Mr. REED of Pennsylvania. Does not the Senator think, even in his zeal to get the bill through, that it might be well to fix some hour on that afternoon when all this is to occur?

Mr. SWANSON. Three o'clock on Friday was the hour originally named.

Mr. REED of Pennsylvania. As it was read, it did not say that.

Mr. SWANSON. If it has been omitted, then it should be put in the agreement to commence at 3 o'clock on Friday.

Mr. GLASS. Mr. President, what is the objection to Thursday? Why put it on Friday?

Mr. SWANSON. The Senator from Connecticut [Mr. BINGHAM] would not agree to Thursday, as was suggested, but he will not object to Friday.

Mr. McNARY. Question!

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. Mr. President, as I understood the reading of the proposed agreement, it did not provide for 30 minutes' debate on each amendment. It said, "30 minutes for each Senator on the amendments." Personally, I would rather they would not have more than 30 minutes on all amendments; but I think we ought to understand what this agreement means. If it means that each Senator shall have 30 minutes on each amendment, then I think it ought to say so.

Mr. McKELLAR. Let it be stated again, so that there will not be any doubt about it.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Friday, June 11, 1926, at 3 o'clock p. m., the unfinished business shall be temporarily laid aside, and the Senate shall proceed to the consideration of House bill 9504, the good roads bill, and thereafter no Senator shall speak more than once or longer than 30 minutes upon the bill or more than once or longer than 30 minutes upon any amendment offered thereto.

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

The order was reduced to writing, as follows:

Ordered, by unanimous consent, That on the calendar day of Friday, June 11, 1926, at 3 o'clock p. m., the unfinished business be temporarily laid aside and the Senate proceed to the consideration of the bill H. R. 9504, the so-called good roads bill, and thereafter no Senator shall speak more than once or longer than 30 minutes upon the bill or any amendment offered thereto.

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

Mr. TYSON. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily, and that Order of Business 486, Senate bill 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 be taken up for consideration.

Mr. KING. I object.

Mr. McNARY. I did not hear the request of the Senator from Tennessee.

Mr. TYSON. I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Order of Business 486, Senate bill 3027.

The VICE PRESIDENT. Objection has been made by the Senator from Utah [Mr. KING].

Mr. TYSON. Mr. President, I move that the Senate proceed to the consideration of Order of Business 486, Senate bill 3027, notwithstanding the objection.

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

Mr. TYSON. And that the unfinished business be temporarily laid aside.

Mr. McNARY. Mr. President, I regret exceedingly that the Senator from Tennessee has made this motion. I should be glad to yield, as far as I am personally concerned, for a temporary laying aside of the bill, but to displace the bill permanently would take from the Senate the right to consider farm relief. I hope the Senator will not insist upon his motion.

Mr. TYSON. I asked that it be temporarily laid aside.

Mr. LENROOT. That was objected to.

Mr. McNARY. Objection was made to that by the Senator from Utah. Now I understand that the Senator has moved to take up his bill, which would permanently displace the unfinished business.

Mr. TYSON. I have no desire whatever to do that.

Mr. McNARY. I thank the Senator. I did not think he desired to do it.

Mr. SMOOT. That would be the result.

Mr. DILL. Mr. President, will the Senator from Oregon yield? Is not the Senate in this position? The Senator from Oregon is not prepared to go ahead with the farm bill, and therefore we can do no business, except by unanimous consent, unless some such motion as this is agreed to?

Mr. McNARY. I assume that to be the case in conformity to the rules.

Mr. DILL. Does the Senator think that is a fair position to put the Senate in, when there are two or three hours that could be used in passing legislation?

Mr. SMOOT. This is Saturday afternoon.

Mr. McNARY. Personally I am agreeable to anything, but I find that there are others who are more obstinate than the Senator from Oregon.

Mr. DILL. I do not want to see the farm bill set aside permanently at all, but it does seem to me that if we are not ready to go ahead with the farm bill we ought to go ahead with some legislation of some kind.

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

Mr. TYSON. I yield.

Mr. HARRISON. May I ask the Senator from Oregon, in view of the situation here, whether he can give us some information as to when he expects to get a vote on the farm bill?

Mr. McNARY. I think, with the cooperation of the Senator from Mississippi——

Mr. HARRISON. I am ready to vote now. I wonder if we can not vote this afternoon.

Mr. McNARY. I should like to see a vote. If the Senator wants to ask unanimous consent to vote at 5 o'clock, that will suit me.

Mr. HARRISON. I ask unanimous consent that we vote on the farm relief bill not later than 5 o'clock this afternoon.

Mr. FESS. I object.

The VICE PRESIDENT. The submission of the request would require calling for a quorum.

Mr. CURTIS. Mr. President, it is perfectly evident that we can not do any more business this afternoon, and I move that the Senate adjourn until Monday at 12 o'clock.

COMMISSIONED LINE AND ENGINEER OFFICERS OF THE COAST GUARD

Mr. JONES of Washington. Mr. President, will not the Senator withhold that motion for a moment?

Mr. CURTIS. I withhold the motion.

Mr. JONES of Washington. I desire to present a report from the Committee on Commerce, and I do not think there will be any objection to its present consideration.

From the Committee on Commerce I report back favorably, with amendments, the bill (S. 4287) amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," and I submit a report (No. 1010) thereon.

I will state in explanation of this bill that some four or five members of the Coast Guard have retired after 40 years of service, and this bill gives them the rank of commodore on the retired list, without any increase of pay whatever. It is simply a recognition of their long service.

Mr. KING. I think the bill had better go to the calendar.

Mr. JONES of Washington. I report it, then, and let it go to the calendar.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being until 12 o'clock on Monday.

Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were not ordered.

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

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 7, 1926, at 12 o'clock meridian.

SENATE

MONDAY, JUNE 7, 1926

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

Our Father, Thou dost care for us. Thou art ever ready to help us, and when difficulties multiply Thou dost order our steps agreeably to Thy holy will. Be pleased to look upon us with gracious consideration this morning, and lead us in paths of righteousness, so that in all that we think and say and do Thy good pleasure shall be realized. We ask through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. JONES of

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Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes; and

S. J. Res. 71. Joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same.

CALL OF THE ROLL

Mr. JONES of Washington. 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	Frazier	Lenroot	Robinson, Ind.
Bayard	George	McKellar	Sackett
Bingham	Gerry	McLean	Schall
Blease	Gillett	McMaster	Sheppard
Borah	Glass	McNary	Shipstead
Bratton	Goff	Mayfield	Shortridge
Broussard	Gooding	Means	Simmons
Butler	Greene	Moses	Smoot
Capper	Hale	Neely	Steck
Caraway	Harreld	Norbeck	Stephens
Copeland	Harris	Norris	Swanson
Couzens	Harrison	Oddie	Trammell
Cummins	Heflin	Overman	Tyson
Curtis	Howell	Pepper	Underwood
Deneen	Johnson	Phipps	Wadsworth
Dill	Jones, N. Mex.	Pine	Walsh
Edge	Jones, Wash.	Pittman	Warren
Edwards	Kendrick	Ransdell	Watson
Ernst	Keyes	Reed, Mo.	Weller
Fernald	King	Reed, Pa.	Williams
Ferris	La Follette	Robinson, Ark.	Willis

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

PETITIONS

Mr. WILLIS presented a petition of sundry citizens of Dover Township, Fulton County, Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. JONES of Washington presented petitions of sundry citizens of Seattle and Camas, in the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. BUTLER, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 4247) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act, reported it with amendments and submitted a report (No. 1011) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2640) for the relief of Brewster Agee, reported it without amendment and submitted a report (No. 1012) thereon.

Mr. MEANS, from the Committee on Claims, to which was referred the bill (H. R. 821) for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho, reported it without amendment and submitted a report (No. 1013) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4321) authorizing the construction of public buildings at West Point, Ga., and Lanett, Ala., reported it without amendment and submitted a report (No. 1014) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (S. 4229) granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Fort Washington Narrows within the city of Bremerton, in the State of Washington, reported it with amendments and submitted a report (No. 1015) thereon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

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

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes; and

S. J. Res. 71. Joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. WILLIS:

A bill (S. 4413) for the relief of Orville Reginald Munger (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 4414) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. BUTLER:

A bill (S. 4415) granting a pension to Bertha P. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4416) granting an increase of pension to Charles W. Coleman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4417) granting an increase of pension to Emily J. Davis; to the Committee on Pensions.

A bill (S. 4418) for the relief of Harry Solomon; to the Committee on Military Affairs.

A bill (S. 4419) authorizing the Shipping Board to give a preference rate to alien veterans and their families; to the Committee on Commerce.

By Mr. BUTLER:

A joint resolution (S. J. Res. 116) to provide for the display of the national flag in United States courts; to the Committee on the Judiciary.

FLOOD CONTROL AND IMPROVEMENT OF MISSISSIPPI RIVER

Mr. ROBINSON of Arkansas submitted an amendment intended to be proposed by him to the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

STORAGE OF WATERS OF PECOS RIVER

Mr. JONES of New Mexico submitted an amendment intended to be proposed by him to the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River, which was ordered to lie on the table and to be printed.

AMENDMENTS TO COOPERATIVE MARKETING BILL

Mr. BLEASE and Mr. WILLIS each submitted an amendment intended to be proposed to the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, which were ordered to lie on the table and to be printed.

INVESTIGATION OF CONDITIONS IN THE VIRGIN ISLANDS

Mr. WILLIS submitted the following concurrent resolution (S. Con. Res. 19), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress to consist of three members of the Committee on Territories and Insular Possessions of the Senate, to be appointed by the President of the Senate, and three members of the Committee on Insular Affairs of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is hereby authorized to visit the Virgin Islands of the United States, and to investigate existing conditions in such islands with a view to determining the practicability and advisability of a change in the form of government of such islands. The committee shall elect a chairman from among its members. For the purpose of this resolution such committee is authorized to hold hearings and to sit and act at such times and places within the Virgin Islands or the United States; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee shall be paid

one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman. The committee shall make a final report to the Congress as to its findings, together with such recommendations for legislation as it deems advisable, on or before December 10, 1926.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2741. An act for the relief of the State of Ohio;

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property;

S. 3841. An act to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code;

S. 3884. An act authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington; and

S. 4056. An act to amend section 98 of the Judicial Code as amended.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 3833. An act to amend section 204 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; and

H. R. 12266. An act to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7943) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Reserve.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7669) to provide home care for dependent children; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. HOUSTON, and Mrs. NORTON were appointed managers on the part of the House at the conference.

HOME CARE FOR DEPENDENT CHILDREN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7669) to provide home care for dependent children, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

JUDGMENT OF SUPREME COURT OF SOUTH CAROLINA IN LAND V. REESE ET AL.

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD the judgment of the Supreme Court of South Carolina in the case of Land against Reese et al., on which I wish to make some remarks later.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The State of South Carolina, in the supreme court

J. S. Land, appellant, against Isaac Reese, Wesley Johnson, B. L. Dimoc, Frank Hampton, Jos. Wilson, Charles Smith, as trustees of Union Baptist Church of Columbia, S. C., and Union Baptist Church of Columbia, S. C., respondents

Appeal from Richland County, R. W. Memminger, judge.

(Case No. 62. Opinion No. 11949. Filed April 6, 1926)

Affirmed.

Moorman & Moorman, of Columbia, for appellant.

Cole L. Blease, C. T. Graydon, and D. T. Faulkenberry, all of Columbia, for respondents.

Watts, J.: The decree of Judge Memminger is satisfactory to us, and it is the judgment of this court that the judgment of the circuit court be affirmed.

Affirmed.

Cothran, Blease, and Stabler, J. J., and R. O. Purdy, A. J., concur. Gary, C. J., did not participate.

The following is the decree of the circuit judge referred to above:

"This is an action for foreclosure of a mortgage given by authorized officers of a negro Baptist Church, of Columbia, to J. S. Land, money lender, through the law firm of Barron, McKay, Frierson & Moffatt, of Columbia.

"The negroes paid interest to the law firm, and pursuant to an agreement with the law firm made at the time of the execution and delivery of the mortgage paid before maturity on account of the principal two payments amounting to $1,700. Barron had put bond and mortgage in the possession of Land, and the negroes did not call for the production of the originals when they made their payments, but got Barron's receipts for the payments. The mortgage shows on its face that it was executed by ignorant people on behalf of a negro church. Of course, the face of the mortgage shows that it was made to Land, but it is not probable that the negroes knew this, and no doubt believed they were dealing with Barron.

"Barron died and Land never received the payments which had been made on the principal. He forecloses for the whole amount. The master finds for Land and declines the credits set up in the answer.

"Exceptions are taken and a request made for permission on behalf of defendants to take further testimony along the line that the firm of Barron were absolute general agents of Land and that payment to the firm was payment to Land. I granted this, and testimony was taken and reported and the whole matter was presented before me for decision.

"Upon first impression I was inclined to make the usual decision in cases where a loan is negotiated through a lawyer authorized to draw up the papers and collect interest; that a payment on the principal by the borrower to the lawyer would not bind the lender; however, after a careful study of the whole record I find that the case differs materially from the ordinary case of such transaction.

"I can not but conclude that Barron was the general agent of Land for investing his money and actually collecting principal and interest and reinvesting it as he saw fit, and it was a mere matter of form that the papers were made out to Land and put in his possession. Land had an agreement with Barron that Barron was to pay him interest on all funds of Land's in his hands, whether loaned out or not, and in a number of cases appearing in the testimony Barron did collect principal for Land and remitted it to him and then procured satisfaction for the borrower. Barron thus being the general agent for Land, under Knight v. Jackson (36 S. C. 10) his declaration at the time of execution of the papers were part of the res gestae, admissible as evidence, and binding upon Land. It is obvious that the declaration of Barron that payment on principal before maturity would be credited was binding on Land, and Land put Barron in a position to thus deceive these ignorant negroes, and should not now be heard to contest. Barron naturally was interested in getting the loan paid up as soon as possible and lending the money out again and getting another fee from a new borrower. It made no difference to Land, because under his agreement with Barron he was to get interest on his money whether Barron loaned it out or not.

"Upon another ground also I am satisfied that the exceptions to the master's report are well taken and that the defendants are entitled to have the payments of principal credited upon the debt. That is under the general principle that where one of two innocent persons must suffer by the wrongful act of a third he will be required to bear the loss who was most at fault in letting it be brought about.

"Measured by this rule, it seems to be apparent that the loss should be upon Land. The only fault that can be put upon the negroes is that they trusted the statement of Barron, clothed, or apparently clothed, with power to conduct the whole transaction, and actually conducting it, and not requiring from Barron the production of papers when the payments were made. This is insignificant, to my mind, as compared to the negligence of Land in holding Barron out as his agent to invest his money, to collect interest, in some cases to collect principal; to do nothing more than have the papers made payable to him and delivered to him. These special papers showed the loan was to a negro church; he would know they were usually ignorant and easily deceived. He could have easily notified them to make payments only to him. On the contrary, he gave the Barron firm a full swing in investing and reinvesting his money. He took no care at all in protecting innocent persons conducting transactions with Barron, and he himself was all the while protected by his agreement with Barron for investment on his funds.

"No argument should be drawn from a knowledge which comes after the fact, and upon that idea it may be reasoned that Land had absolute confidence in Barron; but the testimony in this case shows that he seemed anxious to get money out of the hands of Barron when it was paid in to his credit. He had become apprehensive; he should have warned these people and not waited and caused them a loss 'after the deluge,' as a decision now in his favor would entail.

"Let a formal decree be prepared carrying out the views herein expressed on the footing of this decree and as a part hereof.

"And it is so ordered, adjudged, and decreed.

"R. W. MEMMINGER, *Circuit Judge.*"

The VICE PRESIDENT (at 12 o'clock and 10 minutes p. m.). Morning business is closed. The calendar under Rule VIII is in order.

TREASURY SURPLUS

Mr. SMOOT. Mr. President, on June 2, 1926, the Senator from New York [Mr. COPELAND] made a request of the chairman of the Finance Committee for a statement as to the condition of the Treasury with a view to any possible further reduction in taxation within the present session of Congress.

The Senator from New York incorporated with his brief remarks a newspaper article appearing in the Detroit Free Press under date of May 31, 1926. I do not understand that the Senator from New York accepted that article as stating the facts, but rather that he desires information on the subject because of that article and others that have appeared recently in the press.

The truth is that the article does not state the situation correctly. In the annual report of the Secretary of the Treasury for 1925 there will be found, at page 8, a definite statement by the Secretary as to the estimated surplus for 1926 and 1927. That estimate was made prior to November, 1925, and was based upon the Budget requirements without consideration of possible additional expenditures through the enactment of new legislation by the present Congress. The Secretary's estimate showed a surplus for the fiscal year 1926 of over $262,000,000 and a surplus for 1927 of over $330,000,000. The actual figures are only slightly in excess of each amount just mentioned.

After the revenue act of 1926 had been passed Mr. McCoy made estimates which showed a loss in revenue by reason of the tax reductions provided for under that act of $195,800,000 for the fiscal year 1926 and $319,000,000 for the fiscal year 1927. Those estimates also gave no consideration to the results of possible additional legislation by this Congress. So, as the tax reduction passed into law, the estimates came within $67,000,000 of the estimated surplus for 1926, without consideration of further legislation, and within $11,000,000 of the estimated surplus for 1927.

Viewed in another way, there would be a total estimated loss in revenue for the two fiscal years 1926 and 1927 of over $500,000,000. Yet when the revenue act of 1926 was finally passed we had but four months remaining in the present fiscal year. Part of the tax reduction became effective immediately. The changes in the excise taxes did not become effective until 30 days after enactment, and certain other repeals did not become operative until June 30 of this year.

Figured on the basis of the calendar year 1926, however, the reduction in receipts by reason of the revenue act of 1926 were estimated at $456,261,000. So there was a difference of some $260,000,000 in the tax reduction on the basis of the calendar year as compared with the fiscal year. In making those estimates Mr. McCoy gave as full consideration as he then deemed proper for the recognized prosperity which had occurred during the calendar year 1925.

When the tax law was passed it was fully realized that the $260,000,000 difference in the loss of revenue on a calendar-year basis, as compared with a fiscal year, would fall within the last six months of the calendar year 1926, and so within the first six months of the fiscal year 1927. Such anxiety as was expressed by the executive departments of the Government at the time related solely to the fiscal year 1927, because of the $319,000,000 loss that applied to that year and because the possible action by this Congress was an unknown factor. Leaving a margin of but $11,000,000 to offset the effect of possible legislation in this Congress by reason of the public buildings bill, farm-relief legislation, pension bills, deficiency appropriations, retirement bill, and many other matters was a situation which properly caused concern.

The extent to which that concern may be relieved by reason of the large receipts from the income tax, based upon 1925 income, is incapable of definite estimation at this time. The Director of the Budget is engaged at present upon the task of revising the estimates of receipts and expenditures for the fiscal year 1927. It will not be possible to complete that work until the June 15 receipts are a matter of record, and certainly not prior to the time that Congress has finally and definitely acted on matters of major importance that materially affect the expenditures.

Whatever the situation may be as to the fiscal year 1926, any present estimate as to the fiscal year 1927 is but a hazardous guess, which would not justify any tinkering with the tax law that has so recently been enacted, and as to the operation of which the information is so meager and unreliable.

Such being the situation, Mr. President, I regret that I can not give the Senate a definite statement as to the fiscal condition from the standpoint of the Treasury at this time. But I can give some consideration to the newspaper comments that have been expressed recently.

In order to afford some understanding as to the uncertainty involved, I will refer to the 1926 fiscal year situation for illustration and for the purpose of clarifying the misunderstanding that exists in the minds of certain Senators, as well as in the press items referred to. It is barely possible that they have guessed right, but we can not venture a fiscal change upon a mere guess.

It is true that the receipts from the income tax for the first 11 months of this fiscal year have amounted to $1,538,700,200.53, as compared with $1,383,052,646.25 during the same period of 1925. Mr. McCoy's estimate for the entire fiscal year 1926 from this source of revenue was $1,706,700,000. That estimate was made about March 1, and took into consideration an estimate of the degree of prosperity that occurred during 1925. He included in that estimate back tax collections in the amount of $180,000,000. But the Treasury Department has been making a strenuous drive on the collection of back taxes, and it is now estimated that the total revenue from that source during the present fiscal year will amount to between $300,000,000 and $350,000,000, or from $120,000,000 to $170,000,000 in excess of Mr. McCoy's estimate.

The refunds of taxes, however, also will exceed the estimates, in all probability by from $25,000,000 to $30,000,000. So it may be stated conservatively that the net excess of back taxes to be received during this year over the estimates will amount to about $100,000,000—possibly more. It must be observed as to that item, however, that to the extent that the Treasury Department demonstrates such pronounced activity in the clearing up of old cases, so that the additional revenue is credited to this fiscal year, to that extent must the receipts from that source be proportionately lower during future fiscal years. That should be perfectly apparent to all. This fact creates one uncertainty as to the fiscal year 1927. Mr. McCoy also estimated like receipts from that source of $180,000,000 for 1927. Just how far the present receipts have overlapped that estimate, due to the special activity by the department in its endeavor to collect, is a matter of mere speculation at the present time.

Another reason for the large receipts from the income tax, notwithstanding the reduction in the rates, is due to the fact that many persons must have paid their taxes in full with the March 15 payment. To just what extent this has been done can not be determined until the millions of returns have been examined. It has been the past experience of the department that with each successive tax reduction many persons have preferred to pay the lower taxes in full with their first payment, rather than to take advantage of the provision for paying in four installments. For example, it is known that in 1925 about $440,000,000 was paid in income taxes during the month of March, but in June of that year the receipts amounted to only 86.4 per cent of the March collections. If that same ratio prevails in June of this year, the collections (including back taxes) will be about $435,000,000. On the basis of the 1925 experience and in view of the probability of greater payments in March of this year, under the larger reduction in rates than occurred in 1925 under the 1924 law, it is difficult to estimate the amount of the June collections.

An apparent error in the newspaper article is found in the statement that "by the first of June the Treasury will have taken in a grand total of about $3,500,000,000." To the contrary, the last daily statement up to June 1 shows that the total receipts (including customs) amount to $3,311,116,341.55, or almost $200,000,000 less than was estimated by the writer of the article.

Furthermore, his estimate of a surplus of $250,000,000 is predicated on an estimate of total receipts for the present fiscal year amounting to $4,000,000,000 and expenditures of $3,750,000,000. As the actual receipts from all sources up to June 1 amounted to $3,311,000,000, there will have to be receipts during the present month of about $700,000,000 in order to reach the $4,000,000,000 estimate by the correspondent. That should appear to anyone as an obvious impossibility.

The total receipts from all sources in March of this year were $660,000,000, of which the income tax contributed $504,000,000. If 86.4 per cent of that amount can be taken as an estimate of the probable June collections from that source, or $435,000,000, then $265,000,000 must be received from other sources in order to equal the $700,000,000 estimate as made in the newspaper article. If customs receipts are assumed at as high a figure as $45,000,000 and miscellaneous receipts from internal revenue and other sources at $85,000,000—both of which figures are higher than the actual receipts for May of this year—or a total of $130,000,000, the estimated surplus of $250,000,000 will still be short by the amount of $135,000,000, thereby making the surplus, according to the correspondent's own figures as

corrected about $115,000,000. That figure is explained in part by the excess of back-tax collections over the estimates.

However, in using that estimate of $250,000,000 the author of the newspaper article has designated that as the minimum surplus. He asserts the possibility of the amount being nearer $350,000,000.

Of course, the figure is based upon the same error of $200,000,000 in his estimate of receipts up to June 1. Also, he is figuring total customs receipts at $585,000,000 for this year, an amount that is excessive by about $10,000,000. It also reflects the other errors.

For the purpose of discussion I would like to assume that there will be a surplus at the end of this fiscal year of over $300,000,000. Not that I mean that there will be, for we can not tell until later in this month, but just for the sake of argument I would like to make the assumption. We know to start with that over $100,000,000 of that amount is due to back-tax collections being in excess of the estimates. We know also that the year 1925 was a very prosperous year, with a reflection in incomes and accordingly in income taxes. We know nothing about how the income of the Government in 1927 will be reflected from the business conditions of 1926. It is true that we have some guide as to the collections for the first six months of the 1927 fiscal year, but that is only the smaller part of the story. Those collections, of course, are based upon the 1925 incomes. After the June 15 payments have been made we will be in a better position to know the extent to which the March 15 collections represent payments in full. We also will have a better idea of the 1927 expenditures when we can examine the Budget figures.

It is absolutely futile to attempt at this time, prior to definite knowledge as to the operation of the 1926 revenue act, to tinker with the estimate involving the 1927 revenue, which is going to be dependent for half of its year upon the business conditions which prevail during the balance of this calendar year. Such speculation may be proper as a newspaper item, but it is hardly commendable for a great Nation which is dealing with the welfare of over 110,000,000 people. We must be able to look into the future with knowledge of the present from the past experience, and we have insufficient information at the present time.

With each successive tax revision we have removed sources of revenue and have placed more reliance upon the income tax to meet the fiscal requirements. That in itself creates a factor of uncertainty. It is all right so long as prosperous year follows prosperous year; but when conditions become such that the net-loss provisions become operative to a pronounced degree, there is bound to be a considerable loss in revenue. In 1922 and 1923 the net-loss deductions by corporations alone amounted to over $500,000,000 in each year. We do not know what they were in 1924, but we do know, from the general prosperity that prevailed during 1925, that such deductions must have exerted less effect than usual upon the revenue. What the calendar year 1926 will show, of course, is unknown at the present. We do know of great losses being sustained by individuals during the spring of this year. Whether those losses will be offset by gains during the remainder of the year is a matter on which any guess would be equal in weight.

I have touched briefly on the situation, Mr. President, but to the fullest extent permitted by the information that is now available. A more definite expression may be expected toward the latter end of this month. Until then, at the earliest, no one can hazard more than a bare guess as to the next fiscal year, and I am sure that neither the Senator from New York nor any other Senator would expect the fiscal policy of such a great Nation to find its determination in speculation as contrasted with sound judgment that finds its basis in reliable facts.

Mr. COPELAND obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me to ask the Senator from Utah a question and to make a very brief statement?

Mr. COPELAND. I yield to the Senator.

Mr. ROBINSON of Arkansas. I should like to ask the Senator from Utah if he can summarize what he has said and inform the Senate whether he believes there will be a surplus or a deficit as a result of the present year's operations of the Treasury Department?

Mr. SMOOT. Mr. President, I may state that this whole misunderstanding comes from the fact that they estimate calendar years instead of fiscal years. That was well understood by the Finance Committee when they made their report; that was well understood in conference; and we had no fear whatever for the last six months of the fiscal year 1925–26. We knew that the burden would fall on the first and second halves of the fiscal year 1926–27; and that is where the burden will fall, I will say to the Senator. In other words, the estimate, as I have stated, was $330,000,000 for the first half of 1927. Now, the question is whether we have sufficient revenue under the existing law to meet that amount for that half of the calendar year, just as I said.

My opinion is that we will have ample time to meet it, but no one can tell. No one can tell what the losses have been upon the stock exchanges in the last three months, whereas everybody knew that every man and firm dealing in stocks in the United States made a profit, because the market began low and it steadily rose, and no one lost during that year unless he sold short, and there was very little of that business done. In the case of the man who was carrying his stocks on credit, as the stocks began to tumble in price the forced sales began. The forced sales brought about other sales, and, of course, there is not to be made in this year of 1926 from the stock exchanges the amount of money that there was in 1925. That is one source of loss. Notwithstanding that loss, I think we are perfectly safe under existing law; but I am quite sure that for the coming fiscal year, beginning July 1 of 1926 and ending June 30 of 1927, we will not have much more than enough revenue to meet the expenses of our Government.

Mr. ROBINSON of Arkansas. Does the Senator feel sure that we will have enough?

Mr. SMOOT. Yes; I do. I feel sure that we will have enough, unless we make three or four hundred million dollars more of appropriations at this session of Congress.

Mr. ROBINSON of Arkansas. Mr. President, I desire only to say that the statement of the Senator from Utah is evidently made after great preparation and with much caution. It is intended to answer declarations made in the public press that under the internal revenue law which the Congress recently passed the revenues will be excessive, and further reductions will be immediately or shortly required.

The Senate will remember that when the recent revenue act was under consideration by the Senate we were told that we dared not eliminate from the law certain taxes now in force, however obnoxious and annoying they might be, for the reason that reductions already in contemplation would reduce the revenues below the danger point.

I need not review the different phases of taxation that were retained in the bill upon the insistence of Senators, led by the Senator from Utah, that the Senate of the United States was running amuck in the matter of reducing taxation. You will recall that when the bill left the Senate, carrying as a result of amendments here adopted enormous reductions on certain classes of moderate incomes and other reductions, it was announced by the Treasury Department and by others representing the administration that in all probability the bill would necessarily be vetoed; at least, great consideration must be given to it because of the conviction that the Senate had gone too far in initiating and in securing the adoption of tax-reduction amendments. Now it appears from the statement of the Senator from Utah that we might have gone somewhat further than we did go without danger to the condition of the United States Treasury.

Another thing appears from the Senator's statement, and that is the habitual inaccuracy of the estimates of the Treasury Department in respect to the relation between revenues and expenditures. The subject, of course, is affected with serious difficulties.

Another fact is that because of this situation the uncertain state of conditions, no further reduction in taxes need be proposed now. That subject must be reserved.

It was pointed out, while the revenue bill was under debate here in the Senate, that it was the habit of the present and the last administration, when an election was approaching, to bring in a tax-reduction bill and impress the public with the beneficent motives and influence and the economical practices of the administration; and it was also pointed out then that in all probability, as a result of the legislation we had under consideration, when two years have rolled around, and a presidential election, the election of 1928, is approaching, the representatives of plutocracy in the United States Senate and elsewhere will propose another reduction as a benefaction to the public, and as a means of securing political results. So the Senator from New York need not be surprised at the showing made here this morning. Any further reduction in taxes proposed by the administration will be reserved until another election is approaching.

Mr. SIMMONS. Mr. President——

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

Mr. SIMMONS. I should like to ask the Senator from Utah just one question. What was the amount derived from income tax for 1926 as compared with 1925?

Mr. SMOOT. Mr. McCoy's estimate, as I stated, of the revenue from this source for the entire fiscal year of 1926 was $1,706,700,000.

Mr. SIMMONS. As compared with what?

Mr. SMOOT. As compared with $1,538,700,200.53 for the fiscal year of 1925.

Mr. SIMMONS. That is to say that notwithstanding the reduction, the income for 1926 would be something over $200,000,000 less than for 1925?

Mr. SMOOT. No; not over his estimate. His estimate for 1926 was $1,706,700,000; and included in that, of course, the Senator will remember, was $180,000,000 for back taxes.

Mr. SIMMONS. I am not talking about that. I ask the Senator to state the estimated receipts from the income tax for the year 1926 as compared with the year 1925.

Mr. SMOOT. Let me give the Senator the exact figures. The receipts from the income tax for the 11 months of this fiscal year have amounted to $1,538,700,200.53—that is, for 11 months—as compared with $1,383,052,646.25 during the same period of 1925. I am speaking now of the fiscal year. That is a difference of about $155,000,000.

Mr. SIMMONS. That is to say, the receipts for the first 11 months of the fiscal year 1926 were $155,000,000 more than the receipts for the same period of time during the fiscal year 1925, notwithstanding the reductions that were made?

Mr. SMOOT. That is true.

Mr. SIMMONS. Notwithstanding the reductions that were made.

Mr. SMOOT. This is for the fiscal year.

Mr. SIMMONS. I am talking about the fiscal year.

Mr. SMOOT. Of course, that would have to be covered over the full year, the 12 months. Mr. McCoy's estimate for the fiscal year 1926 is $1,706,700,000, within $25,000,000, with the exception of the extra amounts we have collected in the way of back taxes.

Mr. SIMMONS. The question of back taxes has nothing to do with the inquiry I am making now.

Mr. SMOOT. They are included in the $300,000,000 I spoke of.

Mr. SIMMONS. I asked for the receipts from income taxes.

Mr. SMOOT. That I have given to the Senator.

Mr. SIMMONS. Very well. I think this inquiry made by the Senator from New York comes very opportunely. The public is very much at sea as to the actual condition of the Treasury at this time, and I think it is entitled to enlightenment.

Various rumors have reached the public, emanating, I take it, from the Treasury Department, it may be through leaks in the Treasury Department, but nevertheless the Treasury seems to be the source of the information which the public has received, and until the present time I do not understand that there has been any effort on the part of the Treasury Department to deny or repudiate the published statements with reference to the probable amount of the surplus in the Treasury at the end of this fiscal year.

Those estimates, seeming to be authentic, and not, as I understand, questioned up to the present time—and probably an interpretation of the remarks of the Senator would leave them still unquestioned—are to the effect that there will be a surplus in the Treasury at the end of this fiscal year of between $250,000,000 and $300,000,000.

My own investigations, while they have not been so thorough as to enable me to speak with absolute certainty, convince me that those figures are not far wrong, and that, notwithstanding the reductions and the modifications that were made in the late revenue act, instead of a surplus of $60,000,000 for the year 1926, as estimated at the time the bill was passed, we shall have a surplus of not less than $250,000,000.

Of course, if those figures are correct, the taxpayers of this country will feel, and justly feel, that the Treasury Department has been remiss and that Congress has been misled, and, as a result, that they did not secure in the last enactment that measure of relief to which they were entitled. There will be a general feeling throughout the country that this estimated surplus, representing that much more money than was required to pay the expenses of the Government, was unjustly collected from the taxpayers, and ought to be returned to them by way of reductions of taxes as speedily as practicable.

Senators will remember that when we were discussing the present revenue law, only four or five months ago, it was insisted on this side of the chamber that much greater reductions might be made than those the majority proposed without in any way jeopardizing the Treasury, certainly for the year 1926.

The question, therefore, is, if these present estimates are correct, what should be done to relieve the taxpayers? The Secretary of the Treasury is represented in the press as having suggested that the estimated surplus can be utilized for the purpose of further reducing the national debt. We have already provided a fund for the reduction of the national debt. We have provided that there shall be set aside about $300,000,000 a year as a sinking fund. We have provided that all the receipts in the way of payments by our foreign debtors shall be covered into that sinking fund, and that will afford a fund which will pay off the public debt in less than 25 years.

The Secretary has heretofore been using the surpluses not necessary to a reasonably speedy reduction of our public debt and which ought to have been returned to the people, for the purpose of further reducing the public debt. In the face of the fact that we have, in our settlements with foreign countries, given them 62 years to complete their payments, this suggestion of the Secretary that this fund set apart by law to pay off our national debt in less than 25 years shall be further increased by using the current taxes collected from the people, I think has not met and will not meet with much response. I think that is not a proper suggestion as to what should be done with this surplus. The Secretary of the Treasury will find that the public will not sustain him in his position.

What shall we do with it? The suggestion is made that we should not at this time think of another tax reduction, because the condition of the Treasury for the fiscal year 1927 may not be so favorable as it is this year. When we passed the bill, that was suggested, and that was realized. It was then suggested that the surplus for 1926 would be $60,000,000, and that the surplus for 1927 would probably be about $11,000,000. So that the difference in the estimates we had then between the prospective condition of the Treasury in 1927 as compared with that of 1926 would be the difference between $60,000,000 and $11,000,000.

But for the conditions which probably will arise in 1926, I would say that we will have, with reasonable certainty, at least $250,000,000 which we could return to the taxpayers during the next session of the Congress.

Mr. GERRY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. COPELAND. I yield.

Mr. GERRY. Is it not also true that if it had not been for the insistence of the ranking minority member of the Finance Committee and the other minority members that the taxes would have been even higher, because it was the insistence of the Senator from North Carolina [Mr. SIMMONS] on the reductions in the middle brackets which caused them to be made?

Mr. SIMMONS. Oh, yes; the reductions were increased very much over $100,000,000.

I want to speak about this matter calmly and fairly. I agree with the Senator from Utah that we can not at this time definitely determine what the surplus for this year will be. There is the month of June to take into account, and we can only estimate as to that. But that will not disturb the figures very much one way or the other. That is not the most important question, however.

Mr. SMOOT. We both agree as to that. There is no trouble in that regard, and it never occurred to a member of the committee when the matter was under consideration that the condition at the end of the fiscal year 1926 would bother us. It was the condition at the end of the year 1927 that it was conceded might bother us.

Mr. SIMMONS. I intend to get to that. I realize that situation. The difficulty in determining now what fund we will have for tax reduction grows out of the uncertainty as to the year 1927. But for that we could proceed at once to reduce taxes at least $250,000,000, in my opinion.

What is that uncertainty? As I said a little while ago, at the time the revenue bill was passed the estimate as to the difference between the surplus in the Treasury at the end of 1926 compared with 1927 was that the difference would be about $49,000,000 only. I think probably that is too low. A study of the situation has convinced me that it is very much too low.

The question which we have to consider, therefore, is this: What is probably going to be the condition of the Treasury at the end of 1927? I do not think we are in any condition to undertake a reduction during this session of Congress. I think everybody will agree with me on that. But the question is, Will we be in a condition at the short session to make a further reduction or will we have to wait another year before we make it? As I have said, that depends upon an analysis of the probable situation in 1927.

I have here an estimate, made for me by an expert of the department, in which he estimates that the corporate income

taxes for the year 1927 will be $162,000,000 greater than for the year 1926.

Mr. SMOOT. For the fiscal year?

Mr. SIMMONS. I am talking about the fiscal year. That is the starting point. I have also an estimate that the receipts from individual incomes will probably be something like $147,000,000 less for 1927 than for 1926.

Mr. President, I can see the reason, and it must be obvious to everybody, why we will receive a greater return from corporations for 1927 than for 1926. Not only will we do so because of the probable greater increase in the profits and incomes of corporations, but because in the United States incomes, like everything else, grow with the years. There is always a normal development. But the main reason lies in the fact that we actually increased the corporation income tax to the extent of one-half of 1 per cent. Taking those two things into consideration, it is easy to see that the income from corporations for the next fiscal year will reasonably amount to at least $162,000,000 more than for 1926.

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

Mr. SIMMONS. Certainly.

Mr. WATSON. Has the Senator the figures available to show the amount of the sinking fund each successive year from the time it was provided down to the present time?

Mr. SIMMONS. No; I have not those figures at this moment. I was not discussing the sinking fund.

Mr. WATSON. But I understood a little while ago——

Mr. SIMMONS. I will say to the Senator that if he wants to discuss that matter he will have to take it up after I get through with the discussion of the question to which I am addressing myself.

Mr. WATSON. Very well.

Mr. SIMMONS. I am unable to see why the income from individual taxes should shrink to the extent estimated by the Treasury Department. The incomes from 1926 were derived from the profits of 1925 after the tax reductions had been made, the 1926 income-tax reductions being retroactive to January 1, 1925. The basis upon which the income taxes were levied for the year 1925 and collected in 1926 is identical with the basis upon which they will be levied for the year 1926 and collected in 1927, and I doubt very much whether there will be any very great shrinkage in the receipts from that source.

Again, Mr. President, it is said that the large surplus of this year is the result of much heavier back-tax collections than were anticipated.

Mr. SMOOT. Yes; $100,000,000.

Mr. SIMMONS. Yes; $100,000,000 more was collected than was anticipated, and it is intimated that for the year 1927 there will not be as favorable results from the collection of back taxes as for the year 1926. If the results were the same as this year, of course it would not change the equation at all. I do not know upon what basis the argument that there will be a reduced collection rests.

Mr. SMOOT. I can tell the Senator, if he wishes to know.

Mr. SIMMONS. Pardon me; just let me finish. I have an estimate of the Treasury with regard to back tax collections made on the 4th day of March, 1925. That was just after we had passed the revenue bill. In that estimate we find this item:

Back taxes, 1926, $180,000,000.

That is what the Senator from Utah said then. We actually have collected $100,000,000 more than that.

Mr. SMOOT. We have collected $120,000,000 more, but we paid out about $20,000,000 more, so that there was an actual increase of $100,000,000, as I stated.

