626, more than 300 years ago. The Massachusetts Historical Society recently caused to be published that decree in the quaint wording and spelling contained in the original, which reads as follows:

It was decided by the court, held on the 29th of March Anno Do 1626, That for the preventing of which inconveniences, as doe, and may befall the plantation by the want of timber, That no man of what condition so ever sell or transport any maner of works or frames for houses, planks, bords, shiping shalops, boats, canoes, or whatsoever may tende to the destruction of timber aforesaid; how little so ever the quantie be, without the consent, approbation & liking of the governor and counsell.

About the year 1850 the forests of the Nation commenced to decline. In that year the State of New York ranked first as a lumber-producing State. To-day it manufactures less than 30 feet per capita, while its requirements of lumber per capita amount to 300 feet.

In 1860 Pennsylvania took first place in lumber production; at the present time it does not produce lumber enough to supply the needs of one of its great city districts.

My own State, Missouri, 50 years ago ranked amongst the first in timber production, while to-day it ranks twenty-fifth.

The Lake States of Minnesota, Wisconsin, and Michigan were the greatest producers of lumber in 1890, cutting about 9,000,000,000 feet, most of which was white pine, the best wood for all-round purposes ever grown. In 1892 Michigan produced 4,000,000,000 feet alone and ranked first among the lumber-producing States of the Union. In 1920 the State produced about 700,000,000 feet and ranked sixteenth in lumber production. It is stated on good authority that Michigan now imports approximately 80 per cent of her wood supply, paying a premium of $20,000,000 per year in freight.

The present forest area in the United States is 469,000,000 acres, or about one-half of what it was in the beginning. If this amount were all virgin timber, there would be no great cause for immediate alarm, but the sad fact is that only 138,000,000 acres of that amount represents virgin forests, and they are disappearing at the rate of 5,000,000 acres annually, the remainder of the 469,000,000 acres being cut-over land partially covered with growing timber. Seventy-five per cent of the remaining virgin forests in this country to-day is located in the Pacific Northwest, while the bulk of our population and the most of our industries are in the East, North, and Middle West.

The retail price of lumber has increased three times as fast as the average price of other staples in the last 75 years, because the source of production and the place of consumption are continually becoming farther apart. The average haul per car of lumber in 1924 was 658 miles. It is fair to assume that prices of lumber will continue to rise in future for the same reason as in the past unless the supply becomes greater. The virgin pine forests of the South Atlantic and Gulf States have shrunk from 650,000,000,000 to 100,000,000,000 feet; yellow-pine production is falling off rapidly, 20 mills of major capacity having cut out and closed down in the year 1925. These mills were producing daily 2,700,000 feet. At the present time only 20 States in the United States cut as much timber as is used within the State. The Southern Pine Association in its estimate for 1919 makes a statement that 99 per cent of the southern pine supply will be cut out in 15 years. If that estimate proves true, the year 1934 will see the finish of southern pine.

An economist in the United States Forest Service estimates that we had in 1920 hardwood supplies to last 30 to 45 years, but that old-growth hardwood would be gone in 1945, and that ash, yellow poplar, black walnut, red gum, hickory, and chestnut would not last that long. It takes on an average 30 to 60 years to grow softwood timber and from 100 to 150 years to grow hardwood.

Very often the remark is heard that substitutes for lumber are being used, such as steel and cement; therefore, why worry about timber supply? Substitutes are used to a certain extent, but in spite of them the need of lumber is greater now than at any time. In 1850, when our population was 40,000,000 people, the per capita use for lumber was 150 feet. In 1925, with a population of 110,000,000, the per capita use is 300 feet. Lumber is being put to new uses constantly as new industries spring up. There are now 1,500 uses for lumber, requiring about 23,000,000,000 cubic feet each year. This means that 250,000,000 trees of average size are cut down annually. The railroads use 130,000,000 new wood ties each year. Ties used by the Missouri Pacific Railroad system for renewal purposes in 14 years amounted to 57,000,000. They contained enough timber, had it been cut into lumber, to have constructed 150,000 frame residences of six rooms each. These houses would comfortably contain 800,000 people, about the number now living in St. Louis. Props used in the mining industry in the United States call on the forests for 260,000,000 cubic feet annually. To get coal we must have wood. Careful estimates place the consumption of wood pencils each year at 1,000,000,000. The automobile industry is comparatively new, yet in 1923, 800,000,000 feet of lumber was used in the construction of bodies alone. Newsprint is a forest product, being made from wood. It requires 16 acres of spruce trees to make the print for one Sunday edition of a metropolitan newspaper. Six or seven billion cubic feet of timber is required each year in the construction of homes in America. The normal annual increase in dwellings in the United States amounts to 400,000. At the beginning of 1925 this country was faced with a shortage of homes amounting to one-half million.

The items I have mentioned thus far are a few among those found on the debit side of the forest account. Now, let me turn to analyze briefly the credit side with a view toward striking a balance. We are reforesting in this country to-day at a rate of 35,000 acres annually. Economists claim we have 460,000,000 acres in the United States not needed for agricultural purposes, and that 181,000,000 acres of that amount is fit only for timber crops. This area would and could produce timber sufficient to guarantee future generations a future timber supply. Some of the States in the last few years have commenced reforestation in earnest. Michigan in the last five years has planted about 15,000 acres. Pennsylvania, Maryland, Kansas, and numerous other States have fallen into line. Great lumber corporations owning vast tracts of timberland have awakened to the fact that they owe a duty to posterity, and in compliance with that duty are commencing to take up the practice of tree planting on their lands, and appear to be well satisfied with the progress thus far made. At a recent meeting of the Southern Pine Association, at New Orleans, an association composed of many manufacturers of pine lumber in the South, they tried to make plain they would never permit the supply of timber to disappear.

Reforestation is no longer a beautiful dream—

Said John E. Kaul, a prominent member of the association.

It is on the high road to becoming an accomplished fact. There will always be a good supply of southern-pine lumber available—

Said he—

because the development of reforestation will assure dealers and consumers the supply is not to be exhausted.

Other members of the association in addition to Mr. Kaul were determined on a reforestation policy, but asserted fire protection must be provided by the States and an equitable system of taxing cut-over lands provided.

The great lumber corporations of California and the Pacific Northwest are also committed to the policy of reforestation. In California it is already asserted that redwood timber will never become exhausted by reason of the adoption of that policy. In summing up, examination of both sides of the account seems to show a balance to the credit of our forests amounting to 138,000,000 acres of virgin timber, which is estimated to last for a period of 35 years at the rate at which it is now being cut, and in addition to that item random efforts are being made at reforestation on the part of State and National Governments as well as private individuals.

Thirty-five years is a short time in which to grow new forests with which to supply the demand for wood products of the generation to follow when we are gone. What will remedy the situation, you properly may ask, and I reply that not only must we conserve our virgin forest supply with a view toward making it last longer but we must engage in reforestation in greatly expanded projects undertaken by both Federal and State Governments. We must uphold the hands of the Government Forest Service, whose work is wonderful. Congress should pass the pending McNary-Woodruff bill which, if I understand it, will permit the National Government to greatly extend its purchases of land fit for reforestation. Secretary Jardine, a few days ago in a speech at Atlantic City, advocated its passage, and in the course of that speech took occasion to state also that the time had come for the States of the Union to join in the reforestation campaign. He said that the National Government has so far bought 2,690,000 acres of forest land, and should continue to buy much more. He also argued that large areas of cut-over lands are reverting to many States for delinquent taxes, and aside from that fact cut-over lands in many States could be bought very cheaply, and now was the time for States to act.

Waste must be eliminated in all possible ways. Forest fires must be reduced to the minimum, as they are the chief item of waste. In the year 1924, 92,000 forest fires occurred in the United States, at the rate of 250 each day. A large percentage of these were caused by carelessness of tourists and campers, which could have been avoided. Millions of dollars of annual loss is sustained from fires in cities and elsewhere. Wood to replace this loss in rebuilding operations constitutes a heavy demand upon our forest reserves. Fire preventions in cities and towns should become a burning question indeed. Waste in felling timber should be avoided. The use of short lengths should be encouraged. Standardization in the manufacture of wood products should become the rule. The exportation of lumber to foreign countries should be discouraged, while importation should be expanded. There are even those who think that Sunday newspapers might be cut down in size to 8 acres instead of 16.

The problem of perpetuating our timber supply is national, affecting all classes of our citizens. There is no substitute for wood. Nothing can take its place entirely. In the United States it is the poor man's building material. On the farm it is used almost exclusively for building operations. Anything affecting its price, causing it to become more costly, works a hardship upon the poor man, and particularly upon the American farmer, who already has sufficient burdens to bear.

I have the honor to represent a mid-western district in Missouri, where farming is one of the chief industries, and I know their condition is not what it should be. They are in debt and struggling to make both ends meet. I might say in passing that they are anxiously looking to this Congress for some consideration of their problems and for help in solving them.

I am one Congressman who is anxiously waiting an opportunity to vote for some honest-to-goodness relief legislation for the farmer, whether it is the Dickinson idea or the Haugen idea or the Tincher plan. I feel certain that opportunity will soon be given and that this Congress will pass actual relief measures for the farmers before adjournment.

In conclusion, I submit the high price of lumber is an important factor in the present high cost of living which may eventually result in the National Government being compelled to take over our forests as foreign nations long since have done. Equitable taxation on cut-over and waste lands where reforestation is possible is also inevitable if private individuals are to restore our forests. Practical men will not invest money in growing trees until the investment is comparatively safe.

I furthermore submit the questions of conservation of our forest supply of timber and the reforestation of our forests are problems of vital concern and should be heeded by this Congress if possible and certainly by its successors, or else we should as public officials cause to be hung upon our breasts the placard "Please help the blind." [Applause.]

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. KEMP].

Mr. KEMP. Mr. Speaker and gentlemen of the House, I can not allow this occasion to pass without saying something about what the great State of Louisiana, which in part I have the honor to represent, is doing in conservation and reforestation work. We have a law in Louisiana which requires the timberman to leave one or more seed trees to the acre. Now, the result of that is that the cut-over lands are being reforested through natural process. As the big trees are cut away the little trees spring up and cover the ground. Thus it becomes a game of the survival of the fittest; they come up so thick that the weaker trees are usually smothered and the more vigorous trees hold their places, reaching up into the sun and developing into large trees. Leaving seed trees is considered a very important thing in the natural reforestation of cut-over land.

Another thing we do to encourage reforestation is to permit a low fixed assessment value during the period of timber growth. These are some of the things that the State of Louisiana does.

I want to state particularly what one lumber company in my district, the Great Southern Lumber Co. at Bogalusa, La., is doing under the able management of Col. W. H. Sullivan. It owns and operates the biggest sawmill in the world.