Mr. SIMMONS. But my point is that in the same estimate of the amount that would be received from back taxes for 1926 is an estimate of the amount which we are likely to receive from back tax collections for the year 1927. The estimate then was that we would receive from back taxes for the year 1927 $180,000,000, the same amount that it was estimated we would receive from that source for the year 1926.

Mr. SMOOT. That is true; but remember, we collected $120,000,000 in 1926 that we expected to collect in 1927. We can not credit that up in 1926 and collect it in 1927. Therefore I say the amount estimated for 1927 can not be collected because of the fact that there was $120,000,000 of it which was expected to be collected in 1927 that was really collected in 1926.

Mr. SIMMONS. Oh, Mr. President, the vast sources from which the Treasury expects to collect back taxes has hardly been touched yet. They are away behind in their auditing processes. They are away behind in their collection processes. Evidently the Actuary of the Treasury thought when he made those estimates that there would be as much back taxes collected in 1927 as in 1926. I do not think there will be. I think there will be a difference, but nothing like the difference that is contended for by the Senator from Utah.

Mr. President, the conclusion I have reached from an analysis of this matter is that the gain of $162,000,000 in corporation income taxes will probably offset all we will lose in 1927 on account of reduction in individual income taxes and on account of reduced collections of back taxes.

Mr. SMOOT. That estimate is based upon the fact that the business of the corporations will be exactly the same for 1927 as for 1926.

Mr. SIMMONS. That is the statement I am making, that the collections for 1927 from corporations will be at least $162,000,000 more than for 1926, and will fully offset the losses in the taxes on individual incomes and in the collection of back taxes.

Mr. SMOOT. The Senator does not mean to say the profits of corporations for the fiscal year 1927 will be the same as for the fiscal year 1926, does he?

Mr. SIMMONS. Why not?

Mr. SMOOT. Because the Senator knows, and I can call his attention to industries in the United States and in his own State that will show to the contrary. I call his attention to the cotton industry, for example.

Mr. SIMMONS. The Senator from North Carolina knows that as well as the Senator from Utah, but I know, too, as well as he does, that in the beginning of the calendar year 1925, upon which these income taxes were collected this year, we had a condition that was somewhat worse than it is now. We started out in 1925 under certain depression in the industries, and that depression disappeared from day to day until during the last four months of the calendar year 1925 the profits of those industries were perfectly astounding. The fact that there is some temporary trouble in the manufacturing industries of the country at the beginning of this year does not argue any more than that same condition argued in the last year. That argument comes with very ill grace from a party that is to-day boasting from one end of the country to the other of the country's prosperity.

Mr. SMOOT. We do have prosperity, but there is no need of trying to overdraw it. I am perfectly willing to admit that we have prosperity, and that 1925 was the greatest year in the history of the country.

Mr. SIMMONS. But the Senator knows that a part of 1925 was not prosperous. It was only the latter part of 1925 that was prosperous, and the Senator knows that.

Mr. SMOOT. We had prosperity in the first part of 1925. The latter part of 1924 was not so prosperous, but 1925 all the way through was prosperous. There was never such business prosperity in the history of the Nation.

Mr. SIMMONS. The returns that came in during the last four months of 1925 showed a condition of prosperity so great that the prosperity which existed in the earlier part of the year paled into insignificance. That prosperity is continuing to-day except in spots. The textile industry is somewhat depressed, but that is not generally true of the industries of the United States. The situation to my mind promises that this year will be just as prosperous as last year. If there is any question about it I think the Republican Party is the last who ought to raise the question. They are going before the country in effect saying that "Under our administration we are not able to maintain prosperity, and prosperity is slipping, slipping, slipping. We are afraid that before the year 1927 is reached we will be in the midst of a depression." The Republican Party is going to be in power for another year and I am surprised to hear the remark that the vaunted prosperity, the boasted prosperity of the country, is already disappearing.

Mr. SHIPSTEAD. Mr. President, will the Senator from North Carolina yield!

Mr. SIMMONS. The Senator from New York has the floor.

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

Mr. COPELAND. Certainly.

Mr. SHIPSTEAD. I did not know the Senator from New York had the floor. I thought the Senator from North Carolina had the floor, otherwise I would have asked permission of the Senator from New York to interrupt.

Mr. COPELAND. I am glad to yield to the Senator from Minnesota.

Mr. SHIPSTEAD. The Senator from North Carolina is aware that we have just passed through a greater orgy of inflation, of speculative credit, of expansion of credit, than

we have ever experienced before in the history of the Nation. This orgy of speculation started in the spring of 1924 when the New York Federal Reserve Bank cut its rate from 4½ per cent to 4 per cent on the first of May, cut it again from 4 per cent to 3½ per cent in June, and in August to 3 per cent when call money went to 2 per cent. In the spring of 1925 we found that the banks had loaned the brokers $100,000,000 more than they had loaned the brokers in February, 1920, which marked the high point in war speculation, when they had $2,100,000,000 of brokers' loans. A year later, or during last winter, that had increased by another $1,000,000,000, which is only a part of the nation-wide orgy of speculation due to the expansion of credit by banks fostered by the Federal reserve system and the Treasury of the United States, evidenced by the fact that in the fall of 1925 the Treasury of the United States went into the market and purchased stocks and bonds for over $1,000,000,000. The Senator must realize that such an orgy of speculation, the blowing up of such a bubble by injecting this tremendous credit into the speculative structure of the country, can not go on forever. Even the New York Times, the conservative New York Times, in its financial section said early in the year 1925 that the prosperity that was apparently manifest suggested the use of tremendous pumps. What did the New York Times mean by the use of pumps? It was the pumping of credit into the speculative and commercial structure in order to stimulate commerce and speculation, which is always stimulated when we have a tremendous expansion of credit at low rates of interest. It is doubtful if the world's financial history affords a parallel to the $6,000,000,000 inflation engineered by Wall Street, with the active cooperation of the Treasury, in the closing weeks of 1924. The leading financial journals of the country, however strongly affiliated they may be with big business and Wall Street finance, are not blind to the situation. We find a leading journal of finance and commerce, like the Annalist, of New York, saying editorially on its first page—December 15, 1924:

> Unlike Shakespeare's mercy, which fell gently from heaven, to-day's flow of business "confidence" suggests the action of powerful pumps.

The financial and commercial journals commented on it as the orgy of speculation went along. Of course, to liken it to an automobile tire, you can use your pump, and pump air into it, but the day is coming whether when it either blows out or something happens to empty it, and then you have deflation. Then you are running on a flat tire.

Mr. SIMMONS. Does the Senator means to argue that that has come?

Mr. SHIPSTEAD. It is already on the way.

Mr. SIMMONS. Is the Senator looking for a panic?

Mr. SHIPSTEAD. Mr. President, the losses in the stock market, the condition of the textile industry, the condition of industry generally all over the country are making business men now very apprehensive. They do not know just which way they are going. They know, however, that something has happened. The bubble has started to burst.

Possibly the Federal reserve banks can so reduce interest rates as to provide 2 per cent call money again and start pumping credit into the commercial and speculative structure in order to revive the orgy of speculation that has been going on, but they can not keep it up forever.

Mr. COPELAND. Mr. President——

Mr. SIMMONS. I am not quite through. Will the Senator from New York please let me finish?

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

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

Mr. SIMMONS. Mr. President, I do not think the industrial prosperity that we had last year and that we have to a large extent had up to to-day has been inflated. I do not think it is the result of speculation. I think it has been due to a pretty sound development of business in this country. That is Mr. Gary's view about it, and that is the view of all the great captains of industry in this country. They have assured us that the business, financial, and economic conditions of the country are upon an absolutely sound basis.

Mr. President, there is probably more money in this country than there is in all the remainder of the world put together. We have half of the gold; we are the only country in the world that has unlimited credit; our bank vaults are all bulging with money. There is bound to be an enormous amount of money in this country. It has been flowing in constantly ever since the World War began, in enormous quantities at times, but it has been flowing in all the time, and not much of it has been going out. We have been accumulating a vast amount of money and credit in this country.

Mr. SHIPSTEAD. Mr. President, will the Senator from North Carolina yield to me?

Mr. SIMMONS. I ask the Senator from Minnesota to let me develop this idea, please, and then I will yield to him.

We have the money, Mr. President. We have, however, this condition in the United States: We have one part of our industries built up upon a process of price fixing. Prices have been fixed by reason of the tariff and by reason of combinations by aid of the tariff. They are not fixed by the Government, of course, but with the aid of the Government; they are fixed by private industries of the country. Mr. President, in order to maintain those prices it becomes necessary for the industries of the United States to regulate supply. The mills and the factories start at full capacity; they vie with each other in output; but suddenly they find that they have produced all that the American market will take care of, and a little bit more than the American market will take care of. If they sell outside the United States they must sell at world prices. Whenever that condition exists—and it has existed recently—the industries of the country are able to take care of themselves by temporarily stopping production by slowing down until consumption can overtake supply because it is necessary, in order that they may protect themselves in the high domestic prices, that they shall limit as much as they possibly can the surplus that has to be disposed of at the low prices of the world markets. We have, therefore, these periodic evidences of depression resulting from the slackening of the industries of the United States, shutting down and running on a little less than full time in order to control what? To control the supply. For what purpose? To protect their prices.

There is no trouble about money; there is no trouble about credit. Just as soon as the industries find that the conditions are ripe for it, we shall find the factories again running at full time. Some of the industries have overproduced. The cotton mill people have very much overproduced. They produced enough for the American supply, but America stopped using cotton goods to the same extent it had previously done, and the industry got in trouble; so there is some slackening down.

Mr. President, I am sorry to hear that any Senator on the other side of the Chamber takes such a gloomy view of the future; I am sorry to hear that any of those Senators think we are on the verge of a collapse in this Republican prosperity that we have been enjoying and that they have been boasting about so much as coming directly from the Republican Party and not from the industries, not from conditions of the market, but from the Republican Party. This is about to happen, too, according to some Senators, right at the time when the Republican Party is in the height of its great boasting.

But let me get back to the subject I was discussing when interrupted. We will have an increase of revenue in the fiscal year 1927 from the corporation income tax of $162,000,000. That, I believe, will offset what we will lose from individual income taxes and from the possibly reduced amount which we will be able to collect from back taxes.

Mr. REED of Pennsylvania. Mr. President, the Senator has not forgotten, has he, that we will also lose the capital-stock tax?

Mr. SIMMONS. I am going to refer to that; of course, I have not forgotten about it, but I want to get these three items out of the way.

There will be in my judgment—and I make the statement after much reflection—a balancing of conditions in the comparison of the revenues for 1927 with those of 1926, the increased taxes from corporate incomes making up the deficiency in individual income taxes and back taxes. That being so, the only factor that will reduce the revenues of 1927, as compared with those of 1926, will be the loss of revenue sustained by reason of the repeal or modification of certain of the excise provisions of the law, including the repeal of the capital-stock tax.

It is estimated that we will lose on account of the repeal of the capital-stock tax $100,000,000; it is estimated that we will lose on account of the reduction in the rates of estate and gift taxes $18,000,000; it is estimated that we will lose on account of the reduction of the tax on spirits, $5,000,000; on account of the reduction of the tax on tobacco, $3,000,000; on account of the reduction of the automobile tax, $42,000,000; on account of the repeal of the tax on photographic and artists' materials, $1,120,000; on account of the repeal of the tax on firearms and ammunition, $2,850,000; on account of the repeal of the tax on jewelry, $7,000,000; on account of the repeal of the tax on brokers, $1,000,000; on account of the repeal of the tax affecting bowling alleys and billiard and pool parlors, $1,700,000; on account of the repeal of the taxes on automobiles for hire, $1,600,000; on account of the repeal of the tax on

tobacco manufacturers, $1,200,000; on account of the repeal of certain stamp taxes, $2,000,000; on account of the reduction in the taxes on admissions and dues, $6,000,000; and on account of miscellaneous reductions, $1,530,000. Those items, Mr. President, will aggregate something less than $180,000,000.

If we shall have a surplus this year of $300,000,000 and business conditions shall continue as they are—and of course the statement must be predicated upon that fact and I admit there is some uncertainty as to business conditions—but if they shall continue in 1926 as they were in 1925, then we will have in 1927 a surplus of at least $300,000,000 minus the less than $200,000,000 which we will lose by reason of the repeal or reduction of the taxes to which I have referred, which were collected during 1926.

That is about the situation. So, Mr. President, I have worked it down in my mind to about this: We have now a certain surplus, I think, of $250,000,000 and a probable surplus of $300,000,000 for the fiscal year 1926. For the year 1927, if business conditions shall continue as they are, notwithstanding the tax reductions which will then be in effect as they were not in effect in 1926, we will have a surplus of between $75,000,000 and $100,000,000 for that year, which would make an aggregate surplus of $350,000,000.

If that shall happen, then, Mr. President, of course we should have a further reduction of taxes. I do not think that we can hope for a reduction during the short session of Congress, first, because the uncertainty—and there is an element of uncertainty, as everybody will admit—would be possibly too great to enter upon a definite plan of reduction, and second, because we shall not have the time during the short session in which to make the reduction. But, Mr. President, at the session beginning in December, 1927, everything will be known, and then we can have a reduction, for I predict now that the surplus in the Treasury at the end of the fiscal year 1927 will not fall below $350,000,000.

CALLING OF THE ROLL

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Frazier	McKellar	Schall
Bayard	George	McLean	Sheppard
Bingham	Gerry	McMaster	Shipstead
Blease	Gillett	McNary	Shortridge
Borah	Glass	Mayfield	Simmons
Bratton	Goff	Moses	Smoot
Broussard	Gooding	Neely	Steck
Butler	Hale	Norbeck	Stephens
Capper	Harreld	Norris	Swanson
Caraway	Harris	Oddie	Trammell
Copeland	Harrison	Overman	Tyson
Couzens	Heflin	Pepper	Underwood
Cummins	Howell	Phipps	Wadsworth
Curtis	Johnson	Pine	Walsh
Deneen	Jones, N. Mex.	Pittman	Warren
Dill	Jones, Wash.	Ransdell	Watson
Edge	Kendrick	Reed, Mo.	Weller
Edwards	Keyes	Reed, Pa.	Williams
Ernst	King	Robinson, Ark.	Willis
Fernald	La Follette	Robinson, Ind.	
Ferris	Lenroot	Sackett	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. REED of Pennsylvania. Mr. President, can we not have the regular order? There is a bill right at the beginning of the calendar for the completion of the Tomb of the Unknown Soldier. It is very important that the authority should be granted before the adjournment of Congress.

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

THE COAL INDUSTRY

Mr. COPELAND. Mr. President, I shall be very glad to accommodate the Senator from Pennsylvania; but let me now ask unanimous consent that at 2 o'clock the agricultural bill be temporarily laid aside, in order that the coal bill, Order of Business 763, Senate bill 4177, may be given consideration. This is agreeable to the Senator from Oregon [Mr. McNARY]. Of course, the discussion will not be prolonged to any unreasonable length. If I may have that unanimous-consent agreement, I shall then be very glad indeed to go on with the joint resolution dealing with the Tomb of the Unknown Soldier.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that when the hour of 2 o'clock is reached the unfinished business shall be temporarily laid aside and the so-called coal bill, being Order of Business 763, Senate bill 4177, shall be laid before the Senate. Is there objection?

Mr. NEELY. Mr. President, I object.

The PRESIDING OFFICER. The Senator from West Virginia objects. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

PATRICK C. WILKES, ALIAS CLEBOURN P. WILKES

The first business on the calendar was the bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Patrick C. Wilkes, alias Clebourn P. Wilkes, private Battery C, Second Regiment United States Artillery, which subsequently became the Fourteenth Company of Coast Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 15th day of March, 1901: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

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

MIGRATORY-BIRD REFUGES

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

TOMB OF THE UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order, and the Senate resumed its consideration.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to complete the Tomb of the Unknown Soldier in the Arlington National Cemetery by the erection thereon of a suitable monument, together with such inclosure as may be deemed necessary, and a sum not to exceed $50,000 is hereby authorized to be appropriated for this purpose.

Mr. REED of Pennsylvania. Mr. President, the Senator from Ohio [Mr. FESS] introduced this joint resolution and reported it from the committee; but he asked me, if he were absent when it was reached on the calendar, to request that the Senate proceed with its consideration.

I have been objecting to the consideration of the joint resolution for some time because of the language in it that a monument should be erected on the Tomb of the Unknown Soldier; and we were given to understand that the plan was to erect a shaft on the tomb, using the tomb as a pedestal. Every one of us, I think, or nearly every one of us, is opposed to that project. I have taken up the matter now with the Secretary of War, who is in full agreement with us, agrees that that would be a most inappropriate, unfitting thing to do, and has written a letter outlining his own personal views, which I send to the desk and ask to have read.

The PRESIDING OFFICER. Without objection, the letter referred to by the Senator from Pennsylvania will be read.

The legislative clerk read as follows:

WAR DEPARTMENT,
Washington, May 20, 1926.

The Hon. DAVID A. REED,
United States Senate.

MY DEAR SENATOR: In accordance with your request for a statement of my ideas on the subject of the proposed completion of the Tomb of the Unknown Soldier, I am glad to send you a statement of my personal views.

I find that a misapprehension exists among some Members of Congress, who think that the War Department desires to construct a tall shaft or monument which would be out of keeping with the tomb itself and with the surroundings. This is entirely erroneous, as no such plan is under contemplation; in fact, there are no plans or sketches prepared, as this would be done only in case the proposed appropriation is passed. I believe that the designs for the proposed completion

of the tomb should be made by one of the best artists in the country, and that perhaps a competition for the design should be held. It might be desirable to amend the resolution so as to enable the cost of the design to be paid for from the appropriation, if such wording is necessary.

My own idea is that the completed tomb should be comparatively low in size; should be as simple, dignified, and beautiful as it can possibly be made; and should harmonize with the amphitheater and its surroundings. Before any structure is erected a pasteboard model should be put on the pedestal in order to see how the completed structure would look. I understand that under the law the designs would be submitted to the Fine Arts Commission, and if it were desired to have them passed upon by any other body, I see no objection to this procedure. The important thing is to get the most beautiful work of art that can be conceived symbolical of the sacrifice which the tomb itself represents and in keeping with the surroundings in which it is located. I hope that some plan can be worked out by which the tomb can be completed, as it seems to me that the present incomplete structure is not in keeping with the sentiment we all have for those who died in the war.

Hoping that this gives you the information desired, I am,

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Mr. ROBINSON of Arkansas. Mr. President——

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

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

Mr. ROBINSON of Arkansas. I think every Senator feels an interest in this joint resolution, or, at least, in the purpose underlying it. The unknown soldier represents that large and unidentified body of citizens who made great sacrifices for the support of this Government during the World War. It is perhaps true that in no other period of history were so many deeds of daring performed, so many evidences of courage displayed as attended the services of the American soldier during the short time we were actually engaged in fighting the war on the battle fronts of Europe; and it is a beautiful thought that out of the gratitude and the abundance of a great people who look to a future promising peace we will erect a monument to the memory of those thousands, I might say hundreds of thousands, of men who performed unrecorded feats of valor, who valiantly contributed to a cause in which we who remained at home were profoundly interested and to the success of which we consecrated our all.

May I ask the Senator from Pennsylvania whether the design for the monument has been completed?

Mr. REED of Pennsylvania. No, Mr. President; the design has not even been commenced. The purpose of the measure is to authorize the War Department to secure such a design.

The reason we objected to it was that we were given to understand that the Fine Arts Commission had a project to use the tomb as the pedestal of a tall column. All of us thought that that would be quite inappropriate. Now we have agreed with the Senator from Ohio on a number of amendments which will effectually prevent that, and if the joint resolution is passed as amended, then the Secretary of War will be free to go ahead and call for designs in competition.

Mr. ROBINSON of Arkansas. Mr. President, I hope that whatever monument is erected will suitably and effectively typify the courage, the daring, and the splendid sacrifice that characterized and marked the services of the men who bore our arms to victory in the great World War.

Mr. SMOOT. Mr. President, I ask the Senator from Pennsylvania if any amendment to be proposed would direct the Secretary of War to call for competitive designs. In my opinion, that should be done. I do not think the Secretary of War ought to say to one architect in the United States that he should draw the design for this memorable statue for it will be one, one perhaps that will be admired by the American people as much as anything that has ever been erected.

Mr. REED of Pennsylvania. The letter of the Secretary of War which has just been read asks for authority to secure competitive designs.

Mr. SMOOT. I hope the measure will provide that.

Mr. REED of Pennsylvania. I will be glad to offer an amendment to that effect.

Mr. DILL. Mr. President, will the Senator from Pennsylvania yield to me to make just a few remarks about the joint resolution?

Mr. REED of Pennsylvania. I yield; but I hope the Senator will not drive the consideration of the measure past 2 o'clock. I am anxious to have it passed to-day.

Mr. DILL. Mr. President, there are a great many kinds of monuments and memorials being erected throughout this country to the unknown soldier. Out on a highway near Seattle a line of memorial trees has been planted, to be known as the Memorial Highway. Each of those trees has been planted to represent some soldier who died in the war, and one of those trees has been designated to represent the unknown soldier.

I shall not at this time attempt to discuss the propriety of having memorial trees other than to say that there is nothing that is more appropriate as a memorial than a growing tree, for trees are the oldest and biggest living organisms on this earth to-day.

A few days ago, on Memorial Day, when that highway was dedicated an address was delivered by Stephen F. Chadwick, an ex-service man, of Seattle, a son of Hon. Stephen J. Chadwick, former judge of the Supreme Court of the State of Washington. His address is short, and one of the most beautiful productions I have ever read, and I want to read it to the Senate. Mr. Chadwick said:

Here is an avenue of trees set as a memorial, a challenge to memory. This is the tree of the unknown soldier.

Every other tree may have a fixed association with the life and acts of the one to whose memory it has been planted. But in all this way of tree on tree, but one, this tree, is a challenge to the unknown.

This tree is an invitation to mental speculation, to fancy, to dreams, and no living soul can contemplate its significance and not receive inspiration.

Who was the unknown soldier? Was he one of several we can recall, "missing in action"? Was he one the record of whose death was lost in the very horror of it?

I can not answer.

This we know: He was—

The child of a mother, who quickened in a mother's womb, had love even before he had birth.

He was a baby trusting in a mother's arms; he walked; he talked; he was a boy.

He loved all the things a boy loves—the mountains, the streams, the valleys; he played Indian; he dug caves; he enjoyed life.

And racing down the years to meet him came manhood, the fruition of a mother's dreams when her child should assume his place in the destiny of his mortal sphere.

He stepped forth to meet it, loving life as much as you or I. This much we know.

And now we speculate.

Did he in 1917 still have and love that mother, or had she gone before?

Did he have a sweetheart or perhaps a new young wife?

He might have been a father—who knows; he was the unknown soldier.

His country called in a great war. Loving life, I say, as you and I, he answered to his country's call. Casting his hopes, his plans, his ambitions for the future—yes; his life—in the balance to be weighed with all in America's cause, he answered to the call of duty.

Fate in a great war is unknown as is the unknown soldier. The hands of death spread o'er the field of battle, touching here and there.

Sometimes mowed down as is the golden grain before the mower's scythe. Sometimes in the still of night, singly and alone.

The soldier gives his all.

Some give life alone, leaving memory and name. The unknown soldier gives all—life and memory and name.

He lived for peace; he died for peace. Upon him is the peace that passeth understanding.

The record of his life and deeds is lost—unknown.

His is not a memory; not a name.

His is the spirit of America marching on. On to understanding among nations; on to brotherly love; on to a recognition of the fatherhood of God.

In death undying.

Mr. REED of Pennsylvania. Mr. President, I send to the desk an amendment which I ask to have read, to go in the joint resolution on line 4, page 1.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 1, line 4, before the word "complete," insert the words "secure competitive designs according to such regulations as he may adopt, and to," so that it will read:

secure competitive designs according to such regulations as he may adopt, and to complete the Tomb of the Unknown Soldier—

And so forth.

Mr. JONES of Washington. Mr. President, I shall not give voice to any panegyric on the unknown soldier. Words are inadequate to do justice to such a theme. I have been one of those who have objected to the consideration of the joint resolution as framed; but under the assurances contained in the letter from the Secretary of War, and in the belief that the ideas and suggestions therein made will be carried out, I am

glad to see this measure passed. The Secretary has expressed in the second paragraph of his letter, I think, exactly the ideas I had in mind with reference to this very important matter.

Mr. KING. Mr. President, may I ask the Senator from Pennsylvania whether there is any provision in the joint resolution under consideration fixing the kind of monument to be erected, or prescribing limitations upon those having control of the matter, and if not, will an amendment be offered relating to this matter?

Mr. REED of Pennsylvania. Yes, Mr. President; the plans are to be secured on competitive designs, and the accepted plans must be approved by the Fine Arts Commission, by the American Battle Monuments Commission, and by the Arlington Cemetery Commission, as well as the Secretary of War.

Mr. KING. Upon several occasions I have objected to this measure. The reasons prompting my objection were those which led other Senators to take a similar position. I have been desirous that a suitable monument should be erected, but I have believed that the plans which some have projected and which I feared might be adopted, were not such as would meet the approval of the American people. Some persons have sought to have an ornate and mammoth monument erected. The plans which I have heard suggested call for a structure which would be incongruous with its surroundings.

I have believed that a monument erected to the unknown soldier should be entirely different from those so often erected to commemorate military deeds or military victories. In my opinion, France dealt with this matter in not only an artistic but in a most beautiful manner. There was no mammoth monument, no mighty shaft, nothing ornate, but under the Arc de Triomphe in the Champs Elysées the remains of the unknown soldier were placed. Over the grave is a magnificent marble or granite slab with appropriate inscription to symbolize the thought of immortality and the undying sacrifice of the unknown soldier. Provision has been made for a light which burns without interruption.

Those visiting that sacred spot are more impressed by the character of the tomb than if a monument even of lofty proportions had been erected over the grave of the unknown soldier. It is to be hoped that those who will have the responsibility of carrying out the provisions of the bill before us will be possessed of a proper appreciation of the situation and will respond to the wishes of patriotic people of this Republic.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendment.

The CHIEF CLERK. On lines 5 and 6 strike out the words "by the erection thereon of a suitable monument."

The amendment was agreed to.

The CHIEF CLERK. On line 8, after the word "purpose," and before the period, insert a colon and the following proviso:

Provided, That the accepted designs of such tomb and inclosure shall be subject to the approval of the Arlington Cemetery Commission, the American Battle Monuments Commission and the Fine Arts Commission.

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I hope the joint resolution will be passed. I do not intend to offer an amendment to it, but I wish to express the hope that when a fitting memorial shall be erected for the unknown soldier it will incorporate not only something to illustrate the sacrifices of the men who died in the war but that at the same time something will be incorporated to memorialize the sacrifices of the mother who gave birth to the unknown soldier.

All over the country there are memorials and monuments to those who have died on the battle field. I saw in one of the parks in Chicago a tablet depicting the sacrifice not only of an unknown soldier but also the sacrifice of his mother. It was erected by some organization of the Kiwanians in memory of the soldiers from that part of Illinois who died, and who had been members of the Kiwanian organization. It was one of the most fitting symbols of sacrifice I have ever seen in my life, and I hope that when this memorial shall be finished it will include something to memorialize the sacrifice made by the mothers of the country who lost their sons in the World War.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

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

PURCHASES OF SILVER

The PRESIDING OFFICER. The clerk will call the next bill on the calendar.

The bill (S. 756) to direct the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. PITTMAN. The Senator from Michigan [Mr. COUZENS] is absent, and as he has heretofore objected to the consideration of the bill, I ask that it may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 2808) to amend section 24 of the interstate commerce act as amended was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AIR CORPS OF THE ARMY

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. KING. Let that go over. It could not be considered in the two minutes remaining.

The PRESIDING OFFICER. The bill will be passed over.

WATERS OF THE PECOS RIVER

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FOREIGN TRADE ZONES

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that that go over. We could not dispose of it in the one minute left.

The PRESIDING OFFICER. The bill will be passed over.

REMOVAL OF WHITE HOUSE GATES

The bill (S. 201) 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. FERNALD. Mr. President, this bill is precisely the same as House bill 54, which passed the House on April 5. I think all the parties who are interested in the measure have agreed, and I now offer House bill 54, as proposed to be amended, as a substitute for the Senate bill, and after that shall be passed I will ask that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 7893.

Mr. FERNALD. I ask unanimous consent that the bill which has just been under consideration may be acted upon at this time.

Mr. KING. I have heretofore objected to the bill. I do not know what the amendments are. I would like to have an opportunity to know what they are.

The PRESIDING OFFICER. The clerk will report the amendments pending the request.

The CHIEF CLERK. On page 1, lines 4 and 5, strike out "in the interest of safety to the public"; in line 5, before the word "gate," insert "iron" and strike out the words "and piers now standing in"; and in line 7, after the word "building," insert the words "but the stone piers to which they are attached shall not be disturbed," so as to make the bill read:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized to remove the iron gates from West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, but the stone piers to which they are attached shall not be disturbed.

Mr. FERNALD. The bill proposes to remove the gates, without removing the piers. It will be necessary to repair the gates, at some little expense; and everyone—the present Secretary of War, the previous Secretary of War, the President of the United States, and the Superintendent of Public Parks and Grounds—has given approval to it.

Mr. KING. May I ask the Senator whether this means——

Mr. FERNALD. It simply means that the gates can be removed and the piers will remain.

Mr. KING. Does it mean that we may not reestablish the gates without an act of Congress?

Mr. FERNALD. I assume if they are once removed, it will be necessary to have an act of Congress to restore them.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

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

The PRESIDING OFFICER. The question is on the amendments which have been stated.

The amendments were agreed to.

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

The amendments were 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 authorizing the removal of the iron gates in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building."

Mr. FERNALD. I move that Senate bill 201 be indefinitely postponed.

The motion was agreed to.

THE COAL INDUSTRY

The PRESIDING OFFICER. The Chair again lays before the Senate the unfinished business.

Mr. McMASTER obtained the floor.

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

Mr. McMASTER. For what purpose?

Mr. COPELAND. I rise to ask unanimous consent that the agricultural bill, the unfinished business, be temporarily laid aside in order that the coal bill may be considered at this time.

Mr. McNARY. Mr. President, I could not consent to do that. I have been very generous in permitting a morning hour day after day in order that motions might be made to bring up various measures. I want to continue that policy, but the rest of the day I want to devote to the consideration of the agricultural bill.

Mr. COPELAND. I regret exceedingly that I misunderstood the attitude of the Senator from Oregon, because——

Mr. McNARY. The Senator could not have misunderstood it.

Mr. COPELAND. Only a few moments ago I assured the Senate that the proposal I was about to make was agreeable to the Senator from Oregon.

Mr. McNARY. Certainly, during the morning hour, as I said. I am giving two hours each morning that I do not necessarily need to yield for matters of that kind and I expect to continue to do so. I think that is exceedingly generous.

Mr. COPELAND. I do not need to assure the Senator from Oregon that I shall very greatly regret it if we can not give the coal bill consideration now.

Mr. McNARY. I gave way two hours of time this morning for that specific purpose in order that the Senator could call up his coal bill.

Mr. COPELAND. Then, relying upon what I thought was the understanding I had with the Senator from Oregon, I gave away my two hours because of a misunderstanding of the understanding I thought I had with the Senator from Oregon.

Mr. McNARY. The Senator could not have misunderstood me at all. I dislike to hear him make that statement. I said specifically that I would give way for two hours on Friday, on Saturday, and to-day, which I did. I told the Senator the time to make his motion. If he is content, having two hours yielded to him for that purpose, to give away the time to some one else, he can not take it out of the time allotted to the discussion and consideration of the agricultural bill.

Mr. COPELAND. I want to assure the Senator that I accept his statement absolutely, but I did misunderstand him. I understood him to say that he would give me an opportunity this afternoon to call up the coal bill.

Mr. McNARY. I plainly stated that on Saturday and to-day I would give up two hours to enable anyone who could get the floor to take up these general matters. I am doing something in that respect that I believe has not been done very often by a Senator in charge of unfinished business. It has been arranged for several days that the Senator from South Dakota [Mr. McMASTER] would speak to-day at 2 o'clock and others were to follow. If the Senator from New York did not make his motion and have his bill brought before the Senate during the two hours allotted to him, he alone is at fault, and not the Senator from Oregon.

Mr. COPELAND. If the Senator from South Dakota will yield for a moment, I ask unanimous consent that immediately following the morning hour to-morrow morning the coal bill be considered until 2 o'clock. If that be the sentiment of the Senate, I should like to know it. I do not wish to displace the agricultural bill, because I am in sympathy with it.

Mr. NEELY. Mr. President, I regret that I am compelled to object to that request and all similar requests to take up the coal bill out of order.

The PRESIDING OFFICER. The Senator from West Virginia objects, and the Chair recognizes the Senator from South Dakota [Mr. McMASTER].

Mr. COPELAND. Mr. President, will the Senator from South Dakota yield to me to make a motion?

Mr. McMASTER. I yield.

Mr. COPELAND. I move that to-morrow morning, immediately following the morning hour, the coal bill be taken up for consideration.

Mr. McKELLAR. Mr. President, would that displace the farm bill?

The PRESIDING OFFICER. It undoubtedly would.

Mr. NEELY. If we are to have a vote on that motion, I demand the yeas and nays.

Mr. McNARY. What is the proposal made by the Senator from New York?

The PRESIDING OFFICER. Will the Senator from New York again state his motion?

Mr. COPELAND. I move that immediately at the end of the morning hour on to-morrow morning——

The PRESIDING OFFICER. Does the Senator mean the morning hour or morning business?

Mr. COPELAND. I move that at the conclusion of the routine morning business the coal bill be taken up and that its consideration be continued until 2 o'clock.

Mr. NEELY. Mr. President, I make the point of order against the motion.

Mr. McNARY. The motion as now made would not displace the unfinished business, would it?

The PRESIDING OFFICER. The Chair is of the opinion that it would not displace the unfinished business, which would be laid before the Senate at 2 o'clock. The question is on the motion submitted by the Senator from New York.

Mr. JONES of Washington. Mr. President, what is the motion?

The PRESIDING OFFICER. The Senator from New York has moved that immediately at the conclusion of the routine morning business on to-morrow, Tuesday, June 8, the Senate shall proceed to the consideration of the coal bill, so called, and continue such consideration until 2 o'clock.

Mr. JONES of Washington. The Senator does not provide what shall be done with the bill at 2 o'clock.

The PRESIDING OFFICER. The Chair was stating the motion of the Senator from New York as proposed by that Senator.

Mr. NEELY. I call for the yeas and nays. I want to see how many Members of the Senate are really for the farmers and how many are against them.

Mr. McNARY. Mr. President, that is not a fair proposition. I understand upon inquiry from the Presiding Officer that the motion does not displace the farm bill at all.

Mr. NEELY. If the motion carries, and the coal bill is not passed at 2 o'clock, does it then take its place on the calendar as the unfinished business of the Senate?

Mr. McNARY. My understanding is that the present occupant of the chair has ruled to the contrary.

The PRESIDING OFFICER. The unfinished business comes up at 2 o'clock. It is the opinion of the Chair that it would not displace the unfinished business.

Mr. BORAH. Mr. President, may I suggest to the Senator from New York that he modify his motion so that the discussion shall continue until 2 o'clock unless the bill is disposed of before that time?

Mr. COPELAND. I am very glad to accept that suggestion.

Mr. CURTIS. Mr. President, a parliamentary inquiry. In case the coal bill should not be disposed of by 2 o'clock, and it is made a special order by motion, would it not then follow the agricultural bill as the unfinished business?

Mr. DILL. If that is the case, I think there is other legislation which ought to be considered before the coal bill. There

is other legislation that is very pressing in character. I refer particularly to the radio legislation. I would vote for the motion otherwise, but I shall be constrained to vote against it if it means that the coal bill becomes the unfinished business following the farm bill.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry. Is it not a fact that if the motion should be carried it makes the coal bill a special order, and if it is not finished at 2 o'clock to-morrow it would come up at 1 o'clock on the next day, under a ruling made by former Vice President Marshall?

The PRESIDING OFFICER. The Chair is advised that there are precedents so holding, and the Chair would be inclined to follow those precedents.

Mr. JONES of Washington. Then, if not finished at 1 o'clock on that day, it would come up the next day at 1 o'clock.

Mr. WATSON. That would make it a special order during every morning hour until finally disposed of.

The PRESIDING OFFICER. The Chair is of the opinion that that would be the effect of the adoption of the motion.

Mr. COPELAND. In order that that calamity may not happen, because I have an interest in the radio bill and the pension bill and other bills, let me have the consent of the Senate to modify my motion. I move that to-morrow, at the end of the routine morning business, the coal bill be made the special order until 2 o'clock unless it is disposed of sooner, and at the hour of 2 o'clock, if it is not disposed of at an earlier time, it be returned to the calendar without prejudice to any other bill, and without any prejudice so far as the measure is concerned.

The PRESIDING OFFICER. Does the Senator submit that as a unanimous-consent request?

Mr. COPELAND. I do.

Mr. NEELY. I object.

Mr. COPELAND. Then I move to the same effect.

The PRESIDING OFFICER. The Senator from New York moves that to-morrow morning at the conclusion of the routine morning business the coal bill shall be taken up for consideration, the consideration to be continued until 2 o'clock unless the bill is otherwise sooner disposed of.

Mr. McNARY. Mr. President, I would like to have a ruling of the Chair in order that I may know exactly what the status of the agricultural bill would be at 2 o'clock.

The PRESIDING OFFICER. It is the opinion of the Chair that, if the motion were carried in that form, at 2 o'clock the agricultural bill would be laid before the Senate as the unfinished business, and it would not be interfered with by this motion if carried.

Mr. McNARY. Then would the bill of the Senator from New York have any status other than being on the calendar?

The PRESIDING OFFICER. It would not, because under the motion made by the Senator from New York the bill would go back to the calendar if it were not disposed of by 2 o'clock.

Mr. McKELLAR. Mr. President, suppose there should be a recess from to-day until to-morrow at 12 o'clock, what would become of the motion and the coal bill?

The PRESIDING OFFICER. The Senator from Tennessee raises an interesting supposititious question. Of course, there would be no morning hour and the whole matter would disappear from view.

Mr. FERNALD. Mr. President, without discussing the matter any further and wasting a lot of time, which we have already done, it seems to me that the Senator from New York ought to withdraw his motion and give the Senator from South Dakota [Mr. McMASTER] an opportunity to make his speech. The Senator from South Dakota has been here a long time, and has not taken five minutes of the time of the Senate. It was understood that to-day he would address the Senate at 2 o'clock, and I hope the Senator from New York will withdraw his motion and permit the Senator from South Dakota to proceed.

Mr. COPELAND. Mr. President, no one in the Senate is more eager to hear the Senator from South Dakota than I am. It will not take long to dispose of my motion. This is a very vital matter. I do not know about other sections of the country, but I do know that in my section of the country there is a universal demand that Congress shall give some consideration to the subject. I am perfectly satisfied that to-morrow morning, or the first day when we have a morning hour, we can take the action suggested, and then the bill may be returned to the calendar if not otherwise disposed of and await its fate later at the pleasure of the Senate.

The PRESIDING OFFICER. The Chair, having already ruled that it requires a two-thirds vote, directs that the roll be called, because that is the only way to ascertain whether there is a two-thirds majority in favor of the motion of the Senator from New York. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. UNDERWOOD. I desire to inquire whether the Senator from Massachusetts [Mr. GILLETT] has voted?

The PRESIDING OFFICER. The Chair is advised that the Senator from Massachusetts has not voted.

Mr. UNDERWOOD. I have a general pair with the Senator from Massachusetts and therefore withhold my vote.

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], who is unavoidably absent. I withdraw my vote.

Mr. CURTIS. I have a pair with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

Mr. TRAMMELL. I desire to announce the necessary absence of my colleague the senior Senator from Florida [Mr. FLETCHER]. He is paired with the junior Senator from Delaware [Mr. DU PONT].

Mr. DILL. Not knowing how my pair, the junior Senator from Arizona [Mr. CAMERON] would vote, if present, I transfer that pair to the junior Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] has a general pair with the Senator from Florida [Mr. FLETCHER].

The roll call resulted—yeas 43, nays 25, as follows:

YEAS—43

Ashurst	Edge	Keyes	Robinson, Ark.
Bingham	Edwards	La Follette	Schall
Borah	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shipstead
Broussard	Gerry	Mayfield	Simmons
Butler	Gooding	Norris	Stephens
Capper	Harris	Oddie	Trammell
Copeland	Howell	Overman	Wadsworth
Couzens	Johnson	Phipps	Walsh
Cummins	Jones, N. Mex.	Pittman	Weller
Dill	Jones, Wash.	Ransdell	

NAYS—25

Bayard	Harreld	Norbeck	Tyson
Caraway	Heflin	Pepper	Warren
Deneen	Kendrick	Pine	Williams
Ernst	King	Reed, Mo.	Willis
Fernald	McKellar	Reed, Pa.	
Goff	Moses	Sackett	
Hale	Neely	Swanson	

NOT VOTING—28

Blease	Fess	McKinley	Smith
Bruce	Fletcher	McLean	Smoot
Cameron	Gillett	Means	Stanfield
Curtis	Glass	Metcalf	Steck
Dale	Greene	Nye	Underwood
du Pont	Harrison	Robinson, Ind.	Watson
Ferris	Lenroot	Shortridge	Wheeler

The PRESIDING OFFICER. The yeas are 43 and the nays 25. Two-thirds of the Senators voting not having voted for the motion of the Senator from New York [Mr. COPELAND], the motion is lost.

Mr. COPELAND. Mr. President, a parliamentary inquiry. To-morrow morning, at the close of morning business, can I renew the motion and will it require more than a majority vote to be agreed to?

The PRESIDING OFFICER. If the Senator from New York desires to make the measure a special order at any time, it will require a two-thirds vote.

Mr. COPELAND. I mean, if I should make a motion at the conclusion of the routine morning business on to-morrow morning to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Chair understands that a majority vote will be sufficient to have the measure taken up, but not to make it a special order.

Mr. WILLIS subsequently said: Mr. President, I desire to make a brief announcement touching a vote which has already been had. My colleague [Mr. FESS] was unavoidably absent from the Chamber this afternoon. He expected to be able to return here sooner than it has transpired that he could. Consequently he did not vote on the motion of the Senator from New York [Mr. COPELAND] to take up the coal bill. I desire to announce that upon inquiry I learn that had my colleague been present he would have voted against the motion.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. McMASTER. Mr. President, the discussion of the agricultural problem in a legislative body representing great diversity of interests may not have an especial appeal to those

coming from the industrial centers. If the only question involved were that of restoring the purchasing power of the farmer's dollar, of restoring agriculture to a normal basis, then the seeming indifference of the industrial centers might in a measure be justified. When anyone raises his voice in defense of the agricultural relief bill pending before the Senate he is not only speaking in the interests of agriculture, but he is speaking in the ultimate interests of the industries themselves, and, what is of far more significance and importance, he is speaking for a policy that tends to insure the future stability of our social and our political institutions. Therefore, the argument for farm relief is not based upon sectional interests or upon class interests, but is based upon the broad policy of national interests.

If there were national reasons for especially protecting the railroads through legislation, if there were national reasons for stabilizing the credits of the country through the establishment of the Federal reserve system, if there were national reasons for stabilizing and subsidizing the industries through the tariff system, there are still stronger national reasons for the protection of agriculture, for the industries can not remain prosperous and labor can not remain well paid through a long period of time without a prosperous agriculture.

Mr. President, there are two philosophies abroad in America to-day. One philosophy, for convenience, we will call the industrial philosophy, which contends that the industries constitute the basis of all prosperity; and, in addition, that as the industries prosper so will all other classes, including agriculture, prosper. On the other hand, there is the philosophy of agriculture, which holds that agriculture is the basic industry of the country, and that over a long period of time agriculture is the determining factor of industrial prosperity. The philosophy of agriculture is based upon the universal fact that the home market constitutes the greatest market for manufactured products, and that market can not remain a great market without a prosperous agriculture.

If anyone doubts that there are advocates and exponents of this industrial philosophy in America to-day, those doubts may be quickly dispelled. I hold in my hand a copy of the Washington Herald of the issue of May 20, 1926, which purports to contain a résumé of a speech made by the distinguished Secretary of the Treasury. In this speech Mr. Mellon gives a glowing account of the great industrial prosperity throughout the land, and the speech contains this significant paragraph:

> It means America has adjusted herself to the economic laws of the new industrial era; that she has evolved an industrial organization which can maintain itself not only because it is efficient but also because it is bringing about a greater diffusion of prosperity among all classes.

That is the statement of the industrial philosophy tersely stated by the distinguished Secretary of the Treasury.

Mr. President, I do not inject Mr. Mellon's name into this discussion because of a desire to indulge in personal criticism, but because of the fact that, owing to the commanding position of influence which he occupies in finance and trade and on account of the high position which he occupies in national affairs, when he speaks he speaks with the voice of authority. Therefore when he enunciates a policy to which he thinks this Nation should commit itself we have the right to examine that policy, to inspect it, to ascertain if it is founded upon fact and if it squares with the experience of history.

These two philosophies are not new in the history of the world. During many intervals in European history they were the storm center of political agitation and discussion; and these two theories, these two philosophies met in decisive conflict in a memorable debate in the House of Lords of England in 1844. I desire to quote from John Orr's History of British Agriculture, but before quoting him I wish to say that just prior to 1844 England had on her statute books the corn laws. The industries of England conceived the idea that if they could withdraw all help and support from agriculture, if they could depress food prices and secure cheap food, they could obtain cheap labor, and that with cheap labor England could maintain her manufacturing supremacy of the world.

In regard to that memorable debate, upon which hinged the industrial and agricultural interests of England for more than three-quarters of a century after that date, I quote from John Orr:

> In a debate in the House of Lords on the 14th of March, 1844, the Duke of Richmond argued that the prosperity of the farmers should be guaranteed by keeping up the value of their produce, and that the farmers would then be the best customers of the manufacturers. Earl Fitzwilliam argued that the true source of agricultural prosperity was a thriving condition of manufacturers and commerce. A Conservative government was elected in 1841 pledged to support the corn law. The agitation of the Anti-Corn-Law League had moved the country against the law, and the arguments of Cobden convinced Sir Robert Peel and Sir James Graham, the leaders of the government. Peel and Graham gave expression to their convictions. They carried the repeal of the corn laws in 1846, to take effect in 1849. They did this at the cost of their political existence, for their party refused to have them any longer as leaders.

But the important thing about that was not that that action closed the political existence of Graham and of Peel, but the fact that the repeal of those corn laws sounded the death knell of British agriculture.

Now, I wish to show the results of the application to British affairs of this industrial philosophy.

During the next quarter of a century after 1847, owing to the fact that at the beginning of that period England had attained the commercial supremacy of the world, and her labor was well employed, agriculture was able to hold its own until about the year 1875. Then, with the advent of the telegraph, with the advent of steam for power by land and by sea, British agriculture was overwhelmed. Grain began to pour into Great Britain from the four corners of the earth, and the disastrous consequences befalling agriculture in England were simply appalling. As one British writer said, the prayer of the British manufacturing nation was, "God speed the plow in every soil but our own." And here are the facts and figures which eloquently tell of the destruction of British agriculture resulting from the application of this industrial philosophy:

The total population of Great Britain in 1875 was 25,000,000, in 1911, 36,000,000.

The imports of wheat rose from 53,000,000 hundredweights in 1875 to 94,000,000 hundredweights in 1908.

Thus, with an increase of population of only 44 per cent, the wheat imports increased by 77 per cent from 1875 to 1894.

According to Schedule A of income tax of England, the rental value of lands fell from £66,000,000 to £56,000,000. The capital value of the land from 1875 to 1894 decreased from £2,007,000,000 to £1,011,000,000, a decrease of about 50 per cent.

Lloyd-George in 1914 stated, and by all testimony he pointed out, that England has no superior in Europe as an agricultural country in climate, soil, and markets. Similarly agreed, he asserted, are all observers that nowhere in Europe is agriculture carried on with poorer adaption of means to ends, or with results more disproportionate to possibilities. Within a few decades millions of acres of cultivated lands have been abandoned to grass, while on other millions, in the highlands, the crofters have given place to deer.

That, Mr. President, is the tragic picture of the destruction, the devastation, and the decay of agriculture in England under the application of this industrial philosophy.

With millions of acres of cropped lands reverting to grazing lands, and millions of acres of grazing lands being abandoned, with her agricultural wealth being decreased by 50 per cent, her agricultural population decreased, and the purchasing power of that population almost destroyed, England ought to be an object lesson to America of the results of the application of this industrial philosophy.

But some one may say, "Well, but England crucified agriculture, of course, with the hope of building up her industries"; and they may say to us, "Behold the marvelous prosperity of the industries to-day!" I wish to invoke British opinion in reference to the demoralizing influence that this policy had upon the industries themselves when they made this murderous assault upon agriculture.

Randolph Churchill says:

> Turn your eyes where you will, survey any branch of English industry you like, you will find mortal disease. The self-satisfied radical philosopher will tell you it is nothing; they point to the great volume of British trade. Yes, the volume of British trade is still large, but it is a volume which is no longer profitable. It is working and struggling; so do the muscles and nerves of the body of a man who has been hanged, twitch and work violently for a short time after the operation.

Sir Edward Sullivan stated that 35 years ago advocates of the present economic system of England set themselves to work—"God's work," they called it—to destroy the landowner. Well, they have nearly succeeded, but in doing so they have destroyed the tenants and shopkeepers and tradesmen and carriers, and the hundred and one small industries in every agricultural town and village throughout the country; and their clients, the manufacturers, who supported them, now find, to their dismay, that their efforts have destroyed the purchasing power of eight or nine millions of their best customers.

[From Reynold's Weekly Newspaper]

The rage for manufacture and commerce at the expense of agriculture is a disease which has been the eventual ruin of every nation that has suffered from it. Nor can we hope to escape the consequences of its deadly ravages, unless by retracing our footsteps before it is too late.

[From Kemp's Mercantile Gazette]

It is all very well to be the storehouse of the world, and even its carriers, but the basis of our living, as a people, should be found in agriculture and the home trade. The great industry of agriculture is slowly, but apparently surely, dying of inanition and exhaustion, while our genuine home trade is being cut down, if not killed, by foreign imports.

Mr. President, I ask unanimous consent to insert in the RECORD a statement taken from the Industrial Development of Nations, by Curtiss, which also contains a concise statement on this subject.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

With machinery idle a portion of the time; with continental countries and the United States, to a great extent, closed to their wares by a system of protection; with their own colonies and possessions, South America, and Asia entering upon a system of domestic productions, with neutral markets so invaded by continental rivals that sales are made in many instances at a loss, and in all instances at a small margin of profit, they are confronted by a most serious situation. With this condition permanently fixed, they begin now to prize their own home trade, to realize the loss which they have sustained in destroying a wealthy and comfortable rural population, which was a large purchaser of their wares and in converting the soil of the United Kingdom into a territory worked by a few landowners and cultivated by paupers. The small country merchants and the mechanics who lived in comfort throughout the rural districts have had their incomes so reduced that they have become very poor customers. Turning, then, to the laboring population, to the 30,000,000 people who should form a great body of consumers, they find a degree of idleness, through lack of employment, which is most appalling. Incomes and earnings, even among the most skilled artisans and those most steadily employed are only sufficient to provide them with cheap clothing and scanty food.

The greed and avarice upon which the whole fabric was reared are meeting their just retribution, yet the innocent are suffering with the guilty. Failing to monopolize the markets of the world, it is now powerless to defend markets at home. Mr. Cobden and his associates built their whole commercial policy on false theories, false prophecies, and false hopes, which were to be shattered and destroyed by a few years of actual experience.

Mr. McMASTER. Mr. President, the history of England shows, the history of modern nations shows, that agriculture is the basic industry of this world, and that if a nation fails to protect its agriculture, in the end not only are disastrous consequences going to befall agriculture but they will befall the industries as well.

Mr. President, across the English Channel the agricultural policies of Germany were in strange contrast to those of England. Up to 1890 agriculture in Germany had been on the decline; but with the advent of William II and the retirement of Bismarck, Germany adopted a vigorous policy toward this basic industry. She lent to it every possible encouragement and aid. She applied to it the science of botany and chemistry. She also applied tariff laws, but made those tariff laws effective. As a matter of fact, the driving power of the German Government was directed not only at the political unification of the Empire but it was directed toward the development of agriculture on an equal basis with the industries in order that Germany might be a balanced nation. Germany early foresaw the dangers attending England in an overdevelopment of industry, and saw that that policy was not only unsound economically but that in the end it would undermine and weaken the nation itself.

Mr. Dawson, in his book on The Evolution of Modern Germany, says:

There may be a difference of opinion as to how far the Imperial Government has succeeded in holding the scales evenly between the rival forces which are competing for the economic future of Germany. Yet no one questions the wisdom and necessity of its endeavor to maintain agriculture in a prosperous condition and to protect it as far as possible against rapid changes to which it could not accommodate itself. For Germany has never neglected the vital interests of the soil, and its peasantry can still make the proud boast that it is one of the soundest bulwarks of the national prosperity and stability. While in the United Kingdom the number of persons engaged in agriculture declined between 1881 and 1901 from 711 to 495 per 10,000 of the total population, the decline in Germany between 1882 and 1895 was only from 1,783 to 1,554 per 10,000; the decline in the first case was 30 per cent, in the second it was 13 per cent. The German occupation census of 1895 showed that over 18,000,000 persons out of a total population of 52,000,000 were directly dependent upon agriculture and horticulture, and if forestry be included half a million more may be added.

I ask unanimous consent to insert in the RECORD a statement taken from the Industrial Development of Nations, by Curtiss, in reference to the same matter.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Curtiss, in the Industrial Development of Nations, says, speaking of Germany:

"Fortunately for herself Germany has never become so completely industrialized as England, owing to the fact that the manufacturing element in Germany never secured the controlling influence in affairs which it acquired in England. German agriculturists and the men intrusted with the shaping of Germany's economic policy foresaw from the first the danger which threatened her and sought by every possible means to avert it. And that Germany is to-day, agriculturally, so much less dependent on foreign countries than England for the supplying of her home wants is due to the energetic action of the agricultural class in Germany whose interests were at stake."

Mr. McMASTER. I wish to quote one more statement in reference to the attitude of Germany toward its agriculture.

In the Reichstag in October, 1911, a member of the National Liberal Party spoke as follows:

Our reasons for supporting protection to agriculture are above all things national reasons. We do it because we have seen from the development of other nations that an agriculture which has once been ruined can not later be reestablished. And when the imperial chancellor pointed out that the German Empire can produce 95 per cent of its meat requirements and we then see that in England the home production of the nation's consumption of meat amounts to only 50 per cent; and when in the months just passed strikes lasting but a few days have brought the English nation face to face with the danger of starvation, then we have every cause to take the best possible care of our agriculture.

By 1914 Germany had established its agriculture on a sound economic basis; and the contrasted experiences of Germany and England, if they teach anything, teach that the only sound basis for national prosperity is an equal development of agriculture with that of the industries, or otherwise they are built on the sand.

In addition to that, Mr. President, we have seen what Germany has done for her agriculture; how by 1914 she had a population of 18,000,000 engaged in the agricultural industry out of a total population of 52,000,000, while England had an agricultural population of only 4,000,000 out of a total population of 40,000,000.

What would not England give to-day for an agricultural population of from fifteen to eighteen million people, not only because of the hundreds of millions of dollars that she would save through the production of her own food, but because of the fact that this agricultural population would constitute a great market for her manufactured products? The home market is always the greatest market for manufactured products, but it can not be continued great without a prosperous agriculture.

In addition to that, Germany saw that millions of happy, contented, agricultural homes constituted the bulwark of a nation, constituted the balanced power tending toward wholesomeness and sanity in national life.

Now I wish to take up very briefly the problem in America at the present time. There are certain facts in reference to our agricultural problems that are well known; for example, that our agricultural values have declined $19,000,000,000; that hundreds of thousands of farmers have gone into bankruptcy; that 2,400 banks have failed, a great majority of which have been in the agricultural sections, involving liabilities of $1,300,000,000.

But the question arises, Are these the symptoms of a temporary depression in agriculture? If that were true, there would be no need of paying any attention to this question, as the condition would right itself. But on an examination of facts we will find that agriculture in America to-day is afflicted with a deep-seated disease, the first symptoms of which appeared as far back as 1900.

Mr. President, I have taken from the agricultural conference report, and also the agricultural reports, certain definite facts showing that the per capita production of corn, wheat, hogs, cattle, and cotton has declined since 1900. I also have here a statement in reference to this agricultural chart, in which are shown the comparative costs of production since 1879 and

comparative wholesale prices of grain. I ask unanimous consent that that statement be inserted in the RECORD without reading.

The VICE PRESIDENT. Is there objection?

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

The production per capita of cattle, sheep, and hogs has steadily declined since 1890, and continued to decline during the so-called inflated period of the war.

The per capita production of corn began to decline in 1900 and has declined continuously up to the present year. In 1900 the total corn acreage was 95,000,000 acres. The total corn acreage in 1924 was 105,000,000. This shows an increase of about 10 per cent in corn area compared with the increase of population of 50 per cent during the same period.

The per capita wheat acreage in 1915 was about 25 per cent above the average pre-war level and rose slightly higher in 1919, but taking the war period as a whole the per capita production changed little. As a result of these conditions per capita production of farm products showed no increase in the period of 1915 and 1919 over the pre-war period. There was, in short, no general expansion in the total agricultural production in relation to our population growth during the war period, and there has been a considerable decline since.

The evidence plainly points to the fact that on the whole the per capita production of all agricultural products has been steadily on the decline since 1900. Further information and data shows that the acreage in farms in proportion to the total population has declined almost steadily since 1860 from 13 acres per capita to 9 acres per capita in 1920. The per capita acreage of improved lands has steadily declined since 1890 and is now about what it was in 1850. The per capita acreage of land in crops has declined since 1900, and is now below the point at which it was in 1880.

These declines in acreage were offset up to about 1900 by an increase in yield per acre of the nine principal crops, but since that time the yield per acre shows no increase, and in consequence the per capita production of the principal crops has shown a tendency to decline almost steadily.

The rate of increase of land and farms up to 1900 was about 24 per cent per decade, but after 1900 only 6.8 per cent, and from 1920 to 1925 there took place a natural decrease in farm acreage, the first in our history.

Why this marked decline in reference to the development of agriculture while during the same period there was a marvelous expansion of industrial activities in the country? The answer is apparent.

A chart prepared by the National Industrial Conference Board shows the wholesale prices of farm products from 1879 to 1923, and also shows the cost of production during the same period.

If in the period 1879–1883 the wholesale price per unit of product was sufficient to pay for the materials required for the production of each unit, the cost of hired labor per unit, a return for labor at hired-labor rates for operators per unit, total taxes per unit, and a return for all invested capital per unit at prevailing interest rates, it is clear that the divergence of prices per unit from these costs per unit indicates to what extent the price fails to cover all these charges and implies a sacrifice of labor or investment return per unit for the operator.

The chart of the National Industrial Conference Board reveals that from the period of 1883 to 1900 the wholesale price was slightly under the cost of production, but from 1900 the chart plainly reveals a constant increasing divergence between the cost of production and the wholesale price, and that from 1900 the cost of production greatly exceeded the wholesale price, and that condition prevailed even during the war period.

Starting with the year 1879, the above chart uses the index number of 100 to represent the cost of production and also wholesale prices, and we find that the chart reveals that from 1879 to 1923 the capital charges greatly increased from the index number of 100 to 400; that the composite cost increased to the index number 280, the material cost to 240, and the labor cost to 210, while the wholesale price rose only from 100 to 210.

For a quarter of a century with the cost of production exceeding the selling price there could be no result other than that the per capita production would decrease and agriculture decline, and agriculture under those circumstances will continue to decline in the future unless some strong policy is adopted by the Government to prevent a continuation of this calamity.

The evidence points that during the last quarter of a century agriculture of necessity has been supported at the expense of its capital and that the maintenance or replacement of the basic real capital of agriculture, soil resources, and buildings has not been met.

It is estimated that our lands' crops require 9,000,000 tons of nitrogen per year to restore the fertility in that respect alone. Only 5,450,000 tons are replaced, 3,500,000 tons of which are supplied by the farm itself. In other words, in that respect alone, there is a deficit of 3,600,000 tons. It is estimated that the leading crops absorb annually about 17,000,000,000 pounds of ammonia phosphoric and potash.

It is estimated that there is a deficit of 5,000,000,000 pounds of plant food which is not annually restored, valued at $400,000,000.

So it is manifestly evident that if this generation refuses to pay the farmer the cost of production with a reasonable profit whereby he can maintain the fertility of the soil, it means that the next generation must pay dearly for food. Just to the extent that we permit these conditions, which rob the soil of its fertility to-day, the next generation must pay every farthing of this loss in increased cost of food supplies.

Mr. McMASTER. Mr. President, the facts show that since 1900 the per capita production of our nine principal crops has been constantly on the decrease. On the other hand, this agricultural chart, prepared by the industrial conference board of New York, shows that since 1883 the wholesale prices of grain have been less than the costs of production. Under those circumstances there could be no other result than that the per capita production would naturally decrease.

If the costs of production since 1883 have been greater than the wholesale prices of grain, what are the causes underlying that situation? When I speak of well-paid labor it is not for the purpose of indicting prosperous industry or indicating that we do not want to see labor well paid. In the end I am simply trying to show that we can not have prosperous industries and well-paid labor over a long period of time without a prosperous agriculture. But I wish to state what, in my judgment, are the reasons why for nearly 40 years the costs of production have exceeded the wholesale price of grain.

The present tariff and economic system under which we operate tends to create high wage scales. High wages enormously increase transportation charges. High profits, high wages, and high transportation charges constantly react on each other toward still higher levels of wages. These factors produce high wages for farm labor. These factors produce high-priced farm machinery, farm materials, and high cost of living which add heavily to the farmer's cost of production. These factors also contribute greatly to the farmer's burden of taxation, including State, county, and local taxes.

We may ask why these high transportation costs and high wages and high profits contribute to the burden of the farmers' taxes. It is because governmental service consists in personal service and materials furnished, the farmer's taxes are enormously increased because of this high-priced labor and high transportation rates, all of which are reflected in the salaries of governmental employees, county officials, and school teachers, and in the high-priced labor and materials used in the construction of school buildings and other public structures. He must also help pay the taxes of other classes. It is a well-known fact that some of the larger industries add the taxes to the selling price, and the farmer must help pay the bill.

In reference to transportation rates, the farmer must not only pay the cost of all goods transported to the farm, but he likewise must pay the transportation cost of all farm products to the primary markets. In the case of farm commodities which are produced in excess of home consumption and whose market price is determined by the world price, as in the example of wheat, the farmer must pay the freight on wheat from his farm to Liverpool, notwithstanding the fact that the larger amount of this wheat is consumed in this country. Of course, in connection with transportation the Government has been criminally neglectful in not developing its inland deep waterways. Nations flourishing 2,000 years ago took the fullest advantage of cheap transportation by water.

Thus it is seen that the high cost of production and of materials and high taxes borne by the agricultural population are due primarily to high wages and transportation charges which are the product of the present tariff and economic system. Thus the farmer must produce his products, purchase the necessities of life, and pay taxes under this system of high costs, but he must sell his products on the world's markets in competition with the countries of low-cost production, while the industries are able, through the operation of the tariff law, to sell at a profit. That is the reason why agriculture has been on the decline for more than a quarter of a century. That is the reason why agriculture's values have declined more than $19,000,000,000 and why a million people have deserted the farm.

I wish to say, Mr. President, that thus the farmer has been caught between two millstones. The lower millstone is that of the high cost of production, and the upper millstone is the low prices obtained on the world's markets, and for a quarter of a

century those millstones have been gradually grinding him to dust.

Someone may hope for some favorable circumstance, hope for good weather, or for a shortage in the world production of wheat in order that agriculture may right itself. But they hope in vain, because this cruel, crunching, grinding process must go on and on, and the farmer must go down and down and down until we segregate for him his surplus crops and give him the full protection and benefit of the tariff law.

One hundred and seventy-five years ago Adam Smith, the great English political economist, laid down the principle that the surplus crop determines the price of the whole crop, and we are all practically agreed to-day that if we are going to bring any relief to the American farmer it must be through the segregation of his surplus crop, which must be withheld or sold upon the world market. As was brought out in the discussion by the distinguished Senator from Indiana [Mr. WATSON] when he stated that Sir Josiah Stamp, one of the foremost political economists of the world, in his correspondence with the Vice President of the United States, General Dawes, has asserted that the principle of segregation of the surplus crop is a sound economic principle.

General Dawes also approves this principle. In this bill pending before the Senate there may be imperfections, just as there are generally imperfections in any legislation that pioneers in a new field. But I wish to impress upon the Senators this fact, that the fundamental portions of that bill can not be put into operation, namely, beginning the operation in a basic commodity, until a substantial part of the cooperative organizations concede that necessity exists for the same.

The Corn Belt committee has asked for a similar bill. Hundreds of thousands of farmers have asked for the passage of this bill. Many farm organizations have indorsed the bill. The Republican and Democratic Parties in their last platforms pledged the country that they would redress the grievances of the farmers.

The only objection I have heard against this bill is that it might injure agriculture; that it might injure 6,500,000 farmers who receive on an average of only $806 for their labor and management, and out of that $806 must be charged $636 for their fuel, their house rent, and the food they produce upon the soil. In other words, there is left $170 for the head of the family for a family of five. With that $170 he must purchase clothing, household furnishings, and household utensils; he must purchase schoolbooks; he must pay medical bills and other incidental expenses. Yet some one is afraid that we are going to injure the farmer by the passage of this bill, when he has already been injured almost beyond the limit of human endurance.

In closing, I wish to say this, that surely the industries of this country must realize that their interests are inseparably linked with those of agriculture; they surely must realize that they can not go on and on prospering in this country without a successful agriculture; they surely must realize that they can not take this 29,000,000 of agricultural population and huddle it into a corner, and then take a few more millions of these people living in the small towns, these tradesmen, mechanics, and laborers who live there and depend upon agriculture, and see the industry of this great body of citizens destroyed and its purchasing power decreased day by day.

If the industries permit that condition to continue, just so surely as that night follows day they must elevate agriculture to the level of those industries and high-priced labor, or in the end agriculture of necessity will pull down the industries and labor to the level of agriculture. Furthermore, the industries ought to realize the tremendous conserving force of a happy agricultural population in national affairs.

The farmer draws his philosophy from the sunshine of the fields. His philosophy is an honest philosophy. It is a sane philosophy. It is a wholesome philosophy.

He believes in our form of government. He believes in property rights. He constitutes a great conserving power and influence in national life. It was for these very reasons that a statesman in the Reichstag of Germany in 1911 said, "It is for these reasons that Germany takes the very best care of agriculture."

Mr. BLEASE. Mr. President, I send to the desk an amendment to the pending bill which I shall offer, and an article on the agricultural question, which I ask to have the clerk read. It is very interesting at this point.

The PRESIDING OFFICER. The amendment will lie on the table and be printed. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

[From the Anderson (S. C.) Independent, June 3, 1926]

ANDERSON FARMER IS OAT CHAMPION—J. WADE DRAKE HOLDS WORLD RECORD FOR PRODUCTION OF OATS—GETS 150 BUSHELS TO ACRE—PLANTED 3 BUSHELS

What is believed to be a world's record for production of oats is held by J. Wade Drake, of Varennes Township. Mr. Drake planted 4 acres of oats last fall and threshed an average of 128 bushels to the acre On one acre the yield was 150 bushels. He planted a total of 9 bushels on the 3 acres.

W. M. Strickland, of Savannah Township, can claim a record of wheat production for this section. Mr. Strickland planted 3 bushels of wheat early in November and harvested 150 bushels of grain.

Still another high mark in grain production is reported by Foster L. Brown, of near Concord Church, who has just threshed a fine crop of barley.

Mr. Drake planted 4 acres of oats early last fall, and when he recently threshed it out the average was 128 bushels to the acre. The last high mark along this line, according to a survey made by well-posted agricultural authorities, and which has stood as a world's record yield, was 121 bushels to the acre, or 7 bushels less than that of Mr. Drake.

Mr. Drake's yield of oats was produced on a piece of land on which he had been growing vetch and other cover crops for several years. The land was also well treated with lime. Mr. Drake threshed his crop only last week.

Mr. Strickland's report as to his yield is also most encouraging to agriculturists of this section. Mr. Strickland sowed 3 bushels of wheat early last November and a few days ago he threshed 150 bushels of grain. The usual custom in this section is a bushel of seed wheat to the acre, but Mr. Strickland did not sow quite that amount per acre, and between 3 and 4 acres were sown, but the yield was 50 to 1.

Mr. Strickland keeps well posted in matters of this kind and tells of reading in an agricultural paper some time ago of an experiment at the Georgia station at Athens, where a difference of 32 days in the time of sowing the different plots made a difference of 16 bushels to the acre in the yield.

Foster L. Brown, well-known Concord section farmer, has demonstrated the possibilities of the beardless winter barley in this section. Mr. Brown planted 2 acres of this variety of barley on a plot of land where alfalfa had been planted previously, and after cutting 6 large loads from the field for hay, threshed out 112 bushels of barley.

These three fine records in small grain production are most encouraging to farmers and others in this section, and the Independent would be glad to have the records of other Anderson County farmers along this as well as other lines.

Mr. McNARY. Mr. President, I desire to give notice that when the unfinished business, being the bill now under consideration, comes before the Senate to-morrow, I shall move that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

Mr. SHIPSTEAD. Mr. President, for the first time in my memory Congress has manifested a desire to study the agricultural question from the standpoint of economics. Up until this hour it has been noticeable how free from political prejudice and bias have been the remarks upon this very important subject. It is not reasonable to suppose that in one legislative session we should be expected to write and pass a bill that would be perfect in dealing with a subject so comprehensive, of such nation-wide importance as that of agriculture, particularly when we bear in mind that up until this time in all the history of the country there has been done practically nothing by legislative action to foster a higher price or more orderly marketing for agricultural products.

Since the organization of the Department of Agriculture we have spent something like $2,000,000,000 through that department, but it has been nearly all of it spent to increase production. So far as I am aware practically nothing has been spent to in some way assist the farmer in organizing a marketing machinery so that he should have a better price for his products. Nothing has been done in a legislative way for the farmer to obtain what some people call a fair return or what others say would place him on a level with other industries. All of our Federal money that has been devoted to agriculture has been spent to increase production. So when we have come, in this session of the Congress, to the economic study of the problem I must say that I am very pleased that we have now arrived upon a foundation where we ought to be able, at least in time, to enact some legislation that will be of service not only to the farmer but also to the Nation as a whole. I have never liked the idea or the slogan that has been so prevalent that we must do "something to help the farmer." The ques-

tion of agriculture is a national question. It affects not only the farmer. It affects every industry in the United States.

The question is, What can be done? The bill, as I understand it, has for its purpose the establishment of a monopoly. That term may not be pleasing in view of the history of monopolies in the United States, but I think it is a monopoly organized for defense, organized as a necessity, for protection against exactions of monopolies that have been organized under legislative enactment in years gone by. The purpose, we are told, is to obtain a better price for agricultural products, to place the farmer on the same level as industry, as banking, and transportation.

I am not sure in my own mind that the bill will entirely remove the handicap placed upon agriculture. There are so many forces at work, there are so many forces that have been organized for the exploitation of the farmer, that one bill based upon the tariff may not entirely remove its handicap.

I am not this afternoon going to enter into any detailed discussion of the handicaps. It is sufficient to enumerate some of them. For instance, there is the question of the lower rate of exchange of the farmer's dollar. That has to do with the stabilization of currency, and that question is of such an intricate nature that there will not be time for me to discuss it this afternoon. A committee of the House has conducted extensive hearings on the matter. Of course, we must recognize that the farmer's dollar is below par. One of the handicaps the farmer suffers is the low standard of his dollar in the process of exchange with the products of commerce.

Then there is a continual fluctuation of the credit system of the country, the inflation and deflation of credit, the inflation and deflation of the interest rates which affect, of course, agriculture. Then there is a long line of price-fixing legislation that has been enacted by the Congress of the United States and the legislatures of the various States fixing the prices, by Government commissions according to law, upon the necessities of life which the people must purchase. It is sufficient to name only a few of them. For instance, when Congress passed the transportation act creating a Government commission to fix the price of transportation for the railroads of the country, that was a price-fixing law enacted by Congress. When the Congress of the United States gave the Federal reserve bank the power to raise and lower the rediscount rate and so to a large extent control the fixing of the price of credit by control of the interest rates, that was a price-fixing program given to the large bankers of the country who compose the class A directors of the Federal reserve system. That was price-fixing legislation given to finance by a Congress of the United States. For instance, the high protective tariff is in itself a price-fixing law, because it gives the manufacturers of the country the opportunity to fix their prices higher than they could otherwise do on account of the protection of a tariff wall.

Practically every State of the United States has enacted laws creating bureaus or commissions whose duty under the law—and that duty is usually made mandatory—is to fix the prices of the various necessities of life which the people must buy, as, for instance, telephone service, telegraph service, gas and electric lights, and street-railway service.

All of those corporations enjoy the blessings and protections of a price-fixing law enacted by the various States of the Nation. This necessarily places a tremendous handicap or an overhead expense on the country that must be paid, an overhead expense that taxes the income of the country to meet. Every industry that has enjoyed this price-fixing policy by the National and State Governments has therefore had removed the hazards of business. They enjoy a stated income because they have determined prices fixed by law or by some commission created by law under either the Federal or a State Government. So it is easy to understand that every other industry which does not enjoy the price-fixing policy based upon the principle of a fair return is suffering under a tremendous handicap, because such industry, not enjoying the protection of the price-fixing policy of the Government that has been in operation for the past 30 years, must not only carry its own burden, but because it must carry its share of the overhead expense it must carry the other industries upon its own back.

The Senator from Indiana [Mr. WATSON] in addressing the Senate said he assumed that there was such a thing as a farm problem and he based his entire argument on that assumption. I am not going to take the time this afternoon to go into any detailed discussion of the disastrous condition that has afflicted agriculture in the past six or seven years. The history is too well known to Senators for me to take up the time of the Senate to do that. I want to discuss from the standpoint of the principle of a fair return, the fairness of enacting legislation based upon that principle to agriculture.

Substantially every American industry, commercial enterprise, except agriculture, rests upon this principle backed by legislative enactment, executive finding and judicial decision of a fair return on the capital invested.

Railways, public utilities, banking, manufactures, landlord rents, and other commercial activities too numerous to attempt to enumerate, are recognized by Federal and State legislatures, executive commissions, and both Federal and lower courts, as entitled to a fair return.

The consumer, whether producer or wage earner, recognizes that he must pay a price for the staple or service, that will yield a fair return to those furnishing the needed goods or service, or soon these necessities will be no more.

There is not a court in the land that does not lay down as a basic principle that business must enjoy a market price for its goods or service that will yield a fair return on the capital over and above production and operating costs, over and above taxes, interest, rentals, and overhead. Anything less than a fair return is denominated by the court as confiscation of property in violation of constitutional guaranties. Thus fair return on capital investment and operating cost is an American principle solid and fixed in our legislative and judicial system until it is axiomatic. It is a business principle bulwarked by at least two articles to the Federal Constitution, but in its application the returns to agriculture are always excepted.

If the product is gas, electric light, steam or electric transportation, a bank loan, water-power rental, house rental, or a manufactured article, a fair return to the producer is fundamental. An Executive ruling or legislative act which authorizes or imposes less than a fair return on such product is declared in violation of the fifth and fourteenth articles of the Constitution protecting life, liberty, and property.

Congress enacted the Esch-Cummins act to guarantee a fair return to capital invested in the railways, with a Federal board to fix the return. The Federal reserve system is based on a fair return to national banking institutions, with a Federal board to fix the discount rates.

For over a century the Congress of the United States has enacted tariff duties upon imported manufactured goods, based on a fair return, and often on more than a fair return, for the protection of labor and capital employed in domestic manufacture. Even our so-called low tariff laws, such as the Simmons-Underwood Act, have been justified by their authors on the ground that the duties imposed covered the actual difference in production costs here and abroad.

The public utility commissions of the respective 48 States base their executive rulings pursuant to legislative act on the principle that the producer of gas, electric current, water, water power, or other utility service, is entitled to a price covering all costs and a fair return over and above.

This Congress, I believe—and I do not doubt that the large majority of the Members in this Chamber will agree to the statement—has reached the point where it proposes to do for agriculture, or least make a fair beginning to that end, what Congress and the State legislatures, what Federal and State commissions and courts of all degree have long ago decreed as the basic principle of business stability and prosperity—a fair return to the industry. It is at length recognized by leading thinkers in all business enterprise, and by Senators and House Members of all sections and political parties, that anything less than a fair return to our greatest industry is not only a national injustice but an invitation to our economic downfall.

Millers, packers, and the sundry manufacturers of a thousand staple food and textile products can not prosper without a dependable supply of raw materials at a stabilized price from the 6,000,000 producing farms. When the farms fail because of the lack of a fair return on labor and invested capital and 1,000,000 farmers and farm hands desert the farms in a single season, all food and textile producing industries are placed in jeopardy. You have not failed to note, Mr. President, that the first manufacturing industry of this country, the flour-milling industry, the source of the Nation's bread, has been reduced, by uncertain farm conditions and by the spasmodic ups and downs of grain speculation and grain prices, to the condition where for five years it has run at less than 50 per cent, and much of the time at only 40 per cent, of the normal milling capacity. That is not business efficiency or economy. If anyone has doubt on that point, read the editorial columns of any milling journal in America. The millers are going down with the farmers. Deserted farms and deserted mills can be found to-day in every long-established State in the Union. They are the wrecks of an agricultural industry that is denied a fair return. They are sunken derelicts abandoned in the struggle against commercial forces in a country boasting the greatest home market on the globe.

Take the textile mills, which are dependent upon the farms, ranches, and plantations for the source of their wool and raw cotton. Are the textile mill owners of New England to-day happy, with all their high protective tariffs and prices 100 per cent above the pre-war level? We have only to read the headlines—yes, the scare heads—on the front page of such a conservative textile authority of the Textile World Journal, published in Boston, to find an answer to that question. New England mills are moving West and moving South to get nearer the source of raw materials, the plantation, and the farm. But when the farm fails the ranches dwindle, and the plantation, in lieu of a fair return, is plunged in debt; what will be the final fate of the textile-mill owner? He will be in the same condition as the miller and the farmer. He will have lost the basic foundation of his industry—a fair return to the farm.

The boot and shoe industry to-day is struggling under a condition that is too well exposed by the price quotations published by the Department of Commerce. Consider for a moment the following data published by that Government department in the Current Survey of Business for the month of March, 1926. The price of hides, which constitute the raw material of the leather and shoe industry, is below the 1913 level, while the price of the finished shoe is 100 per cent above the 1913 level. Can that condition long continue to exist? Can the Boston shoe factory expect forever to get its hide supply from the western cattle farmer at less than the cost of raising calves and collect two prices for shoes? Can this condition survive as a basis for a permanent and stable industry?

Consider the hide and shoe price level again. The Commerce Department has worked out the price indexes based on 1913 as the par basis, 100.

Steer hides, from which the soles of the shoe are made, bear the index price 71, or 29 per cent below the 1913 price.

No. 1 calfskins, from which the shoe uppers come, have the index price 97, or 3 per cent below the 1913 price.

Men's black calf blucher shoe—Massachusetts, wholesale—bear the index price 206, or 106 per cent above the 1913 price.