A few years ago when this company first began operations in that section they cut the pine lands clean. They never left a trace of a tree, with the result that no little pine trees came up after the big trees were cut away. Now, the company realizing the importance of growing trees on this land have started within the last few years a pine nursery to reforest these lands; they plant the seeds, and then after the seeds sprout and grow into little saplings they plant the trees or set them out. Last year they set out 7,000,000 of those trees. They are reforesting 76,000 acres of cut-over pine land at a cost of $4 an acre.

They are doing this because they realize that it is a good, sound business investment, and they expect to reforest the whole 76,000 acres. This great company cuts a million feet of timber a day; they cut on an average of 300 acres a day, or about a thousand acres a week. Imagine cutting over 1,000 acres of land every week in the year!

In the South the growth of timber is possibly more rapid than in any other section of the United States. An average acre of land will grow from 250 to 600 feet of pine timber a year. At the present price of pine timber that growth would be worth on an average of $4 an acre. These cut-over lands can be bought for an average of $5 an acre. Four per cent on that amount would be 20 cents; the taxes would be about 3 per cent, or 15 cents; the cost of supervising and keeping fires out of the land would be about 25 cents. These are not my figures but the figures of experts. So at a carrying cost of about 60 cents per acre a year this land could be reforested and produce a growth worth $4 a year.

Now, why does not everybody go into the reforestation business? The answer is simply that a man does not live long enough. Few are able or provident enough to spend the money necessary to buy land, to pay the taxes, and give the needed supervision in order to reap the harvest 50 years hence. The result is that few individuals and corporations engage in the work of reforestation. Growing timber would prove a profitable business to the United States Government and should be immediately undertaken upon an extensive scale. The question might suggest itself, Why do not the Southern States, where we have the ideal lands, where the timber growth is the fastest—why do not the States grow timber? The answer is that they have not the equipment, they have not the money, they need the land for revenue purposes.

These pine lands will produce a growth in 15 years of the high commercial value as paper wood. The great Southern Lumber Co. has in operation now in my district two very large paper mills, and they are buying these cut-over lands. They expect to utilize 250,000 acres of those lands for the purpose of growing pulp wood for these great paper mills. Now, it does seem to me that the matter of reforestation ought to appeal to the Federal Government. It is something that concerns every man, woman, and child in the United States. A hundred years ago we had a handful of people and a continent covered with timber. To-day we have a handful of timber and a continent covered with people, and the demand for timber for lumber and wood consumption to-day is greater than it has ever been in the history of the country.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. KEMP. Yes, sir.

Mr. HILL of Maryland. The gentleman is very familiar with this matter of timber and forestation, and I wondered if he had anything in his remarks in reference to the change in climate which has transpired since the broad belt of forests along the northern border of the United States has been so largely destroyed. It is my understanding that in such places as New York State and various other States there has been a great change.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVEY. I yield the gentleman three additional minutes.

Mr. KEMP. I can only say this, in answer to the question: I understand from the Weather Bureau that there has been no change in climatic or weather conditions since the keeping of records. Weather goes in circles, but fundamentally it is about the same.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I will say to the gentleman from Maryland that some years ago I came from Panama with Colonel Sibert, who was assistant to General Goethals in the construction of the Panama Canal, and Colonel Sibert told me it was a popular fallacy to believe that forests produced rainfall; that forests were the effect and not the cause of rainfall, and that long before forests or vegetation there necessarily was the precipitation called rain. I must confess it was somewhat startling to me because, as a result of many declarations similar to the one made to me by Colonel Sibert as well as the number of articles in magazines and newspapers which conveyed to me according to Colonel Sibert misinformation, I had come to the well-fixed conclusion that forests tended greatly to produce rainfall. It was with considerable difficulty that I made the attempt to readjust myself to the information tendered to me by Colonel Sibert, who is a great engineer and a gallant gentleman, and who apparently is well intrenched with information on the subject that he discussed with me. I have not thoroughly

abandoned even yet, however, the idea that forests had something to do with rainfall, as evidenced by the fact that I quickly responded to the statement made by the gentleman from Maryland and hope that my statement will contribute a little to the very fine address being made by my colleague from Louisiana.

Mr. DAVEY. Mr. Speaker, I must take exception to what the gentleman stated in view of the statement of scientists, that every tree throws into the air every year about 500 barrels of water in vapor form and it remains there to be condensed and come back as rain.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DAVEY. I yield the gentleman two additional minutes.

Mr. KEMP. I hope the gentleman will appreciate the fact that the last three minutes were not consumed by myself. I want to say just this. We are told by these scientific forestry experts that lands that formerly produced in a state of nature from eight to ten to fifteen thousand feet of lumber by the acre can be made to produce very easily 30,000 to 40,000 feet to the acre. That is true in the southern part of the United States and especially in Louisiana. At a very small expense we can restore our forests. There are 100,000,000 acres of land in the South to-day that do not need 15 cents worth of attention an acre a year to grow on it the finest forests in the world, even better than before, if we can but keep out fires. Fire prevention is a question of education. The public should be made to realize that every careless or intentional forest fire reflects an individual loss and works an injury to unborn millions. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. NELSON].

The SPEAKER pro tempore (Mr. BEGG). The gentleman from Missouri is recognized for three minutes.

Mr. NELSON of Missouri. Mr. Speaker, while some of the finest hardwoods in the world are grown in the district I have the honor to represent, I prefer, in the short time allotted me by the gentleman from Ohio [Mr. DAVEY] to speak not so much of the commercial side of forestry as of the influence of trees and of their friendliness.

First, a word as to the trees here in our Nation's Capital City. Who can think of Washington, the city beautiful, without trees, shrubs, and flowers? Not only are there thousands of trees of rare beauty, but among these are many rich in history and associations. The elm under which Washington is said frequently to have sat while watching the work on the Capitol still stands. Special care has been given to this tree, as to the Cameron elm on the other side of the grounds and believed to be between 110 and 115 years old. These trees are but two of the 835 found on the Capitol Grounds, the wooded park as it is to-day having had its beginning in a $30,000 appropriation made in 1853, following a fight by John C. Calhoun.

As new trees are planted on the Capitol Grounds to replace losses which necessarily occur despite the greatest care, Members of Congress stand as sponsors. For instance, we have the shellbark hickory of Thomas Marshall, the purple beech of James Sherman, the red oak of Representative Mann, and the sugar maple of Champ Clark. I can readily understand why Speaker Clark should have chosen the sugar maple, than which no more beautiful tree grows in Missouri. There it is found in abundance. This tree, supplying sweet sap for sirup and sugar in the early spring and dense shade in the heat of summer, becomes in the autumn season a magnificent bouquet of red and gold.

Just west of the National Capitol is the Botanic Garden, in which are many historic trees, these including the European hornbeam, planted by Lincoln; the cedars of Lebanon, by Senators Hoar and Evarts; the slender bald cypresses, known as the actors' trees because they were planted by Forrest and Booth; and an oak which tradition tells sprang from an acorn dropped from a tree which shades the tomb of Confucius in Shantung, the acorn having been brought over by Dana, the editor. Mention should also be made of the Peace Tree, which, after it had attained full size, was successfully moved in order to make room for the Grant Memorial, $5,000 being paid when the tree was transplanted and continued to grow in another part of the garden.

Just here I would digress to suggest that it is a pity some of the Washington real estate dealers seem not to appreciate the beauty or value of trees, but continue needlessly to destroy the magnificent natural growths. With powerful machinery they tear out the trees and level the denuded hillsides, making ugly the places where for centuries nature had been building for beauty.

Missouri, my own State, is rich in the glory of her trees. Few farmsteads are there, even in the prairie places, without groves of trees. Early settlements were generally made in timber, sections, but even there such trees as the locust, with its rapid growth and in the springtime its beautiful and sweet-scented blossoms, were planted locust groves here and there now marking the spots near where pioneer homes once stood.

In short it might be said that the early expressed love of trees on the part of our people has but grown stronger as the generations have passed. This love finds expression in the trees carefully preserved in woodland pastures, where grows the world's best bluegrass; in groves about our rural homes, churches, and schoolhouses, and in the abundance of shade and ornamental trees along village, town, and city streets.

Trees, some of which may have served as landmarks or guideposts, have given names to towns, such as Pilot Grove or Lone Elm. In Missouri, too, where many farms are named, we find registered such names as "Ravenswood," "Eastwood," "Cedar Lawn," and "Locust Grove."

Not only are individuals becoming more interested in the conservation of forests and in the preservation of valuable trees, but patriotic and civic organizations everywhere are aiding, frequently planting trees in the names of individuals or associations. For instance, the Columbia (Mo.) Kiwanis Club, of which I am a member, some two years ago took over the beautification of the county hospital grounds, each member planting a tree and the club as a whole supplying flowers and shrubs.

All of us, and children especially, absorb environment. Fortunate the child that has tree friends—trees under which to play, trees to be climbed, and, perchance, trees from which bark whistles may be made. Happy the man whose memory is of trees of his childhood days when "stick horses" and homemade popguns were not unknown and when the gathering of fruit and nuts afforded wholesome fun. Most fortunate of all he who in age is permitted to see others enjoy the trees which in youth he planted. No more unselfish service is there than that represented in the planting of a tree which, as the years go, can not bear fruit or come into its best while the planter lives. Thus are good deeds done.

How useful are trees! When a tree which long has afforded shade in summer and stood as a protection against the storms of winter is cut down it still serves, perhaps as lumber to go into the building of a home or to afford warmth for the family.

But best of all is the friendship of trees. All of us can recall trees which were more than living things of roots and body, leaf and bark, but which seemed almost to have souls; and, I might add, sympathy and understanding. On the old home farm when I was a boy there were acres of beautiful trees, and many of these remain. One, though, that I loved best—maybe because it stood apart and alone—is gone, broken before the storms of years, and to-day there is a "lonesome place against the sky." It went nature's way, sharing a fate finer by far than that which befalls so many great trees needlessly destroyed by man. In our yard to-day stand beautiful trees. One of these, a great towering elm with wide-spreading branches, in which birds build their nests and squirrels make their homes, I like to think of it as my wireless tower. It receives the call of countless feathered friends as they pause on their long flights north or south, "chatting" and "broadcasting" songs while they stay. And how much more beautiful is this stately elm, which in cooperation with sun and moon weaves delicate and intricate shade patterns, than is any skeletonlike tower of steel! Fancy? Yes; but has the world no need for fairies and fancies such as played in trees and groves of old? Even now, sympathy and understanding as reflected in love of leaf and treasure of tree disclose in forest depths, and even in lone trees, naiads, nymphs, and queens unknown to the peoples whose lives are cast in treeless places. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. HILL].

The SPEAKER pro tempore. The gentleman from Maryland is recognized for one minute.