Here we have the raw material from 3 to 29 per cent below the 1913 price level, while the finished product is as high as 106 per cent above that level. This affords an instructive lesson to the country as to the relative price differential existing between manufactured and agricultural products. Agricultural prices are so out of proportion as compared with factory prices that the farm may be said to be an outlaw, an outsider, in the economic structure of the country, where for three generations it was the dominant factor in our national life.

But there is a further price item in the same table containing the above hide and shoe prices, which serves a warning as to the future of the Boston shoe industry. While the Boston calf shoe is 106 per cent above the 1913 price, the St. Louis calf shoe is only 58 per cent above 1913. Under that condition, when the eastern shoe is on a price level a third higher than its western competitor, it does not need a prophet to predict the ultimate trend of the boot-and-shoe industry of the country. The shoe factories, as in the case of the New England textile mills, will gravitate westward toward the stockyards and cattle ranches. But there, again, rises the old farm problem: Without a fair return to the cattle raiser, both the cattle and the factory dependent upon their hides will go. The foundation of the factory is the raw material supply, and the raw material of half the manufacturing industries is the farm. Mills and factories consuming the raw products of the farm represents a capital investment of $20,000,000,000 and employment for 5,000,000 wage earners. The future of these mills and the wages of the workers hang upon a stable and growing agricultural industry, and that foundation can not endure without the first essential, a fair return to the farm. In short, the industrial centers of the East stand upon a quicksand so long as this country drifts along and refuses to read world history and lay a proper foundation for the stability of the agricultural middle class by insuring a fair return to the farm.

Empire after empire has refused to read the lesson and has gone to disaster. When Rome by exploitation destroyed in the near-by rural provinces the farming class, the hardy farm peasantry from which were drafted the Roman legions and the Roman population was resolved into city dwellers and parasites, the time was very short till Rome succumbed to the raids of avenging hordes. We shall avoid the fate that has overtaken the nations of history, when—North and South, East and West, Republicans and Democrats, progressives and conservatives—forget our sectional and partisan differences and settle down to seek a sane solution of the foremost problem that now confronts us, namely, to assure to our leading basic industry, agriculture, a square deal and a fair return.

Mr. President, I have been making these remarks in a rather rambling way to show how important to the manufacturing industries of the country is the prosperity of agriculture, not only in assuring to industry its raw material but also to insure to industry that great home market which the farmers of the country so largely constitute. I wish in just a few moments to discuss the importance of agricultural prosperity to the great transportation systems of the country in order to demonstrate that this is not a problem affecting only the farmer, the textile manufacturer, the shoe manufacturer, and the manufacturing industry in general, but also one affecting the great system of transportation. We can all remember when the stocks of the leading grain-and-agricultural-products-carrying roads, such as the Great Northern, the Northern Pacific, the North Western, the "Soo Line," and the Chicago, Milwaukee & St. Paul were quoted on the stock exchange from $100 to $150 a share. Their securities were the soundest and the most gilt-edged investments on the market. You have seen the shares of these agricultural-products-carrying roads dwindle until now only a few pay the slightest attention to them. You will find that they are quoted at anywhere from $10 to $50 or $75 a share. The Chicago, Milwaukee & St. Paul, which traverses one of the finest agricultural regions of the globe, has $230,000,000 of stock certificates quoted at $9 to $15 a share, and has not paid a dividend in six years. The railroad rates of these roads have increased 75 per cent, and they stand at that figure now, higher than in the palmy days of these roads, in the days of developing agriculture. Indeed, the wheat rate from the spring-wheat section of western Canada to Winnipeg has been for some time about 8 cents lower than on the American side to Minneapolis.

The grain-producing States have petitioned the Interstate Commerce Commission for rate reductions in vain. In one of the last appeals to the Interstate Commerce Commission the State railway commissions of every Middle West State joined for reduction in grain rates together with the farm organizations, grain dealers, millers, bankers, chambers of commerce, and commercial clubs of something like 20 States; but the Interstate Commerce Commission reported that it could make no reduction in grain rates. The grain-carrying roads even petitioned for further rate increases, on the alleged ground that a majority of them were not earning their 5½ per cent on their investment under the Esch-Cummins Act.

I am not justifying the roads, for I still feel that the prayer for lower farm rates should have been granted. I believe that the stimulus to agriculture would have developed additional revenue freight that would have justified the rate reduction even from a railroad investor's standpoint; but the point to which I am heading is that the failure of Congress and the country to insure agriculture a fair return—a return that will stimulate and develop the industry—is the fundamental cause of the railroad plight and the foundation of the fears of both the roads and the commission.

In confirmation of this inference permit me to call your attention to the data of farm products carried by railroads in recent years. There has been no appreciable increase in farm tonnage carried by railroads in five years. Indeed, the highest tonnage of farm products carried by the roads was eight years ago, back in 1918. The railroad tonnage of farm products dropped from 156,000,000 tons in 1918 and 155,000,000 in 1919 to 146,700,000 in 1923. The average for the four years 1921–1924 was 6,000,000 tons under 1919.

Twenty-five years ago, in 1901, farm products gave the railroads a greater revenue tonnage than manufactures by 4,000,000 tons.

During the three years 1914, 1915, and 1916 farm products and manufactures gave the railroads about the same volume of revenue tonnage as manufactures.

In 1923, the next year after the Fordney-McCumber tariff, manufactures gave the railroads a tonnage 110,000,000 greater than the products of the farms.

Indeed, in the last 10 years—1916 to 1926—railroad tonnage in farm crops have stood at a practical standstill, with an average gain of less than 1 per cent a year, while tonnage of manufactures has made a vast advance.

In 1919, the year of the census of manufactures, railroads carried 163,825,000 tons manufactured goods; in 1923 the roads carried 257,688,000 tons of mill products, an increase of nearly 94,000,000 tons of freight in manufactures, or over 50 per cent.

It is, therefore, plain that one of the fundamental causes of failure of railroad revenue, if not the foremost cause, is the failure of our governmental and economic system to insure a just and fair return to the farm. Establish and build up a

prosperous agricultural industry, and you need not worry about the granger roads. Indeed, you will lay a foundation for the prosperity of all roads and all industries.

Farm stabilization is not a sectional question, a class question, or a party question. It is a national question relating to the economic foundation of our entire industrial structure.

One of the most interesting and instructive hours I have spent in this Chamber was recently, when the Senator from Indiana [Mr. WATSON] one day and the distinguished Senator from Iowa [Mr. CUMMINS] the other day discussed this very interesting question. I am about to quote the Senator from Indiana. I want to say that while he confined his remarks to a discussion of the economic principle involved in the equalization fee, I want to give him credit for doing it very well, and I hope he will apply that fertile mind of his to further discussion of other provisions of this bill; but in discussing the principle involved in this proposed equalization fee he said:

> It is no more price fixing than the tariff is price fixing.

He believed in raising the price "to the top of the tariff wall."

He described the German export bounty on steel products, which he analyzed as a "device to sell abroad their surplus steel products at prices lower than those at home and spreading the losses among all the steel producers."

> I believe—

Said the Senator—

> that this device is economically sound. I do not believe that it is price fixing; I do not believe that it is fallacious.

I am free to confess that I should very much have preferred a bill patterned after the transportation act, patterned after the Federal reserve act, with its amendments giving to the Federal Reserve Board the power to fix the rediscount rates, or patterned after the various commissions created by State law to fix a price on so many of the necessities of life, like transportation, telephone service, and so forth. It is, of course, a price-fixing policy that we have established and carried into effect here for the last 30 years. It is useless for us to beat around the bush and have any illusions about that. This fear of what is called a price-fixing policy applied to agriculture seems to me ridiculous when coming from sources that for 30 years have been fostering and foisting upon the country a price-fixing policy for industry and for the great monopolistic corporations of the country. I have always thought it was a bad policy. When this legislation has been passed I have always thought it was a mistake, but we are faced with a condition now. The forces that have been in favor of this kind of legislation have been so powerful that it has been impossible to repeal this kind of price-fixing class legislation that we have put upon our statute books for the past 25 or 30 years. So we are faced with a condition which we must deal with as it confronts us now. Whether it is economically sound or not, whether we like it or not, we must face conditions as they appear before us now for solution; and it is useless for us to have any illusions about the fact that the price-fixing policy in this country has been a long-established public policy.

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

Mr. SHIPSTEAD. Yes.

Mr. BINGHAM. Does the Senator refer to the protective tariff when he speaks of price fixing?

Mr. SHIPSTEAD. That is a part of it; yes.

Mr. BINGHAM. I should like to know just what the Senator does refer to, because it was not my understanding that any price-fixing legislation had ever passed. Surely the protective tariff does not fix prices. For instance, if the tariff on knives, let us say, is 50 per cent ad valorem, and a foreign country, due to its very cheap labor, can make a knife for 50 cents, and the knife comes into this country and can be sold for 75 cents, whereas our working men, receiving higher pay for their labor, are unable to produce that knife for less than a dollar and a quarter, there is no price fixed. The foreign knife undersells the knife produced by the home manufacturer. Is not that so?

Mr. SHIPSTEAD. As I understand the principle of the tariff, it is to establish a tariff wall to protect the home manufacturer, so that he can fix his price higher than he could without the tariff wall; and that is usually the way it works.

Mr. BINGHAM. But it is not price fixing. The price is fixed by the law of supply and demand, not by the tariff.

Mr. SHIPSTEAD. The Government, under the tariff, only indirectly fixes the price—I admit that—but the Senator certainly does not deny the fact that a high tariff wall makes it possible, and the purpose is that it shall make it possible, for the manufacturer of American goods to fix a higher price for his product than he could without the tariff.

Mr. BINGHAM. It does not permit him to fix his prices. It protects him against foreign competition.

Mr. SHIPSTEAD. It permits him to obtain a higher price then.

Mr. BINGHAM. But the Senator has frequently used the expression "price fixing."

Mr. SHIPSTEAD. The only thing that I take into consideration, if the Senator will permit me, is the result. The result is a higher price. I do not care whether you call it "price fixing" or what you call it, the result is that the prices are higher under a high protective tariff.

Mr. SMOOT. Mr. President, if it were not that way the goods would be made in some foreign country, and our workingmen would be walking the streets by the hundreds of thousands and millions.

Mr. SHIPSTEAD. That, of course, is entirely a different matter. I am saying that the protective tariff gives the manufacturer an opportunity to get a higher price than he would without a protective tariff.

Mr. BINGHAM. The Senator has said, if I understood him correctly, that we have followed for many years the policy of price fixing.

Mr. SHIPSTEAD. Yes.

Mr. BINGHAM. I desire to take issue with the Senator on that point, because that is not at all what I understand the protective tariff to be. It is not price fixing; it is a national defense against cheap foreign labor. The price is determined, not by the Government, but by the law of supply and demand, acting freely, providing that the goods have to come over the tariff barrier.

On wheat there is a tariff, if I recollect correctly, of 42 cents a bushel. There is no effort on the part of the Government to fix the price of wheat at $1.42 a bushel, or at any other price. If the protective tariff did fix the price on wheat the Senator would be quite satisfied, provided it was a high enough price; whereas, if I understand him correctly, the bill now before us is an effort to fix the price.

Mr. WATSON. Oh, no; not at all.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator yield, and to whom?

Mr. SHIPSTEAD. Just a moment.

Mr. BINGHAM. May I put it a little differently: The bill now before us is an effort to interfere with the law of supply and demand.

Mr. SHIPSTEAD. The bill that is now before the Senate is an effort to make the tariff apply to agriculture the same as it does to industry; and if it is a price fixing for agriculture it is a price fixing for industry.

Mr. BINGHAM. Then would the Senator be willing, let us say, to have cotton goods come in under this bill? We have a tariff on cotton goods. Our manufacturers in southern New England are unable to find the same market for cotton goods that they used to have. This is due largely to the change in fashions. People to-day buy silk where they used to buy cotton goods. The result is that there is less demand for cotton goods. Furthermore, due to the fashions at present, they wear less goods than they used to wear, and that reduces the demand for cotton goods. Now, we have the tariff, and yet we can not get the advantage of it because there is not the same demand, and we have a large surplus production. Would the Senator, then, agree that it would be equitable to have come under this bill any products of the factories of New England for which we can not find a ready market to take care of our surplus goods?

Mr. SHIPSTEAD. I can not see that there would be any objection to that, provided they would assess the equalization fee back on the industry, so that their home market would take care of it. There would naturally be this difference: Under the tariff as applied to industry, the equalization fee or the loss that is sustained by selling the surplus product abroad is, as a rule, not carried by the industry. That is, the loss is not paid by the industry, but it is paid by the consumer of American goods.

Of course, under this bill to some extent the price will be increased in the domestic market for agricultural products, but the loss is sustained by exporting the surplus and selling it at a lower price; the loss would be borne by the producer. Do I make myself clear?

Mr. BINGHAM. Then I do not see what benefit the producer gets, if you are merely increasing his burdens.

Mr. SHIPSTEAD. I had not expected to go into a discussion of the equalization fee and the machinery it is hoped will be created to put it into effect, because I felt that had been

so thoroughly discussed by the Senator from Iowa and the Senator from Indiana and the Senator from Oregon. It is getting late; but I am sure that if the Senator from Connecticut will read what various Senators have said on this subject before to-day there will be no necessity for me covering the same ground. I have tried to confine myself to some phases of this question which have not already been covered.

Mr. BINGHAM. The Senator has been very kind in permitting interruptions. The reason for my interruption was that I disliked to have pass without challenge his statement that we had followed a doctrine of price fixing in our Government with regard to manufactured articles for many years, for, as I understand, that is not the case.

Mr. SHIPSTEAD. I did not apply that term "price fixing" only to the tariff. Take, for instance, the transportation act which we passed. I do not know whether the Senator was in the Chamber when I covered that ground. By law Congress created a commission and made it mandatory by law for that commission to fix a price on transportation, based on the principle of fair return above cost. Does not the Senator think that is price fixing?

I have already gone into the various legislative enactments by various States of the Union creating commissions to fix the prices of telephone, telegraph, gas, electric light, and street-railway service, placing an overhead burden upon the country that some one must take care of. I pointed out how any industry that does not enjoy this price-fixing advantage is suffering under a tremendous handicap.

I am very well aware of the fact that it is disagreeable to refer to this as a price-fixing policy, but that is not only my opinion. I have in my hand a reprint of an editorial from the St. Paul Pioneer-Press, a very conservative Republican paper of the city of St. Paul, and in view of the Senator's questions and remarks I am going to ask the clerk to read this editorial, which is not very long, in order that the Senator may have an opinion on that very subject from a conservative source, hoping and expecting that he may take it more kindly from the Pioneer-Press than he would from the Senator from Minnesota.

Mr. BINGHAM. That is not possible.

Mr. SHIPSTEAD. The Senator honors me.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

THE PRICE-FIXING BOGEY

"There is," says our Washington correspondent in the course of a discussion of the administration's attitude toward agricultural legislation, "outspoken objection to Government buying and selling. With equal emphasis price fixing has been frowned upon."

Now why, we should like to know, is the leadership of the Republican Party pretending to be so fearful of the phrase "price fixing"? Why whenever the West asks it to do something to equalize agriculture does it put this particular bogey man on parade? Sometimes we think it must be because the Republican Party thinks its western section is composed exclusively of children who may be frightened by scarecrows dressed in bed sheets.

Price fixing has been the settled policy of the Republican Party for more than a generation. That is what the Republican tariff is—a price-fixing system. Before a foreign commodity can be sold in this country it must pay a tariff or duty which, when added to the price at which it is sold abroad, equalizes its cost in this country with the cost of similar articles manufactured here. In some cases this tariff more than equalizes the cost, giving the American manufacturer what is known as protection against commodities of foreign manufacture.

Now, call it what euphonious name you like, this is price fixing in every sense of that phrase. It fixes the price not merely of the commodity itself, but it fixes the price of American labor employed in the manufacture of that commodity. It sets up the American standard of living and protects it both by high tariffs and by such measures as the Adamson Act and by the severe restriction of immigration. No more thoroughgoing system of price fixing has ever been employed by any government than that now in force as the result of Republican policy.

The West does not, we believe, dissent from this system. It believes in an American standard of living; it believes in the protection of American industry from cheap foreign competition. It pays the higher cost of all things without complaint. All that it asks is that its own particular industry—agriculture—be included in the system. And it is beginning to lose its patience when it hears that the party of the price fixers "frown upon" price fixing as applied to agriculture.

Mr. SHIPSTEAD. Mr. President, I repeat, farm stabilization is not a sectional question, a class question, or a party question. It is a national question, relating to the economic foundation of our entire industrial structure.

The other day the Senator from Indiana delivered an address on this subject, with distinction and credit to himself. If he had made that address on the floor of the Senate four years ago, I am quite certain that he would have been lambasted by the editorial writers of the East and would have been nominated as a member of the radical bloc in the Senate. Instead of his address being met with surprise, I noticed that when he addressed the Senate he had the earnest attention of all Senators, which shows that we are at least advancing somewhat. It has taken four years—in fact, since 1920—to get the earnest attention of the country on this agricultural question, and if we progress as we have in the last six weeks, the chances are that we shall be able to at least start with some kind of legislation having for its ultimate purpose the principle of a fair return to agriculture.

I could not help noting that the senior Senator from Utah [Mr. SMOOT] at this time seemed also interested. I was doubly impressed by all of those addresses which were made, and I want to say what I said in the beginning, that the Senator from Oregon [Mr. MCNARY] and this afternoon the Senator from South Dakota [Mr. MCMASTER] and Senators on the Democratic side of the Chamber who have spoken on the subject have manifested a very fine spirit. There has been no political prejudice injected into the discussion so far. I think it is one of the most wonderful manifestations of a desire to arrive at a solution of a very vexing problem that I have seen.

Mr. President, now that we have set our hands to this work, there are certain points on which it is safe to assume we are well agreed:

First. That we shall lay a sound foundation that will stand the test of the courts, meet the practical judgments of public opinion, and endure as a just and solid basis on which to build in the future by subsequent enactment, executive ruling, and judicial decision.

Second. That the proposed measure for farm stablization shall be workable, and shall be practical and efficient, shall accomplish or make an encouraging beginning to accomplish its purpose—a measure of real and constructive benefit, a firm and substantial step toward the goal—a fair return to the farm.

Third. That in this constructive work of enactment, we steer clear of side issues, such as political party advantage, sectional and class interest and prejudice, and the various disturbing issues which commonly divide the country in a campaign year, and unite in framing a measure that will commend itself to the practical judgment of men regardless of political parties and regardless of partisan dogmas that so frequently have defeated needed legislation in the past.

I assume that to be the case when I see rock-ribbed Republicans and rock-ribbed Democrats joining for the study of this problem. I hope the rock-ribbed Republicans of the old order will not read the Senator from Indiana [Mr. WATSON] out of their party for becoming radical the other day and accepting the economic principle of the equalization fee. I have no particular fear of his radicalism, but I do not like to see these heretics burned at the stake.

There is one thing I wish we could have avoided, because it brought defeat to this bill in the House. That was the fact that it was tied up with the Fordney-McCumber tariff. When we analyze the votes in the House, we find that about 60 votes were lost in the South of men who apparently were not able to convince themselves that agricultural relief, the great national issue of agriculture of the country, should be tied to the Fordney-McCumber tariff.

On the other hand, when we analyze the vote in the industrial East, a section enjoying the benefits of the Fordney-McCumber tariff, we find that practically no votes for the bill came from the industrial East in the House. It seems to me that the men who are responsible for this legislation sacrificed a large number of votes from a certain section of the country in order to obtain some votes from another section, and then they did not get them. I would very much have preferred a bill that could have steered clear from tying up agricultural relief with the shifting sands of tariff legislation, which depends on political chance, the fortunes of political warfare.

The sponsors of the transportation act did not take into consideration whether we had an administration believing in a high or low tariff. The tariff is an uncertain quantity. It is not scientific. I am not now discussing the principle of protection. I am discussing the foundation of this bill, the Fordney-McCumber tariff, and we will take it as it is.

Even the Senator from Iowa [Mr. CUMMINS], in his address to the Senate, said, I believe, that he had not voted for a tariff bill since he came to the Senate. He thought that some of the duties were too high and some too low.

If we should enact this bill based upon the Fordney-McCumber tariff, and the next session of Congress, or a session of Congress two or four years from now, should do away with

the Fordney-McCumber tariff and the principles of the high protective tariff entirely, then, of course, our agricultural relief under this bill would be gone. But it is the only measure that is before the Senate, and I want to accept whatever good there is in it.

Mr. COPELAND. Mr. President——

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

Mr. SHIPSTEAD. I yield.

Mr. COPELAND. I simply want to ask the Senator this: How can any man who believes in a protective tariff, and who has voted for one, make any cry against this bill because it violates the law of supply and demand? The great cry I hear against this bill presented by the Senator from Oregon is that it violates economic law. If there is anything in the world that violates economic law and interferes with the law of supply and demand, it is the protective tariff.

Mr. SHIPSTEAD. If the Senator from New York will pardon me, I do not care to go into an extended discussion this afternoon of the protective tariff, but in regard to the criticism to which the Senator refers, and the criticism that has been directed against this bill from sources enjoying the protection of the Fordney-McCumber bill, all I can do is to repeat the old adage, that what is sauce for the goose ought to be sauce for the gander.

We have laid a broad foundation for the enactment of legislation of this character and some day, if we go on giving such great power to the Federal Government, it will result in a policy which I am frank to say I very much deplore. I have at all times been opposed to government by commission, the centralization of power in Washington, the control of industry, and special legislation giving special favors to industry and transportation under the benign blessing of legislation. I think it is a bad policy, but, as I said in the beginning, that has become our established policy and we must do one of two things: We must either repeal all this special price-fixing legislation or carry it out to its ultimate conclusion and give every industry the same treatment.

BASIS OF THE 42 PER CENT DUTY ON WHEAT

My attention recently has been called to the Tariff Commission report on which President Coolidge based his wheat tariff proclamation of March 7, 1924, fixing 42 cents a bushel as the difference between cost of wheat production here and abroad.

The 42-cent wheat duty of 1924 is generally considered the most important of the presidential tariff-making acts that have emanated from the White House under section 315 of the Fordney-McCumber tariff law. It represents the pinnacle of "scientific tariff making." But when my attention is called to the data on which that 42-cent duty is based I frankly admit astonishment.

I hold the Tariff Commission document, Wheat and Wheat Products, in my hand, pursuant to which the President fixed the duty. Hard spring wheat was selected as the commodity for the test of comparative production cost here and abroad. The spring-wheat section of North and South Dakota, Minnesota, and Montana, the American side of the boundary, was compared as to production cost with Manitoba, Alberta, and Saskatchewan, on the Canadian side.

The first fact which astounds you in the Tariff Commission report is that cost of production per acre is higher in western Canada than on the American side.

Turning to pages 61–62, showing cost of production per acre with interest on stated value of the farm, we find that for the period selected, the years 1921, 1922, and 1923, production cost ranged from $9.82 per acre at Hettinger, N. Dak., to $18.94 at Hallock, Minn., an average production cost of a little under $14 per acre for the selected American farms.

On the Canadian side the range in production cost per acre for 1921, 1922, and 1923, including interest, was from $12.24 to $21.30, an average of over $16 per acre. In other words, wheat production cost per acre, including interest on the farm investment, averaged over $2 per acre higher in western Canada than on the American side immediately south.

What, then, was the factor on which the Tariff Commission and the President based their finding that production cost was 42 cents per bushel higher on the American side? It was rainfall and average yield per acre in the three-year period chosen and for the particular districts chosen.

Pages 50 and 51 reveal the situation. The average yield on the American side—in the Dakotas, Minnesota, and Montana—in 1923 was only 9 bushels per acre, a partial crop failure about 6 bushels below normal.

On the Canadian side—in Manitoba, Saskatchewan, and Alberta—the average yield that year was a "bumper" crop of 21.5 bushels per acre, or about 5 bushels above normal.

For the total three-year period, 1921, 1922, and 1923, the variation in yield was not so great, but the difference was so marked that it settled the entire question of difference in average cost of production per bushel. The proof of this is shown by a study of so-called production costs by localities, as, for example, in two Minnesota wheat localities:

The three-year cost at Hallock, with land charge at interest on stated value—page 64—was $1.23 per bushel, and at Wheaton, where the rainfall was evidently short, it was $2.46 per bushel, or exactly double. What was the cause? Yield—a three-year yield of 15.4 bushels at Hallock and only 6.5 per acre at Wheaton, 150 miles south. Hallock, 40 miles below the Canadian rain belt, had rain, while Wheaton had three dry seasons. A so-called "scientific tariff" would give Wheaton a specific duty of $1.23 per bushel against Hallock—two Minnesota wheat towns—a half day's ride apart.

Now, let us take two spring-wheat sections in Montana. The Tariff Commission found that at Moccasin, where the average three-year yield was 16.2 bushels per acre, the cost was only 83 cents per bushel, while at Columbus, where the yield was only 5.8 bushels per acre, the cost was $2.31 per bushel, or over two and a half times as great. Why? Moccasin had moisture and Columbus had drouth. Columbus needed a "scientific tariff duty" of $1.48 to protect it against its Montana competitor, Moccasin.

The comparisons are similarly striking when you cross the boundary. In Alberta, Medicine Hat, suffering from drouth with a three-year yield of 8.3 bushels per acre, had a production cost of $1.43 a bushel, while Westlock, reveling in a 33-bushel yield per acre, cut production cost to 64 cents a bushel. In Manitoba production cost at Portage La Prairie was $1.44 per bushel, and at Dauphin 71 cents—simply because Dauphin had double the yield due to having three seasons of abundant rain.

Thus the Tarnff Commission report and the presidential proclamation based thereon was of no particular value as showing comparative cost of production here and abroad; but it was of singular scientific value as proving the comparative rainfall between certain Canadian districts and certain American towns during that particular period.

But this is not all of that wheat-tariff story. If the commission's wheat report, as in the case of sugar, had been held over to cover another year, the crop season 1924–25 that report and the President's tariff proclamation would never have been issued.

What happened in the Spring-Wheat Belt in 1924, the very year of the President's wheat tariff and the President's campaign for election? There was a reversal of the moisture supply from the Canadian to the American side. Rain-laden air currents which gave western Canada "bumper" crops in 1921–1923 dropped about 150 miles to the south. So in 1924 the spring-wheat section of Minnesota, Montana, and the Dakotas got record crops and western Canada got drought and a reduced yield.

Now watch the fall price of wheat. The switching of the rain currents changed the market price of wheat. By November of the very year the President found we needed 42 cents protection against Canada the price of wheat in Winnipeg was 10 cents higher than in Minneapolis. The yield of North Dakota, the leading spring-wheat State, rose from 7.4 bushels per acre in 1923 to 15.5 in 1924. The Canadian yield in 1924 fell off 200,000,000 bushels, although a fine year average crop was obtained. In other words, had the Tariff Commission analyzed 1924 production along with 1921–1923, the commission would have found without doubt that the cost per bushel in Canada was higher than on the American side, and the President's tariff proclamation would never have been issued.

I have used the wheat tariff as an illustration to show the accidental, incidental, undependable, and too frequently the interested features of the tariff as a basis for ascertaining a fair return to a great industry. Have we not more dependable data for ascertaining a fair return? The tariff at best is a piecemeal, guesswork affair, too often governed by special interest, nearly always governed by politics. What we want is an economic basis, a just and solid basis that will stand on its own feet on a businesslike foundation that can be justified in any court.

Can we get together on the principle of a fair return? How can we expect to get together—Democrats and Republicans, East and West, North and South, high protectionists and free traders—on a tariff basis?

Mr. President, I am thinking this about that tariff feature: Suppose that in the fall elections the people should elect a Congress determined on undoing the Fordney-McCumber tariff. Where would our farm bill, based on the Fordney-McCumber schedules, thereupon and thereafter be?

I presume there are protectionist advocates on this floor, Members who wish to see the Fordney-McCumber Act survive, who may answer, "Our farm bill based on the tariff feature will stop any move to undo the Fordney-McCumber tariff, and so the farm bill to that extent will be a good thing!" What would then result? Instead of getting a union of legislative forces to enact a sound farm bill, we immediately get a tariff fight.

It is because I am so anxious to secure the passage of a sound constructive measure—I am sure, Mr. President, my colleagues here understand—that I make these remarks. I feel that I may perform a service in attempting to steer the provisions of our bill from what plainly look like breakers, dangerous reefs. I am possibly better situated to issue a tariff warning; because if either my Republican or Democratic colleagues start making tariff observations Members in the opposing party camp will immediately smell politics. The tariff has been the main bone of continual contention since the days of the grandfathers and their fathers. I am trying to kick that bone to one side long enough to pass a farm bill without a general row.

I said that an analysis of the vote in the House of Representatives on this bill indicated very clearly that the representatives of the industrial sections of the East enjoying the benefits of a protective tariff did not support the bill with their votes. I think it comes with poor grace for the industrial East to take that attitude—and I say it in all kindliness—for they have come here for years and obtained a high protective tariff for their products, selling to us in the Northwest who have not obtained any kind of protection. We have furnished their market. They have in many ways milked the agricultural Northwest. Now, when we come to ask for the same kind of treatment from the Government that those in the East have received, the vote in the House indicates that there has been no sympathy, there has been no feeling that we of the Northwest are a part of the great Nation, demanding the same treatment that Congress has given to the East. I am very sorry to say that it has been given to the East at the expense of the West and by the help of the West. I think it is not to the credit of the people of the Northwest that instead of coming down here demanding our rights we have come here too often as beggars, begging for crumbs and begging only as producers beg. When the agricultural organizations of the Northwest come now to Congress, they are not coming as beggars. That I have noticed, and I am very proud of the fact that they are not coming to Washington as beggars. They come as American citizens demanding their right to be placed upon an equality with industry, banking, and transportation. That is the attitude the Northwest should have assumed a long time ago. Instead of coming to Washington and being satisfied with being handed a few lumps of sugar in the line of a few postmasterships and being allowed to appoint a few prohibition agents and a few revenue collectors and in return permitting some of the industrial East party bosses to put rings in their noses and lead them around like a dancing bear in the Mellon circus—instead of doing that, if we had come down here a long time ago demanding our rights as American citizens, objecting to being treated something like England treats Egypt, we would have received different treatment. It is true we have not done that and we have gotten what we were entitled to.

The American people, like other people, do not get justice unless they are willing to fight for it. There is now manifested a little bit of the fighting spirit in the Northwest, and we are beginning to get results, because we are getting some earnest attention on the question of agriculture in the last six or seven weeks that the Northwest has not had before. I say that not with rancor or any personal consideration whatever.

ECONOMIC FOUNDATION ALREADY LAID

Congress has already builded perhaps better than it knew in laying a foundation of economic data for the guidance and use of the proposed Federal farm board by the work of many years in developing the several bureaus of the United States Department of Agriculture. Nearly every factor of farm production, consumption, prices, and marketing has been covered so far as concerns the ascertainment of data. What is now required is the legislative authority to employ this data by affirmative executive action to effect the logical purpose, the betterment of farm conditions.

We have the sources of information organized; we are now about to put this information into active use. We have our tools and material; now we are ready to begin work. Look at the information we have stored up ready for our constructive use.

We know, for example, from reports secured from farms in every section of the United States in 1923, that a farm with $17,500 invested capital gets an average gross return from sales of only $2,240; that after deducting a cash outlay of $1,350 for expenses, the net earning is $750; that after payment of interest and sundry charges, the return to capital on this $17,500 farm is $415, or 2.3 per cent; that the net return to the farm operator is $154, and that if the family labor is paid for at hired-labor rates, there is a net loss of $71 a year on the year's operation. All this is shown on pages 1131–1132 of the 1924 Agricultural Year-Book.

We know from the same yearbook that it cost in 1923 $21 an acre to raise wheat valued at $16.64, and $1.24 to raise a bushel worth 99 cents. We know that it cost 52 cents to raise a bushel of oats worth 49 cents; that a hoe or rake costing the farmer $1 has a declared export value for shipment abroad of 44 cents; that in 1924 the average farm income was $736, or half that of a railroad laborer; that in 1924–25 over 1,000 banks failed in the agricultural States; that the value of farm property since 1920 has shrunk about one-third, or $25,000,000,000—rather more than the total of our national debt; and that the purchase power of the farm dollar, measured by the manufactured articles it buys, has shrunk about one-third since 1913 and is to-day fluctuating like foreign exchange somewhere about 60 or 70 cents.

So the problem we have before us is to assemble, digest, and correlate our mass of information and put behind legislative authority and executive action for construction use to the great end—a fair return to the farm.

Shall it be said that a system of orderly marketing with a view to price adjustment is "price fixing"? In view of the conditions already existing fixing the prices of every staple in the industrial category, the cry of "price fixing" raised by some of our authorities is rather amusing. If we turn to the monthly Survey of Current Business, published by the Department of Commerce, we will find the price that has been fixed by controlling special interests on pretty nearly every staple of our domestic and foreign commerce.

Is there an industrial corporation in the United States that is not effectively engaged in fixing prices? Aluminum, copper, oil, steel, coal, agricultural implements, fertilizers, sugar, shoes, lumber; are not these highly capitalized industrials organized for the very purpose of controlling production and prices? But our industrial and commercial overlords do not stop there. They also seek to fix and succeed in fixing prices for farm products, and thereby they control the return to farm labor and capital, reducing that return to the point where the Congress of the United States is compelled to intervene to save our greatest national industry.

"Price fixing" for farm products is done now; but it is not done by the right parties; it is not done by an impartial board or by the right methods, or pursuant to the right principles, and, moreover, the results are not right. Let it be said that the Sixty-ninth Congress is dedicated to the cause to find or create a more just and fair farm adjustment tribunal, sounder methods, and a nearer approach to economic principles than the "price fixers" of to-day yield as a return to agriculture.

By no means do farmers alone demand a change in the present "price-fixing" machinery and monopolistic interference with the law of supply and demand. The Sherman and Clayton antitrust laws enacted by Congress are evidence of the fact that there is a nation-wide demand to free domestic commerce of all kinds from monopoly control. The $1,000,000 a year we appropriate to the Federal Trade Commission proves that the Senate and House believe that government is necessary to protect the public interest from the present system of "price fixing."

During bull and bear raids on wheat at the Chicago Board of Trade a year ago the Modern Miller, a national milling journal published in the same city of Chicago, made these editorial statements over the signature of Charles M. Yager, president and editor:

> The topsy-turvy wheat market—up and down—makes milling and bread making a foolish and impractical thing.
>
> As a sport for bulls and bears, accumulating lines or dumping under pressure a commodity that must go into consumption as a manufactured product, industry is made a most artificial plaything.
>
> How can an industry survive trying to function commercially on such a shifting basis as has prevailed since the last wheat crop?

It will be remembered that after the bulk of the wheat crop had left the farmers' hands the Chicago wheat corner ran the price up to $2.07, almost a dollar more than the farmer received early in the fall. Then, in a short time broke the price 69 cents a bushel, involving hundreds of millions of profits and losses in the gambling cataclysm.

The investigation by the Secretary of Agriculture, pursuant to act of Congress, found that in February alone Chicago

Board of Trade operators had sold wheat futures to the amount of 1,581,584,000 bushels, or five times the official world's visible supply; and that on one day, March 13, the Black Friday of the gamble, wheat futures were sold to the amount of 149,000,000 bushels, or one-half the visible supply of the world.

Even our conservative local organ, the Washington Post—Hon. George Harvey, our former ambassador to England, then editor in chief—editorially stated:

> The farmers want to know why. The country wants to know why. * * * It is not a good thing in these days to use the crops of the farmers and the food of the people as counters in a gambling game.

Similar sentiments were expressed by the daily and weekly press, by financial and trade journals throughout the country. Listen to the following editorial utterance from conservative Connecticut as quoted in a symposium of the Literary Digest from the columns of the Meriden Journal:

> It would be much wiser to have a Government market for wheat and all grains in Chicago, make the trading in all grain futures a crime, and perhaps have a grain board that would fix prices arbitrarily every week. * * * Food speculation ought to be as serious a crime as selling blue sky, and some day it will be.

This editorial of a Connecticut editor is more radical than the provisions of any farm bill before the Sixty-ninth Congress. I quote it to illustrate the fact that the country has completely lost confidence in the justice and even the business practicability of the present system of price control by special interests.

Our problem is to rescue agriculture from chaos.

To rescue the railway system of the country from chaos Congress years ago passed transportation acts and created the Federal board—the Interstate Commerce Commission.

To rescue banking from chaos and protect the interests of depositors, not only Congress but every State legislature has passed banking laws, created banking departments, and at the top of it all Congress has developed the Federal reserve system.

Nearly every State has public utility commissions to arrive at fair returns and fair rates for the protection of the public interest and the interest of producer and consumer.

We have blue-sky laws to guard against financial manipulation and unsafe securities, and a Federal shipping board to deal with ocean transportation. Tariff laws for the indirect or direct price protection of the manufacturing industries are nearly as old as the Nation; and now we have a Federal Trade Commission to guard the public from the industrials which our tariff laws have fostered.

Is agriculture of less national concern than any other of the enterprises I have named? Is the food production of the Nation—the first line of dependence and defense in both war and peace—of less importance to the Nation than railroads, banks, ships, gas and electric plants, savings and loan companies, manufactures, and all the rest of the Government-regulated and Government-fostered groups?

Certainly, in this day no one can listen to such a plea. Our information and our experience tell us the contrary.

Permit me in closing to make a brief summary of the features of the problem and apparent solution, as in outline they appear to me:

First. The agricultural act which this Congress may in its wisdom lay before the people will be in effect a charter for the incorporation of the agricultural industry as a permanent and going business concern—place that industry on a stable basis under just economic law, as all other great enterprises are chartered under law.

Second. The Federal farm board and advisory council will function as the board of directors, and the 12,000 cooperative farm associations will be affiliated corporations, handling the primary plants.

Third. Food supply, raw materials for our industries, revenue freight for our railways, food rations for war and peace, the home market for all industry, employment of labor, cargoes for ships, have a national interest and a public interest well defined and certainly not beyond the pale of the "welfare" clause of the constitutional preamble.

Fourth. Orderly marketing does not mean interference with the law of supply and demand, but on the other hand protects the public from the monopolistic interference with the economic law of supply and demand.

Fifth. Fair market prices and a fair return to agriculture does not imply a price-boosting carousal; but it does imply that a fair portion of the present prices paid by consumers for farm products shall be allotted to the producer, and not appropriated by middle men to the robbery of both producer and consumer.

Sixth. Orderly marketing through cooperative farm associations under the direction and guidance of the Federal farm board may not mean in the course of the crop year any ultimate increase in prices to the consumer at all; if the farmer gets a fair average return during the year, somewhere between the present low farm price and the unreasonably high price after the product leaves farm hands, agriculture will get a fair return with no exploitation of consumers.

It is perhaps too much to hope that any one session of Congress can work out the details for the organization of the agricultural industry on a final and complete basis; but it will be glory enough, if it shall be said that the Sixty-ninth Congress laid the foundation, established the principle, created the first Federal farm board, and blazed the national path to the great goal—a fair return to agriculture.

Mr. President, I desire to ask unanimous consent to have printed in the RECORD something that has to do with agricultural legislation and farm prices. In the summer of 1924 I took occasion to make an address on the question of the deflation and inflation of agriculture and commodity prices in the United States. That address was delivered in August, 1924. That spring the Federal reserve banks had cut their discount rate from 4½ to 4 per cent, in June from 4 to 3½ per cent, in August to 3 per cent, and call money went to 2 per cent. In a very few months loans to brokers increased over $700,000,000, and that inflation of credit extended until about the 1st of March this year, when banks in New York held brokers' loans to the amount of three to four billion dollars.