Mr. HILL of Maryland. Mr. Speaker and gentlemen of the House, I do not think there is any subject that is more vital to the general welfare of this Nation than the subject of the proper treatment of trees.

I want to speak very briefly on three aspects of that question. First, the general industrial value and utility of trees; second, let me say, the beautifying and cultural influence of trees, of which the gentleman from Missouri [Mr. NELSON] has just spoken so ably and eloquently; and third, the effect of trees on the climate of this country. [Applause.]

I have listened with a great deal of interest to the discussion of the general subject of forestry. This is a subject that we too little consider in this Nation. We started out with such huge, comparatively inexhaustible forests that we have not yet come to the time when we seriously realize the need of conservation of forests which is so vital to us in every way.

I recollect very well in the summer of 1911, when, as a major in the National Guard, I was an observer on the part of the United States for the Eleventh German Army Corps maneuvers. These maneuvers took place in the Harz Mountain regions, and I recollect very well the impression made upon me by the village forests and by the forests maintained by the various principalities and duchies. I recollect especially the splendid forest in the Principality of Schwarzburg-Sondershausen, where in the little "tree schools" (Baumenschuler) the trees were grown from the seeds to replace the annual cutting which yielded a regular income to Prince Günther. I recollect also with great interest my first experience with the German municipal forests, which furnished wood for fuel and building purposes precisely as we raise corn and potatoes.

In France during the recent war I had occasion to note the different types of French forests, communal and otherwise. For all sorts of reasons we should encourage forestation in this country.

First. There is the great industrial value in utility of our forests. At the present time the great lumber companies, such as the Weyerhaeuser interests, are cutting and replanting their forests in the most scientific manner with a view to forest conservation. We should greatly increase this sort of forest work throughout the country. The American Forestry Association is doing splendid work along these lines.

Second. When we consider the cultural influence of forests, I am particularly interested in the project for a national forest in Prince Georges and Ann Arundel Counties, connecting with the park system of Washington, and ultimately being hooked up with an extension of the parkways of Baltimore. This project has the unqualified indorsement of all the great technical societies, such as the American Institute of Architects, the American Federation of Art, the American Civic Association, and the American Society of Landscape Architects.

The presence of Camp Meade, which is now definitely to be retained as a mobilization center of the Third Corps Area, makes possible the development of a national forest between Baltimore and Washington. There is contained either on the Camp Meade reservation or near by part of an old grant known as Ridgely's Forest, which was located in the vicinity of what is now Savage and which happened to have been patented to one of my forbears, Col. Henry Ridgely, of Prince Georges County, a member of the governor's council, in the days when we did not have to be so careful about the conservation of forests, because we had not yet cut into the supply which nature had so lavishly poured upon us.

In reference to the project of a National Capital forest, Mr. William L. Ellicott, the distinguished Baltimore architect, has made the following observation:

The use of forests by the people becomes a habit which inures to the benefit of the whole population, adding to its vigor and zest of life.

Agricultural expansion in America has left certain areas unconquered because of their unfitness for cultivation, and in some of these rests the hope of future generations. One of these tracts, though sadly mutilated, has remained to our day a vast forest useful for no other purpose. Providentially also, it exists in a place which above all others should recommend it for protection and improvement to the people of the United States. It forms the background of the National Capital, beginning at the bounding line of the District of Columbia at Bladensburg and extending northeast nearly 20 miles until it crosses the Patuxent River, a tract of 41,000 acres, while separated from it by a narrow strip between Washington and Laurel there is another body of 16,000 acres. Beyond the Patuxent it swings eastward, touching the Severn and South Rivers and reaching the outskirts of Annapolis, the seat of the United States Naval Academy, and thereby adds another area of 43,000 acres.

Another forest district of vital importance to the Nation's Capital, containing some grand scenery which, though separated from the main bodies by the breadth of Montgomery County, should be included in the purchase, borders the banks of the Potomac River from the District line to a point beyond the Great Falls, an area of 10,000 acres. Conditions here are distressing in the extreme, as no effort has so far been made to care for it, and year by year injury to the landscape is done. Surely devotion to the public welfare should prompt Congress to protect this great possession.

The value of the lands in question is comparatively small, but as the pressure of population increases this will not continue, and it is not wise to defer provision for its purchase. Altogether these areas cover 110,000 acres. The Forest Service should ascertain the merits of the various districts for forest purposes and study the replanting of certain parts, and a commission should plan for the maximum of beauty and utility, which are lost for want of skillful and intelligent handling.

Watercourses should be improved, and artificial lakes could be made as beautiful as natural ones, and the attraction of the woods may be enhanced by the erection of suitable buildings properly located. A structure of the character of a small chateau to serve the traveling public as an inn or automobile club would not be out of keeping.

The matter of a great national forest between Baltimore and Washington was given careful consideration by the State forester of Maryland, Mr. F. W. Besley. After a careful study of the surveys, maps, and data in the Maryland forestry department, Mr. Besley reported as follows:

The area proposed for a national forest represents some of the oldest settled lands of the country. Since its occupation 250 years ago many changes have taken place. A considerable portion of the land under cultivation prior to the Civil War has since grown up in forest, not alone because of the scarcity of labor necessary for its continued cultivation but because much of it was found better suited to the growing of timber than for agricultural crops. These young forests of hardwood and pine, coming as a second growth, have attained considerable importance, and by proper management they can be molded into forests of great value. There are still to be found in small tracts some of the virgin forests, showing the magnificence of the original growth and further illustrating future forest possibilities. For the botanist and dendrologist this is one of the most interesting regions of the eastern United States. Here on the border of two great physiographical divisions, the coastal plain and the Piedmont plateau the flora of the North mixes with that of the South and gives a variety of species difficult to find in any other area of equal size. As a natural arboretum this region is unsurpassed. There are over 65 tree species alone, to say nothing of a large number of arborescent shrubs. Most of the valuable commercial species of the entire eastern United States are represented here. The great diversity of soils and forest types offers exceptional advantages as a demonstration field for applied forestry.

A forest survey of the Maryland counties, partly included in the proposed national forest, was made by the writer in 1907–1910, and furnishes the forest data upon which this report and the accompanying map is based. In establishing a national forest such as is proposed it is very desirable to include as far as possible lands that are now largely wooded. The large wooded areas lying between Washington, Baltimore, and Annapolis afford a rare opportunity for carrying out such a plan. The area shown on the map, lying between Washington and the Patuxent River, to the west of the Baltimore & Ohio Railroad, covers approximately 16,000 acres, of which about 8,300 acres, or 50 per cent, is now wooded. For the purpose of the forest description any given area is considered wooded where there is a tree growth on the land at least 10 feet high and where the trees are close enough together to form a stand. The main body of forest lying east of the Baltimore & Ohio Railroad, including spurs extending along South River and the Severn River, covers approximately 84,000 acres, of which 50,200 acres, or 60 per cent, is wooded. The portion south of the Patuxent River is more largely wooded than the rest, amounting to 70 per cent. The portion to the northeast is 50 per cent wooded.

The effect of forests on the climate of this country is not adequately studied. I called this matter up a few moments ago in the questions which I asked during the course of discussion here on the floor of the House. I recall with much interest certain things that Mr. Robert W. Chambers, the novelist, told me last summer about the change in climate which has occurred in Fulton County, N. Y., in the past 40 years because of the destruction of the protective belt of forests on the northern borders of the United States, which kept out the cold winds from the extreme North.

Mr. Chambers, who is a keen observer of both flora and fauna, described to me the destruction of certain plants in the last years by winters which had become considerably colder than formerly. He also described to me the presence of certain birds in Fulton County which were formerly found only in the very cold far North. I myself at one time made a careful study of the subject of forestry in reference to water supply, and that particular phase of forestry is one of great importance to every resident of the United States. I think we do well to give most serious consideration to the question of forestation and to the whole question of conservation of forests.

While we are considering the conservation of forests I think it is a very appropriate occasion for me to call to your attention certain statistics in reference to the conservation of the future citizens of this Nation. In our country the family is the unit of civilization. Everything which affects adversely the family life means ultimately deterioration in the moral and physical fiber of the Nation. Everything that helps to keep together the family life with its old traditions of religious

training and discipline operates as one of the most important sorts of American conservation. The increase of divorces in this Nation and the decrease of marriages in this Nation are a menace to family life. I am glad to say that the Department of Commerce has just announced that, according to the reports received in Maryland during the year 1925, there was an increase in marriage and a decrease in divorce. The figures given by the Department of Commerce are as follows:

There were 25,447 marriages performed in Maryland during the year 1925 as compared with 25,342 in 1924, representing an increase of 105, or 0.4 per cent. This increase, however, is slightly less than the estimated increase in the population.

During the year 1925 there were 1,614 divorces granted in the State, as compared with 1,664 in 1924, representing a decrease of 50, or 3 per cent.

The estimated population of the State of Maryland on July 1, 1925, was 1,560,230, and on July 1, 1924, 1,540,961. On the basis of these estimates the number of marriages per 1,000 of the population was 16.3 in 1925, as against 16.4 in 1924; and the number of divorces per 1,000 of the population was 1.03 in 1925, as against 1.08 in 1924.

The number of marriages performed and the number of divorces granted were furnished by the State department of health. The figures are preliminary and subject to correction:

County	Marriages		Divorces	
	1925	1924	1925	1924
Total number in the State	25,447	25,342	1,614	1,664
Number per 1,000 of the population	16.3	16.4	1.03	1.08
Number by counties:				
Allegany	2,872	3,074	89	85
Anne Arundel	496	448	21	24
Baltimore	678	679	42	37
Baltimore City	7,671	7,768	1,174	1,238
Calvert	62	49	1	4
Caroline	189	161		
Carroll	398	375	9	25
Cecil	4,794	4,825		
Charles	118	127	3	7
Dorchester	185	233		
Frederick	733	671	56	56
Garrett	1,153	1,033	12	10
Harford	367	378	10	10
Howard	1,167	1,133	6	14
Kent	210	174	8	2
Montgomery	801	746	28	14
Prince Georges	331	323	25	22
Queen Annes	104	83	5	2
St. Marys	81	92	4	1
Somerset	230	228	6	14
Talbot	145	150	15	13
Washington	1,996	1,959	89	70
Wicomico	391	356		
Worcester	275	277	11	16

American families are like the American forests. The strength of this Nation comes from the strength of its family life, just as the Nation depends on its forests and streams for beauty, protection, and general welfare.

We need conservation of forests and also conservation of those ideals of home and family and liberty that were the foundation of the life of this Nation. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield 20 minutes to myself.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 20 minutes.

Mr. WOODRUFF. Mr. Speaker and gentlemen of the House, there is good reason for us to pause during the sixth observance of American Forest Week, as proclaimed by the President of the United States, and to take stock of our forest situation. Three hundred years of growth and development in this country has seen a prodigal use and destruction of natural resources which should temper the conceit of every good American and set him to thinking soberly of the need for restoring and maintaining our natural wealth.

Probably no resource has contributed to our development in a greater variety of ways than the forests of the country. The United States has been blessed with the finest and most easily exploited forests of any country in the world, and when it comes to the question of timber consumption alone we have made unlimited use of this blessing. We are still the hungriest timber consumers in the world. We have come to demand 50 per cent of all the saw logs cut each year in the entire world. We consume 55 per cent of all the paper made in the world. We are a people dependent upon the products of the forest, and we shall not easily change our habits.

No one regrets the early destruction of forests to make way for productive farm lands and for the building of cities. The wilderness which met the colonists at Jamestown and along the New England coast was naturally looked upon as a thing to be cleared away. Great forests, as the gentleman of Connecticut has said, harbored wild beasts and wilder men, covered lands needed for food crops, and seemed to stand in the way of all development. It is probable that the destructive American practice of mining forests rather than cropping them has grown out of these early struggles.

But by whatever course we have come, we are beginning to feel the pinch of timber shortage. Fir from the Pacific coast is sold in New England, where native white pine and spruce should be filling local demand. Yellow pine from the Gulf coast is competing with far-western woods in building on Iowa farms. Canadian spruce feeds many of our paper mills, and our annual lumber bill contains an item of $3,400,000,000 for freight—an average of $11 for every thousand feet marketed.

This does not include reshipments or imports. It is a direct tax on the people of the Nation and is due in large measure to forest depletion. It represents twenty times the amount spent annually by all agencies, public and private, on forest replacement. Meanwhile, 80,000,000 acres of land of little use except for the growing of forests, lie idle—most of it east of the Great Plains.

We come to American forest week in 1926 with a record of 50,000 forest fires a year, on the average, most of which are set by careless citizens. The news of the last few days carries word of destructive fires in the forests of Massachusetts, Maryland, Montana, and other States. Insects and disease take a tremendous timber toll every year. Utilization of timber is more wasteful than necessary, due perhaps in part to economic conditions which force overproduction by sawmills. No thoughtful man can deceive himself into believing that our forestry situation is satisfactory.

We are cutting and consuming our forest five times as fast as timber is now being grown everywhere in the country. Every one of us has seen the price of forest products constantly increase during the last 25 years, due largely to the decreasing supply. The price must continue to advance for many years to come, or until such time as we can bring about a condition where the growth will approximate the consumption. A real reforestation program should have been undertaken by the Congress many years ago. Millions of now waste land should to-day be covered with new forests well on the way to maturity. This condition would not exist had former Congresses appreciated the condition we are so rapidly approaching. It requires on the average 50 long years to grow a crop of timber. We have made only a gesture toward renewing our supply. It is necessary for us now, if our children and theirs, are to be in a position to buy timber and timber products at a reasonable or near reasonable price, to engage in the work of reforestation with a big and a continuous program. It is estimated that the present mature timber stand will be completely exhausted in 35 years if the present rate of consumption continues. It takes 50 years to grow a new crop. What is the answer? Reforestation, reforestation, and more reforestation, of course. There can be no other answer.

Could the people of the country be brought to a realization of the conditions that exist there would be an instant and insistent demand that not only the Federal Government but the State and local governments as well engage in this very necessary work. The Federal Government can not hope to do it all. The States and the municipalities, together with private corporations and the farmers of the country, must do their share if the job is to be done. But the Federal Government can and must do the pioneering. It must point the way and demonstrate that a forest crop can be made as profitable as any other crop produced from the soil. There are cities in Europe which have for many years paid all the expenses of government from the profits derived from the municipal forests. This can be done in this country, and in these days of continuously mounting local taxes this would afford much needed tax relief to our people.

It has been pointed out by those who have studied the question that our highly developed transportation system, which can make available a supply of timber to all parts of the country so long as the forests last in any particular region, accounts for the fact that there is such a feeling of security with respect to our timber supply. So long as demand is filled, from whatever source, at prices which are not entirely prohibitive, it will be difficult to make people realize that timber shortage is imminent.

In this connection it is deplorable that greater knowledge of the forest history of other countries has not been brought to the attention of the American people. The United States is by no means the first country threatened with timber shortage. Western Europe approached this condition, but pulled through by heroic and costly effort.

China is an outstanding example of a country which failed to avert a threatened timber shortage and to-day this great, treeless country, cursed with devastating floods and utterly dependent on other parts of the world for its timber supply, presents a tragic spectacle. Asia Minor is another region which has suffered for centuries from timber famine. But there is something besides tragedy in the forest history of other countries which we as a Nation must consider, and that is the working out of the problem of timber supply, which has been so successfully done by European countries.

Sawmills in Germany, France, and the Scandinavian countries do not move from place to place after having skinned all the timber from a given locality. They are permanent institutions around which are built up thriving industrial communities and near which are grouped related industries, such as paper mills, wood distillation plants, and works for the production of naval stores. A continuous yield of raw material is made tributary to these industrial communities through careful management of timber stands.

Forest soil is not mined for timber in these countries as it has been so generally mined in America. The soil is cropped, as it should be. I recently heard of an interesting analogy between agricultural crops and forest crops. A prominent American forester has gleaned from the letters of Dr. C. A. Schenck, of Darmstadt, Germany, a forester well known in this country, the fact that even a single species of tree can not be grown rotation after rotation on mistreated soil without reducing the productive capacity of that soil.

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

Mr. WOODRUFF. With pleasure.

Mr. LEAVITT. I think it would be of interest to state that Doctor Schenck is now connected with the Montana Forest School of the University of Montana, at Missoula.

Mr. WOODRUFF. Yes.

In the words of Doctor Schenck:

> German forest soil is sick * * * German foresters have found that where the forest litter has been removed and where planted spruce has followed spruce the productive capacity of the soil has suffered.

I simply want to mention this to show that the business of maintaining timber supply is anything but automatic, even under the most thoughtful management, and to point out in passing the problems which face foresters even after belated legislation gives them the opportunity to undertake the job.

England has recently had this truth brought sharply to her attention. During the war the British Isles were practically cut off from the importation of forest products and it became necessary to draw upon the old forests on English estates. A large percentage of all the pit props used in the collieries of Wales and the midland counties of England were furnished by the estate forests of England and Scotland. Formerly these props had been imported from southern France as a return cargo in the coal ships, but the stern necessities of war brought home to England the gravity of timber shortage, and the country has entered upon a big program of land acquisition and forest planting. It is interesting to note that by act of Parliament three and a half million pounds sterling, which amounts to about $15,000,000 at normal rates of exchange, have been authorized to be expended during the decade from 1919 to 1929. It will be used primarily for the acquisition of nonagricultural land suited only to the production of trees and by planting these areas with commercially valuable species. A newly organized forest commission reported at the end of the first year that something like 48,000 acres had been acquired and almost 1,600 acres planted.

It is of interest to Americans that two trees common to our own Pacific coast are being used. These are the Douglas fir and Sitka spruce. But it is more significant to point out that English people and English statesmen have realized the necessity of a continuing fiscal program if this great constructive activity is to go forward economically and efficiently. And this has come about in a country so tax ridden that everyone feels the pinch of poverty. Let us hope that the United States will not have to reach this stage before the principle of a long-time fiscal program in the forestry activities will be admitted as good business practice.

Little Denmark proudly boasts, through the establishment of a forest school in 1784, that it was the first of the Scandinavian countries to get forestry practice under way. The Danish Government took an active stand in telling private owners what they should do. If a man purchased forest land after 1805, he had to secure the approval of a State forester before he could cut any timber within a period of 10 years. This law was enacted to prevent speculation and "land skinning," as we knew it in this country, and it has worked out well.

The French, with more than a thousand mountain streams subject to torrential action, have not only engaged in forestry as a means of controlling floods and protecting agricultural lands at the foot of mountains, but have had to expend vast sums in the building of check dams in the beds of these streams. We may also draw inspiration from the work of the French people in reclaiming the sandy lands of Gascony, known as The Landes, in the southern part of the west coast of France. Here for more than 150 miles a strip of flat land was subject to the formation of sand dunes. It is supposed that in ancient times much of this section was in forest, but with the beginning of the seventeenth century all growth was gone and sand dunes were piling up and traveling inland before the wind. They obliterated farms and threatened to bury villages. The danger became a matter of national concern. The problem was attacked in earnest, and through a combination of engineering works and tree planting much of the region has been reclaimed. To-day the forests of maritime pine in this region support thriving villages and produce great quantities of lumber and naval stores.

I want to say, gentlemen, that during my service in France in the recent war I was stationed with my regiment in the forest that I have just mentioned.

Poland, with its newly formed Government, even under pressure of war activity took care to enact and enforce laws assuring the replacement of all forests harvested.

I was in Warsaw, Poland, in the winter of 1919–20, and while there officials of the Government told me that Poland had recently enacted laws providing that whenever a man cut a tree in that country he had to plant one in place of it. To-day Poland has great resources and great supplies of timber extending all over the country, but the Poles are profiting by the experience of neighboring countries and they are conserving their forests.

European nations generally have learned their lesson. They know that their economic life is to a great extent contingent upon timber supply, and while conditions in the United States are different, we can learn much from other countries which plan and provide funds for a long way ahead to maintain their forest resources.

Much is expected in this country from the enactment of the Clarke-McNary forestry law in 1924, which was the result of the best thought of Federal, State, and private forestry and timber agencies and which declared for the solution of our broad forest problem through cooperative means. This law provides that the Federal Government may cooperate with States and private owners of timberlands in fire prevention and suppression, in the distribution of forest trees and seed for the reforesting of idle farm lands, and in the dissemination of advice on the most profitable methods of managing the vast acreage of farm woodlands on a crop basis. Another very important feature of this law was a restatement of the policy of purchasing lands to be managed as national forests on the watersheds of navigable streams. This important section and the cooperative fire-protection section of the act amounted to a strengthening of the Weeks Act of 1911, in which an appropriation of $2,000,000 a year for five years was actually made—not authorized, but appropriated—for land acquisition.

Short notice made it impossible for the department to organize a force to undertake this task, involving as it did a tremendous volume of field examination and legal work. Sufficient progress therefore was not made during the first two or three years to absorb the total amounts provided. About $9,000,000 was expended, however, in the five years and splendid value in land and timber was obtained. This first five-year program under the original Weeks law was never expected nor intended to finish the job of securing the land necessary to protect the navigability of eastern streams. On the other hand, it is significant that the most notable progress was made in these five years, due largely to the fact that there was a program, and that it was a definite fiscal program.

With the necessary curtailment of the purchase work during the war, appropriations dwindled and the Forest Service, charged with making the examinations and recommending the purchases, has been hard put to know how to plan its organization from year to year. Land which by all means should be a part of eastern national forests in order to block them out into units for the most economical administration, have been lost to competing buyers who had the funds at hand and who have no idea of properly managing their purchases.