I tried, as I always try to do, to avoid any misstatements or personalities that are always obnoxious, but some people took occasion in the winter of 1925 to misquote some statements which I made in that address. It so happens that I have the manuscript of that address from which various editors wrote editorials charging me with advising the farmers to sell their crops before the election of 1924. I have not, to my knowledge, at any time ever advised anyone to buy or sell any agricultural commodity; but, I repeat, it so happens that I have the exact manuscript of that speech, and so I ask to have the portion referring to agricultural prices printed in the RECORD. It embraces only a few pages. I hope editorial writers will do me the justice of correcting the misstatements they spread over the country concerning this matter.

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

The matter referred to is as follows:

> We charge that the present Republican and the last Democratic administration are responsible for the present deplorable condition of agriculture. We believe that this charge is sustained by the evidence revealed in the records of the Nation's commercial and political history of the last 12 years. Therefore, I propose to go into that history because I believe the only way we can understand the present is to understand the past.
>
> I am aware that the country has been led to believe that the cause of the present deplorable condition of agriculture has been the lack of foreign markets since the war, causing an unmarketable surplus in the United States. At a so-called wheat conference, called in Chicago a year ago last spring, men gathered from all over the United States to devise means to dispose of the so-called surplus of wheat. In all that gathering no one man could show where that unmarketable surplus was located. Mr. Quamme, the president of the Federal Land Bank of St. Paul, called upon the men in the conference to state where this unmarketable surplus of wheat was located, and no one was able to give that information. As a matter of fact, we have never had an unmarketable surplus of wheat. What does the record show regarding the exports of agricultural products since the war? The record shows that they have been the largest in the history of the Nation. The record shows that the exports of agricultural products have since the war been about three times greater than they ever were before the war. I quote the figures on these exports, which I took from the Manufacturers Record of August 30, 1923. These figures were originally obtained from the Department of Commerce. I have checked them with the report of the Department of Commerce, and I find them to be identical:

		Pre-war average	Fiscal year 1923
Wheat	bushels	56,913,228	154,950,971
Corn	do	39,809,690	94,060,000
Rye	do	854,765	51,410,000
Barley	do	7,895,521	18,190,000
Potatoes (white)	do	1,511,000	2,980,000
Oats	do	8,304,203	18,573,000
Wheat flour	barrels	10,678,635	14,882,714
Oat meal and rolled oats	pounds	24,297,000	123,115,317
Rice	do	16,215,000	318,940,870
Sugar	do	79,368,000	749,855,325
Lard	do	482,159,000	952,641,705
Bacon	do	188,750,000	408,282,000
Ham and shoulders	do	172,839,000	318,186,689
Butter	do	3,110,777	9,409,837
Cheese	do	2,654,315	8,446,321
Milk, condensed and evaporated	do	16,473,782	157,000,000
Wheat, including flour	bushels	104,967,085	221,923,184

	Bushels
1920	219,864,548
1921	366,077,439
1922	279,406,777

These figures indicate that our exports of agricultural products have been at least three times more than before the war and very much greater than we can ever hope to have them equal in years to come, by reason of the fact that Europe is getting back to a producing basis.

Let us go back to the year 1919, the year after the armistice was signed, and follow events leading up to the present time. During that year the American farmer was told that it would take the world 15 to 20 years to get back to a normal surplus of food; that the world would have to come to the United States to get its food; that it was the duty of the American farmer to increase production to feed the world. The cry was: "Produce more! Produce more!" He was told that in order to produce more he must increase his facilities for production. He was told that if he did not have the capital to finance this increased production he should go to the bank and borrow the money. The farmers responded, they went heavily in debt, as they were urged to do.

The American people were also informed that we were short 5,000,000 houses in the United States; they were urged to erect buildings of all kinds, and they were told it was a patriotic duty to go into debt in order to finance this building program.

The American merchants were told the world would come to the United States for commodities and there would be a shortage of commodities. They were urged to go into debt for commodities.

This resulted in an expansion of credit and in an increased purchasing power of the American people based upon credit. A larger percentage of our people became heavily burdened with indebtedness. And because so many people became buyers the result was a tremendous increase in prices.

This came as the result of a deliberate propaganda fostered by the Federal Government and the Federal reserve banking system. Notices were posted in Government buildings all over the country. This propaganda was spread through the public press, and, as I said before, resulted in a tremendous increase in prices and indebtedness.

During this period large amounts of stocks and bonds were sold to the public at inflated prices, sold very often on the installment plan. Then in the fall of 1920, like lighting out of the clear sky, came the orders that these debts that the people had been encouraged to incur must be paid and paid at once. Bankers were instructed to call their loans, and debts incurred by agriculture were particularly made the subject of this call for payment. What was the result? People who had been encouraged to go into debt, farmers who had been encouraged to go into debt in order to increase production, were told that they must sell anything they could sell in order to pay their debts. Loans could not be extended, but must be paid; consequently, every farmer became a seller, dumping whatever products he had upon the market at whatever price he could get. As a result, the agricultural market broke; farmers were started on the road to bankruptcy; and when the farmers started on that road, almost everybody else, particularly in the Northwest, started down the same trail. Money suddenly became very scarce; credit was practically wiped out, so far as legitimate business was concerned. The small banker found his securities depreciated in value; the merchant found his shelves loaded with merchandise at high prices that could not be sold because his home market, the American farmer, was going broke. Consequently he could not pay the wholesaler and his bank. The wholesaler could not pay the manufacturer; the manufacturer could not pay the laborer; and so factories were closed and laborers were turned into the street unemployed.

During this period Liberty bonds that the American people had bought at par during the war were forced out of their hands at a discount and bought for 80 cents to 85 cents on the dollar. Stocks and bonds and all kinds of securities, that had been sold to the American people at inflated prices, were forced out of their hands and bought back for 40 to 50 cents on the dollar. No money or credit could be obtained in agricultural communities and the farmer, the merchant, the small banker, and the laborer all found themselves together in a sinking boat. The speculators in the east, who were at this time buyers of bonds, stocks, and of agricultural products, at that time got all kinds of credit from the Federal reserve banks. Credit was shut off; credit was denied productive enterprises and legitimate business; but the records of the Federal reserve banks, as revealed by John Skelton Williams, who was at that time Comptroller of the Currency, show that in the large financial centers, where the control of money and credit lies, through their control of the Federal reserve banking system, money was plentiful and credit was extended in unlimited quantities. Only those could buy who could make use of credit and obtain money.

Who these people are is shown by the records, and I will quote in this regard from the Saturday Evening Post for August 30 an article by John Lefevre, in which he says, on page 82, quoting a New York banker: "Then the banker went on to tell how right after the war a small group of men in New York made $10,000,000 out of a speculative deal. The men to whom he referred bought $100,000,000 of Liberty 3½ per cent bonds. To do this they borrowed from the Federal reserve bank 90 per cent of the value of the bonds. They had gone down over 10 per cent since their issue. Panic conditions prevailed at the time. The little group of New York men went about their business sanely. They took all the offerings around 90 until they had bought over $100,000,000 par value. These men were multimillionaires and they had to pay the highest-bracket surtaxes. By buying tax-exempt Liberty 3½'s they did not have to pay any income tax on the interest they received from their hundred and odd millions. In addition to this, they deducted from their taxable income the interest they paid to the Federal reserve bank on the eighty-odd millions of dollars they borrowed to buy the bonds with. The law provided for precisely such cases. When the price went up, the syndicate sold enough bonds to pay for the bonds they kept for permanent investment. The total profits were in excess of $10,000,000."

Out of the wheat crop of 1920, according to the Department of Commerce, there was exported 325,000,000 bushels of wheat, not including flour. That was a larger exportation of wheat than in any year during the war or in any year during the Nation's history. The Department of Agriculture has made the statement that the American farmer alone was dispossessed of $18,000,000,000 worth of property by this juggling of money and credits.

This control of money and credits was given to the larger bankers of the country by Congress when they passed the Federal reserve banking act. Whoever controls the money supply and the credit of a nation controls its commercial life and, to a large extent, its political life. They have the power to bring on business depression, and they have the power to bring on what is called "boom times." They have the power to fix the price of commodities, high or low, through the control of money and credit and the rediscount rate; they have the power to say where money and credit shall go, whether to agriculture, whether to manufacturing, or to speculation. When productive industry is denied money and credit with which to do business, that industry stagnates and dies. Garfield, when he was in Congress, said: "If you give me the power to enact legislation that will determine who shall control a nation's money and credit, I do not care who writes your other laws, because he who controls money and credit controls all industry." John C. Calhoun previously had said practically the same thing.

This power was given to the large bankers of the country when Congress passed the Federal reserve banking act. When that act passed we were told it was a banking act that would prevent hard times brought on by a scarcity of money and by a denial of credit to legitimate business in times of stress by private interests who controlled the Nation's banking credit. We now find that the act, instead of being used to prevent hard times and panics, has been used to bring about the very conditions we were told the law would prevent. As a result of that law, we have the officers of the large commercial banks as class A directors in the Federal reserve banks. This gives the large bankers the control of the money supply and the credit of the Nation, and from the records it looks as though they have been using that power to depress agricultural prices by enforcing high interest rates and restriction of the money supply, based on credit, thereby forcing lower prices for agricultural products.

At the present time we are apparently having a reversal of that policy. We have now had a lowering of the discount rates by the Federal reserve banks and a liberal extension of credit, thereby increasing the purchasing power of the American people and, consequently, a stimulation in prices. The Republican Party is now claiming credit for the present increased prices of agricultural products. Working together with the larger bankers, I admit that they have it in their power to increase prices of farm products, and they seem to be doing it now. What we criticize them for is their using of that power in the last four years to keep the prices of agricultural prices down.

Where does all this flood of money come from now that became so scarce in 1920 and 1921? It is based upon the credit and new debts of the American people—credit that is now being extended in order to increase the purchasing power of the people—and a stimulation of prices results. There is every reason for believing that this power is now being used to stimulate agricultural prices for political and speculative purposes, on the assumption that the psychology of the farmer is the same as that of the bee: The bee labors all summer gathering honey, storing it away for the winter, and in the fall the beekeeper takes out most of that honey and leaves barely enough for the bee to eat through the winter. When spring comes the bee finds itself with a shortage of food, and goes to work again, laboring busily all summer gathering honey and storing it up for the succeeding winter. When fall comes the beekeeper again takes most of the honey, leaving barely enough for the bee to eat during the winter. Sometimes the bee becomes discontented with these conditions and decides to leave the hive, starts swarming, is determined to find some hollow tree in the forest where it can store the honey, the product of its toil, so that its keeper can not take away the largest share of it. When the bees start swarming, the beekeeper will go out of his house, pounding on his tin pan, making a noise to attract the attention of the bee.

He will sprinkle sugar water on the grass around the hives in order to induce the bees to remain in the hive. After he has succeeded in getting the bees back into the hives he will feed them sugar water for a few days to keep them contented. The present stimulation of agricultural prices by those who have the power to control them through the control of money and credit looks to me like sugar water being fed in order to stop the farmers from swarming into the camp of Senator LA FOLLETTE.

We can not blame any one political party for this condition. Both parties are to blame. The Federal reserve act was passed during the last Democratic administration; the deflation was started during that administration and was carried out to a finish under the succeeding Republican administration.

The Bank of England, controlled by the larger merchants, merchandise exporters and importers of that country, has never tolerated a private banker on its board of directors. One of the main reasons for that is that they do not want the large private bankers to get inside secret information into the commercial life of the Nation, for fear that they would use that information for speculative purposes to the ruination of the Nation's commerce.

Congress gave to our bankers the power to control the money supply and the credit of the Nation. Congress must take that power away.

Mr. SHIPSTEAD. I also ask to have printed in the RECORD a very extraordinary article in The Nation's Business for February, 1925, by Julius Barnes. I ask to have the entire article by Mr. Barnes printed. In that article he claims credit for the Chamber of Commerce of the United States for the defeat of the McNary-Haugen bill. He makes some statements in the article about the address to which I have already referred. So, in justice to Mr. Barnes, I ask to have the article printed with the preliminary remarks of the editor of The Nation's Business.

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

The editorial comment and the article are as follows:

WHAT PRICE DEMAGOGY? BEFORE ELECTION THE POLITICIAN TOLD THE GRAIN GROWER THAT "WALL STREET" HAD RAISED PRICES—THOUSANDS RUSHED THEIR WHEAT TO MARKET AND LOST PROFITS

Here is a concrete example of what the suggestions and advice of political demagogues may cost an industry:

In the presidential campaign speakers of the Farmer-Labor Party toured the grain-growing States and told the farmer day after day that the steadily advancing prices of wheat and corn and oats were due only to the preelection manipulation of Wall Street.

"The prices of your farm products are better than they were, it is true," they told their listeners. "But this is nothing more than a dodge of the money powers to push up the quotations, make you men and women feel that your good times have returned, and get your votes for their candidates; and the day after election you and the price of grain will be right back where you were, or worse."

Thousands of the grain growers believed them, rushed their wheat to market, feeling they had better take advantage of the 20 or 30 cent rise than to risk the post-election slump predicted by their political advisers.

Listening to demagogy cost those farmers hundreds of millions of dollars.

Mr. Barnes in an article gives the cold statistics and chronology of this incident in American politics and industry.—The Editor.

(By Julius H. Barnes)

The American grain raiser from March 31 to December 31 has seen his wheat go up 70 cents; his corn, 50 cents; his oats, 15 cents; and his rye, 83 cents.

Two months before election Senator SHIPSTEAD, of Minnesota, told the farmers that "a small group of financiers" had inflated prices "to fool the farmer."

How many farmers rushed grain to market that they in turn might fool the financiers? How many millions were lost to the farmer? Did the prices decline after the election?

Let us go back over dates, facts, and figures. An interesting chronology would run something like this:

MARCH 31, 1924

The Chamber of Commerce of the United States left with the President of the United States a program of 10 items—given here later in detail—which in business judgment would tend to strengthen the position of agriculture, then in distress.

Value of standard grain in Chicago on that date:

No. 2 wheat	$1.03
No. 2 corn	.79
No. 2 oats	.47
No. 2 rye	.66

JUNE 3, 1924

The House of Representatives finally rejected the so-called McNary-Haugen bill, which would have brought about the embarking of the Government on a program of buying and selling commodities and operating trade facilities. The chamber consistently opposed this plan, and, we believe, by both accurate fact statement and restrained logic, showing its probable collapse and failure, as well as its violation of the spirit of private enterprise, which is the true foundation of America's development, our organization successfully contributed to this most fortunate outcome—the refusal to enact into the law of the country the McNary-Haugen measure.

Value of standard grain in Chicago on that date:

No. 2 wheat	$1.03
No. 2 corn	.77
No. 2 oats	.48
No. 2 rye	.68

SEPTEMBER 11, 1924

The La Follette-Wheeler headquarters in Washington gave out a statement by Senator SHIPSTEAD, of Minnesota, in which the Farmer-Labor Senator charged that "a small group of financiers in control of the farm-products market have inflated prices during the past two months in an attempt to fool the farmer into believing that prosperity is at hand." "However," he declared, "the farmer can't be fooled." "The farmer," he said, "is solidly for La Follette and WHEELER, because he knows they alone are willing to break up the ring which controls the price of his output. The sugar-coated trick now being worked by the market grabbers won't work with the farmer this year."

Even at that time the most casual study of the world wheat situation indicated very disappointing crops in Europe, and evidence of almost a crop disaster in Canada, even though the American wheat crop south of the boundary was turning out better than expected. This political prophecy which pronounced the farmer solidly for La Follette and WHEELER was only exceeded in its error by the analysis of the reasons for the advancing prices in grain.

Value of standard grain in Chicago on that date:

No. 2 wheat	$1.27
No. 2 corn	1.22
No. 2 oats	.50
No. 2 rye	.94

NOVEMBER 3, 1924

This, the day before election, was the last day necessary for the "small group of financiers" to inflate prices before the vote next day. On this eve the stage was supposed to be set for the promised lowering of prices. It looks now as if on millions of farms the evening was spent in changing the oil in the crank cases of the motor cars in order that the farmer and his wife, along with the city folks, could express their judgment the next day on the mature political and economic views presented by Senator SHIPSTEAD and associates. The value of standard grain in Chicago on that date:

No. 2 wheat	$1.38
No. 2 corn	1.05
No. 2 oats	.47
No. 2 rye	1.15

DECEMBER 31, 1924

Inventory date: Did the collapse of prices arrive on schedule after the election necessity was over?

Value of standard grain in Chicago on that date:

No. 2 wheat	$1.75
No. 2 corn	1.30
No. 2 oats	.62
No. 2 rye	1.49

Did the farmer hurry his crop to market before election day? Well, let's see!

The standard primary markets received on this year's crop up to election day approximately 310,000,000 bushels, against 190,000,000 bushels a year ago. That is, with a crop about 10 per cent larger than a year ago the indication of his marketings exceeded those of a year ago by 60 per cent. Orderly marketing, not hurried by demagogy, might have held back 100,000,000 bushels more on the farm to share in the 40-cent advance between election day and the end of the year. That extra income would have come in mighty handy to most of the farmers who had been frightened into selling their wheat while the "small group of financiers" still held the prices up. Moreover, the very weight of this abnormal wheat movement undoubtedly held the price level lower than it would otherwise have ruled. Undoubtedly as well this enormous wheat movement, filling elevators and warehouses, congesting railroads while it lasted, also exercised a sympathetic effect in holding down the prices of other grains. Manifestly that advice of the vote-seeking politician cost the grain raisers of America many millions of dollars. This is a reasonable deduction from the price scale, which is a matter of record, and the statistics of abnormal farm marketings, which are also matters of record.

But now, as business men, realizing the interest of all business and industry in a prosperous agriculture, we have a right to see what the nonspectacular program of common-sense steps, outlined in the program dicussed with President Coolidge, may reasonably be rated to have done toward aiding the rehabilitation of agriculture. The 10 steps outlined in that constructive program and the current comment on the record written in the last nine months will really arouse a feeling of rightful pride.

SANE PLAN IS JUSTIFIED

The Chamber of Commerce of the United States can not claim that all of the items in its suggested program of agricultural rehabilitation originated with the chamber. Some of these efforts were even at that time under way. Much of the progress made is due to the vision and energy, guided by sound judgment, of the national administration. But great encouragement rests in the fact that business judgment suggested or approved steps, partly official and partly private, all of which have justified themselves marvelously in the outcome of a few short months. Congress also deserves commendation for the rejection of the economic fallacy incorporated in the McNary-Haugen bill, which, if enacted, would to-day be a stone around the neck of struggling agriculture, with a disastrous precedent written on the statute books, one which in the future would plague the farmer.

The program of March 31, presented to the President as the approved judgment of organized business and offered as most likely to effect remedies for the existing agricultural distress, comprised 10 points, as follows:

1. PRESERVE AND DEVELOP AMERICAN HOME MARKETS

On this new year the present increasing activity and enlarging employment in industry is witness that national policies have tended to preserve and develop the American home-buying power, the great reliance of the farm. The confidence to-day with which industry faces the future and plans expansion rests primarily on the national administration's recognition of the demoralizing influence of excessive and unwise taxation, and on the voter's decisive rejection of the principle of Government ownership and operation in industry.

2. RESTORATION OF EUROPEAN BUYING POWER

The success of the national administration in securing an acceptance of a business-commission plan for restoring in Europe the conditions under which peaceful industry might function, and the marvelous financial and economic stability which has followed the formulation of the expert Dawes plan has written a new chapter of encouragement for security and progress by teamwork between Government and business. Organized business played its part in forming at home and abroad the public sentiment which finally demanded that questions economic in character should be resolved by business ability rather than by political consideration. The national chamber has a right to a peculiar pride in that of the three distinguished Americans who helped devise the greatest financial reconstruction plan in history two are directors in the national chamber. The financial and commercial stability which followed made the buying power of short crops in Europe effective across 3,000 miles of ocean and assisted in the reconstruction of American farm prosperity.

3. LEVELING OF PRICE BASES OF COMPETITIVE GROWERS OF OTHER COUNTRIES

Depreciated currencies always inject an element of unfair competition because of the local tradition of value inherent in the name of a money denomination. When this item was suggested to the administration the gold value of the Argentine peso was 34 cents, and at the end of the year it was 40 cents, almost a gold parity. One by one many of the depreciated-currency countries of the world have rejoined the stable gold standard held almost singly for many months by the United States. With that reestablishment of financial parity has receded unfair competition for our growers inherent in a deceptive money return, such as the Argentine competition possessed nine months ago. Here again the sound financial policies of the national administration, the Federal reserve system, and the banks of America are eliminating the hazards of fluctuating foreign currencies. International trade is not only facilitated, but unusual hazards of these market channels are eliminated.

4. ENCOURAGEMENT OF FUTURE TRADING ON EXCHANGES

There should never again be any doubt as to the protection to the American farm by future trading in commodities. The hazards of price fluctuations are minimized, credits for ready purchase from the farm are facilitated by the security which exchange trading alone provides, and speculative and investment sentiment is readily made effective in protection against declining prices at the time of great marketing movements.

5. ST. LAWRENCE WATERWAY

This great transportation economy, reflecting particularly into farm prices, is now in process of study and discussion for joint development with our northern neighbor.

6. DIVERSIFICATION OF CROPS IN LOW-YIELD AREAS OF SINGLE CROP

The distress area of America centered largely in North Dakota, and the North Dakota Agricultural College have shown recently the steady elimination of single-crop reliance. This diversification has been strongly encouraged by the Ten Million Dollar Agricultural Credits Corporation, whose capital was subscribed by American business and whose operations were directed by American business men. Crop diversification, which includes rotation that restores soil fertility, is making progress, and the farm returns of North Dakota, which this year are reasonably double those of last year, owe something to this soundly based farm policy, encouraged in so practical a manner by business men.

7. TO IMPROVE THE PRACTICAL SERVICE OF THE DEPARTMENT OF AGRICULTURE

Here is a continuing administrative responsibility with the personnel of 35,000 employees. It is in intimate relation with an industry which it can aid readily with constructive suggestion and guidance.

8. RELIEF IN FARM TAXES

Steady progress in national economy and steady reduction in national taxes point the way which, if followed similarly by State, county, and municipal authorities, can lighten substantially the still heavy burden on the farm.

9. RELATIVE FREIGHT RATES

The annual convention of the national chamber approved the conclusions of the transportation conference that there should be a study by existing administrative agencies of such logical readjustment of relative freight rates as might be made without general reduction of railroad revenues, on which the maintenance of service depends. This study is under way.

10. TO ASSIST FARM COOPERATIVE ORGANIZATIONS

The program suggested a study, enlisting farm representatives as well as the business facilities affected, so that a recommended program should be the result of actual experience applied to the problem. Much can be soundly done to improve marketing methods and effect marketing economies, without a resort to a so-called cooperative organization which contemplates pledged monopoly control of food necessities or Government aid to displace the tried facilities of private enterprise. The agricultural rehabilitation is typified to-day by price advances in nine months in standard grains, as follows:

No. 2 wheat, from	$1.03 to $1.75
No. 2 corn, from	.79 to 1.30
No. 2 oats, from	.47 to .62
No. 2 rye, from	.66 to 1.49

It is proper now to ask who in this period of rehabilitation have proved to be the real and effective friends of the farm.

Is it the political leader who assumes the title of Farmer-Labor champion and advises farmers to overmarket their wheat at $1.30, wheat which in less than 60 days had advanced the equivalent of $400,000,000 increase on the wheat crop of this country?

Is that type a safe farm leader, whether that utterance was inspired by the desire to turn to political advantage deliberate misrepresentation of a situation, or by the mental lethargy which discarded as of small importance the evidence on September 11, that successive crop disappointments promised a world yield of 300,000,000 to 400,000,000 bushels less than last year's normal crop?

Is there not a place in farmer appreciation rather for the established grain trade that at considerable cost collects world-wide information of crop progress, and which had freely published in many forms the information of crop deterioration in many countries which farm judgment was perfectly competent to translate into a prospect of better prices?

Is there not also a place properly in farm appreciation for that business judgment, developed in the school of hard competition, which could construct a program of slower but surer steps in the relief of relative distress?

May we not hope that a large section of the agricultural community to-day must realize that organized business may be sympathetic and fair and not entirely selfish. Surely the day has come when farm intelligence will distrust vociferous self-claimants of the monopoly of farm leadership, and when service to the farm will be tested by results, not by the megaphone.

Read the chronology once more. It is a striking record of speedy rehabilitation of a distressed agriculture. Fix it in your mind, for this is a record of honorable aid by devoted national administration and intelligent business leadership, assisted by the chapter of accidents which always help economic law to come into proper play.

Mr. SHIPSTEAD. Mr. President, that issue of The Nation's Business containing the article by Mr. Barnes appeared on the newsstands of the country just before the collapse of the tremendous bubble which was blown up in the summer of 1924 and kept inflated until after the election, until in January, 1925, wheat went above $2.05 a bushel. On the 13th day of March wheat dropped something like 13¼ cents; in 15 days it dropped 51 cents; from the January high until the low in April there was a drop of 69 cents a bushel—the most tremendous drop of which I know in the annals of speculation in the American wheat market. It so happens that I had stated in making the address in 1924 that it looked as though we were entering upon an era of speculation. In April, 1925, I wrote an open letter in answer to the Barnes article. I also ask that that letter may be printed in the RECORD. A copy of this letter was also given to a representative of The Nation's Business, but that periodical has made no effort to correct these erroneous statements.

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

The letter is as follows:

(Open letter)

WASHINGTON, D. C., *April 6, 1925.*

Hon. JULIUS H. BARNES,
Ex-President United States Chamber of Commerce,
42 Broadway, New York City.

DEAR MR. BARNES: In your extended article in the February number of Nation's Business you give me undue credit, perhaps not intentionally, for advising the grain growers of the United States to market their grain on the rising bull market instead of waiting for the inevitable collapse of the speculative "bull corner," built up artificially by "doctored" statistics and by loans of hundreds of millions of 2 and 3 per cent "call money."

In fact, as doubtless you know, I gave no advice. So I am not entitled to the credit. But I did point out that the price of the farmer's crop was fixed—or, perhaps you would say "stabilized"—by future trading exchanges controlled by a small group of traders or "ring," and I warned producers not to be fooled by money powers pushing up quotations for political and financial purposes known only to that "ring."

However, you credit me with the nation-wide action of the grain growers in marketing their crop more promptly than usual, and this appears to have been the result: By March 1, as reported by the Department of Agriculture, the wheat growers of the United States held on their farms only 113,928,000 bushels of wheat against 137,717,000 in 1924, and 156,087,000 on the corresponding date in 1923.

See what they escaped. From the January high point to April 3 wheat dropped 69 cents and corn 46 cents per bushel. Nearly 730,000,000 bushels of the total 872,000,000 crop of good American wheat—actual wheat raised by toil for the people's bread, not paper "futures" and gambling wind—narrowly escaped that awful crash. I am not egotistical enough to claim the credit. Nevertheless, I hereby extend to you my appreciation of your generosity in conferring upon me the credit.

In addition to crediting me with the farm-grain movement by which 6,000,000 farmers escaped the calamity of a 69-cent drop on 730,000,000 bushels of wheat, you outline 10 steps by which you and the national administration are going to aid the farmer. One of those "steps" is the following: "Encouragement of future trading on exchanges."

It is apparent by what happened to the "May future" in the Chicago wheat pit by the time your article went to mail that it is scarcely necessary now to mention the other nine "steps." That one "step" is plenty, more than enough.

In that connection may I be permitted to ask you 12 practical questions—a "daily dozen"—which I trust will receive your frank and full answer for the enlightenment of the country?

Question 1: In view of the facts, attested by the Secretary of Agriculture: (a) That during the 28 days of February, the month in which you wrote your article, the Chicago Board of Trade alone sold wheat "futures" amounting to 1,581,584,000 bushels, or over five times the official "world's visible supply"; (b) that on Black Friday, March 13, Chicago sold wheat futures amounting to 149,398,000 bushels, or nearly one-half the "world visible"; (c) that during the week ending March 14 the Chicago Grain Exchange sold in wheat futures more than double the "world visible," and during the entire month of March many times all the wheat, "visible" and invisible, then existent on the face of the globe—do you candidly think as a practical business man that "encouragement of future trading exchanges" is necessary, and can you guarantee that the national administration still has that panacea in stock as an aid to the American farmer?

Question 2. In view of the fact that since the collapse of the "bull" movement the market price of actual wheat in the leading primary markets of the world now ranges from $1.50 to $1.30 per bushel, according to location, is it not apparent to you that wheat was never worth the $2 and over in January and February, to which it was pushed by Chicago bull interests, and that such price was artificial, unwarranted by world conditions, a ballooning gamble created by price-fixing speculators for their own enrichment after the bulk of the crop was out of farmers' hands?

On that point may I quote not a Farmer-Labor Senator but Mr. Joseph P. Griffith, former president of the Chicago Board of Trade, in an interview with the Modern Miller, Chicago, March 21:

"The wheat market became inflated, due to a fear that there would be a shortage of wheat and flour the world over, and the sharp break came when these predictions proved to be unwarranted.

"Estimates of an acute shortage were made by the Department of Agriculture officials and by private statisticians. Instead of the anticipated shortage of wheat, it developed that there was a world of wheat on ocean passage and large stocks at points of accumulation in this country.

"Press stories of scarcity and enormous prices excited the public mind, and the entrance of this element into the market carried prices to an unnatural level. * * * The bull market has the opportunity to manipulate, as it can buy more wheat than is possible to deliver."

Question 3. Will you kindly tell the public when the Chicago "bull" corner engineered by future traders—such as the recent $2 bubble eulogized in your February brief—was ever of benefit to the world, whether to the farmer who raises wheat, the family eating bread, the miller and cereal industries, or to the business stability of the country? Take the two bull markets preceding—1922, dropping from $1.72 in March to $1.05 in July; 1921, $2.02½ in February and $1.23½ in April.

Does it benefit the farmer? Always the pinnacle is after the bulk of the crop leaves the farm and is in speculative hands. The artificial price definitely damages the farmer in three ways: First, it reduces consumption; second, it promotes overproduction; third, it makes wheat growing not an industry but a gamble. In addition, the artificially manufactured price robs the consumer and demoralizes milling and all the cereal industries which afford wheat a domestic market.

Question 4. What is your answer to the millers of the country that the $2 "bull" market championed in your February brief is paralyzing the milling industry? In witness thereof note the following:

The Minneapolis flour mills, representing the world's leading milling district, are operating at only 33 per cent capacity (see March files of Northwestern Miller), and the mills of the entire spring-wheat section at only 40 per cent of capacity. Of 28 Minneapolis mills, only 11 working.

St. Louis millers wire the Secretary of Agriculture of the blow to milling in the winter-wheat section, and want to know if the grain futures trading act authorizing Federal control still exists.

The Modern Miller, Chicago, editorially makes the following charges:

"The topsy-turvy wheat market—up and down—makes milling and bread making a foolish and impractical thing.

"As a sport for 'bulls' and 'bears,' accumulating lines or dumping under pressure a commodity that must go into consumption as a manufactured product is made a most artificial plaything.

"How can an industry survive trying to function commercially on such a shifting basis as has prevailed since the last wheat crop?"

This is no Farmer-Labor Senator, but Charles M. Yager, president and editor of the Modern Miller, in weekly editorial leaders from January, the $2.06 wheat month, to date.

Question 5. In the face of an average wheat price now prevailing in leading world markets of about $1.40 per bushel in April, are you not willing at this time to admit that the "bull" propaganda justifying $2 wheat was false, misleading, and, whatever the intentions of its purveyors, a fraud upon the producers, the consuming public, and the cereal industries and a source of mischief and menace to the business stability of the world? Was it not a swindle costing the "public," or the "lambs," hundreds of millions, besides precipitating industrial and commercial failures in legitimate enterprises, as shown by Dun and Bradstreet, running into scores of millions of defaulting liabilities?

Question 6. As regards the cooperation of the Department of Agriculture with the issue of this false propaganda—whether by good intention or otherwise, it is not for me to pass judgment—is it not your practical judgment as a public-spirited citizen that it is time that a Federal department charged by law with the administration of the grain futures act instituted its investigation at the time the false "bull movement" was in progress, instead of abetting that movement and thereby promoting the cause of the world-wide disaster?

On that point allow me to quote Mr. Robert E. Sterling, editor of the Northwestern Miller: "The most that can be hoped for is that the Department of Agriculture itself will gain sufficient wisdom so that it will not again do what it did in January just before the wheat market reached its peak, and issue a bulletin stating authoritatively that the price was wholly justified by world conditions."

Likewise please deliberate upon the editorial utterance of the Brooklyn Eagle, quoted by the Literary Digest, that the time for the Government to investigate wheat speculation "was last fall when the price was soaring; but the investigators were electioneering then."

Question 7. Now that the "acute scarcity" theory is exploded and your $2 "bull bubble" has had its inevitable "bust" are not you willing to frankly admit, the orgy of the bulls being past, that the world has plenty of wheat and bread, as shown by the following British summary of world requirements and exportable surplus as for the crop year ending July 1, 1925:

Surplus: 103,000,000 quarters (824,000,000 bushels).

Requirements: 98,000,000 quarters (784,000,000 bushels).

Question 8. Instead of "encouragement of future trading in exchanges" as a panacea for agricultural ills and a bulwark of public welfare, do you not candidly admit that the national administration would act more wisely in curbing such future trading and establishing a safe, stable, and honest grain market for handling the staff of life of 112,000,000 people? On this point, may I quote, not Farmer-Labor representatives or even United States Senators, but such conservative editorial opinion as the following:

[Washington Post (George Harvey, recent British ambassador, editor in chief)]

The farmers want to know why. The country wants to know why. * * * It is not a good thing in these days to use the crops of the farmers and the food of the people as counters in a gambling game.

[Meriden Journal]

It would be much wiser to have a Government market for wheat and all grains in Chicago, make the trading in all grain futures a crime, and, perhaps, have a grain board that would fix prices arbitrarily every week. * * * Food speculation ought to be as serious a crime as selling blue sky, and some day it will be. (Quoted by Literary Digest.)

[Cleveland Plain Dealer]

If organized speculation hopes to defend itself successfully against these attacks to which it is continuously subjected, it must alleviate rather than aggravate price fluctuations. A few more episodes like those in the grain exchanges recently and proposals to prevent dealing in the futures already made in Congress will command wide support. (Quoted by Literary Digest.)

Question 9. In your brief defending the price-fixing exchanges you describe the financial operators as "sympathetic," "fair," and "not entirely selfish." Will you kindly set forth the benefits of these virtues as applied to the following national interests, respectively: The benefits to 25,000,000 bread-consuming homes; the benefits to 12,000,000 toilers in the Nation's industries; the benefits to 6,000,000 farmers who need a stable, honest, and dependable market for the product of their labor and capital investment; the benefits to the stability and safe development of the Nation's $60,000,000,000 business. Do you find such benefits in a gamble which in one short year shoots the price of the Nation's bread staple $1 per bushel upward and then 69 cents downward? Is that an illustration of "sympathetic," "fair," and "not entirely selfish" dealing, and a thing to be nationally fostered?

Question 10. In your estimate that pursuant to my erroneous comment the farmers in failing to play into the hands of the Chicago "bulls" lost the equivalent of "$400,000,000," what do you estimate that they saved by escaping the 69 cents per bushel collapse; and what is your estimate of the million lost by the "lambs" who in one week—that ending March 14, as reported by the Government—fell down on future sales amounting to 527,464,000 bushels, or double the Government estimate of the "world visible supply"? What, moreover, were the losses during the period of the gamble—the six months ending April 1—where the total world production was first overbought and then oversold in paper futures many times over?

Question 11. Is it not your candid judgment that such an orgy as that which the St. Louis Globe-Democrat describes as a "cycle of more phases and scenic effects than Frank Norris described in the Pit," is a national disgrace to the world's leading business nation and a menace that should be abated in the name of common sense and common honesty?

Question 12. Can you not picture in your mind what must be the general sentiment of the American people, now crystallizing into a national demand, when such a conservative milling journal as the Modern Miller, Chicago, a former defender of grain exchanges, to-day editorially demand:

"Can violent shifts in the wheat market be curbed? This is a question on which the cereal world will be forced to concentrate its best thought. * * * It is a curse that must be curbed or its destructive influence will demand governmental action. This is the last resort but it will be an inevitable result. * * * We see a big disturbance and a very big problem which must be solved to stabilize wheat values and thus make commercialism and industrialism safe and free from extreme hazard."

In your answers to these practical questions I care nothing about personal and political charges and countercharges. I care nothing about your recent three-page magazine philippic. You are a representative of the grain business; I am a public servant of the people of Minnesota, who elected me to the Senate to aid the national solution of public problems. Among those problems demanding national solution is to secure for the farm producers of America a safe and honest market for the output of their toil, and a safe and honest standard for the bread supply of 112,000,000 people. That is the problem on which the public, I am sure, would be glad to listen to you if you have vital suggestions to offer.

Yours for the public welfare,

HENRIK SHIPSTEAD.

Mr. SHIPSTEAD. As a conclusion of my remarks, I ask to have printed in the RECORD a letter from the man at the head of one of the greatest milling industries in the United States. The letter is a confidential one, and so I can not give the miller's name. However, if there is no objection, I should like to have the letter printed in the RECORD without mentioning his name, because it will give the Senate of the United States, I think, some information which it will be well for us to bear in mind while we are trying to enact legislation to protect the agricultural market.

The PRESIDING OFFICER. Without objection, the permission is granted.

The letter referred to is as follows:

I think your ideas and mine are about the same on grain futures. Confidentially, I still believe that there is no chance for the farmer getting a decent price for his crops as long as the grain exchanges are administering as they have been in the past. I do not want to do away with the grain exchanges. I believe there would be plenty of use for grain exchanges if we cut out a lot of the wind. If you should pass a simple law that no one should sell an agricultural product unless they first owned it, I think there would still be all the speculation and gambling this country required and your markets would be active enough for hedging purposes, which would necessitate, of course, carrying larger stocks of wheat in the country, but one 500,000 storage receipt might be traded in and passed around a thousand times.

I believe the farmer, the miller, and the general public would be much better off if you could cut out the short seller.

I remember a very pat remark you made to me at one time—that it wasn't so much the supply and demand that fixed the price of wheat, but it was the man in the pit with a card and lead pencil. Perhaps your ideas have changed under your new duties, but I want to tell you that I still believe that the deplorable condition of agriculture is caused more by unlimited short selling by men who can gamble in millions than it is by any other one thing.

Please consider this confidential, as you know I can not afford to take a position against the exchanges.

If you have any new light on this proposition, I would be very glad, indeed, to hear from you and would thoroughly appreciate it.

Some time a method will be devised that will give the farmer a show. There would be no trouble about continuous prosperous times so long as the farmer could get the price for his agricultural products and thus making a transaction that would be passed around to everyone from the sweeper on the streets to the president of our biggest bank.

As it is now, everyone who has faith in the price of wheat should be allowed to make the purchase as he would other commodities, but he should know that he was buying the actual product and not simply making a totally one-sided bet against men who control these things by millions.

Pardon me for entering into this digression, but when I started to answer your letter I could not but help thinking of the talks we used to have on this matter.

With best wishes,

I remain, ——— ———.

Mr. CURTIS. Mr. President, if no other Senator desires to proceed with the discussion of the farm relief bill, we should like to have an early executive session to-day.

Mr. McNARY. The speech just made by the Senator from Minnesota [Mr. SHIPSTEAD] concludes the speeches on the measure for to-day.

APPOINTMENTS ON BOARD OF TAX APPEALS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. GLASS. Mr. President, will the Senator from Kansas withhold his motion for a moment?

Mr. CURTIS. Yes.

Mr. GLASS. I desire to call up Senate Resolution 242, and to ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. I have no objection.

Mr. WALSH. What is the resolution, Mr. President?