Through all these 15 years, since the inception of the plan for acquiring national forests in the East, the lands purchased have proved a good investment. Testimony before the Com-

mittee on Agriculture when H. R. 271—a bill which I had the honor to introduce—was being considered, showed that something more than 2,600,000 acres have been purchased at a cost of $5.84 an acre, or a total of about $15,000,000. More than a million dollars of revenue from the sale of products and privileges have come into the Federal Treasury from these lands, which are scattered through 11 States, and they represent an accrued value of more than $4,000,000 above cost and administration expenses.

This showing would be vastly better if proposed purchases could have gone forward steadily so that compact units could reflect a lower administrative cost per acre. A fiscal program in adequate amount and covering a 10-year period, such as my bill proposed, would accomplish this. The job would be done, and done economically and efficiently as any great project deserves to be done.

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

Mr. WOODRUFF. With pleasure.

Mr. DAVEY. I would be glad to have the gentleman from Michigan explain to the House why the 10-year program is necessary, and why the Agricultural Committee program of two years is wholly inadequate to meet the situation.

Mr. WOODRUFF. Yes. As I have just outlined, it is utterly impossible for the Forest Service of this country to work efficiently on a hopscotch appropriation from year to year. Much investigation is necessary before lands can be purchased. Much investigation of legal titles to the land is necessary, and without a fiscal program it will be impossible in the Forest Service to get together an organization that can efficiently and economically gather these lands together and administer them thereafter.

Some appreciation of the magnitude of the task of forest replacement in this country may be gained from the fact that the Federal Government's share of the land which it is proposed to acquire in the area east of the Great Plains amounts to less than 5 per cent of the total forest area in this section.

Operating under the Clarke-McNary Act, which, as I have pointed out, strengthened and expanded the land-purchase provisions of the Weeks law, about three and a half million additional acres would be acquired in the White and Appalachian Mountains. Besides this, 2,500,000 acres would be purchased in the Lake States and a similar area in the cut-over pine lands of the South. Much of this land in the Lake States and the South is idle at present and an alarming portion of it reverting to the States for delinquency in the payment of taxes. It is strictly forest land, capable of growing timber if appropriations are made available to acquire and administer, and it is good for little else. If it were to be acquired in the next 10 years, as it could be under the $40,000,000 provision of my bill, without amendment, we should then get a late enough start. Ten years, gentlemen, to put before the investing public a demonstration that cheap, abandoned forest lands can be started to producing revenue and to exhibit something besides a desert complexion. And then 10, 20, 30 years more to get any appreciable proportion of the remaining 75,000,000 acres under State or private forest management. Strangely enough the other sections of the Clarke-McNary Act requiring expenditure of Federal funds all contain fiscal policy clauses. Fire-prevention cooperative work may be shared with the States and private holders each year by Federal expenditures up to $2,500,000. The largest amount so far appropriated is carried in the Agricultural Department supply bill for the fiscal year of 1927, and amounts to $710,000. Cooperative distribution of tree seed and forest planting stock in the same bill is given $75,000 out of an authorization limited to $100,000 annually. Farm forestry extension work gets $50,000 out of a $100,000 authorization, but when it comes to the acquisition of forest land, the biggest activity mentioned in the Clarke-McNary Act, $1,000,000, is appropriated in the face of no authorization. And this must be scattered over about 20 purchase units in 12 States.

The National Forest Reservation Commission, which purchases the land and which includes in its personnel three Cabinet officers and four Members of Congress, has put $3,000,000 a year as the minimum sum upon which this purchase business should be maintained in the interests of efficiency and economy. The Senate Select Committee on Reforestation, which made the exhaustive study resulting in the drafting of the Clarke-McNary Act, made a similar recommendation. The Bureau of the Budget, after having a year ago approved my bill in its entirety, agrees to the fiscal program idea, but cautiously confines it to two years at $2,000,000 a year. And the House of Representatives passes my bill on this basis.

Let me point out to you from testimony before the Committee on Agriculture in behalf of my bill that the value of lumber cut in Michigan is estimated at $2,500,000,000, an amount which exceeds the value of all farms in the 46 pine-producing counties. From the period 1865 to 1900 the value of Michigan's lumber output exceeded the value of the gold output for that period for the entire United States, including Alaska. The first purchase area for acquiring national-forest land under the Clarke-McNary Act in Michigan is on the Au Sable River, and down that river there has been floated to market and gone into fences and buildings to improve the farms for the prairie regions of the South and West over 4,000,000,000 feet of the finest white and Norway pine that was ever grown. Land that did this once can do it again, and beside the value of the timber itself the business of growing and harvesting it represents an opportunity for the employment of human labor to which coming generations are entitled just as much as our own generation and those which preceded us. This same condition exists in the South.

The time is not far distant when we shall know from one end of this country to the other that we are needing a new brand of economy. We shall struggle harder then to build up natural resources than to save funds. We shall measure our national wealth in trees, soil fertility, navigable waterways, and wild life, and I predict that when this time comes we shall be committed to the principle not only of lining out our big job of conservation but of providing the sinews to perform it. [Applause.]

Mr. Speaker, under the privilege granted to me by the unanimous consent of the House I will now insert in the RECORD the speech of the Hon. W. B. Greeley, Chief of the United States Forest Service, delivered at the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back two minutes.

The matter referred to follows:

RICHMOND, VA., *January 6, 1926.*

THE FEDERAL GOVERNMENT'S POLICY FOR SOUTHERN NATIONAL FORESTS

(By W. B. Greeley, Chief United States Forest Service. At the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926)

Looking back over the past 30 years the historian will point out three distinct steps in the creation of national forests. The first was the reservation of the timber-producing portions of the public domain, a striking phase of the national awakening to the need for conservation that will always be identified with the administration of President Roosevelt. The second step was marked by the passage of the Weeks Act in 1911, which launched a policy of forest purchases in the Eastern States primarily for protecting the headwaters of navigable streams. The third step followed in 1924, when the Clarke-McNary Act extended the field of forest purchases to include denuded and other lands whose acquisition is desirable for the growing of timber.

In the first two stages of national-forest development the United States was in a sense pioneering in forest conservation. It was blazing the trail. It was not attempting to draw complete plans for a national program of forestry that would extend to all of the timber-growing lands in the country. It was dealing rather with the most obvious and urgent things that had to be done at once.

The third step in the extension of national forests, on the other hand, was one part of a comprehensive program which looked ahead to the growing of timber on all of the four hundred and sixty-nine odd million acres of American soil that appears adapted primarily to this economic service. This program, in a word, sought to define the place for national forests in a general plan wherein industrial forestry and farm forestry were assigned the greater part in the common undertaking.

The committee which framed the Clarke-McNary Act set up as its goal "to increase as rapidly as possible the rate at which timber is produced on the lands suited to this form of use." The main lines of attack in attaining this goal were to be:

"(1) To extend public forest ownership in areas where special public interests or responsibilities are involved, like the protection of navigable rivers, and also where the natural difficulties, costs, and hazards attending reforestation render it impracticable or remote as a private undertaking.

"(2) To remove the risks and handicaps from private timber growing as far as practicable, in order to give the greatest possible incentive to commercial reforestation."

I would like to place the Federal policy of national forests before you in this light, not as something by itself but rather as part of an all-round plan of timber production in the South.

The 16 States comprising the Southern Forestry Congress contain about 227,000,000 acres of forest land, or 37 per cent of their total area. It is noteworthy that this region contains almost one-half of all of the forest land in the entire United States. When to this vast acreage is added the variety and value of forest products grown in the South, the rapid rate of growth in response to her favorable cli-

mate, and the proximity of these vast resources by rail and water to the largest consuming markets of the country, it is, I believe, obvious that forest culture is bound to become one of the great and permanent industries of this region. The steady trend of economic forces is making forest culture commercially profitable. The United States is gradually but inevitably shifting from the virgin forest to the timber crop for its source of wood. And as the depletion of our virgin forests continues and the timber crop in consequence commands a higher and higher value, the Southern States will, by reason of the natural advantages which I have cited, in my judgment, become the greatest forest-producing region of the entire Union.

And I believe further that just as far as possible this development should come about under State leadership and through private and industrial activities. I believe in vigorous action by the National Government in matters where the federated effort of all the people is necessary to do something that will not otherwise be done or to protect common interests that will otherwise be jeopardized. But I do not believe that, particularly in the realm of economic development where forestry belongs, the Federal Government should assume activities which can, with the right kind of leadership and cooperation, be equally or more effectively carried by local communities or private citizens.

I believe that the goal set up for the Clarke-McNary Act, of increasing as rapidly as possible the rate at which timber is produced on the lands suited to this form of use, will be accomplished mainly in the Southern States through industrial forestry and farm forestry. There are already striking gains in this direction. The Forest Service recently listed 18 large timber and landowning companies in the southern pine region who have adopted some definite scheme of timber growing on their holdings. There are many other landowners in the South, in the hardwood and pine regions alike, who are working out plans of forest-land management along the same lines. In many sections cut-over lands are no longer regarded as something to be junked and gotten rid of by the most expeditious process, but as a potential asset whose earning power is worth careful development. Certainly no policy of Federal land ownership should be spread on the map that will in anywise hold back or slow up the application of private capital and business brains to the industry of growing timber.

Let us rather adhere to the simple principle upon which the Clarke-McNary law was written, of extending public-forest ownership where special public responsibilities must be met or where natural difficulties or hazards place timber growing beyond the reach of private effort; and its corollary, to lessen the risks and handicaps of industrial forestry so that commercial timber growing may attain the greatest possible momentum. To this principle we might add the desirability of establishing national forests on rather limited areas in regions where they will render an important educational service in demonstrating the new order of forest-land management and stimulating the reforestation of the privately owned lands around them. State and municipal forests will accomplish exactly the same purpose, and wherever their establishment is practicable the Federal Government should leave this field to them.

This principle does give a definite place in the forest picture of the South to Federal ownership, although in relation to the vast areas of forest land in this great region its place will be a small one. Under the Weeks Act 17 forest purchase units have been established by the National Forest Reservation Commission in the South on the headwaters of a number of her most important rivers. In these units the Government has acquired to date a little over 1,934,000 acres. In lands acquired from all sources, including the public domain, the national forests of the South comprise approximately 3,163,000 acres. Within this total are 156,000 acres forming portions of eight military reservations in the South which have been made national forests under a wise provision of the Clarke-McNary Act, which establishes the principle that any and all lands retained by the Federal Government for whatever purpose should be protected and utilized as fully as practicable for the production of timber.