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 242) submitted by Mr. GLASS on the 5th instant and, there being no objection, the Senate proceeded to its consideration, as follows:

Resolved, That it is the sense of the Senate that hereafter no person who has been an attaché of the United States Bureau of Internal Revenue should be appointed to any vacancy on the Board of Tax Appeals until at least two years have elapsed since such official connection with said bureau.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Copeland	Ferris	Harris
Bingham	Couzens	Fess	Harrison
Blease	Cummins	Frazier	Heflin
Borah	Curtis	George	Johnson
Bratton	Deneen	Gerry	Jones, N. Mex.
Broussard	Dill	Glass	Jones, Wash.
Butler	Edge	Goff	Kendrick
Capper	Ernst	Gooding	Keyes
Caraway	Fernald	Hale	King

La Follette	Oddie	Robinson, Ind.	Swanson
McKellar	Overman	Sackett	Trammell
McLean	Pepper	Schall	Tyson
McNary	Phipps	Sheppard	Wadsworth
Mayfield	Pine	Shipstead	Walsh
Means	Pittman	Shortridge	Warren
Moses	Ransdell	Simmons	Watson
Neely	Reed, Mo.	Smoot	Weller
Norbeck	Reed, Pa.	Steck	Williams
Norris	Robinson, Ark.	Stephens	Willis

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present. The question is on agreeing to the resolution.

Mr. GLASS. Mr. President, the Senate is entirely familiar with the purpose of this resolution, because it was discussed when we had the revenue bill under consideration, and the Senate indicated its judgment with great unanimity that thereafter appointments to the Board of Tax Appeals should not be made from persons having official connection with the Internal Revenue Bureau.

I wish to say, Mr. President, I raise no objection to any one of the appointees to this board on the score of character or capability. The thought was to prevent this exceedingly important board of the Government being composed predominantly of persons of fixed bias and prejudice with respect to the problems which the board must consider. To repeat, briefly, it was my belief, concurred in by the Senate, that persons long affiliated with the tax units of the Bureau of Internal Revenue if made members of the board would inevitably take the bureau idea and bias of all controversies which might be presented for determination, and the bureau idea, I am convinced, is one which does not take at all into consideration the interests of the taxpayer. They seem to think in the bureau that their business is to assess and collect every dollar that the bureau can get from the taxpayer—equitably if it may be so, technically in any event. Therefore it was that I proposed, and the Senate unanimously agreed to, this amendment to the revenue bill. The amendment went out in conference. I shall not now discuss that incident; but in the last analysis it represents the judgment of the Senate, which is the confirming power, and I think it should have been regarded in these appointments.

It has been suggested—indeed, it has been explicitly stated in some of the newspapers—that the opposition to the confirmation of nominations made to this board recently arose out of a purpose to oppose the President in his alleged desire to control this board.

Mr. President, nothing could be further from the truth. I have never had the remotest thought that the President has ever sought to control this board in any way. The fact is, I do not dream that the President had in mind this prior action of the Senate when he made these appointments. I am confident that had the President knowledge of this action of the Senate he would not have included in his list of nominees at least one of these names. As to this particular person, I make no doubt whatsoever of his high character and his great capability; but I think he, just as any other employee of the Internal Revenue Bureau, will have and exercise the same bias and prejudice. He will go to the board to review actions in which he has participated as an attaché of the Internal Revenue Bureau. It is for that reason, and that reason alone, that I have offered this resolution, in order that, hereafter at least, the appointing power may be put upon notice that it is the judgment of the Senate, the confirming body, that this board should not be constituted, certainly not predominantly, of persons theretofore affiliated with the tax units of the Internal Revenue Bureau.

Mr. NORRIS. Mr. President, as I look at it, this resolution is a very important one. It deals with the selection of a board the importance of which can not be overestimated.

At the beginning of what I shall say I want to disabuse Senators' minds of any idea that in speaking in favor of a resolution of this kind—which, as I believe, ought to be modified a little—I have any thought of any individual who has been appointed or may hereafter be appointed to a place on this board. Those who have been appointed are all strangers to me. I am speaking entirely from a matter of principle and without regard to any of the persons appointed and without regard to the appointing power.

It is common knowledge that this board in reality is selected by the Bureau of Internal Revenue, and the controversies upon which it will be called to pass will be controversies between the Bureau of Internal Revenue and the taxpayer.

By whatever name it may be designated in the statute, it nevertheless performs or ought to perform the functions of a court. It ought to be just as free from bias or prejudice or influence as the Supreme Court of the United States; and its judgments will affect larger amounts in any one year than will the judgments, on the average, of the Supreme Court of the United States. It will establish precedents and principles in the construction of the law where the interests of the people are directly at stake. Whether they are there in the court or whether they are ordinary citizens, they will be financially interested in the result of the board's deliberations.

Neither am I casting any reflections on the theory that there is any understanding or agreement or anything of that kind between those who are appointed and any official of the Bureau of Internal Revenue; but human nature will exhibit itself on this board the same as it does everywhere, in every activity of life. The men who are going to pass upon these controversies are in reality selected by one of the parties to the controversy. Their terms will from time to time expire, and they very likely will desire to be reappointed. They will know all the time that whether or not they are reappointed is going to depend upon the will and the wish, to a great extent at least, of one of the parties interested in the controversy before them. It is too much to expect that any human being, influenced as all human beings are, by those undisclosed and perhaps misunderstood and perhaps unconscious things that may arise from time to time to change the bias and the judgment of these men, can render impartial justice under these circumstances. They ought to be selected, as any judge is selected, as free as possible from the influence, the prejudice, or the surroundings that have come to them from their prior official work.

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

Mr. NORRIS. I yield.

Mr. GERRY. Does not the Senator think that that is why the Senate was willing to pay so much larger salaries to these men than are paid to the ordinary employees of the Treasury Department?

Mr. NORRIS. Yes; I thank the Senator for that suggestion. The members of this board are paid salaries of $10,000 a year. That would be on a parity with a Senator getting $15,000 a year. They are free, of course, from all expenses of every kind, and would draw salaries that ought to command, under those circumstances, and would command the best judicial timber of the country.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED of Missouri. We have not yet been able to get a law enacted giving the Federal judges $10,000 a year. The bill passed the Senate but has not yet passed the House.

Mr. NORRIS. Yes; that is true; but such a bill did pass the Senate.

Mr. REED of Missouri. Yes; but, I say, it has not yet passed the House.

Mr. NORRIS. That is true.

Why is it, Mr. President, that we are so insistent that our circuit judges and district judges—who, as has been shown, do not as yet get a salary equal to the salary of these men—should be so free from all bias and all prejudice and all influence of every kind, either conscious or unconscious, and that we should expect to get men of ability to divorce themselves from the activities of life and follow that kind of an occupation, while here we come to a board with a long term of office and provide the payment of $10,000 a year salary and pick its members out of one of the bureaus to pass on questions that are going to arise between that bureau and people outside of the bureau?

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. GLASS. Does the Senator think that a lawyer in this body or any other intelligent lawyer having a jury case involving a tax contest against the Government would accept anyone of these men as a member of the jury to decide the case?

Mr. NORRIS. I do not. I think that is perfectly apparent. Lawyers who represent clients recognize the weakness of human nature. No one is perfect. They recognize, too, that men are often unconsciously influenced by their surroundings.

Mr. McKELLAR. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. McKELLAR. Does the Senator suppose the fact that these gentlemen pass on secret records that are withheld from the public entitles them to a greater salary than is ordinarily paid?

Mr. NORRIS. No; I do not; but the Senator reminds me that if these judgments are to be secret, if the practice in any degree is going to be secret, then we ought to be all the more careful that the men who pass on them shall not be taken out of the bureau that is going to be on one side or the other of every contest that comes before them.

Mr. McKELLAR. The Senator will recall that just a short time ago the Senate voted to keep all these tax records away from the vulgar gaze of the public.

Mr. NORRIS. Yes.

Mr. REED of Missouri. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. REED of Missouri. Can the Senator tell us what salaries these appointees have been drawing in the positions they are about to vacate?

Mr. NORRIS. I can not; but they are very much below this, I understand.

Mr. SMOOT. Seven thousand five hundred dollars a year.

Mr. NORRIS. I suppose they vary somewhat.

Mr. SMOOT. No; they are all the same.

Mr. NORRIS. I am told by the Senator from Utah that the salary is $7,500. That, however, I think is a maximum; is it not?

Mr. SMOOT. They are all the same.

Mr. NORRIS. Do they all draw this salary?

Mr. COUZENS. Mr. President, the appointee appointed from the Bureau of Internal Revenue is one of the assistant solicitors, and the solicitor got $7,500 a year until he was appointed to the new position of general counsel for the bureau.

Mr. SMOOT. But he is not a member of the Tax Board. I understood that the Senator asked as to the members of the board.

Mr. NORRIS. The Senator asked as to what salaries these appointees were getting now.

Mr. SMOOT. Yes.

Mr. COUZENS. No; the Senator from Missouri asked what salaries they got before they were promoted from within the bureau to the Board of Tax Appeals.

Mr. NORRIS. I did not understand the question, then.

Mr. SMOOT. No; I did not understand the question that way.

Mr. NORRIS. If the Senator from Michigan can give that information. I wish he would do it.

Mr. COUZENS. I have not got it.

Mr. NORRIS. The salaries were less than $7,500, were they?

Mr. COUZENS. Oh, they ran all the way from three to four or five thousand dollars.

Mr. WADSWORTH. About $6,000, on the average.

Mr. COUZENS. Oh, no.

Mr. NORRIS. Some of them were as low as $3,000, I understand.

Mr. WADSWORTH. The committee made inquiry about that from an official of the department, and my recollection is that in most of these cases—there are six all together—his reply was that those men had been drawing $5,500 or $6,000 a year in the Internal Revenue Bureau.

Mr. COUZENS. Of course, that would not make the average $6,000.

Mr. WADSWORTH. It would be practically that.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. I simply wanted to inject right here that I am not raising any objection to the salaries these men get. I supposed that was fought out when the revenue bill was up.

Mr. NORRIS. The fact remains that every one of them, by being placed on this board, is getting an increase in salary. There is no dispute about that.

Considerable has been said at various times, in conversations and otherwise, to the effect that the members of this board ought to be experts, and that they ought to come from a bureau that is dealing with tax questions. I want to say just a few words about that point.

These men are going to occupy positions which are easier to fill than that any judge anywhere in the United States of general jurisdiction now occupies, so far as work is concerned. In any State court in this Union a judge of general jurisdiction, who tries a criminal case to-day, a civil case to-morrow, a tax case the next day, and a replevin case the day after that, as far as work is concerned, as far as study is concerned, has more work to do than any one of these appointees. As far as ability is concerned, it requires at least as much, because the jurisdiction of such a judge covers a world of subjects and a great deal of ground upon which technicalities may arise.

These men are going to adjudicate one law, practically, pass on one statute, and the questions which arise under it. Even though he had never read the statute, any lawyer in a few days' time could easily become familiar with it and be able to fill completely and entirely all the requirements of a position on this board.

There is involved here another proposition, it seems to me. If, for the sake of the argument, we admit that these men ought to be taken from the bureau, or taken from among men who have recently left the bureau; if that is the contention, if that is the claim, then we are brought face to face with the fact that the men who have recently been in the bureau with the best of records, with records as being the most industrious and diligent of employees, men of ability and honesty and courage unquestioned, are left off in making these appointments.

I think the Senate is interested, and the country would be interested, in hearing from the Senator from California, who knows the details of that proposition more than I do. If we are to go into the bureau to get those who shall be appointed on this board, then we are face to face with the fact that the two men who have stood shoulder to shoulder above most of the others have been eliminated. Those who dared to express their opinion, those who dared to go contrary to the wishes of the bureau, have been left off when the appointments are to be made.

There is one objection that I have to this resolution. It provides that *hereafter* no person who has been an employee of the United States Bureau of Revenue shall be appointed to any of the vacancies. Why "hereafter"? Why should it not apply now? When the revenue bill was before the Senate, as the Senator from Virginia has well said, we put that proposition into the law. If it had not gone out in conference it would be here staring us in the face to-day. We had it in mind then. We are part of the appointing power. We have a responsibility resting upon our shoulders that we can not shift even though we desire to do so. We have already officially expressed the sentiment of the Senate to the effect that these officials should be selected from outside of this bureau, and as far as we could, we put that into the law when that bill was before the Senate.

Now, when it comes back again in the shape of action on an appointment to fill one of these places, we are face to face again with our own idea as to what the qualifications of these men should be. Is it proper that we should have some ideas about their qualifications? Perhaps the Constitution ought to be different. Perhaps we ought to have nothing to say about these appointments. But the Constitution does put on our shoulders a responsibility.

It is fair to say that the Senate has already expressed itself to the effect that men holding these positions should not be selected from a bureau that is one of the litigants in every case coming before the board.

There is no disrespect to anybody in our feeling that way about it. There is no disrespect to anybody in our expressing the opinion involved in this resolution. But why say "hereafter"? Why lock the stable up after the horse is stolen? If we believe what we have said, why should we first fill the board with men who, according to our idea, are objectionable, not on account of any disqualification personally, but for the reason I have tried briefly to outline? If we believe that, why should we not say so now, and what good will it do to say so, even if we do believe it, if we first fill the board with men who, in our judgment, should not be put on the board?

For the reasons I have given, I move to amend the resolution by striking out the word "hereafter."

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

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, before the vote is taken I want to say a word. I think this resolution ought to be amended. At the end of the last line it should be stated "and no such person shall be eligible for appointment on the Board of Tax Appeals if during that two years he has been employed by private individuals as a tax expert."

It will be very easy for special interests who want appointed somebody in the department who has been doing special favors for special interests, to take him out of the tax department and make him a tax expert of one of these big concerns, and keep him out of that branch of the Government service for two years, and then he would be eligible for appointment under this resolution.

I think this amendment should go on the resolution; that after a man has been separated from the service for two years he would then be eligible, if, under my amendment, he has not been employed by special concerns during that two years as a tax expert.

I offer that as an amendment.

Mr. SMOOT. There is an amendment pending.

The VICE PRESIDENT. An amendment is pending, and the question is on the amendment offered by the Senator from Nebraska.

Mr. SHIPSTEAD. Mr. President, a parliamentary inquiry. What is the amendment pending?

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 1, the Senator from Nebraska proposes to strike out the word "hereafter," so that the resolution will read, "That it is the sense of the Senate that no person who has been," and so forth.

Mr. GLASS. Mr. President, I think it is fair that I at least should say that when I offered the substance of this resolution as an amendment to the revenue bill, it was not my purpose to interfere with the existing status of things. In other words, it seemed to me that men from the Revenue Bureau who had surrendered their positions in the bureau, and had been given these positions on the Board of Tax Appeals, should not be thrown out altogether from employment. Therefore I made my amendment to the tax bill read "hereafter," deeming it sufficient to prohibit the appointing power from making its selections from the bureau. I still entertain the view that such action would be a hardship on four or five of these men who have been taken from the bureau and who have now for nearly a year, if not quite a year, served on the board. I think it fair that I should say that.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. GLASS. I yield.

Mr. REED of Pennsylvania. I understand that there is an amendment pending, and that no amendment can be adopted now; but just in line with the Senator's thought, when it becomes in order would the Senator not agree to substitute the word "nominated" for the word "appointed," in line 3, so as to make it clear that it does not apply to the pending nominations, which have not yet been consummated into appointments?

Mr. GLASS. Yes; that would better express the purpose I had in offering the resolution. I want it distinctly understood that I do not think in the first instance men should have been taken from the bureau and put on this board, but I felt it would not be fair to the men who had been taken, through no fault of their own, and put on this board, to dismiss them in a summary way.

Mr. ASHURST obtained the floor.

Mr. McKELLAR. Mr. President, will the Senator yield to me to ask the Senator from Virginia a question?

Mr. ASHURST. I yield for that purpose.

Mr. McKELLAR. Could the Senator's resolution be amended in such a way as to make it apply to the new members of the board who were appointed? There were three of them, were there not?

Mr. GLASS. There were three, and one of them being taken from the bureau is the incident which again drew my attention to this problem and made me feel that in some quarter the expressed judgment of the Senate had been disregarded.

Mr. McKELLAR. If the Senator will permit me to say so, I think the Senator is exactly right about it. Yet there are equities in favor of those who have been serving on the board for some time. I was wondering if the resolution could be made to apply to the three new members who were appointed.

Mr. ASHURST. Mr. President, I regret at this hour to delay a vote, and I shall speak briefly.

There are two things which a man will never regret. One is not eating more, and the other is not speaking more. But at this juncture I believe I would be guilty of some neglect of duty or some remissness if I failed to say a word.

The Senate is complaining now because the President has nominated as a member of the Tax Board a man who is now Assistant Solicitor in the Bureau of Internal Revenue. The able Senator from Virginia [Mr. GLASS], when the tax bill was under consideration, offered an amendment prohibiting such action, and the Senate agreed to that amendment but later receded therefrom. We are, therefore, blaming Calvin Coolidge or Andrew W. Mellon for our own defect. If we were free from cant and really believed that men should not be placed upon the Tax Board who were in the tax unit, we should have stood resolutely by the Glass amendment, and when the Senate receded from that amendment it practically invited the Secretary of the Treasury to appoint such persons.

I agree thoroughly with the principle announced by the Senator from Nebraska, and under ordinary circumstances would support the amendment proposed by my learned friend from Nebraska.

We have, however, practically invited the administration to nominate such persons by our receding from our own amendment. The President sent in the name of and nominated as a member of the tax board a gentleman named James B. Milliken, Assistant General Solicitor in the Internal Revenue Bureau. The result of the adoption of the amendment would be to penalize Mr. Milliken, to make him the victim of our own remissness.

Now, a word as to Mr. Milliken.

Mr. GLASS. That does not apply to my resolution?

Mr. ASHURST. Quite so, but I am speaking of the amendment.

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

Mr. ASHURST. I yield for a question.

Mr. CURTIS. I ask the Senator not to discuss in open session what ought to be discussed in executive session. I do not want to ask for an executive session if we can get a vote on the question, which would come up in executive session on the merits.

Mr. ASHURST. I shall, indeed, refrain from saying anything of a nature which even by strained construction ought not to be said in open session. But let me repeat in the open Senate what was said publicly in a court room. It surely would not be a violation of the rules of the Senate to repeat here what was said in an argument in open court.

Mr. Milliken was once an official in the Veterans' Bureau, and the then Director of the Veterans' Bureau, one Charles R. Forbes, was indicted for malfeasance in office and malversation of public moneys. At his trial the following words in the nature of argument were used by Mr. John W. H. Crim, attorney, who prosecuted Mr. Forbes. I need not pause to pay any compliment to Mr. Crim's integrity or ability, because Senators know him as one of the ablest lawyers in our country. He said interalia in his argument to the jury:

> You saw there on that witness stand John Milliken, a brilliant and straightforward gentleman. You heard him say that he found himself in a position in that bureau, where he had to enter into a personal altercation to maintain his self-respect. You saw the result of integrity on the part of Milliken; the moment he found Mr. and Mrs. ——— on that train, leaving Washington for the West, in a straightforward manner he walked to Mr. Forbes and questioned the propriety of it.

Mr. Milliken did not seek the office to which he has been nominated. No one was more surprised than he when it was mentioned to him that he would be appointed. He practiced law in Arizona for some years with credit to himself and to his profession. Indeed, though it is not much of a compliment to me politically, I do not even know his politics. I fancy he is a Democrat, having been born and educated in Texas, where almost everybody who is anybody is a Democrat. But I do think on this case we sinned away our day of grace when we receded from the Carter Glass amendment, and now we should not adopt an amendment that penalizes a man for our own remissness.

Mr. GLASS. Mr. President, if I may interrupt, the Senator need not point an accusing finger at me, because my resolution does not undertake to penalize Mr. Milliken. I expressly refrained from doing it in this resolution, because I regard him as one of the worthiest and best qualified men among those who are said to have been named for positions on this board.

Mr. ASHURST. Praise from Sir Hubert Glass is praise, indeed.

Mr. NORRIS. Mr. President, I want to say a word which I think ought to be said in partial reply at least to one remark made by the Senator from Arizona to the effect that we sinned away our day of grace when we receded from the Glass amendment, which was thrown out in conference, and that therefore we have invited the situation that is before us.

I can not understand how the able Senator from Arizona can argue himself into that position. Everybody knows that matters of legislation are more or less matters of compromise. We adopt an amendment to a House bill, the House objects to our amendment, and it goes to conference. If we insisted on every amendment that we put on a House bill that comes here we never would get anywhere with legislation. If the House insisted on the principle there never would be any legislation wherever there was an amendment made by either House.

I contend that the Senate, having adopted the Glass amendment to the revenue act, went on record as to what it believed ought to be done in the way of filling places on this board. No one can dispute that, it seems to me, and it does not follow, because in order to get any bill at all we had to recede from some amendments we had made, that we necessarily did not believe that our amendments were good or were right. We being a part of the appointing power, having that duty put upon us by the Constitution of the United States, believing what we evidently did believe, and I think still believe, when we adopted the Glass amendment, if we are logical now we will support the resolution and the amendment to it which I have offered.

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

Mr. NORRIS. Certainly.

Mr. CARAWAY. If there is any merit in the contention that men who served in the department are not to be put on the

Board of Tax Appeals, in view of the fact that some good man has been named and we have to let the country or this particular good man suffer, where does our duty lie?

Mr. NORRIS. I have no hesitancy myself in saying that the individual will have to suffer. But I do not think anybody is going to suffer. I do not want to be misunderstood. I do not know this man we are talking about. I concede every word the Senator from Arizona said about him. I do not want it to be understood that I am opposed to him. If he were nominated for some other office, if it did not violate a principle, as I think this does, no one would hesitate less than I to support him.

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

Mr. NORRIS. I yield.

Mr. ASHURST. I wish it distinctly understood that I believe that the Senator from Nebraska in this, as in all other matters, is proceeding directly according to a principle which he believes to be vital. I wish it distinctly understood that no one who has served a day in the Senate with the esteemed Senator from Nebraska would think of him for a moment in connection with any purpose other than that moved by a high order of statesmanship. But I do say, if the Senator will pardon me further, and this will appeal to the logic of my friend, whom I recognize as a logician, that the Senate first went on record as opposed to nominating for membership on the Tax Appeals Board men in the bureau. The Senate went on record in that fashion, did it not?

Mr. NORRIS. Yes; it went on record.

Mr. ASHURST. Then the next and only action taken by the Senate since that time upon the same subject was the action recalling that first action——

Mr. NORRIS. Oh, no.

Mr. ASHURST. Otherwise the amendment would be in the law to-day.

Mr. NORRIS. I do not agree with the Senator in that statement.

Mr. ASHURST. It required action on the part of the Senate before we could dispose of that matter.

Mr. NORRIS. The Senate did recede; I admit that.

Mr. ASHURST. Is not the Senator, therefore, bound to admit that the previous action on this subject by the Senate canceled and recalled its prior action?

Mr. NORRIS. No; I do not admit that.

Mr. ASHURST. Then we did not take any action at all.

Mr. NORRIS. I will concede the Senator has a right to take that view of it.

Mr. ASHURST. Then I will have to withdraw some of the praise which a moment ago I gave the Senator as a logician. [Laughter.]

Mr. NORRIS. The Senator can not get me to agree to something that I do not believe in by calling me a logician. [Laughter.]

Mr. SHORTRIDGE. Mr. President——

Mr. NORRIS. I will yield in just a moment, if the Senator will pardon me. There is no discourtesy in this resolution to anybody. There is no injury to anybody. It may be that the previous action of the Senate has not been called to the attention of the President. It probably has not. He probably selected these men upon the recommendation of the head of the Bureau of Internal Revenue. He perhaps has not looked up the record to know what the Senate did in connection with the revenue bill, but I contend that because we receded from an amendment—we receded from dozens and dozens of them on the same bill and this happened to be one—it does not mean that the position of the Senate is any different from what it was when it put the amendment on the bill.

I now yield to the Senator from California.

Mr. SHORTRIDGE. May I ask the Senator what the record shows as to the action of the incumbents of the Board of Tax Appeals? As I recall a statement made before the Finance Committee, it was to the effect that only 49 per cent of the cases were decided in favor of the Government.

Mr. SMOOT. Forty-seven per cent.

Mr. SHORTRIDGE. If that is so, it would seem to indicate that they were not subservient to the appointing or recommending power.

Mr. NORRIS. I am not charging any individual with doing anything.

Mr. SHORTRIDGE. Here is my next question, if the Senator will permit me. The Senator from Arizona has paid high tribute to one of the nominees. He stands before us a man of high character and ability. Does anyone suppose that he would cease to be a man of character or a man of ability if, under his oath, he was called upon to hear and determine a case involving mixed questions of law and fact? May I answer my own question?

Mr. NORRIS. I would rather the Senator would let me answer it, and then he can answer for himself if he chooses.

Mr. SHORTRIDGE. I have a higher opinion of human nature than to suppose that this or any other honest and capable nominee would cease to be an honest man when he becomes a judge.

Mr. NORRIS. The Senator is a lawyer. If his theory as advanced now is right, I do not suppose he would have any objection to having a judge on the bench try a case in which he represented Mr. A if the son of Mr. B, the opposing party, was a brother of the judge. It might be the judge would even lean backward. We do not have to charge a judge with dishonesty in order to disqualify him for the trial of a case.

No one is charging anybody with dishonesty. There is no intimation of it. It is no answer, in my opinion, to say that 47 per cent of the cases are decided this way and 53 per cent the other way. I do not suppose the board, if its members are entitled to draw a salary of $10,000 each, are going to keep a list and say, "This is the turn of the Government to win, or this is the time for the taxpayer to win," and divide them up like the ancient justice of the peace did. Nobody is claiming that. It is not always that they are showing their ability or their honesty or their courage when they decide a case against the Government or for the Government. It may be that there will be cases which the Internal Revenue Bureau would like to see the Government lose. I do not know. It may be that more often than otherwise some friendly taxpayer who had contributed $1,000,000 to a campaign fund would be expected to win. I am not saying that, but that might be.

We can not say that because so many of these cases are decided one way and so many the other way, therefore the board in the past has been unbiased. I am not charging that they were biased. I have not intimated such a thing. I do not know that they were biased. I am saying that they were not biased, and it is no answer, it seems to me, to point out that this man or that man is an honest man or an able man or a courageous man. It is the system that I am referring to. If that system is wrong, if we do not believe that what we did when we put that amendment on the tax bill was right, then let us say, "Appoint them out of the Internal Revenue Bureau," and let us change the law, too, with reference to all the other bureaus for which we have provided—the Farm Loan Board, for instance, where we provided the class of people from which the appointees shall come, and the Federal Reserve Board. Let us change all those laws.

We have recognized, everybody recognizes, the weakness of human nature. It is to circumvent that that we surrounded such appointments with some sort of restriction.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The Secretaray will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DILL (when his name was called). I have a general pair with the Senator from Arizona [Mr. CAMERON]. Not knowing how he would vote if present, I withhold my vote.

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

The roll call was concluded.

Mr. FERNALD (after having voted in the negative). I observe that the senior Senator from New Mexico [Mr. JONES] has not voted. I have a general pair with that Senator and therefore withdraw my vote.

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

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 17, nays 55, as follows:

YEAS—17

Bratton	Heflin	McMaster	Shipstead
Caraway	Johnson	Norbeck	Walsh
Couzens	King	Norris	
Frazier	La Follette	Pittman	
Gerry	McKellar	Robinson, Ark.	

NAYS—55

Ashurst	Capper	Ferris	Hale
Bingham	Cummins	Fess	Harreld
Blease	Curtis	George	Harris
Borah	Deneen	Glass	Harrison
Broussard	Edge	Goff	Jones, Wash.
Butler	Ernst	Gooding	Kendrick

Keyes	Overman	Sheppard	Tyson
McLean	Pepper	Shortridge	Wadsworth
McNary	Phipps	Simmons	Warren
Mayfield	Pine	Smoot	Watson
Means	Reed, Pa.	Steck	Weller
Moses	Robinson, Ind.	Stephens	Williams
Neely	Sackett	Swanson	Willis
Oddie	Schall	Trammell	

NOT VOTING—24

Bayard	du Pont	Howell	Ransdell
Bruce	Edwards	Jones, N. Mex.	Reed, Mo.
Cameron	Fernald	Lenroot	Smith
Copeland	Fletcher	McKinley	Stanfield
Dale	Gillett	Metcalf	Underwood
Dill	Greene	Nye	Wheeler

So the amendment of Mr. NORRIS was rejected.

Mr. GLASS. Mr. President, I ask unanimous consent to be permitted to change the word "appointed" in line 3 of the resolution to "nominated."

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Virginia has the right to modify his resolution without obtaining unanimous consent to do so.

The VICE PRESIDENT. The Senator has a right to modify his resolution.

Mr. ROBINSON of Arkansas. However, I should like to call the Senator's attention and also the attention of the Senator from Pennsylvania [Mr. REED] to the fact that the power to nominate is exclusively an executive function. The Constitution provides that the President shall nominate and by and with the advice of the Senate appoint. We have something to do with the appointment of officers, but, perhaps, have no control over the nomination of officers. I believe the word "appointed" is a better word than the word "nominated."

Senators frequently criticize proposals presented to the Senate as trespassing upon the function of the Executive. I do not think in a resolution the Senate can tell the President whom he shall nominate. It may be competent, and probably is, for the Congress by law to fix the qualifications of these members of the Board of Tax Appeals. We could say that no employee of the Internal Revenue Bureau shall be eligible to appointment. Then the Executive would be expected to respect that restriction; but since Congress has not fixed that as a rule of eligibility, I do not think we can tell the President that he must not nominate an officer in the Internal Revenue Bureau, although the distinction is not entirely clear. We have something to say about whom he shall appoint, because the officer can not be appointed without the advice and consent of the Senate.

Mr. SMOOT. Mr. President, let me ask the Senator a question. The resolution expresses the sense of the Senate that hereafter no person in the class named should be made a member of the Board of Tax Appeals?

Mr. ROBINSON of Arkansas. Yes.

Mr. SMOOT. The resolution does not direct the President or request him. If the word "appointed" shall be used, does the Senator think it will apply to appointments which have already been made by the President?

Mr. ROBINSON of Arkansas. If the word "hereafter" remains in the resolution the clear intent of the resolution will be that it shall not apply to appointments heretofore made. I have already made clear my position on that matter, and that is that I think the word "appointment" is a more appropriate word for the Senate to use in advising the President than the word "nominated," because we can not control nominations.

Mr. GLASS. Mr. President, I am disposed to agree with the Senator from Arkansas. It was not in my mind to make any direction to the President, but simply to express the sense of the Senate as to what the policy should be. Therefore I will not change the word, if it be understood that my resolution is not intended to affect the existing situation, as it was not, because it was intended to apply hereafter.

Mr. BORAH and Mr. HEFLIN addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, what I was going to say is perhaps not necessary to be said now, as the Senator from Virginia, I understand, allows the word "appointed" in the resolution to stand instead of inserting the word "nominated."

Mr. GLASS. Yes.

Mr. HEFLIN. Mr. President, the resolution as it now stands makes any of the attachés of the Bureau of Internal Revenue ineligible until they have been out of the service for two years. I wish to offer an amendment at the end of the last line of the resolution by adding the words:

Be it further resolved, That no such person shall then be eligible for appointment on the Board of Tax Appeals if during that period he has been employed by private individuals as a tax expert.

My reason for that is this: I remember that in connection with tax refunds the fact was disclosed that some agent who had been employed by Doheny in his activities in the West somewhere got into the department and then acted on the matter of securing refunds for him. It would be very easy for some big concern outside to take a man out of the service, put him in its employ, use him for two years and then, as the resolution now stands, he would become eligible for this work. That ought not to be done, and this amendment will prevent such a thing from being done.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. WILLIS. Mr. President, I should like to have the amendment stated from the desk.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. At the end of the resolution it is proposed to add the following:

Be it further resolved, That no such person shall then be eligible for appointment on the Board of Tax Appeals if during that two years he has been employed by private individuals as a tax expert.

Mr. WILLIS obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me for a statement?

Mr. WILLIS. Certainly.

Mr. ROBINSON of Arkansas. I do not know just what a "private individual" is as used in the amendment proposed by my friend the Senator from Alabama, but certainly it differentiates as between natural persons and corporations. If there is a basis for the amendment the Senator proposes, it seems to me there would be no reason for permitting the appointment of an expert who had represented corporations before the bureau and at the same time denying an expert who had represented individuals the right to serve on the board.

Mr. HEFLIN. Mr. President, I think that is a good suggestion. I should like to modify the amendment so as to read "private individuals, firms, or corporations."

Mr. ROBINSON of Arkansas. I do not know what the word "private" means in that connection.

Mr. HEFLIN. It just means individuals, private citizens employing as tax experts men formerly connected with the tax department of the Government—individuals or corporations.

Mr. GLASS. Would that not exclude from the board altogether all tax experts? And does the Senate think it would be desirable to do that?

Mr. WILLIS. Mr. President, the Senator from Virginia has just stated what I wanted to state. As I read this amendment, if it shall be adopted, no person who is in active practice and who is an expert in these matters could be appointed on this board. I quite agree with the Senator from Alabama that a person who has had to do with a case as a lawyer ought not to sit upon that case when he comes to be a member of this board, and I assume that he would not; but to provide by law that no one should be appointed on the board who had been an expert in tax matters within two years would be tantamount to saying, for example, if you were appointing a judge in some other court, that no person should be appointed judge if he had practiced law within a given number of years before that time. It does not seem to me that we want to exclude men who obviously are expert in this line of work; and therefore it seems to me to be very unwise to adopt the Senator's amendment.

Mr. HEFLIN. Mr. President, I desire to modify my amendment by inserting "employed by individuals or corporations."

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The Chief Clerk read as follows:

Be it further resolved, That no such person shall then be eligible for appointment on the Board of Tax Appeals if during that two years he has been employed by individuals or corporations as a tax expert.

Mr. HEFLIN. Mr. President, the resolution as it now stands reads this way:

Resolved, That it is the sense of the Senate that hereafter no person who has been an attaché of the United States Bureau of Internal Revenue should be appointed to any vacancy on the Board of Tax Appeals until at least two years have elapsed since such official connection with said bureau.

What I am seeking to do—and it ought to be plain to all Senators—is to prevent some man being appointed on this Tax Appeals Board who as a tax expert in the tax department of the Government maybe has served individuals, corporations, and firms in refunding to them thousands and millions of dollars, as I believe has been done. I think hundreds of millions of dol-

lars in the last six or seven years have been unjustly returned to certain big and powerful taxpayers of the country. In the Doheny case it was claimed that some man who had been out there in the West as an expert tax man for Doheny got into the tax department here and engineered these refunds for Doheny and Sinclair and others.

I am seeking to make such a thing as that impossible in the future. If one of them renders special service to these big concerns outside, if he becomes a handy man in the tax department for some crooked interest, and after the Government has made that concern pay taxes he can go in there and dig out the money and give it back to the concern, nothing would please them better than to take him out of the Government service for two years and have him appointed upon the Board of Tax Appeals. I am undertaking to prevent that.

If there is a man in the bureau now that they want on the Board of Tax Appeals, they could have him sever his connection, resign, and be out of the Government service for two years, and make him their expert tax man during that time, and then, when the two years had expired, bring him up and offer him as a person eligible for this appointment. That is what I am trying to prevent. I am seeking to safeguard the rights and interests of the American people. Bureaucracy has gone mad in the Capital of the Nation and the interest of the masses of the people is being forgotten by a great many people round about here, while the big special interests are basking in the approving smiles of special favors.

Senators, this is a serious proposition that we have before us. We tax these big, wealthy citizens as we think they ought to be taxed, and when they can not defeat us and prevent the passage of the provisions that we put in measures to make them pay their fair share of the taxes they frequently go in and get some crooked clerk to dig out these taxes and hand them back to them, defeating the very purpose of Congress and practicing fraud and deception upon the Government. Then they can take out one of those fellows and keep him out of the Government's tax service for two years' use as their private tax expert, and put him on the bench where appeals are determined, where the last word is said, and the rascality practiced below can be consummated above.

I offer the amendment, and I trust that it will be adopted.

The resolution as it now stands simply provides that hereafter no tax expert in the Government service shall be eligible to appointment on the Board of Tax Appeals until he has been separated from the tax service of the Government for at least two years, and I am trying to fix it so that certain big concerns can not take certain experts, their friends, out of the service and employ them as private tax experts for the two years and then have them appointed on the Board of Tax Appeals.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama, as modified.

Mr. HEFLIN. I ask for a rising vote.

On a division, the amendment as modified was rejected.

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

Mr. COUZENS obtained the floor.

Mr. HEFLIN. Mr. President, I ask for the yeas and nays.

Mr. SMOOT. The result has been announced.

The VICE PRESIDENT. The demand is not seconded by a sufficient number.

Mr. HEFLIN. Will not Senators permit us to have the yeas and nays?

Mr. COUZENS. Mr. President, I desire the floor.

The VICE PRESIDENT. It requires one-fifth of the Senators present to order the yeas and nays.

Mr. HEFLIN. Mr. President, this is such an important matter that I make the point that there is not a quorum present.

Mr. SMOOT. Mr. President, the result has been announced by the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama for the purpose of calling a quorum?

Mr. HEFLIN. I did not know the Senator from Michigan had the floor. I will not interrupt him for that purpose. I withdraw the suggestion.

Mr. COUZENS. Mr. President, I offer the following amendment: At the end of line 2, after the words "United States," strike out the words "Bureau of Internal Revenue" and insert the words "Treasury Department." Then the resolution would read:

Resolved, That it is the sense of the Senate that hereafter no person who has been an attaché of the United States Treasury Department should be appointed to any vacancy on the Board of Tax Appeals until at least two years have elapsed since such official connection with said department.

It has been said, and I think nearly every Senator has been in agreement, that it is an unwise policy to appoint men from the Internal Revenue Unit, because of the influence of the prior association. What may be said in that connection may be said equally as to every other bureau of the Treasury Department. In other words, they are associated in nearly all of their activities. In fact, it has been stated that the Commissioner of Internal Revenue picks out these members for the board, subject to the approval of the Secretary of the Treasury. So it is apparent to me that the whole Treasury Department is interested in placing these members on the Board of Tax Appeals. Therefore, what is true in that case of the Bureau of Internal Revenue appears to me to be equally true of the entire department.

Mr. GLASS. Mr. President, suppose, for example, the Register of the Treasury should be appointed on this board. Would the Senator contend that the Register of the Treasury has anything in the world to do with the consideration of tax matters?

Mr. COUZENS. The Senator, in asking that question, would lead me to discuss some of the things that were discussed in executive session.

Mr. GLASS. I do not want to do that.

Mr. COUZENS. I think that is absolutely correct. I think that if the appointees upon this board owe their appointment to the Commissioner of Internal Revenue or the Secretary of the Treasury, and, coming from those departments, they are under the influence of the appointing power, what is true of the members of the Bureau of Internal Revenue would appear to me to be equally true of any one who is taken from within the department.

Mr. GLASS. The difference is that I can name scores of attachés of the Treasury Department who have nothing whatsoever to do with the consideration of tax questions, and therefore, if made members of this board, would in no wise be imbued with the Internal Revenue Bureau idea of tax adjustments.

Mr. COUZENS. I think that is correct if that is the extent to which it was intended to endeavor to restrict the appointing power, because it was stated, as the Senator knows, that other elements entered into these appointments than the mere fear of bureaucracy and being under the influence of that department.

Mr. President, I send to the desk an editorial which I ask to have read. It is taken from the Engineering and Mining Journal-Press of this month. I ask to have it read as an indication of what the public are thinking about the make-up of this Board of Tax Appeals.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

[From the Engineering and Mining Journal-Press for June, 1926]

A ONE-MAN BOARD OF TAX APPEALS

Sixteen appointments were made recently to complete the personnel of the Federal Board of Tax Appeals, effective as of June 1, 1926. The board, which handles natural resources tax cases, as well as others, has been functioning nearly two years with a trained and experienced staff. Two of the men, Albert E. James and A. E. Graupner, who had been on the board for several months, were not reappointed, but new men were named in their place.

Senator EDGE, of New Jersey, protested against the failure of the Secretary of the Treasury to recommend reappointment of Albert E. James, of New Jersey, who had a record of high efficiency in handling cases before the board. The Senator was informed that the reason for the failure of these men to secure reappointment was predicated on differences between them and the chairman of the board, over various administrative matters. On several occasions the opposition of Messrs. James and Graupner was so determined or so well founded as to swing a majority of the board away from the judgment of the chairman.