The extension of national forests in the South along the principles already established should go on. Approximately 43 per cent of the purchase units thus far selected for the protection of important navigable streams has been acquired. These national forests should be completed, and additional purchase units should be established in a few localities where the protection of the watersheds of navigable streams, and particularly interstate streams, requires action by the National Government, with the growing of timber, of course, a purpose scarcely secondary in importance. The mountains of eastern Kentucky, the headwaters of the Current and St. Francis Rivers in Missouri, and the Ozark section of Oklahoma are regions where this further application of the policy set forth in the Weeks law is probably needed.

The Federal Government should also move aggressively under the Clarke-McNary Act in acquiring additional national forests in the South, where they will be of the greatest aid in reclaiming lands now denuded and in promoting local reforestation through their educational or demonstration value. This applies particularly to the southern pine belt with its thirty-odd million acres of seriously denuded land whose restoration to productive forests will necessarily be slow and expensive and will not in many cases be assumed by private owners. But this program of Federal purchases should be correlated with the forest policy and development of the States concerned in order that it may not replace but will rather supplement and aid local effort. I have in mind a few national forest units of from 50,000 to 300,000 acres, located in such areas as the Sabine watershed in Texas and Louisiana, the Oakmulgee Hills in Alabama, and the Biloxi pineries in Mississippi.

The general program which I have outlined in carrying out the purposes of the Weeks Act and the Clarke-McNary Act would result in the Federal Government buying from five to six million acres more forest land in the Southern States. What I have said should not be taken as belittling the importance of this phase of southern forestry. It is a necessary and urgent application of a national policy, formulated through years of study and experience in dealing with practical situations; it is the share of constructive forest-land management in the Southern States which the Nation should assume; and the Federal Government should address itself to discharging this responsibility much more aggressively than it has done in recent years.

It has been my desire simply to throw the picture on the screen with a proper perspective. Out of the 227,000,000 acres of forest land in the Southern States, it is not to be expected that the National Government will assume responsibility of ownership for more than 4 or 5 per cent. For the remaining vast acreage we must look to State forests, municipal forests, and mainly to industrial and farm forestry, aided under the cooperative principle written into the Clarke-McNary law for removing the risks and handicaps from private timber growing.

Once the fire hazard to southern forests can be reduced to an insurable risk and moderate taxation of growing timber crops is guaranteed, I am satisfied that the future of southern forestry is assured. To bring these conditions about so that industrial forestry may be given free play in the South is the great cooperative undertaking in which the interests of the States, the Federal Government, the timberland owners, and the general public should all be enlisted. And it is in this field as well that immediate progress is most urgent.

Only 8 of the 16 Southern States now have forest protective systems, although it is encouraging to record that forest protection is about to be organized in four additional States of the South. Less than 22 per cent of the forest land in this region is now receiving some degree of protection, while on over three-fourths of it protection is entirely lacking. An average of 2½ cents per acre yearly, or a total of about $5,000,000, would probably give all of the forest lands of the South adequate protection from fire; but the present expenditures of the States, the counties and private owners, and the Federal Government combined are only about one-tenth of this amount. With the fundamental factor of safety from fire still so inadequately provided by public agencies, it is indeed encouraging that commercial forestry has already made such strides in the South. And by the same token I believe it a safe prediction that just so fast as the public gives the forest owner in this region reasonable security from fire and unwarranted tax burdens, industrial timber growing will extend.

The Southern States and the Federal Government are just entering an enormous field for cooperative achievement in providing reasonable security for the forest owner. On the part of the Federal Government we need much larger resources to give full effect to the cooperative principle of the Clarke-McNary Act. On the part of the States there is need for a vigorous development of State forest policies, including the protection of forest lands with adequate financial backing, the growing and distributing of forest-planting material, and a campaign of education in timber growing by farmers and other landowners. The aim of this campaign should be nothing less than to get the people of the South to think, speak, and act in terms of timber crops.

It is probable that the main course of our national forestry policy for a good many years to come has been charted by the Clarke-McNary Act. It is built squarely on the principle of cooperation. It anticipates a constant outward spread of the forestry idea, reaching the industrial practice and land sense of the American people, and growing not as a Federal activity, but as a matter of everyday business and usage of the soil. The South is the most promising field in the United States for making that policy completely successful. As it is carried out, there will be a definite place for a limited number of national forests at the critical points or key areas where this form of ownership is necessary to put the job over. The States and municipalities should share with the National Government in providing public ownership for the kinds of forest land that need it. But for every acre of publicly owned forest land there will be 20 or 25 acres in farm forestry and industrial forestry, in whose encouragement lies the greatest opportunity for the South to forge ahead rapidly in permanent timber production on a large scale.

I doubt if any group of people at any time have had before them so great an opportunity or so alluring a vision of creating an enduring basis of economic prosperity and social strength for a great and fruitful region as that which we have before us to-day in picturing the future of southern forestry. We have put our hands to the plow, and we are going to finish the furrow.

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Speaker, this has been a most interesting and most informing discussion, and at points it has been to me a thrilling discussion. I have been sitting here all the afternoon regretting that the whole membership of the House were not here to get the benefit of it. I believe it one of the most important subjects upon which we are to legislate and one of the most important subjects upon which we can educate our people at home, our State legislatures, and our local organizations.

When the gentleman from Ohio [Mr. DAVEY] made a speech on this subject recently I secured from him, I believe, 200 copies and sent them to the principals of schools and to the people I thought could do something to interest the public in that subject in my own district and in my State.

Three of the Representatives from the State of Louisiana have spoken on this question this afternoon, and mine is the first voice from Mississippi. I was not willing to let it go that way, and it was an indignity that I was not willing to submit to. First, the gentleman from Louisiana [Mr. ASWELL] gave us a very interesting speech on the work in Louisiana along the lines of conservation generally, and he talked about the conservation of bird life, of wild fowls, and their great arrangement for attracting, I believe, 90 per cent of the migratory fowls of America to that country, and that they had arranged for doctors to treat sick birds, and so forth. I suppose the purpose of the great State of Louisiana was to bid for a kind of copartnership arrangement with the powers in Washington to take care of the lame ducks next winter. [Laughter.] Then the gentleman from Louisiana [Mr. KEMP] gave us a very interesting discussion about the financial opportunity there is in purchasing these cut-over lands and reforesting them as an investment for the future, and, by the way, it was a very impressive statement he made.

Mr. McSWEENEY. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. McSWEENEY. I am planting trees at home on my farm, and I find that the enhanced value, due to the early growth, really cares for the investment.

Mr. LOWREY. I wish that could be impressed upon our people generally, and I wish more men of capital would consider the matter of purchasing large tracts of land to be reforested for what it would mean in the way of increasing their fortunes in the coming year.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. WOODRUFF. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. LOWREY. Mr. Speaker, this little incident occurred to me as I sat and listened. I think it was 17 years ago this spring that I was visiting the Agriculture and Mechanic College of my State and talking with the professor of forestry. Here is a matter he discussed with me, the planting of black locust trees for fence posts, telegraph and telephone posts, and so forth, and the rapidity with which the black locust tree would grow from the seed into the tree and become valuable as a post, the number of trees that would grow on an acre of land, and so forth. If you know the black locust, you know it is one of the most durable post trees that grows, and one of the most valuable if it is grown in the right way. I went home and talked with some of my neighbors. Some of us sent for and got some black locust seed. We sowed the seeds in rows in a garden and then took the sprouts and planted them. Two years ago—and remember this is within 15 years' time—I was back there and saw some of these men making posts out of the trees; some of them were tall enough to make what was considered a very good telegraph or telephone post, and those trees had grown in 15 years.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. WOODRUFF. It would be interesting to know how much each acre planted to the black locust under those conditions and at that time yielded.

Mr. LOWREY. I have no idea about that. But the thing that attracted my attention was the fact that some of those trees were planted in land that was simply in red gullies, and the planting of those trees stopped the gullies and saved the land and made it of real value when it was going to absolute waste. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. DAVEY. Mr. Speaker, that concludes the program, except that I want to express a very profound appreciation on the part of those in the House who are devout conservationists to the Republican leader, the Democratic leader, and the membership of the House for the privilege of presenting the cause of conservation here this afternoon. [Applause.]

BUREAUCRATIC GOVERNMENT

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio speech delivered by me last night.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Alexander Hamilton stood for a centralized, aristocratic, all-powerful Federal Government. He believed that government is most stable when a group or class of influential citizens have a financial interest in the government through special privileges granted by law.

Thomas Jefferson stood for a government guaranteeing exact justice to all, with no advantage through governmental favors or special privileges to any, and that no one should be unduly hampered by governmental burdens. He stood for a government always close to the people through local control.

The Jefferson theories won in the establishment of the Republic and the adoption of the Constitution, but the Hamilton theories did not die, for they have repeatedly gained temporary control. They are in control now under Republican rule.

The conflict between these two theories of government or schools of thought is as keen and bitter to-day as it was in the days of Hamilton and Jefferson. The Hamilton theory of government is represented now by the Republican Party, the Jefferson theory by the Democratic Party. With bureaucratic government growing now by leaps and bounds at Washington, the battle is on and will continue until the American people themselves rise in their might and destroy bureaucracy and plutocracy to restore the Government to the people, where our fathers planned that it should always remain, as expressed by Jefferson.

Centralization of Federal power is necessary in time of war to mobilize and commandeer the industry, the wealth, and the man power of the Republic in self-defense, but in time of peace the trend of authority and responsibility should move back to the people, back to local control. Since the war this adjustment of authority and responsibility between the Federal and local Governments has not taken place. On the contrary, more and more has centralized authority at Washington been increased and magnified. So ominous is the tendency to centralize authority in Washington that a Republican President in a recent message to the Congress found it necessary to warn his party against it, but without effect. The leaders of the Republican Party madly rushing on, daily robbing the States and the local communities of their rights to control, creating numerous bureaus and commissions at Washington, are sending out armies of irresponsible governors in the form of Federal agents and inspectors who rule the American people. Practically every major legislative measure enacted by the present Congress has in it, hidden away somewhere, new bureaucratic authority and new taxes. The President subserviently signs the bills, and madly on the Republicans rush in making very real the Hamilton theory of government, so that groups of influential citizens may enjoy financial profit from the Government at the expense of the great plain people.

The result is obvious. The Federal Government is becoming inefficient and irresponsive to the public needs. The 115,000,000 people reaching from the Atlantic to the Pacific, from Alaska to the Canal Zone, covering the islands of the sea, and to the Philippines on the other side of the earth, are being governed by Federal agents, inefficient but autocratic. The Government is day by day being more and more removed from the people and, of course, they are day by day growing less interested in voting in the national elections.

The statutes creating these agents are all similar. They provide that the law shall be administered under the rules and regulations adopted by bureaus or commissions, which means that the law is written, interpreted, and executed by a single personnel responsible directly to no elected officer representing the American people. There are now 97 Federal bureaus and commissions in Washington, and there are nearly 600,000 Federal agents and employees on the Federal pay roll, with several measures now pending creating more commissions and bureaus.