If the judgment of the chairman is to prevail at all times, why a board of 16 members? All that is needed is an all-wise chairman to hear the taxpayers' plaint, a few file clerks, and possibly a stenographer. Because of a difference of opinions, tax cases are sent to the board for adjudication. Members of the board are presumably men of ability, many of whom no doubt are as well read on income tax law and business matters as is their superior officer. Each member of the board has as much right to his opinion as the chairman has to his. The ends of justice are better served if the judgment of the majority should prevail in matters of opinion, rather than that the board should agree in toto with the chairman.

Without holding any brief for the men who were not renominated, the reason advanced by the Treasury Department is weak, to say the least. Here is another example of what happens when trained technical men in the Government service refuse to be rubber stamps in the hands of an administrative official.

Mr. HEFLIN. Mr. President, this resolution without the word "hereafter" being stricken out, the adoption of my amendment reminds me of the one the Republican Senate adopted when it seated Newberry.

Let me read it:

Resolved, (1) That the contest of Henry Ford against Truman H. Newberry be, and it is hereby, dismissed.

(2) That Truman H. Newberry is hereby declared to be a duly elected Senator from the State of Michigan for the term of six years commencing on the 4th day of March, 1919, and is entitled to hold his seat in the Senate of the United States.

(3) That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

Do you recall that miserable document, Senators? I want to read this resolution again, because we are going to hear from it later:

It is the sense of the Senate that hereafter no person who has been an attaché of the United States Bureau of Internal Revenue should be appointed to any vacancy on the Board of Tax Appeals until at least two years have elapsed since such official connection with said bureau.

Some of these gentlemen just appointed as members of the Board of Tax Appeals taken out of the tax division of the Treasury Department are appointed, some of them, for terms lasting 12 years. As members of the Board of Tax Appeals they have the power in their hands to declare null and void the tax laws passed by Congress. They have the last word to say upon the subject. We can compel predatory interests to pay money into the Treasury in taxes, but these men can nullify our acts and by returning millions to favorites, practically repeal in favor of a certain class the tax laws passed by Congress. Now, we have established a tax board made up largely of men coming out of the tax department itself, to pass upon appeals that come up from people who are not satisfied with the decision of some clerk below. The members of the Board of Tax Appeals should not be selected out of that department. I do not know these men. I take it that they are very clean and honest men. I am strongly opposed to taking Government employees out of this tax division and making them judges to pass on tax appeals.

Senators, can we vote to confirm these men and excuse ourselves by saying that men appointed from that department hereafter will not be eligible? That is exactly what you are about to do. If it is wrong to appoint men from that department hereafter, it is wrong to appoint them from it now.

Personal friendship for some of the men appointed should not cause us to lose sight of our duty in the premises.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. COUZENS].

The amendment was rejected.

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

The resolution was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the Senate (at 6 o'clock p. m.) with closed doors took a recess until to-morrow, Tuesday, June 8, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 7, 1926

PUBLIC HEALTH SERVICE

The following-named doctors to be assistant surgeons in the Public Health Service, to take effect from date of oath:

Gerald T. Sprague.	William H. Sebrell.
Kirby K. Bryant.	George G. Holdt.
Edward R. Pelikan.	Charles L. Quaintance.
Homer L. Skinner.	Anthony P. Rubino.
Clifford L. Wilmoth.	John W. Scott.

The following-named passed assistant surgeons to be surgeons in the Public Health Service, to rank as such from the dates set opposite their names:

Ralph E. Porter, July 15, 1926.

Joseph W. Mountin, July 17, 1926.

Each of the above-named persons have passed the examinations required by law.

UNITED STATES COAST GUARD

TO BE LIEUTENANTS (JUNIOR GRADE)

Ensign (temporary lieutenant, junior grade) Donald C. McNeil to be a lieutenant (junior grade), to rank as such from May 15, 1926.

Ensign (temporary lieutenant, junior grade) Harley E. Gorgan to be a lieutenant (junior grade), to rank as such from May 15, 1926.

Ensign (temporary lieutenant, junior grade) William S. Shannon to be a lieutenant (junior grade), to rank as such from May 15, 1926.

The above promotions are recommended in accordance with the provisions of section 4 of the act approved January 12, 1923. These officers have passed the examinations required by law.

TO BE DISTRICT SUPERINTENDENTS

Gus B. Lofberg, district superintendent, with the rank of lieutenant, to be district superintendent, with the rank of lieutenant commander, in place of John S. Cole, district superintendent, with the rank of lieutenant commander, deceased, to rank as such from March 8, 1926.

Chester A. Lippincott, district superintendent, with the rank of lieutenant (junior grade) to be district superintendent, with the rank of lieutenant, in place of Gus B. Lofberg, district superintendent, with the rank of lieutenant, promoted, to rank as such from March 8, 1926.

The above-named officers have passed the examinations required by law.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Reserve

Brig. Gen. Howard Seymour Borden, Reserve, from July 13, 1926.

PROMOTIONS IN THE NAVY

Pay Inspector Frederick G. Pyne to be a pay director in the Navy, with the rank of captain, from the 29th day of May, 1926.

Paymaster John H. Gunnell to be a pay inspector in the Navy, with the rank of commander, from the 29th day of May, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7, 1926

INTERNAL REVENUE SERVICE

Pressly R. Baldridge to be special deputy commissioner.

UNITED STATES COAST GUARD

Norman R. Stiles to be lieutenant.

JUDGE OF THE COURT OF CLAIMS

McKenzie Moss to be judge of the Court of Claims.

UNITED STATES ATTORNEY

J. D. Ernest Meyer to be United States attorney, eastern district of South Carolina.

UNITED STATES MARSHAL

Samuel J. Leaphart to be United States marshal, eastern district of South Carolina.

IN THE ARMY

GENERAL OFFICERS

Frederick Fuller Russell to be brigadier general.

APPOINTMENT BY TRANSFER IN THE ARMY

James Sproule, captain.

Harry Edmund Pendleton, captain.

PROMOTIONS IN THE ARMY

TO BE CAPTAINS

Barlow Winston.	William Burl Johnson.
Maurice Rose.	Wilfred Hill Steward.
Chester Morse Willingham.	Merl Louis Broderick.
Gene Russell Mauger.	Winfield Rose McKay.
Frank L. Burns.	Lester Austin Webb.
Harold Edwards Stow.	Samuel Lewis Buracker.

Arthur Edwin Burnap.
James Harrison Donahue.
David Almedus Bissett.
Thomas Patrick Walsh.
Warren Benedict Scanlon.
William Robert Hamby.
Buckner Miller Creel.
Henry Winter Borntraeger.
Edwin Rudolph Petzing.
Richard Carvel Mallonee.
Theodore Ernest Voigt.
Douglas Johnston.
Lawrence Pradere Hickey.
Severn Teackle Wallis, jr.

TO BE FIRST LIEUTENANTS

Percy Earle LeStourgeon.
Caryl Rawson Hazeltine.
Irvin Albert Robinson.
William Hypes Obenour.
Michael Henry Zwicker.
James Thorburn Cumberpatch.
Ralph Roth Wentz.
Leon Valentine Chaplin.
Daniel Webster Kent.
Harold Goodspeede Laub.
Harry Lynch.
George Marion Davis.
Fay Warren Lee.
Charles Emmett Cheever.
Harry Meyer.
Peter Anthony Feringa.
Edward Barber.
Edward Hall Walter.
David Albert Morris.
Paul Cone Parshley.
Lewis Wellington Call, jr.
Richardson Selee
Don Waters Mayhue.
Charles Harold Crim.
John Harry.
Harold Oakes Bixby.
John Bruce Medaris.
George Randall Scithers.
John Henry Featherston.
Charles Andrews Jones, jr.
William Conrad Jones.
Hubert Stauffer Miller.
Edward Harold Coe.

PHILIPPINE SCOUTS

TO BE FIRST LIEUTENANTS

Melecio Manuel Santos.
Narciso Lopez Manzano.
Juan Segundo Moran.
Luis Mobo Alba.

POSTMASTERS

GEORGIA

John T. Cagle, Ball Ground.
James H. Foster, Cornelia.
Robert T. Broome, Danielsville.
Maggie Clarke, Milan.
Jett M. Potts, West Point.

IOWA

Gust A. Hall, Colo.
Samuel J. Stites, Crawfordsville.
John Geiger, Minden.
George A. Redenbaugh, Tabor.
Walter H. Vance, Winterset.

MISSISSIPPI

Winnifred L. McMain, Avera.
Julia Magee, Braxton.
Daniel F. Smith, Carriere.
Ira I. Massey, Ethel.
Herbert B. Miller, Gloster.
Herbert O. Roberts, Holly Springs.
George H. Flowers, Kilmichael.
William O. Thompson, Lexington.
Sidney M. Jordan, Louisville.
Ruth Seale, Lyon.
Earl E. Royals, Mize.
Charles C. Swetman, Perkinston.
Ellen V. Montgomery, Potts Camp.
Ruby W. Bacon, Schlater.
Halbert M. Burch, State Line.
Joseph R. Weathersby, Taylorsville.
Benson L. Myers, West Point.

TENNESSEE

Nona C. Armstrong, Martel.

INDIANA

Ella S. Shesler, Burnettsville.
William J. DeVerter, Cayuga.
George H. Thomas, Fortville.
Fred S. Huffman, Lapel.
Hugh A. Fenters, Macy.
Clyde H. Fee, Waterloo.

MISSOURI

John M. Gallatin, Chillicothe.

TEXAS

Bert J. McDowell, Del Rio.
Carl W. Smith, Kress.
Daisy M. Singleton, Marble Falls.
Claud C. Morris, Rosebud.
Clinton J. Farrell, Vernon.
Ada A. Ladner, Yorktown.

HOUSE OF REPRESENTATIVES

MONDAY, *June 7, 1926*

The House met at 12 o'clock noon.

In the absence of the Chaplain, Rabbi Abram Simon, of the Washington Hebrew Congregation, Washington, D. C., offered the following prayer:

In the thought of Thy gracious presence, Our God and Father, we consecrate this week and ourselves to the glory of our Nation and our people. Thy favoring Providence has guided our Nation from its earliest days unto this resplendent hour. We pray fervently that we may be ever worthy of the continuance of Thy beneficent care. We commend to Thee the President of the United States and all those who are holding up his hands in the administration of our laws. We trust that Thy wisdom and love may abide in this Hall of legislation so that the work of peace and of understanding, of progress, and of consecration may win the approval of Thine all-seeing eye. Bless all our free and noble institutions, now and evermore. Amen.

The Journal of the proceedings of Friday, June 4, 1926, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 92) fixing postage rates on hotel-room keys and tags disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. METCALF, Mr. FRAZIER, and Mr. TRAMMELL act as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith disagreed to by the House on the disagreeing votes of the two Houses thereon and had ordered that Mr. HALE, Mr. PEPPER, Mr. ODDIE, Mr. SWANSON, and Mr. GERRY act as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had ordered that Mr. WADSWORTH, Mr. BINGHAM, and Mr. SHEPPARD act as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. FESS, Mr. GOFF, Mr. HALE, Mr. KING, and Mr. ASHURST as the members on the part of the Senate of the committee to represent Congress at the celebration of the one hundred and fiftieth anniversary of the battle of Fort Moultrie, at Charleston, S. C., on June 28, 1926, pursuant to the provisions of House Concurrent Resolution No. 28.

ENROLLED BILLS PRESENTED TO THE PRESIDENT

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 bills:

H. R. 3446. An act for the relief of Ulric O. Thynne;

H. R. 5507. An act for the relief of Agnes M. Harrison, postmistress at Wheeler, Miss.;

H. R. 252. An act to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land;

H. R. 431. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 595. An act for the relief of B. Jackson;

H. R. 615. An act for the relief of John H. Barrett and Ada H. Barrett;

H. R. 680. An act for the relief of John A. Douglas;

H. R. 912. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 962. An act for the relief of the estate of William Fries, deceased;

H. R. 1538. An act for the relief of John Milton Pew;

H. R. 1594. An act for the relief of F. Joseph Chatterton;

H. R. 1717. An act for the relief of Alonzo C. Shekell;

H. R. 1721. An act for the relief of Francis Forbes;

H. R. 1828. An act for the relief of J. M. Holladay;
H. R. 1961. An act for the relief of B. G. Oosterbaan;
H. R. 2172. An act for the relief of Joseph A. Choate;
H. R. 2207. An act for the relief of Simon R. Curtis;
H. R. 2715. An act for the relief of the widow of W. J. S. Stewart;
H. R. 2808. An act for the relief of Paymaster Herbert Elliott Stevens, United States Navy;
H. R. 2993. An act for the relief of Harry McNeil;
H. R. 3691. An act for the relief of the estate of James H. Graham;
H. R. 3952. An act authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela;
H. R. 4117. An act for the relief of J. Walter Payne;
H. R. 4125. An act for the relief of Louis A. Hogue;
H. R. 4158. An act for the relief of Sophie J. Rice;
H. R. 4325. An act for the relief of Wade W. Barber;
H. R. 4580. An act for the relief of the Moran Towing & Transportation Co.;
H. R. 4585. An act for the relief of Andrew Cullin;
H. R. 4812. An act to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906;
H. R. 5332. An act for the relief of T. Luther Pinder;
H. R. 5341. An act for the relief of Ruphina M. Armentrout;
H. R. 5359. An act authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test-car depot, and for other purposes;
H. R. 6015. An act to correct the Marine Corps record of Roy W. Saam;
H. R. 7024. An act for the relief of Walter Kent, jr.;
H. R. 7181. An act to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line;
H. R. 7217. An act to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog";
H. R. 7380. An act to amend section 5 of the act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, and section 12 of the act entitled "An act to provide for eliminating certain grade crossings, etc.," approved February 12, 1901, as amended;
H. R. 7522. An act for the relief of William J. Nagel;
H. R. 7523. An act for the relief of John G. Hohl;
H. R. 7809. An act for the relief of H. H. Hinton;
H. R. 8602. An act for the relief of Hewson L. Peeke;
H. R. 8715. An act to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916;
H. R. 8725. An act to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps;
H. R. 8846. An act for the relief of Cyrus Burey;
H. R. 9212. An act authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of $9,403.42 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county by the Government of the United States;
H. R. 9237. An act to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts;
H. R. 9390. An act to eliminate certain privately-owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.;
H. R. 9636. An act to provide for the inspection of the battle field of Pea Ridge, Ark.;
H. R. 9775. An act for the relief of Sherman Miles;
H. R. 9869. An act to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building;
H. R. 10131. An act granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes;
H. R. 10161. An act for the relief of the owners of the barge *McIlvaine No. 1;*
H. R. 10203. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes;
H. R. 10385. An act to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps;
H. R. 10984. An act to amend the national defense act of June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions;
H. R. 11118. An act to authorize the widening of Harvard Street in the District of Columbia, and for other purposes;
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;
H. R. 11353. An act to convey to the city of Oshkosh, Wis., certain Government property;
H. R. 11385. An act granting the consent of Congress to the Georgia-Florida Bridge Co., to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.;
H. R. 12066. An act to add certain public lands to the Washakie National Forest, Wyo.;
H. R. 12172. An act permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; and
H. J. Res. 9. A joint resolution granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4223. An act to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims; to the Committee on Indian Affairs.

S. 4320. An act for the relief of the State of North Carolina; to the Committee on Military Affairs.

S. 4344. An act to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground; to the Committee on Indian Affairs.

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 3160. An act for the relief of certain settlers on the Fort Peck Indian Reservation, State of Montana; to the Committee on the Public Lands.

S. 1616. An act authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

S. 1613. An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

S. 3170. An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes; to the Committee on the Judiciary.

S. 4111. An act providing for public notice relative to the selection of proposed sites and locations for post offices; to the Committee on Public Buildings and Grounds.

S. 863. An act providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army or Navy whose death results from wounds or diseases not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917; to the Committee on Military Affairs.

S. 1113. An act for the relief of William Mortesen; to the Committee on Claims.

S. 1147. An act to establish game sanctuaries in the national forests; to the Committee on Agriculture.

S. 1424. An act for the relief of John G. Sessions; to the Committee on Claims.

S. 1641. An act for the relief of Mary H. Dougherty; to the Committee on Naval Affairs.

S. 2139. An act for the relief of William W. Green, warrant officer, United States Army; to the Committee on Claims.

S. 2615. An act to authorize common carriers engaged in interstate commerce to transport any blind person accompanied by a guide for one fare; to the Committee on Interstate and Foreign Commerce.

S. 3185. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; to the Committee on Indian Affairs.

S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys; to the Committee on Agriculture.

S. 3462. An act for the relief of Homer H. Hacker; to the Committee on Claims.

S. 3471. An act for the relief of Philip T. Coffey; to the Committee on Military Affairs.

S. 3514. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct; to the Committee on Military Affairs.

S. 4171. An act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.; to the Committee on the Merchant Marine and Fisheries.

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia; to the Committee on Public Buildings and Grounds.

MEYER LONDON

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker and Members of the House, with great regret and sorrow I am compelled to announce the untimely death of the Hon. Meyer London, a former Member of this House, having served in the Sixty-third, Sixty-fourth, and Sixty-seventh Congresses, representing the twelfth district of New York, which district is now represented by me. He was struck by an automobile, from which accident he died on Sunday, June 6, about 10 p. m.

I had known Mr. London for many years, living in the community which he represented. I had always found him to be a man of integrity and honesty and a faithful servant to his people. Although I did not agree with his views, nevertheless his utterance and his position in Congress and elsewhere was that of a sincere man. Although he opposed the war, he nevertheless voted for all appropriations that would bring about the successful completion of the war, and in that he showed great spirit and love for this country.

Coming from the district that he represented, I feel it my duty to rise from the floor and express my sincere regret of this unfortunate happening.

Mr. Speaker and gentlemen of the House, I spoke to Mr. London about 10 days ago, and to think that was the last time I would see him or speak to him is beyond words to express. He has been called away at the early age of 53, just in the prime of life, when he had much to live for and to enjoy life and happiness with his family. It is with this sentiment in mind that I feel the House of Representatives will join me in expressing our sincere regret of the sad news of the death of one of our former colleagues of this House and to extend to his family our sympathy and condolence, bearing in mind that he was a useful citizen and that his memory will not be forgotten.

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

THE PROTECTIVE TARIFF

Mr. SOSNOWSKI. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech that I delivered over the radio.

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

There was no objection.

Mr. SOSNOWSKI. Mr. Speaker, under the leave granted me to extend my remarks I submit the following address delivered by me over the radio:

Mr. SOSNOWSKI. Ladies and gentlemen of the United States, in my second message to the great audience beyond the ether I want to talk about that great Republican principle, the protective tariff, that same tariff which has brought prosperity throughout our Nation and which is keeping prosperity here.

We know the tariff is our best friend, and we know that the last few years of prosperous living have been due to it as the stability of a Republican Government more than any one thing.

And yet the tariff is something which the Democrats feel should be an issue this year. From close observation in Congress this session it is quite apparent that revision of the tariff will accomplish anything from building bridges to enforcing the dry law. If John Jones wants his street in front of his post office paved, or Bill Smith asks a pension for a veteran of the Civil War, the Democrats at once propose a revision of the tariff. They have accepted it as a panacea for all evils, legislative and otherwise. It is probable that this six-year problem of drying up our country, legislating us into paradise, could easily be accomplished if the Democrats were allowed to rewrite the tariff.

Several thousand pages in the CONGRESSIONAL RECORD already have been devoted by the Democrats toward their campaign speeches for this year. The tariff is the only thing they can think of. And now it seems that the days in which they can consider the tariff an issue are numbered. The consummate nerve of this minority party openly threatening to wipe out the very law which has made this country the wealthiest and most powerful in the world is astounding. It is equally surprising to study the history of protective tariffs and find out just why the Democratic Party removed it as the outstanding principle of American development.

The protective tariff principle is not only one of the fundamental laws of American economic and industrial success but it had its origin in the early days of the Democratic Party. The real men, Jefferson, Madison, Calhoun, Monroe, and Jackson, who are the foundation of the minority party, had the keen foresight to see that this Nation's development must depend upon the protective tariff. It was their idea that the Democratic Party should assume national leadership by evolving a protective tariff policy and promoting the certain prosperity which it would create. But the Democrat's high ideals have been perverted. The abandoned tariff child has been reared by a foster father—the Republican Party—and no one can deny that its adolescent development has revolved around the most successful venture of American business.

Any effort to follow or understand the arguments of the Democrats on the floor of the House in respect to the tariff proves quite futile. And remember, gentlemen, they are laying the basis for their campaigns when they arise to berate the Republican administration for the help it has given the business and economic interests of the country. Their policies are as many as we have makes of automobiles. The results of their proposals would be just as varied, and probably would not prove the profitable investments for American prosperity that the Republican tariff has been.

If the Democrats keep on at their present pace and develop a new plan to revise the tariff each day, as they have done so far this session, it is doubtful whether the Republicans will have much to worry about this campaign year. If the Democrats ever had an issue in the tariff—and I do not believe they ever had—they certainly are dissipating any chance of using it. They will have to sign a peace within their own ranks and agree on a tariff policy which they can support before they can ask the people to support revision of our present law. The haphazard suggestions they have made so far do not include that they have given the subject very much thought or consideration; they are not serious enough to attract very much attention from voters who have enjoyed the pay envelopes and salaries of the last few years.

These Democrats talk of "free trade," "tariff for revenue only," "tariff for revenue" omitting the "only," and for "incidental protection"—all in the same breath. No student of politics has yet been able to fathom accurately what their attitude happens to be.

On the other hand, the Republican Party stands for the well-tried and successful policy of keeping the American consuming market for American industries by levying duties on foreign importations, such a duty to be equal to the difference in cost of production here and the cost of production in the country from which the product is imported. That difference, incidentally, largely is representative in the difference in the pay envelopes of the American workman and his underpaid foreign competitor.

So far as the principle of protection is concerned, the logical opposing plan would be a free-trade policy or a tariff for revenue only. There is no middle ground between these two. And there is no middle ground in their effects. One means prosperity; the other means soup kitchens and bread lines.

The lives of our Democratic statesmen to-day seem to be as much affected with this modern era of short skirts, rolled stockings, and bobbed hair as our most blasé flappers.

Formerly they stood out boldly for a policy of either free trade or tariff for revenue only. Modern Democrats have bobbed the "only" from their slogan, when as a matter of fact that was the only word in it which had any real meaning.

Here is how the Democrats, when their party was young, accepted the tariff—I mean a protective tariff—as the basis for national prosperity and for Democratic success:

In the First American Congress, in 1789, a resolution was introduced by James Madison, of Virginia, for laying the duty on goods, wares, and merchandise imported into the United States. Madison not only was a great Democrat, but he was one of the leaders in the framing and the adoption of the Constitution of the United States. If it be contended that this resolution was proposed for revenue only purposes, my reply is that the preamble does not support it. Instead, the preamble specifically says that such a law is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement of manufactures.

The debates in Congress during the consideration of the Madison resolution show conclusively that the flapper, modern, free-trade or revenue-only Democrat does not draw his inspiration from the old-time Democracy.

It is also recorded in the early debates in Congress that Mr. Madison moved to lay an import duty of 8 cents on all beer imported. He did not think this sum would give a monopoly, he said, but hoped that it would be such an encouragement as to induce the manufacture of the product in every State in the Union. It is needless to say that the manufacture of beer did take root, very deep root, indeed, until uprooted not so long ago by the gentleman from Minnesota, Mr. Volstead.

This is what Madison had to say about protective tariffs:

"Gentlemen who are opposed to giving sufficient encouragement to shipbuilding ought to recollect an argument that is considered of weight in the case of encouraging manufacturers. It is certain that manufacturers have been reared up by the fostering care of State legislatures, displayed in the shape of protecting duties; but the people, by the adoption of the Constitution, have put it out of their power to continue them. Those States, not being able to continue their encouragement, expect that we will attend to their policy and protect their citizens in the property they were led to acquire under the State regulations."

Likewise, Jefferson, whom none of our present Democratic tariff critics will depose from the early leadership of their party, wrote, back in 1815, as follows:

"We are consequently become manufacturers to a degree incredible to those who do not see it and who only consider the short period of time during which we have been driven to them by the suicidal policy of England. The prohibiting duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves without regard to difference in price, secures us against a relapse into foreign dependence."

Now, these Democrats would scrap all ideas along this line of the Nation's early builders for the sake of a haphazard, makeshift, election issue.

Much has been said at this session about agricultural bankruptcy. The Democrats from the South and that group of Republican insurgents from some Mid Western States, have striven to lay the blame for this financial chaos at the door of the Republican Party because of its protective tariff. Their argument proves very illogical. It hardly seems to convince themselves.

As has been repeatedly asserted on the floor of the House of Representatives, American agriculture is not suffering from a Republican protective tariff, but is reaping the consequences of Democratic maladministration. The American workingman when he is employed is the largest consumer as well as the best consumer in the world of farm products. But for our home market for the products of the farm and factory, which has been built up and maintained by the protective tariff policy of the Republican Party, our country would be far less prosperous than it is to-day.

During and immediately following the World War the American farmer and livestock grower was urged by the Democratic administration to spare no efforts or money in obtaining a maximum production of farm products. This policy was urged upon the farmer by every method and device at the command of the Democratic administration. Every bit of governmental machinery at the disposal of the administration was used to assist and encourage the agricultural and livestock producer in this program of increased production.

The American farmer responded. He cultivated the land he possessed at the time the war broke out with all the intensity at his command, buying for himself additional farm machinery and power. To do this he, in the majority of cases, made many hazardous commitments in the form of notes payable at future dates. This was the situation in the summer of 1920. Now these notes are coming due and the farmer is in the most serious trouble since the days of the Civil War.

The crops of 1920 were produced at peak cost to the farmer. Farm wages were higher than ever before in the history of agriculture. Farm machinery was at peak prices. Under these conditions the American farmer produced the largest crop in 1920 that history records. He expected to market that crop under the conditions which prevailed at the time he sowed it.

During the summer of that year the Wilson administration became panicky over the high cost of living. The campaign was on. In the large industrial centers and cities the protest against high cost of food and other products was becoming a serious matter. It was directed at the Democratic administration and the Democratic Party. Instead of instituting prosecution of profiteers, the futile method of deflating farm prices was resorted to in the hope that this would bring down the retail price of food. So it came about that in the summer of 1920 the Federal Reserve Board, at that time dominated by appointees of President Wilson, suddenly and without warning ordered a restriction of credits and the calling in of loans already made.

The farmer is the one producer who can not meet such an emergency. The merchant, who turns his goods over many times a year at a very wide margin, can always resort upon the shortest notice to a forced bargain sale and thus dispose of his ware. Not so with the farmer. No bargain sale in wheat or corn or wool or livestock is possible with him. You can not stimulate the consumption of beefsteak or bread or potatoes by slashing the price of cattle on the hoof, wheat in the bin, or potatoes yet to be dug. The Democratic policy of deflating farm prices certainly did not lower food prices in the retail stores, but the deflation did result in the ruination of the American farmer.

But to return to the Democrats: In Congress it is very easy to see that these critical members of the minority party are free traders and antitariff proponents in theory only. They are willing to throw away the prosperity of the Nation, or they say they are, in order that they may do a little experimenting with the Government's long-established economic foundation. But they do not take any such chances when it is some small matter involving their own district. It is all very well to take off the protection from the other fellow's industries, but they are the fighters for a tariff when it strikes home at an industry in their districts. They vote protection then.

Again, I say, the tariff is as much a factor in your business success as the genius of Henry Ford is in his or the efficiency of all other great motor industries are to them. The Republican Party has developed the tariff, has worked it out to the point where it successfully gives the Nation first place in the business of the world. Let us not forget this, and let us not forget that its stability means its success.

ENROLLED BILLS SIGNED

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

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 5026. An act to provide for the construction of 10 vessels for the Coast Guard;

H. R. 6535. An act to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian homes commission act, approved July 9, 1921;

H. R. 9035. An act for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army;

H. R. 10773. An act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes;

H. R. 11613. An act to provide for the study and investigation of battle fields in the United States for the commemorative purposes;

S. 767. An act for the relief of Annie H. Martin;

S. 869. An act for the relief of Harry Ross Hubbard;

S. 1903. An act for the relief of Capt. Murray A. Cobb;

S. 945. An act for the relief of Gershon Bros. Co.;

S. 3328. An act for the relief of L. W. Burford; and

S. 2512. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, in the settlement of certain accounts.

MRS. G. A. GUENTHER

Mr. NEWTON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7943 and agree to an immaterial Senate amendment.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 7943, which the Clerk will report, and agree to the Senate amendment.

The Clerk read as follows:

H. R. 7943. An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign in the United States Naval Reserve.

Mr. BEGG. Reserving the right to object, what is the amendment?

Mr. NEWTON of Missouri. As the House passed the bill it designated him as a member of the United States Naval Air Corps. The Senate amended it to read a member of the Naval Reserve.

The SPEAKER. Is there objection?

There was no objection.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. SNELL. Mr. Speaker, I present the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution (H. Res. 283) to provide for the consideration of S. 1912, to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $3,000 in any one case.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered printed.

SOLDIERS' HOME AT SAWTELLE, LOS ANGELES COUNTY, CALIF.

Mr. SWING. Mr. Speaker, I ask unanimous consent to address the House for five mintues.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SWING. Mr. Speaker, I ask that the following telegram be read in my time by the Clerk.

The Clerk read as follows:

[Telegram protesting against S. 3921]

LOS ANGELES, CALIF., *June 5, 1926.*

Hon. PHIL SWING, M. C.,
House Office Building, Washington, D. C.:

Following is copy resolution unanimously adopted Los Angeles County Council American Legion, comprising 63 American Legion posts, notwithstanding able presentation opposition by James R. Martin, of university site committee;

"Whereas it is proposed that Los Angeles County vote bonds in the sum of $1,000,000 to purchase 160 acres of land from the soldiers' home, being approximately one-fourth of the present land owned, for the benefit of disabled veterans; and

"Whereas bills are now pending in Congress authorizing the sale of said property and the allocation of said funds to the home; and

"Whereas said land and all of it was originally donated for the sole and exclusive use for the benefit of veterans of American wars; and

"Whereas need for ground space has continually increased and will be in greater demand in the immediate future by reason of the fact that Spanish War veterans and World War veterans are entitled to the benefits of the home; and

"Whereas the said home is now crowded beyond the present capacity and that by reason of the Reed-Johnson bill thousands of additional comrades will soon desire accommodations and facilities at the said home; and

"Whereas a new hospital to cost $1,500,000 is now being constructed on said property and other improvements are in contemplation; and

"Whereas the present cemetery which is adjacent to the property in question must be enlarged to provide for suitable burial space for the deceased comrades; and

"Whereas the said improvements are of a permanent nature and the deeds of said lands impose a moral if not a legal obligation to maintain the same permanently for the benefit of veterans; and

"Whereas there should be sufficient space for park and recreational ground for the said veterans; and

"Whereas the present land owned by the Government at the said institution is all needed for the benefit of said institution and in fact additional land could be used to advantage by said veterans; and

"Whereas land outside the said reservation will all be built and improved and fully occupied to the extent that the same will not be available for the use of said veterans; and

"Whereas no other site has been provided or proposed for the said veterans nor has any other land been provided or proposed as a substitute for the 160 acres in question; and

"Whereas other land in the immediate vicinity could be acquired for the use of said university without depriving the soldiers' home of any property; and

"Whereas the United States Government can provide adequate finances to properly improve the said soldiers' home without resorting to the necessity of disposing of any real estate; and

"Whereas the proposed sale would deprive a number of the veterans from useful and gainful employment; and

"Whereas the said proposed sale would bring about a condition which would disturb the peace, quiet, and comfort of the said veterans; and

"Whereas it is to the best interests of the veterans of our country and also to the best interests of our State university that the said sale be not consummated: Now, therefore, be it

"*Resolved*, That the Los Angeles County Council of the American Legion at regular meeting assembled opposes the sale of any and all land now owned for the benefit of the soldiers' home at Sawtelle, Los Angeles County, Calif., and hereby recommends that the said bills be defeated by the United States Congress; that the board of supervisors of Los Angeles County do not call an election for the purpose of buying said land from the said soldiers' home, and that the board of managers of said home refuse to sell any land belonging to said institution, and that said managers ask Congress for an appropriation sufficient to replace the present wooden barracks with modern fireproof construction and also a sufficient appropriation to increase the capacity of said home to its present and immediate needs."

V. HOGAN,
Chairman Hospital Committee,
Los Angeles County Council American Legion.

Mr. SWING. Mr. Speaker, this telegram is the protest of all the American Legion posts of Los Angeles County against the passage of the bill (S. 3921) proposing to authorize the governors of the old soldiers' home at Sawtelle, Calif., to sell and dispose of 160 acres of the home grounds. Over 100 American Legion posts in California, through their representatives, have filed protests against the sale on the ground that it is a short-sighted policy to sacrifice this land which was donated to the Government by the patriotic and philanthropic citizens for the very purpose of having it used as a home for those who defended their country in time of war.

In the last Congress a bill went through authorizing the sale of 40 acres of this home. Now, they want to sell 160 acres more. I suppose in the next Congress it will be proposed to sell more until finally the veterans will be living in a home so cramped for room and grounds that it will be little better than living in a tenement district. There is no occasion to reflect on the committee which reported this bill, but I most emphatically differ with them as to the wisdom of sacrificing 160 acres of the grounds which will be badly needed in the future.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that I may discuss the same bill for five minutes.

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

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, the gentleman from California [Mr. SWING] has correctly stated the viewpoint of the ex-service men concerning the sale of this property at the old soldiers' home at Sawtelle, a short distance out of Los Angeles, Calif. That is a home wherein service men from the Civil War, the Spanish-American War, and the World War may receive treatment and care. A meeting was held this morning by 29 service men of this House, those attending being Messrs. SWING, ROY G. FITZGERALD, JEFFERS, HILL of Alabama, MCLEOD, ANDREW, Mrs. ROGERS, LEAVITT, HAYDEN, MCSWEENEY, BROWNING, COYLE, JOHNSON of Washington, ARENTZ, CRUMPACKER, TOLLEY, FURLOW, GIBSON, LAGUARDIA, WOODRUFF, MAGEE of Pennsylvania, MCSWAIN, SOSNOWSKI, SIMMONS, SUMMERS of Washington, ROWBOTTOM, CONNERY, and myself. These men think they know something of this situation, and while they will not go so far as to say that they think this was a deliberate attempt to steal this piece of ground, they do say that it is ill-advised, unfair, and the property should not be sold. I am somewhat surprised that it should have been brought out at all or sent over from the Senate.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. No. I am surprised that it should have been brought over here and brought up without hearings, and in my opinion they have not presented the matter properly to the Military Affairs Committee of this House so that it could properly be brought before this House for action. I do not believe the matter was fully presented to the Military Affairs Committee of the House.

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

Mr. JOHNSON of South Dakota. Yes.

Mr. HILL of Maryland. Let me say to the gentleman that the full committee had one whole day's hearings and in addition a half day's hearings. We had them over again so that everybody might be there. The gentleman from California [Mr. SWING] appeared and brought his witnesses, and made his statement against the sale of this property. There was a full hearing upon the matter.

I would say also that the Military Affairs Committee of the House put in an amendment to the Senate bill by which the minimum sale price shall be $1,500,000 instead of $1,000,000.

Mr. JOHNSON of South Dakota. And might I add that the committee also put in an amendment that the mineral rights should be reserved?

Mr. HILL of Maryland. Yes.

Mr. JOHNSON of South Dakota. And the further provision that the property is to be used by the University of California?

Mr. HILL of Maryland. Yes.

Mr. JOHNSON of South Dakota. And as soon as those provisions were placed in the bill, then these people did not want it. In other words, they wanted it to turn it over for some real estate speculation.

Mr. HILL of Maryland. The bill came over with the provision that the minimum sale price be $1,000,000. We inserted four amendments, one that the minimum sale price would be one million and a half dollars; that all oil, mineral, and other rights should be reserved to the soldiers' home; that it should never be used for anything except university purposes; and that even with the minimum of a million and a half dollars it should not be sold until it had been appraised by the United States real estate board.

Mr. JOHNSON of South Dakota. And as soon as that was done did not its sponsors immediately go to the Speaker and say that they did not want it? As soon as they could not get the mineral rights, were required to have it appraised, and knew it must be used for university purposes, they lost further interest in it.

Mr. HILL of Maryland. I did not know that had been done.

Mr. JOHNSON of South Dakota. The gentleman will find that is true if he will ask the Speaker.

Mr. VINSON of Kentucky. Then, if they do not want it and will not negotiate further for the purchase of the property, the land will not be sold.

Mr. JOHNSON of South Dakota. This is the same old story Congress met when interested individuals tried to take the center out of the Walter Reed Hospital grounds to make a road to private grounds. If these gentlemen want land for Los Angeles County, they should take over that country club where the membership is $5,000, on one side of this property, or the country club on the other side of this property; but instead of that they demand that they have 160 acres—a quarter section of land—that, I think, is or will soon be worth $10,000,000, from the disabled service men.

Mr. VINSON of Kentucky. If the terms do not suit, there will not be any contract.

Mr. JOHNSON of South Dakota. And what I am trying to do this morning is to make it so that it will never be satisfactory.

Mr. LEAVITT. And is it not true that the university has said that it has no plans for the use of the land?

Mr. JOHNSON of South Dakota. Yes. In the hearings it will be found that the university has no plans for it; and in my opinion these people were using the university purely as an excuse to steal the land.

Mr. HILL of Maryland. I would like to make an additional statement with reference to this, because the representations made by the committee were on behalf of the soldiers' home. The chairman of the board of directors at the soldiers' home appeared before the committee. It appears there are wooden shacks there, and not even enough of them at the present time to house the old soldiers. This 160 acres is across the road.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. This 160 acres is across the road, separated from the rest of the property. The $1,500,000, if they get it, is intended to build new barracks.

Mr. JOHNSON of South Dakota. That is but another illustration of the absolute incompetency of that soldiers' home board. They have never come to Congress and asked for anything for those old soldiers in the way of buildings, except when they came to the Veterans' Committee last year and it authorized an appropriation of $1,500,000. They can secure money from the Congress any time they need it to construct necessary facilities there. Instead, when these Los Angeles real-estate promoters come to them and want this property, they just fall for it. I do not think it originated with the board. As a matter of fact that Board of Managers of the Soldiers' Home is, in my opinion, the most incompetent board we have in the United States at the present time. Rather than cumber up all of this legislation with reference to the disabled men, I have not insisted upon the original plan of the Veterans' Committee to consolidate them with the Veterans' Bureau, but if this soldiers' home board thinks it can come to the American Congress and present every real-estate promotion scheme that comes up from any place in the country, then it ought to resign and get out.

They should not use their relationships in the American Congress in trying to impede the care and treatment of the disabled.

Mr. WOODRUFF. Will the gentleman yield?

Mr. HILL of Maryland. Will the gentleman yield again?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The gentleman stated that if these conditions were not satisfactory to these people no sale would be made. Well, the gentleman making it ought to realize that this is only one body of the Congress. The Senate has to pass upon this bill and may pass a different bill perhaps from one passed in the House, and when a bill of this character goes to conference in the closing days, in the end the two Houses must agree.

Mr. JOHNSON of South Dakota. That is correct; but I can not yield further. These gentlemen have come to the Speaker of the House and want an opportunity to suspend the rules and pass this bill. Mr. Speaker, here are 29 service men asking that they be given that opportunity to-day, so that we can kill this bill definitely and for all time and lay down the rule that no group can take possession of the hospitals or hospital grounds of the United States established for these service men in order to exploit the oil and plat the ground; and on behalf of the 29 service men and on behalf of myself I ask the Speaker to recognize to-day the gentleman from Michigan [Mr. JAMES], acting chairman of the Committee on Military Affairs, to suspend the rules and kill this bill.

Mr. JAMES. If the gentleman will yield, of course the gentleman knows, so far as the Committee on Military Affairs are concerned, we were told the entire California delegation, with the exception of one, were in favor of this bill.

Mr. JOHNSON of South Dakota. I want to say to the gentleman from Michigan, as I stated in the beginning, and I say it now, I believe this matter was never properly presented to the Committee on Military Affairs or to you, because the Committee on Military Affairs and its personnel, many of whom are joined in this request, have always stood and are standing now, I know, for the proper protection of the disabled ex-service men of this country.

This is shown by the report of the Military Committee filed by the gentleman from Maryland, Mr. JOHN PHILIP HILL. It is shown by the insertion on page 2 of the bill of the protective clauses, providing that the property shall be used—

for university purposes only—

That its value shall be placed at $1,500,000 instead of $1,000,000, and by a further restriction which provides—

and with a further reservation to the Pacific Branch of the National Home for Disabled Volunteer Soldiers of all the coal, oil, and other minerals in the said land, together with the right of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, its grantees or permittees, to prospect for, mine, and remove the same: *Provided*, That no sale shall be made until said property is appraised by the Federal Real Estate Board, and the sale price shall not be less than said appraisement or less than the price named hereinbefore.

Mr. CARTER of Oklahoma. What is the amount of land involved in this proposition?

Mr. JOHNSON of South Dakota. One hundred and sixty acres of land that, in my opinion, is worth $10,000,000 right in Los Angeles, and is of untold value and——

Mr. CARTER of Oklahoma. How much land has the institution besides this?

Mr. JOHNSON of South Dakota. As shown by the report, it has 675.75 acres of land altogether.

Mr. ARENTZ. I think Senator JONES never contemplated in the original donation of this land for the purpose that it should be sold. The veterans who will occupy this home in the future will need rehabilitation and will need vocational training, and there is no better section in the United States than this for that purpose.

The SPEAKER. The time of the gentleman has again expired.

Mr. JOHNSON of South Dakota. I ask for one minute more.

Mr. JOHNSON of Washington. I ask for the regular order.

The SPEAKER. The regular order is demanded.

SESQUICENTENNIAL CELEBRATION AT WILLIAMSBURG, VA.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND. Mr. Speaker, on May the 15th of this year there was a celebration at Williamsburg, Va., in commemoration of the sesquicentennial of the adoption by the Virginia Assembly of a resolution directing its delegation in Congress to submit a motion that these Colonies were and of right ought to be free and independent. It occurs to me that this body may be appropriately termed the logical successor of the Continental Congress, and it should be appropriate to call attention to the fact that 150 years ago to-day Richard Henry Lee, of Virginia, introduced in the Continental Congress the resolution that these Colonies were and of right ought to be free and independent. That action finally culminated in the Declaration of Independence. [Applause.] I ask unanimous consent to extend my remarks by incorporating at this point a copy of the resolution originally introduced. [Applause.]

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by incorporating the original resolution referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND. The resolutions are as follows:

Resolved, That these united Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

ORDER OF BUSINESS

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to speak for two minutes in order to propound a question to the gentleman from Connecticut as to the program for to-day and the rest of the week.

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

Mr. COLLIER. Mr. Speaker, several Members on this side are anxious to know what the program is for to-day and the rest of the week, so far as the gentleman from Connecticut is able to determine?

Mr. TILSON. This is unanimous-consent day, and the Unanimous Consent Calendar will be called until 3 o'clock, or thereabouts. After that time there will be at least two suspensions, one of them coming from the Committee on Ways and Means, of which the gentleman from Mississippi is an honored member, in regard to the settlement of the accounts of customs officers. There will also come up a suspension on the subject of deportation, a bill coming from the Committee on Immigration and Naturalization.

The SPEAKER. The Chair will state that he has also agreed to recognize the gentleman from Indiana [Mr. VESTAL] on a matter coming from the Committee on Patents.

Mr. TILSON. Yes. A bill coming from the Committee on Patents. To-morrow it is expected to consider a bill from the Committee on the Judiciary to increase the number of judges in certain districts where there is a congestion of business. On Wednesday we shall have Calendar Wednesday business, the Committee on the Public Lands having the call. On Thursday it had been planned to consider a bill providing for the reorganization of the government in the Virgin Islands, but since that program was prepared the Senate has taken action which would indicate that any action we may take on that subject at this time would be of no avail; therefore, that portion of the program will be changed. It is now the purpose to bring up the Underhill claims bill, a piece of general legislation to take care of private claims. The method by which private claims have been considered heretofore has proved to be very burdensome and somewhat unsatisfactory as handled by the Congress. On Friday we hope to devote ourselves to the Private Calendar.

Mr. MOORE of Virginia. Mr. Speaker, may I interrupt the gentleman?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. I hope the gentleman will find it expedient to dispense with business on Saturday, because on that day there will be an historic anniversary celebration at Williamsburg, Va., and I know that many Members desire to attend. It will facilitate them if they know in advance what is proposed. Saturday will mark the one hundred and fiftieth anniversary of the adoption of the Bill of Rights by the Virginia Convention of 1776.

Mr. TILSON. I hope this can be done, and I believe that it could be done without injury to the public business.

Mr. MOORE of Virginia. And I would like to say further, if the gentleman will allow me, that invitations have been extended to all the Members of the House, and the Governor of Virginia and the authorities of William and Mary College very much desire that there shall be a full attendance. The means of access to Williamsburg by river and automobile are not difficult, and I am sure that the proceedings will be full of interest.

SOLDIERS' HOME AT SAWTELLE, LOS ANGELES COUNTY, CALIF.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield there?

Mr. TILSON. Yes.

Mr. JOHNSON of South Dakota. Twenty-nine ex-service men have appointed a committee of three to take up this matter of the Senate bill 3921, which authorizes the sale of 160 acres of land at the Sawtelle Soldiers' Home at Los Angeles, Calif.—the matter which the gentleman from California [Mr. SWING] and myself have discussed heretofore this morning. Would it not be possible for the majority leader to urge the Speaker or ask that this bill be brought up under suspension of the rules, so that we can lay down a rule definitely that there shall hereafter be no more of these sales of land owned by the soldiers' home?

Mr. TILSON. I do not think the Speaker intends to allow that bill to be called up under suspension. If the gentleman's purpose is to kill the bill, why not let it sleep?

Mr. JOHNSON of South Dakota. Up to 10 o'clock this morning I understood it was the intention to bring this bill up under suspension of the rules. All at once it was discovered that they did not want it brought up. If it were brought up to-day, I think that would settle the matter.

Mr. TILSON. I did not suppose that there was any intention to bring it up to-day.

Mr. HILL of Maryland. Mr. Speaker, if the gentleman will permit, I want to say that I reported that bill, and I heard nothing about bringing it up under suspension of the rules.

Mr. JOHNSON of South Dakota. I understood it was to be brought up.

Mr. TILSON. I do not think it will be brought up to-day.

Mr. HILL of Maryland. The land is to be sold to the University of California, and one of the committee amendments provides that nobody can get it except the University of California. The bill to which the gentleman from South Dakota [Mr. JOHNSON] refers, S. 3921, has passed the Senate, and was given a full day's hearing before the House Committee on Military Affairs. The Senate also held hearings, and the House committee considered the bill fully in the whole committee. It is proposed to sell 160 acres of land not needed to get money to build brick barracks, which are much needed, in the place of dangerous wooden buildings now in use. The House committee recommends that the property be sold for not less than $1,500,000 instead of $1,000,000; that the property be used only for university purposes; and that all mineral rights are reserved.

I think that the House should read the bill and the report of the committee, which are as follows:

An act (S. 3921) authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers.

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers hereby are authorized and empowered to sell and grant to the county of Los Angeles, State of California, for university purposes only for a sum not less than $1,500,000 cash the following real property, owned by said the National Home for Disabled Volunteer Soldiers: Being a tract of land lying and being situated in the county of Los Angeles, State of California, and being all the real property owned by said the National Home for Disabled Volunteer Soldiers lying east of Sepulveda Boulevard and south of the Soldiers' Cemetery, in said county and State, and comprising approximately 160 acres of land, reserving the use of the wells and pipe lines now established on said 160 acres and used by the Pacific Branch of the National Home for Disabled Volunteer Soldiers in the operation of its plant and with a further reservation to the Pacific Branch of the National Home for Disabled Volunteer Soldiers of all the coal, oil, and other minerals in the said land, together with the right of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, its grantees or permittees, to prospect for, mine, and remove the same: *Provided*, That no sale shall be made until said property is appraised

by the Federal Real Estate Board and the sale price shall not be less than said appraisement or less than the price named hereinbefore.

SEC. 2. The Board of Managers of the National Home for Disabled Volunteer Soldiers hereby are authorized and empowered to receive the proceeds of said sale and to disburse the same for the erection of additional fireproof barracks and other improvements on and at the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Sawtelle, city of Los Angeles, county of Los Angeles, State of California.

Passed the Senate April 19 (calendar day, April 27), 1926.

[House Report No. 1368, Sixty-ninth Congress, first session]

SALE OF LAND OF PACIFIC BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report to accompany S. 3921:

The Committee on Military Affairs, to which was referred the bill (S. 3921) authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers, having considered the same report thereon with the recommendation that it do pass with the following amendments:

Page 1, line 6, after the word "California," insert the following: "for university purposes only."

Page 1, line 6, change the figures to read "$1,500,000" instead of "$1,000,000."

Page 2, line 11, change the period to a comma and add the following: "and with a further reservation to the Pacific Branch of the National Home for Disabled Volunteer Soldiers of all the coal, oil, and other minerals in the said land, together with the right of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, its grantees or permittees, to prospect for, drill, mine, and remove the same: *Provided*, That no sale shall be made until said property is appraised by the Federal Real Estate Board, and the sale price shall not be less than said appraisement or less than the price named hereinbefore."

STATEMENT

The act: Senate bill 3921, entitled "An act authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers," was passed by the Senate April 19 (calendar day, April 27), 1926, and referred to the House Committee on Military Affairs.

History of demand: The southern branch of the University of California is located in the city of Los Angeles, Calif. This university has experienced nominal growth in the past few years, necessitating a removal of its plant to more commodious quarters. In order to meet this present need and care for the future requirements of the young men and women of that vicinity seeking a university education the municipalities of Los Angeles, Venice, Santa Monica, and Beverly Hills and the county of Los Angeles purchased 382 acres of land and donated it to the regents of the university as a site upon which to erect and maintain the southern branch of the university. This land is situated immediately east of the home site of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Sawtelle, Calif.

Immediately after the selection of the new site for the university the representatives of agriculture of California, and especially of southern California, protested, upon the ground that sufficient land was not included in the new site to permit the establishment and maintenance of a college of agriculture in connection with the other colleges of the university and upon the same campus. In response to the demands of the agricultural representatives the board of regents of the University of California, the site committee, and the board of supervisors of the county of Los Angeles pledged that they would endeavor to secure an additional 200 acres of land adjacent to the new university site which would be suitable for the purposes of a college in agriculture.

The Pacific Branch, National Home for Disabled Volunteer Soldiers: The home site of the Pacific Branch consists of 675.75 acres of land. Four hundred and twelve acres of the home site is now used for farming purposes, the balance being devoted to buildings and park purposes. All of this land was donated free of charge to the Government. The 160 acres included within the terms of this act was donated by a grant deed, dated March 5, 1888, by John Wolfskill. The home has 12 wooden barracks at the present time, built to care for a maximum of 1,900 inmates. At the present time these barracks are overcrowded, the home having a membership of 2,300 men in barracks, necessitating the use of club rooms, reading rooms, and porches for sleeping purposes. The present equipment at the home, therefore, consists entirely of old wooden structures, which are dangerous fire hazards, hopelessly crowded, and utterly inadequate to meet the demands of the disabled soldiers of the Republic who seek to enter the Pacific Branch.

The land included in this act lies separate and apart from the balance of the home, being separated by the gates and by Sepulveda Boulevard. This tract is used at the present time for truck gardening, being irrigated by the sewage-disposal plant of the home. The contemplated connection of the Pacific Branch with the metropolitan sewage system of the city of Los Angeles would cause the abandonment of the present sewage plant of the home, necessitating the purchase of water to irrigate the truck farm, which would render the further operation of the farm an unprofitable enterprise for the Government. There is no probability of the home ever needing this 160 acres of land, by reason of the fact that 515 acres of land much more suitable for the purposes of the home will remain. This tract is low, flat land, and because of climatic conditions it would be unfeasible to erect any character of buildings for the housing of invalided soldiers upon this parcel.

The Board of Managers of the National Home for Disabled Volunteer Soldiers, of which Gen. George H. Wood, of Dayton, Ohio, is the president, met in Los Angeles in March of this year. This matter was presented to the full board at that time. They made a very careful investigation of the situation and determined that, in view of the fact that an acreage of 300 acres was considered by the board as the maximum which would be necessary for the maintenance of an ideal situation at any of the homes under their jurisdiction, and in view of the other circumstances hereinbefore mentioned, the sale of this land would be in accord with the best interests of the home. The Board of Managers unanimously adopted a resolution requesting the passage of the necessary legislation authorizing the board to consummate the sale to the county of Los Angeles and to use the proceeds of such sale to erect fireproof barracks at the Pacific Branch.

The price: This committee has conducted two public hearings upon this bill and has arrived at the conclusion that, in view of the amendments hereinbefore suggested, that the interests of the Government, and particularly of the Pacific Branch of the National Home for Disabled Volunteer Soldiers, are well safeguarded and best subserved by the passage of this act. The committee, however, suggests that the price be not less than $1,500,000, which price is deemed by it to be adequate, fair, and just. It might be noted in this connection that the 382-acre site for the university was acquired at an average price of $2,900 an acre, and that the price set by your committee upon this land belonging to the Soldiers' Home is $9,375 an acre. There are no improvements upon the land whatsoever. The wells now upon the land are reserved for the use of the home and the mineral rights are reserved also.

CONCLUSION

Realizing that the price is a fair and just price from the standpoint of the home; that the proposed connection of the Pacific Branch, with the sewage lines of the city of Los Angeles would render the further operation of the land as a truck farm unprofitable for the Government; that a great need exists at the Pacific Branch for modern fireproof barracks; that the money can be used to better advantage than the land itself; that there is no probability of the home ever needing this 160-acre tract, and that it is not suitable for the purposes of hospitals or barracks; and that the southern branch of the University of California needs this land in order to establish and maintain a college of agriculture in connection with the other colleges of the university, so that students in agriculture might secure a liberal education in the arts and sciences without the necessity and expense of attending to institutions, your Committee on Military Affairs recommends the passage of Senate bill 3921.

There may be a difference of opinion on whether the soldiers' home should sell needless land for $1,500,000 and build needed buildings or whether the United States should appropriate the needed $1,500,000. Your committee on Military Affairs considered the matter carefully and felt that it would be better to let the soldiers' home sell to the University of California and build its own buildings, rather than have the money come from the Treasury of the United States.

Mr. TILSON. Mr. Speaker, I suggest that we proceed with the consideration of the Unanimous Consent Calendar.

Mr. CROWTHER. Mr. Speaker, can the gentleman say whether any thought has been given to bringing up the Green bill, providing for amendments to the adjusted compensation act?

Mr. TILSON. Yes; some thought has been given to that bill.

AFFAIRS OF THE FIVE CIVILIZED TRIBES

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

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

Mr. BEGG. On what matter?

Mr. CARTER of Oklahoma. On the affairs of the Five Civilized Tribes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I submit the following:

Many people fail to comprehend the complex problem presented in the settlement of Choctaw and Chickasaw tribal affairs by Congress, and the serious impediments which have confronted the Oklahoma delegation in bringing about legislation for their final settlement. The two agreements—Atoka agreement, approved June 28, 1898, and the supplemental agreement, approved July 1, 1902—provided for the settlement of the tribal affairs of the Choctaws and Chickasaws with some exceptions which will be noted later on.

But when the Oklahoma delegation came to Congress in December, 1907, we found these two agreements so amended and emasculated by acts of Congress and administrative acts perpetrated before statehood, as to completely prevent any settlement of these affairs without additional legislation.

Among other things, not one foot of the unallotted lands had been sold, and on account of the onslaught being made upon the tribal rolls by the so-called Mississippi Choctaw claimants the department very stubbornly objected to disposing of these lands or any other tribal property which might be involved in additional enrollment.

The departments were using the tribal funds without any supervisory restriction whatever, not even requiring the necessity of annual appropriation by Congress, but held that no per capita distribution of these funds could be made without additional authorization by Congress. Neither would Congress agree to legislation authorizing per capita distribution of these funds until this Mississippi Choctaw claim to enrollment was in some manner settled. There were 50,000 of these claimants, coming from almost every State in the Union. Their agents and attorneys had raised a slush fund of $50,000 for the promotion of these spurious claims. These claimants, their attorneys, and their agents were demanding their alleged rights at the hands of their Congressmen, comprising about two-thirds of the membership of the House. Any general reopening of the rolls would interminably delay the settlement of tribal affairs and postpone per capita distribution of tribal funds indefinitely.

Not even allotments had been completed, no equalization of allotments had been provided, and the contest period on allotments had not been finally closed, so no allottee felt any security in the title to the home he had selected.

The segregated mineral land, both mineral and surface, had been withdrawn from sale.

A large timber reserve in the Choctaw Nation had been set aside and withdrawn from sale.

The status of restrictions on land had been extended far beyond the time provided by the agreements.

The departments were continually attempting, and Congress constantly threatening, to divest our courts of jurisdiction in Indian land cases.

To make the situation more embarrassing, much unfavorable publicity had about that time been given to our State by the public press, causing the authorities in Washington to look upon our people with suspicion, and to view with hostility any methods of relief urged by the Oklahoma delegation in Congress. In fact, we were confronted with what seemed to be an organized sentiment in Congress and the administrative branches of the Government of antagonism to reinstating in the agreements the provisions necessary to a settlement of tribal affairs, and it for a time looked as if the cards were stacked against us.

ACCOMPLISHMENTS OF OKLAHOMA DELEGATION FOR SETTLEMENT OF TRIBAL AFFAIRS

Notwithstanding these untoward conditions, our delegation has succeeded in having all these provisions restored to the agreements and passing some additional legislation for the settlement of other tribal affairs for which the agreements did not provide.

The first was the passage of the removal of restrictions act approved May 27, 1908, removing restrictions on many capable Indian allottees and permitting the sale of some 9,000,000 acres of allotted lands.

We secured the revocation of the Executive order setting aside a timber reserve by which act some 1,900,000 acres were added to the unallotted lands and sold.

We brought about the sale of all the unallotted lands, opening up for sale and settlement some 3,500,000 acres of land, the payment for which was added to the tribal funds for per capita distribution.

We passed legislation for the sale of the segregated mineral land, making possible the sale and settlement of 450,000 acres of both surface and minerals, with the direction that the proceeds be placed to the credit of the tribes for per capita distribution.

We provided for a completion and equalization of allotments and the termination of the contest period on allotments.

We settled the Mississippi Choctaw matter without any reopening of the rolls, thereby preserving the integrity of the tribal rolls, making possible the sale of above lands and per capita distribution of the proceeds.

Thus it will be seen that in obedience to the efforts of the Oklahoma delegation restrictions were removed on some 9,000,000 acres of allotted lands, and the sale of some 4,000,000 acres of unoccupied lands was made possible, most of which is settled by home owners. We secured an amendment providing for per capita payments without further action by Congress, to the end that between the years 1915 and 1921 the proceeds of these sales provided various per capita payments to the Choctaw and Chickasaw Tribes as follows:

Choctaw, per capita	$960
Total	19,967,040
Chickasaws, per capita	940
Total	5,925,760

These large payments made during these years so depleted the tribal funds as to preclude the possibility of any very substantial per capita payments since that time, but prospects for further accretions to the tribal funds, as hereinafter explained, indicate that per capita payments will be resumed in the future.

Our delegation has been quite dissatisfied, not to say impatient, at the delay of the departments in the execution of some of these laws which we passed. It has now been more than eight years since the passage by Congress of the last act reinstating those provisions of the agreements necessary to a final settlement of tribal affairs, yet despite our constant importunities the department has failed to make a final disposition of some of the remnants of this tribal estate.

The department reports now, however, that the entire tribal estate of the Choctaws and Chickasaws has been disposed of in accordance with our legislation, with the exception of a portion of the segregated mineral land and a few remnants. These the department claims to have been unable to sell on account of the financial stringency and depression in the coal business. We have the promise of department officials that just as soon as normal conditions are restored to a point where an adequate price can be received these minerals and the remnants will be promptly disposed of.

STATEMENT OF UNSETTLED AFFAIRS

There is given hereinbelow from the most recent departmental reports the estimated value of the Choctaw and Chickasaw estate still unsold, also uncollected deferred payments and the Choctaw and Chickasaw tribal funds on hand:

Estimated value of unsold Choctaw and Chickasaw property	
Coal and asphalt minerals unsold (estimated)	$9,444,528.00
Unsold land, including forfeited land and reservations of surface of segregated mineral land for mining purposes which under provisions of leasing can not be sold until minerals are disposed of (estimated)	500,000.00
Forfeited town lots	950.00
Tribal schools and improvements (estimated)	107,000.00
Total	10,052,478.00
Uncollected deferred payments	
Amount uncollected on unallotted tribal lands sold	$452,043.21
Amount uncollected on coal and asphalt mineral sold	517,797.59
Amount uncollected on town lots sold	7,457.65
Amount uncollected on sale of surface coal and asphalt lands	113,264.52
Total	1,090,562.97

CHOCTAW TRIBAL FUNDS

These reports show there was in the Treasury and in Oklahoma banks at the beginning of this year to the credit of the Choctaws $473,134. The following amounts set aside for the purposes named would not be available for distribution during the current fiscal year:

Unpaid shares former per capita payments	$54,912
Necessary for tribal officials, fiscal year 1927	8,000
Necessary for tribal schools, fiscal year 1927	75,000
Total	137,912

CHICKASAW TRIBAL FUNDS

There is reported in the Treasury and in Oklahoma banks at the beginning of this year to the credit of the Chickasaws

$145,320. There must be deducted from this amount the following reservations:

Unpaid shares former per capita payments	$4,833
Necessary for tribal officials, fiscal year 1927	7,500
Necessary for tribal schools, fiscal year 1927	65,000
Total	77,333

While these figures may not show a balance on hand sufficient to warrant a per capita payment right at the present time, we *must* remember that collections are coming in in various amounts right along, and in a report under date of May 27, 1926, from Commissioner of Indian Affairs Charles H. Burke, I have the following pledge that a per capita payment will be made just as soon as sufficient funds accrue to make same available:

The tribal funds may be considerably increased later in the year through the collection of money due from purchasers of tribal land and mineral deposits, in which event consideration will then be given to the matter of a new per capita payment to the enrolled members of the Choctaw and Chickasaw Tribes entitled to share in the tribal funds and such action will be taken as the funds then available may be found to warrant.

The above gives a complete statement of the condition of the tribal affairs of the Choctaws and Chickasaws for which the agreements provided and settlement of same with the exception of a residue of the segregated mineral land and some remnants.

CHOCTAW AND CHICKASAW CLAIMS AGAINST THE FEDERAL GOVERNMENT

Your delegation in Congress has, however, undertaken a settlement of several other Choctaw and Chickasaw matters cited hereinbelow, none of which were provided by the agreements.

We have passed through Congress a very important bill known as the Choctaw-Chickasaw claims act. This act authorizes the Choctaws and Chickasaws to bring suit against the Federal Government for any claims the tribes may have. While absolutely necessary for a final settlement of their affairs, in some manner these claims seem to have been overlooked by the two agreements. The claims will embrace many items of dereliction by the Government and injustice done the Choctaws and Chickasaws, and when brought to fruition should aggregate several million dollars for per capita distribution. Among other important items will be—

The eastern boundary claim embracing the land included in Arkansas which belongs to the Choctaws and Chickasaws.

The minor Choctaw freedmen claim.

The railroad right-of-way claim.

The freedmen preferential purchase right claim.

To which must be added a general auditing of all Choctaw and Chickasaw tribal moneys handled by the Federal Government since April 26, 1906, as well as several other important propositions.

LEASED DISTRICT CLAIM

Another matter is the leased district claim. This is a claim for the lands west of the ninety-eighth meridian which were taken from the Choctaws and Chickasaws under the provisions of the treaty of 1866. This claim can not be settled by the courts for the reason that the United States Supreme Court has already rendered a decision to the effect that the courts can not take jurisdiction of this matter. The Supreme Court did not undertake to in any manner pass upon the merits of the claim. The effect of the court decision was dismissal of the case for want of jurisdiction. The United States Supreme Court made it clear that lack of jurisdiction was placed on constitutional grounds and since Congress can not change the Constitution it would not, of course, be competent for Congress to again undertake to confer further jurisdiction upon the courts for a trial of the case. While the decision of the court makes the leased district case somewhat difficult of solution, there are several methods by which the claim might be adjudicated. It could be settled by trial either by a commission, a committee of Congress, or by a bill directly authorizing the appropriation. We have introduced bills for the latter purposes. When these bills, taking the regular course, were referred to the department for report and recommendation, the Budget Bureau, while again not disputing the justice of the claim, refused to favorably recommend the bill at this session for the reason, as stated by them, that the considerable amount involved had not been included in the President's financial program for the present fiscal year. This is the first time we had ever heard of any institution's financial program being pleaded as a bar against the payment of a righteous obligation. This, of course, pigeonholed the bill for the present year, but we are now endeavoring to get the President to include a settlement of the case by one of the methods suggested above in his next year's financial program. This, when consummated, should add several million dollars to the tribal funds for per capita distribution.

CURATIVE ACTS

In order to preserve and more clearly define the jurisdiction of the courts and to give stability to land titles it was necessary for us to have passed many curative and other acts. It would be impractical to recite all these many acts, but lawyers, Indian citizens, land dealers, purchasers of land, and others will remember the following as some of the more important.

Our courts found themselves without jurisdiction to make a final determination of heirs of inherited estates and without power of partition in such cases. To correct this, we enacted H. R. 10590, Sixty-fifth Congress, which provided the courts with jurisdiction to determine both these matters. The Secretary of the Interior continued to claim jurisdiction in the settlement of all inherited estates, thereby unnecessarily clouding the title to many thousand acres of land. We passed an act to correct this, over the protest of the administration then in power, declaring this jurisdiction vested in the probate courts of Oklahoma.

We have just succeeded during the present session of Congress in getting enacted another measure very necessary to the validation of titles on the east side of our State. (Act of April 12, 1926.) This act amends the act of May 27, 1908, so as to remove the cloud which has been existing on titles to inherited lands. It also applies the statute of limitations to restricted Indian lands of the Five Civilized Tribes and prevents any person from disputing the jurisdiction of the court after such jurisdiction has once been invoked by him.

THE TRUTH ABOUT H. R. 9169

So much misrepresentation has been published about H. R. 9169 (a bill proposed by me which reduces homestead allotments of the Choctaws and Chickasaws and provides sales of restricted lands, etc.) that I feel justified in making the following statement for the RECORD:

The purpose of H. R. 9169 is to supply land for actual homeowning farmers, to bring by sales restricted lands on the tax rolls before the present tax-exempt period expires, and to provide a last small home and means of support for the full-blood Indian, to the end that he may become a self-supporting citizen and not a charge upon his community for support.

Eleven million seven hundred and forty thousand acres are embraced in the Choctaw and Chickasaw Nations, but only between two and three million acres still remain restricted. After reducing the full-blood homesteads to 80 acres, this bill provides an agency for the immediate sale of all the residue of these lands, which should make possible at once the sale of something more than 2,000,000 acres of restricted lands. These lands are to be sold to the highest bidder at public auction and on reasonable terms. This would cut out the middleman's profits and enable the actual dirt farmer to acquire the lands first hand for home-building purposes, thereby providing the tenant farmers and others of our State an opportunity to acquire homes on reasonable terms without the necessity of feeding the grafter and bring many thousand acres of restricted lands on the tax rolls before the present tax-exemption period expires.

Perhaps the fact that this bill tends to eliminate the middleman and prevent the grafter from preying on the home seeker is one thing that has caused so much misrepresentation about the measure.

The proceeds of the sale of the full-blood's surplus is to be used to improve his reduced homestead and make it productive.

A great hullabaloo has been raised about an incidental feature of the bill which continues restrictions and tax exemption on a small remainder of these lands. If the bill did anything like what has been charged, I would oppose it vigorously myself, but the fact is the small acreage left restricted is not sufficient to kick up a fuss about, as I will undertake to show. We are fortunate in having fairly definite figures on which to base the nontaxable effect of the bill. A department report under date of May 17, 1926, gives the living full-blood Choctaws and Chickasaws still owning restricted allotments at 3,476.

Multiply this by the diminished homestead of 80 acres, and we have 280,080 acres, which represents the acreage that might be continued nontaxable in all the 22 counties in which the land is situated, 278,080 acres out of a total acreage of more than 11,740,000 acres, about 2⅓ per cent, or 23 acres in each 1,000, remaining restricted and nontaxable. The acreage continued restricted should really be considerably less than shown above for the reason that the figures upon which the department report was based were taken some time ago, and many full bloods have died since then.

The desire of the Indian Bureau is to continue all these more than 2,000,000 acres restricted and tax exempt, and it must not

be forgotten that a majority of the present Congress is of the same political faith and in full sympathy with the views of the Indian Bureau. Since the department will insist on continuing restrictions on homesteads anyway, I am sure the terms of this bill constitute about the best compromise obtainable.

Let us sum up the purposes and effects of this bill. The bill would furnish opportunity for immediate sale of some 2,000,000 acres of restricted land, thereby providing homes for many worthy, deserving citizens on reasonable terms. It would bring many thousands of acres of restricted land to taxation before the present restricted period expires and would leave remaining restricted after 1931 only 23 acres out of each 1,000. It would settle the future of the full-blood Indian, thereby relieving our State of any possibility of having to care for him hereafter. It would bring about an era of farm development and improvement on the east side of our State which would contribute greatly to the prosperity of our people.

It is contended that the Government should reimburse the State for these taxes lost on Indian lands. No man or set of men has realized more fully than the Oklahoma delegation in Congress how badly our State has been embarrassed by this past tax exemption, and none would delight more than we in bringing anything of real value to our State that might be possible. But when all is said and done it is not so much a question of what we ourselves think of the proposal; the point is what action might be expected from the "powers that be" at Washington. The proposal that the Federal Government pay these taxes is but a rehashing of past history. It is an age-old contention.

The Oklahoma delegation found the impossibility of getting the Government to pay these taxes soon after coming here in 1907. We were confronted by the precedent that tax exemption of Indian lands has been a fixed policy of the Government since its very inception, almost a century and a half ago. Furthermore, that this exemption was claimed on the basis that Indian lands were a Federal agency, just as public lands, timber reserves, game preserves, national parks, public buildings, and all other Government property. The most we were able to get was our removal of restrictions act and an appropriation of $300,000 annually for Oklahoma schools. This latter had to be accepted not as a surrender of any right of the Federal Government but as a straight gratuity to our State. Under this appropriation Oklahoma has received about four and one-half million dollars as a contribution to her public schools, a privilege no other State has ever been granted, notwithstanding the fact that some of the other States have much more nontaxable Indian land than Oklahoma.

Let us see how our State would come out under this proposal that the Federal Government reimburse the State for taxes lost on tax-exempt Federal agencies. The value of Government-owned property is estimated at between six and ten billion dollars. To be perfectly safe, let us take the lower estimate, six billion dollars, then add to this one and one-half billion dollars Indian property throughout the United States, and we have a total valuation of seven and one-half billion dollars. Let us assume that the tax rate on this property would be about 3½ per cent. This would necessitate the raising of $262,500,000 to pay the bill, and the only way this money could be brought into the Federal Treasury would be by additional Federal taxation on the people. According to Treasury Department reports, Oklahoma's contribution to this additional Federal taxation would be about one-half of 1 per cent, making necessary additional Federal taxation on the people of our State of $1,312,500. The 22 counties in the Choctaw and Chickasaw Nations would have to pay about 30 per cent of this amount, or $393,750. Therefore we would find ourselves obliged to pay $393,750 in lieu of taxes on some 278,080 acres of land, which would not appear to be a very sound business proposition.

REFERENCE OF A SENATE BILL

The SPEAKER. The Senate bill 2826, for the construction of an irrigation dam on Walker River, Nev., was referred to the Committee on Irrigation and Reclamation. The Chair is informed that it relates entirely to Indian affairs, and after conferring with the Committee on Indian Affairs the Chair rerefers it to the Committee on Indian Affairs.

RETIREMENT OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up House bill 12266, to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes, with a Senate amendment, and move to concur in the amendment of the Senate.

The Clerk read as follows:

An act (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

CODE OF LAW, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up H. R. 3833, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Maryland calls up H. R. 3833 and moves to concur in the Senate amendment. The Clerk will report the bill.

The Clerk read as follows:

An act (H. R. 3833) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

Mr. WINGO. Will the gentleman yield for a question?

Mr. ZIHLMAN. Yes.

Mr. WINGO. Is this last bill the one that affects the property rights of married women?

Mr. ZIHLMAN. No; it is a bill to amend the jury law. The Senate amendment provides that the list of jurors shall be filed with the clerk of the Supreme Court of the District of Columbia.

Mr. WINGO. Does it change the amendment which I offered in the House?

Mr. ZIHLMAN. No.

Mr. WINGO. Then jury service is optional?

Mr. ZIHLMAN. It is not the woman's jury service bill.

Mr. WINGO. I thought the gentleman said it was.

Mr. ZIHLMAN. No; it is a bill amending the jury law.

Mr. WINGO. Has that other bill passed the Senate?

Mr. ZIHLMAN. I do not think so.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

HOME CARE FOR DEPENDENT CHILDREN

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 7669, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table H. R. 7669, disagree to the amendments of the Senate, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

An act (H. R. 7669) to provide home care for dependent children.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Maryland if there is not considerable variance between the Senate bill and the House bill?

Mr. ZIHLMAN. In the administrative features only.

Mr. LAGUARDIA. May we assume that the conferees will exert every effort to insist upon the House bill?

Mr. ZIHLMAN. I think the gentleman is fair in assuming that the House conferees will, to the best of their ability, represent the viewpoint of the House on the bill.

Mr. LAGUARDIA. With that assurance, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. ZIHLMAN, Mr. HOUSTON, and Mrs. NORTON.

THE CONSENT CALENDAR

The SPEAKER. To-day is Consent Calendar day. The Clerk will report the first bill on the Consent Calendar.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

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

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

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

Mr. TAYLOR of Colorado. Mr. Speaker, I object.

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill and Senate bill 3553, an identical bill, be passed over without prejudice and retain their places on the calendar.

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

Mr. TAYLOR of Colorado. Mr. Speaker, I object to the consideration of this bill and also to the companion Senate bill S. 3553 on the same subject, and insist that both of them go off of the calendar. I feel that, out of courtesy to my colleague Mr. WINTER, of Wyoming, and also to Senator KENDRICK, of Wyoming, who passed this bill by unanimous consent in the Senate on April 2 of this year, I should make a brief statement. This bill was originally introduced in the House last December as H. R. 3993, and reintroduced in March as H. R. 10356, and the Senate bill is a copy of this last House bill. They provide for the creation of a very large new irrigation reclamation project upon the North Platte River within the State of Wyoming, to be supplied by the waters of that stream and its various tributaries. Probably 60 per cent or more of all the waters that can ever possibly be obtained for this project must be supplied by the waters that come from this stream and its tributaries within the State of Colorado.

There is a very large territory in Larimer and Jackson Counties in Colorado that is drained by this stream and its tributaries, and the greater portion of it is in my congressional district. That part of our State is only partially developed up to this time. If these waters are not appropriated and taken away from Colorado, some time in the future—and I hope in the very near future—there will be many large storage reservoirs and canals built and a tremendously important development in my State by the use of the waters of this stream.

These bills just practically make a present of all that water to Wyoming. They make no provision whatever for the protection or safeguarding of any of the rights of my State to any use of any of the waters from this stream or any of its tributaries in Colorado at any time or in any way. While it may be said that the natural and normal flow of these streams is very largely appropriated now, yet the flood waters are not appropriated, and the storage rights in our State are not appropriated. And I can not resist feeling that if this bill is passed in its present form it would forever work untold millions of dollars of unjust damage to my State throughout all future time.

When this bill was called up for consideration by the House on April 19 of this year, I said (p. 7773):

Mr. Speaker, reserving the right to object, two weeks ago when this bill was first called up I said to the author, Mr. WINTER, of Wyoming, that I would object to its consideration until I could confer with Mr. Carpenter, our Colorado River water commissioner, and see if we could not come to an understanding as to the respective rights of the two States in and to the waters of the North Platte River and its tributaries. With understanding, the gentleman from Wyoming on the 5th instant asked that this bill be passed over without prejudice, and that was done.

The same bill passed the Senate without objection and is on this calendar now. I at once wired to our Colorado officials and Mr. Carpenter and our attorney general, Mr. Boadtright, came on here from Colorado and they are here now and they and I are conferring with Mr. WINTER and Mr. Hopkins, and others are now endeavoring to come to an interstate agreement as to the fair division of the waters of that stream. Colorado and Wyoming have litigated over those waters for 12 years already, and we all hope that we may come to an amicable understanding and thereby obviate future litigations and controversy. So, if the gentleman from Wyoming will ask to pass the bill over again, I will not now object, and I trust before it comes up again we may reach an agreement between the two States.

Again, when this bill came up on the 29th of April I discussed the situation at considerable length and said that if the water commissioners of our two States could get together, and, if possible, work out some kind of agreement that we might insert in this bill that would equitably adjust and protect the rights of the two States, and I could be assured that provision would stay in the bill, I would not object. And for that purpose I wired to our State water commissioner, Mr. Carpenter, and he came on here, and he and the water commissioner of Wyoming, Mr. Hopkins, have come to an agreement of which I approve, whereby the rights of the two States shall be held in abeyance and no prior rights shall be acquired or claimed by Wyoming until such time as the two States enter into a formal compact upon the subject. And with that object in view, on the 3d of this month I introduced bill H. R. 12597, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 3, 1296.

Mr. TAYLOR of Colorado introduced the following bill, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed:

A bill (H. R. 12597) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the North Platte River and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

I showed this bill to the junior Senator from Wyoming [Mr. KENDRICK] and on the 5th of this month he introduced the same bill in the Senate as S. 4410.

I feel that as a matter of frankness and good faith, and for the full protection of the rights of both States in these waters, that are so supremely valuable, and to prevent future litigations and trouble or loss, that no legislation on this subject should be enacted by Congress until that compact is agreed to between the States and ratified by the legislatures of both States and approved by Congress. That is the only safe and definite way to handle this matter.

These two States were involved in very expensive litigation over this stream for some 12 years, and it is not right for the present or future generations of either one of those States to have a measure of this importance passed and thereby destroy the rights of Colorado to all future use of those waters that arise within her borders. The bill is unfair to a friendly sister State.

If this bill passes in its present form, there will be nothing left to Colorado upon which to confer. Our rights would thereby be surrendered on this stream and all its tributaries and waters no matter where they come from. All those waters would thereby be dedicated by Congress to the use perpetually and for all time to supply this reclamation project. It would be a complete and irrevocable appropriation of every drop of water that falls within that entire drainage basin.

I am unwilling to take the chances of allowing any legislation of this kind to be enacted until that compact can be so ratified. It is the understanding which the two State water commissioners and which Mr. WINTER and I had, and which appears in the CONGRESSIONAL RECORD of April 29, page 8469, that that should be added to the bill at this time, which is as follows:

Mr. TAYLOR of Colorado offers the following amendment to H. R. 10356 and to S. 3553: At the end of section 1, page 3, insert:

"*And provided further*—

"(a) That the construction of the project herein authorized and the appropriation