For example: The pending game refuge bill now on the House Calendar, supported by the administration, would create a new commission of seven members, Federal agents unnumbered, and a new form of Federal tax. It proposes to clothe Federal game wardens with new authority to arrest the hunter found without a Federal license and seize his gun and ammunition as collateral for a fine.

President Coolidge said in a recent message to the Congress, "Governmental control of agriculture means political control of agriculture."

The administration farm relief measure reported Saturday creates a farm council of 36 members to travel at Government expense, with $25 per diem, and a governmental farm board means a political farm board with a salary for each of $12,000 per annum, with unlimited

Federal agents and expenses, and with powers heretofore not given in time of peace to any board in the history of the Republic. It is proposed to turn over to this Federal political board $1,000,000,000 from the Federal Treasury, to be used at its will. When this board is once set up all that Congress will do is to criticize it, investigate it, and threaten to impeach it. It will have too much political power to be impeached or abolished. The new Haugen bill is no better, for it proposes governmental control, which is political control, of agriculture. I give these merely as examples of the insane desire of the Republican administration more and more to centralize authority at Washington and, through Federal agents, to rule the industries, activities, and conduct of the people down through the States to the smallest community, including agriculture. The reaction against these political outrages is certain to come. It is time for the American people to take an accounting of the situation at Washington.

Three points of danger confront us:

(1) The central Government at Washington is top-heavy, overloaded with authority and responsibility, and, therefore, growing more and more inefficient. In the history of all civilized countries, unchecked bureaucratic government has inevitably lead to monarchy and decay. Bureaucratic government must be destroyed!

(2) Popular surrender by the States of authority and responsibility weakens their governmental capacity and means loss of dignity and vigor as sovereign units of government, thus destroying their political vitality and integrity as highly important political units. Bureaucratic government must be destroyed!

(3) The weakening of the private citizen by taking from him the necessity of a direct grapple with problems of government in his community, destroying his individual personality, and ignoring his individual needs and views. The stability and the perpetuity of American institutions depend and must always depend upon the governmental capacity of the private citizen and not upon a feeling of dependence upon a great central government. If you would have American institutions cherished and loved with a passionate love, the private citizen must have authority and responsibility in supporting and governing them. This is a truism not needing amplification. Bureaucratic government must be destroyed!

It was my privilege recently to travel and study in many countries of Europe. As I witnessed the turmoil, bitterness, suffering, and despair among the peoples of Europe, I was impressed with the idea that the difference between those countries and our own is found in the difference between their institutions and ours. Their institutions are under centralized control far removed from the people; they are unstable, autocratic, and not loved by the average citizen. Ours have been built from the local community, where the people have learned to cherish them, have faith in them, and love them, thus guaranteeing their stability and perpetuity.

I am not afraid of the future of our Government, for the people themselves will take control when they fully awake to existing conditions. The time has come to return the control of American institutions to the community that loves and sustains them. The two theories of government are still in conflict—the Hamilton theory follows closely the lines of European governments; the Jefferson theory, always typically American, is contrary to the ideals of the Europeans. The Republican Party stands for the Hamilton theory, the Democratic Party for the Jefferson theory, and although delayed the ultimate triumph of the Jefferson principles will be the heritage of the Republic.

We as Democrats stand for a free government as against paternal government, for human welfare as against the selfish dollar, for the masses as against the classes, for the sovereignty of the States as against the autocracy of centralization, for justice as against might, for the destruction of bureaucratic government.

These principles are immortal. They can not be destroyed. Through them and by them American institutions, wrested from the control of a Federal oligarchy in a bureaucratic government, will live forever.

The spirit of Jefferson still lives. It is his spirit that vitalizes and gives hope and courage to the average citizen of the Republic to-day, that sustains his faith in his Government and makes him unafraid.

Long live the principles and ideals of Jefferson, revealed in the spirit and purpose of America to remain American, for Americans to uplift and lead the world to finer and better things.

Bureaucratic government must be destroyed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SMITHWICK, for 10 days, on account of important business.

BRIDGE ACROSS SANDUSKY BAY, OHIO

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce I present a conference report on the bill (H. R. 9688) granting consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio, for printing under the rules.

The conference report and statement are as follows:

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. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio, 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 disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"That the consent of Congress is hereby granted to G. S. Beckwith, of Cleveland, Ohio, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near Baybridge, in the county of Erie, in the State of Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The said G. S. Beckwith, his heirs, legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Ohio under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"SEC. 5. The said G. S. Beckwith, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said G. S. Beckwith, his heirs, legal representatives and assigns, shall make available to the Secretary of War all of his or their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be con-

clusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said G. S. Beckwith, his heirs, legal representatives and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
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 amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress for the construction of a bridge across Sandusky Bay at or near Bay Bridge, Ohio, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the original House bill, which struck out all after the enacting clause and inserted a new bill in lieu thereof. The House recedes from its disagreement to this amendment of the Senate and agrees to the same with certain amendments which are embodied in a new bill which appears in the report. The matters agreed upon represent substantially the original provisions of the House bill. Section 3 of the original House bill contained a provision giving to the State of Ohio or any political subdivision or subdivisions thereof, within or adjoining which the bridge might be located, the right to recapture the bridge by condemnation or otherwise at any time after 15 years from the completion thereof upon the payment of a limited measure of damages, the limitation consisting in a provision that in determining the compensation to be paid there should not be included any credit or allowance for good will, going value, or prospective revenues or profits. The House bill also contained the further provision that if the bridge should be recaptured by the State or its political subdivisions, as provided in the act, the bridge should be operated as a free bridge after five years from the date when the same was acquired. The Senate bill struck out entirely the provision that the bridge should be operated as a free bridge by the State or its political subdivision after five years from the date of acquiring the same. The agreement of the two Houses authorizes the recapture of the bridge as provided in the House bill, and then provides that if the bridge should be recaptured by any municipality or other political subdivision of the State of Ohio it could thereafter be operated as a toll bridge, but the rates of tolls must be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and provide a sinking fund sufficient to amortize the amount paid for the bridge as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. And after a sinking fund sufficient to amortize the cost of acquiring the bridge shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount required for the care, maintenance, and operation of the bridge.

This bill provides for an intrastate bridge, and the agreement of the two Houses carries the provisions that have been agreed upon by the committees of the two Houses, which will hereafter be recommended for all intrastate toll bridges. Such bills will authorize the recapture of toll bridges wholly within the States after a definite number of years, at a limited measure of damages; but if such bridges are recaptured under such conditions, they can not be permanently operated thereafter as toll bridges, but they must apply the tolls to the payment of necessary expenditures and the amortization of the cost of the bridge and thereafter make them free, or substantially so, all of which is in furtherance of the policy of securing free bridges on American highways as early as practicable.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

BRIDGE ACROSS MISSISSIPPI RIVER AT NATCHEZ, MISS.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 10351) entitled "An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss., with Senate amendments, and move to agree to the Senate amendments.

Mr. GARRETT of Tennessee. Have the Members interested been conferred with?

Mr. DENISON. The Senate amendments, in which I am asking the House to concur, represent the agreement of the two committees of the two Houses on the bill, and it is satisfactory to all parties concerned.

Mr. GARRETT of Tennessee. Has the local Representative been consulted?

Mr. DENISON. I am trying to get it through to-day at his request.

The Senate amendments were read.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR THE CITY OF VICKSBURG, MISS.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 9758) entitled "An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss., with Senate amendments, and move to concur in the Senate amendments.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CAPE GIRARDEAU, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 10164) entitled "An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.," with a Senate amendment and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I would like to ask the gentleman from Illinois with respect to the Vicksburg Bridge bill whether he has consulted the gentleman from Louisiana [Mr. WILSON], or with Senator RANSDELL, of Louisiana, because I know both of those gentlemen are very much interested in the matter.

Mr. DENISON. Yes; I have had a conversation with the gentleman from Louisiana [Mr. WILSON] to-day, and the gentleman has asked me to do this and to get it through as soon as possible.

Mr. O'CONNOR of Louisiana. I am glad to hear that.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

S. 2111. An act for the relief of Levin P. Kelly;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes; and

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, 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 bill:

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow, Friday, April 23, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 23, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good will, and to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand (H. R. 11).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish a children's court in and for the District of Columbia, to determine its functions (H. R. 8532).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

JOINT COMMITTEE OF THE PUBLIC LANDS

(10.30 a. m.)

To investigate the Northern Pacific Railway land grants.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the Lower Colorado River basin (H. R. 9826).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on Printing. H. R. 11202. A bill to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter; with amendment (Rept. No. 949). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. J. Res. 60. A joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington; with amendment (Rept. No. 950). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims; without amendment (Rept. No. 951). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; with amendment (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. S. 2717. An act to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes; with amendment (Rept. No. 954). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 11201. A bill to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; with amendment (Rept. No. 955). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 11248. A bill to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation, in Washington, for the use and occupancy of the Makah and Quileute Indians; without amendment (Rept. No. 956). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 202. A resolution authorizing additional compensation for certain employees of the House of Representatives (Rept. No. 945). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 108. A resolution to pay salary and funeral expenses of Henry T. Duryea, late an employee of the House of Representatives, to his daughter, Mrs. F. S. Kopetschiny (Rept. No. 946). Ordered printed.

Mr. CARPENTER: Committee on Claims. H. R. 4554. A bill for the relief of Adaline White; with amendment (Rept. No. 947). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 5105. A bill for the relief of Maude J. Booth; with amendment (Rept. No. 948). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 1129. A bill for the relief of Giles Gordon; without amendment (Rept. No. 957). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 3454. A bill for the relief of certain Indian policemen in the Territory of Alaska; with amendment (Rept. No. 958). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6987) granting a pension to Frances E. Andrews, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 11511) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11512) further to assure title to lands granted to the several States, in place, in aid of public schools, and to quiet titles; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 11513) providing for the suppression of publication of patents eventuating from certain applications; to the Committee on Patents.

By Mr. MORROW: A bill (H. R. 11514) to amend an act entitled "An act authorizing annual appropriations for the maintenance of that portion of the Gallup-Durango highway across the Navajo Indian Reservation, and providing reimbursement therefor," approved June 7, 1924; to the Committee on Indian Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 11515) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis;* to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 11516) to authorize the payment of an indemnity to the Government of France on account

of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*; to the Committee on Foreign Affairs.

By Mr. MORROW: A bill (H. R. 11517) to enable the Secretary of the Interior, with the consent of the councils of governing bodies of Indian pueblos representing a majority of the acreage affected, to provide for the conservation, reclamation, drainage, and irrigation of Pueblo Indian lands in the Rio Grande Valley, N. Mex., including maintenance of such improvements if necessary, in connection with operations for the conservation, reclamation, drainage, and irrigation of other lands in said Rio Grande Valley by the middle Rio Grande conservancy district, a political subdivision of the State of New Mexico; authorizing the Secretary of the Interior to cooperate with said middle Rio Grande conservancy district, and for other purposes, and authorizing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11518) to supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Indiana: A bill (H. R. 11519) to increase the minimum rate of invalid pensions; to the Committee on Pensions.

By Mr. UPSHAW: A bill (H. R. 11520) to enlarge United States Veterans' Bureau Hospital 48, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. WILLIAMSON: A bill (H. R. 11521) authorizing any nation, tribe, or band of Indians to submit claims against the United States to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WILSON of Mississippi: A bill (H. R. 11522) making appropriations for the Public Health Service for the fiscal year ending June 30, 1926, and for other purposes; to the Committee on Appropriations.

By Mr. BACON: A bill (H. R. 11523) to increase the salaries of the chief justice and the associate justices of the Supreme Court of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. BRITTEN: A bill (H. R. 11524) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. JACOBSTEIN: Joint resolution (H. J. Res. 231) requesting the President of the United States to invite the Boy Scouts of the world to hold their Third World Jamboree in America in the city of Washington, D. C., in the summer of 1928; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference, to meet at Paris on May 10, 1926; to the Committee on Foreign Affairs.

By Mr. KIESS: Resolution (H. Res. 233) providing for the printing of the journal of the Twenty-seventh National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

By Mr. CONNALLY of Texas: Resolution (H. Res. 234) authorizing the appointment of a select committee of the House of Representatives to investigate the administration of the Alien Property Custodian, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11525) for the relief of Commander U. R. Webb, United States Navy, et al.; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 11526) granting a pension to Sarah M. Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11527) granting an increase of pension to Laura Mason Holbrook; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 11528) granting an increase of pension to John L. Smith; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 11529) granting a pension to William E. Hamer; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 11530) granting an increase of pension to Catherine Bruce; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 11531) for the relief of Aaron J. Boggs, jr.; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 11532) for the relief of Joseph Hodgson; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 11533) granting an increase of pension to Grace Mabel Bassett; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 11534) for the relief of the city of Baltimore; to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 11535) granting an increase of pension to Luvicia E. Littleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11536) granting an increase of pension to Amelia A. French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11537) granting an increase of pension to Charlotte E. Littleton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 11538) granting an increase of pension to Clara Wynn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11539) granting an increase of pension to Mary E. Boerner; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11540) granting an increase of pension to Anne Parsons; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 11541) granting an increase of pension to Mary J. Hunzeker; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11542) for the relief of James M. Winston; to the Committee on Military Affairs.

By Mr. KIRK: A bill (H. R. 11543) granting a pension to Samuel Pack; to the Committee on Invalid Pensions.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 11544) for the relief of Joseph A. Furbershaw; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 11545) granting an increase of pension to Jennie F. Mann; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11546) granting a pension to Eliza A. Gregg; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11547) granting an increase of pension to Elizabeth Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11548) granting an increase of pension to Susan E. Creager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11549) granting an increase of pension to Julia A. Stoner; to the Committee on Invalid Pensions

By Mr. MILLIGAN: A bill (H. R. 11550) granting an increase of pension to Nancy Ann Stewart; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 11551) granting an increase of pension to Louisa C. Michaelis; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11552) granting an increase of pension to Mahala J. Millias; to the Committee on Invalid Pensions.

By Mr. PARKS: A bill (H. R. 11553) granting an increase of pension to William R. Fitzgerald; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 11554) granting a pension to Malinda Barley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11555) granting a pension to Eliza Rice; to the Committee on Pensions.

Also, a bill (H. R. 11556) granting a pension to Sarah Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11557) granting an increase of pension to Sarah Hill; to the Committee on Pensions.

Also, a bill (H. R. 11558) granting an increase of pension to Mary A. Griffeth; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11559) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 11560) granting a pension to Laura Viney; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11561) granting an increase of pension to Urvilla R. Andrews; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11562) granting an increase of pension to Sarah Williams; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 11563) granting an increase of pension to Emma Cortright; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 11564) for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher; to the Committee on Military Affairs.

Also, a bill (H. R. 11565) to make valid and payable the insurance of Ray L. Stockstill; to the Committee on World War Veterans' Legislation.

By Mr. WOOD: A bill (H. R. 11566) granting a pension to Charles A. Marsteller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11567) granting an increase of pension to Hannah C. Bunch; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11568) for the relief of Russell & Tucker and certain other citizens of the State of Texas; to the Committee on Claims.

Also, a bill (H. R. 11569) for the relief of Adolph Morales; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 11570) granting an increase of pension to Elizabeth Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11571) granting an increase of pension to Dorcas Lashley; 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:

1880. By Mr. ANDREW: Communication from Parish Circle of First Church of Christ, of Bradford, Mass., opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1881. Also, communication from Tabernacle Church of Salem, Mass., protesting against any modification of the Volstead law; to the Committee on the Judiciary.

1882. Also, petition from Corporal Gordon E. Denton Post 319, Veterans of Foreign Wars, Boston, Mass., favoring the establishment of a unified air service under the direction of a Cabinet officer; to the Committee on Military Affairs.

1883. Also, communication from members of First United Church, Swampscott, Mass., opposing any change in the prohibition amendment or the Volstead Act; to the Committee on the Judiciary.

1884. By Mr. FENN: Resolutions of the Slovene-Greek Society, Assembly No. 158, of Unionville, Conn., protesting against the passage of certain bills now pending before the Committee on Immigration; to the Committee on Immigration and Naturalization.

1885. By Mr. FULLER: Petition of the Law Printers Division of the United Typothetae of America, urging more complete enforcement of the eighteenth amendment; to the Committee on the Judiciary.

1886. Also, petition of Milburn Bros., of Rockford, Ill., urging support of House bill 8902; to the Committee on the Judiciary.

1887. By Mr. GALLIVAN: Petition of Women's Auxiliary, Church of the Epiphany, Dorchester, Mass., Alice Erickson, 27 Walton Street, Dorchester, Mass., president; Sadie F. Taylor, 3 Carlos Street, Dorchester, Mass., secretary, opposing passage of House bill 7826; to the Committee on Indian Affairs.

1888. By Mr. GARNER of Texas: Memorial adopted by Texas and Southwestern Cattle Raisers' Association, favoring legislation for official grading and marking of beef carcasses; to the Committee on Agriculture.

1889. By Mr. KINDRED: Resolution of Carl Tollen Unit No. 103, Steuben Society of America, urging the Congress of the United States to support passage of House bill 10820, for return of enemy alien property; to the Committee on Foreign Affairs.

1890. By Mr. KING: Petition signed by Elias Hallengren and eight other citizens of Galesburg, Ill., stating that they are in favor of the Volstead Act, and that they believe that the dry sentiment is very strong throughout the State and Nation; to the Committee on the Judiciary.

1891. By Mr. MANLOVE: Petition of certain citizens, members of the Woman's Christian Temperance Union, and members of six of the churches of Nevada, Vernon County, Mo., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

1892. By Mr. NEWTON of Minnesota: Resolution of the district of Minnesota of the American Turner Bund, advocating the modification of the so-called Volstead Act so as to permit the manufacture and sale of beer and light wines under proper Government regulations; to the Committee on the Judiciary.

1893. By Mr. O'CONNELL of New York: Petition of Wingate & Cullen, of New York City, favoring the passage of Senate bill 2607 and House bill 7479, the game refuge bill; to the Committee on Agriculture.

1894. By Mr. SINCLAIR: Petition of Mr. C. E. Grasser and 121 others, of Epping and Williston, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1895. By Mr. WELLER: Petition of Metal Trades Council of Brooklyn, N. Y., urging immediate consideration of House bill 7, a bill increasing the retirement allowances of Federal employees; to the Committee on the Civil Service.

1896. By Mr. ZIHLMAN: Petition of H. H. Bergmann, Mrs. H. E. Greene, Elizabeth Meyer, and others, protesting against the enactment of Sunday observance bills; to the Committee on the District of Columbia.

SENATE

FRIDAY, *April 23, 1926*

(Legislative day of Monday, April 19, 1926)

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ferris	King	Reed, Pa.
Bayard	Fess	La Follette	Sackett
Bingham	Frazier	McKellar	Sheppard
Blease	George	McKinley	Shipstead
Borah	Gerry	McLean	Shortridge
Bratton	Goff	McMaster	Smoot
Broussard	Gooding	McNary	Stanfield
Bruce	Greene	Mayfield	Steck
Cameron	Hale	Neely	Stephens
Copeland	Harreld	Norbeck	Swanson
Couzens	Harris	Nye	Trammell
Cummins	Harrison	Oddie	Tyson
Curtis	Heflin	Overman	Wadsworth
Dale	Johnson	Pepper	Warren
Deneen	Jones, N. Mex.	Phipps	Watson
Dill	Jones, Wash.	Pine	Wheeler
Edge	Kendrick	Ransdell	Williams
Fernald	Keyes	Reed, Mo.	Willis

Mr. PHIPPS. My colleague the junior Senator from Colorado [Mr. MEANS] is absent on account of illness. I will allow this announcement to stand for the day.

Mr. TRAMMELL. I wish to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is necessarily absent.

Mr. OVERMAN. My colleague the senior Senator from North Carolina [Mr. SIMMONS] is unavoidably absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

BOULDER CANYON PROJECT

Mr. JOHNSON. Mr. President, I ask unanimous consent, out of order, to report back favorably with amendments from the Committee on Irrigation and Reclamation the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. ASHURST. Mr. President, I give notice that on tomorrow I shall submit my individual views in opposition to the bill.

Mr. JOHNSON. And at that time the majority views will be submitted as well.

Mr. McNARY. Mr. President, as chairman of the Committee on Irrigation and Reclamation I have been requested to place in the CONGRESSIONAL RECORD the vote by which the Boulder Canyon project bill was ordered reported favorably from that committee this morning by the Senator from California. I desire to state that those voting in favor of a favorable report on the bill were Senators JONES of Washington, GOODING, ODDIE, SHORTRIDGE, JOHNSON, SHEPPARD, WALSH, KENDRICK, PITTMAN, SIMMONS, DILL, and the chairman of the committee. Those opposing a favorable report of the bill were Senator PHIPPS, and Senators CAMERON and ASHURST, of Arizona.

The VICE PRESIDENT. The bill will be placed on the calendar.

PRINTING OF ARTICLES OF IMPEACHMENT (S. DOC. NO. 101)

Mr. CUMMINS. I present an order and ask unanimous consent for its present consideration.

There being no objection the order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That the articles of impeachment presented against George W. English, district judge of the United States for the eastern district of Illinois, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House: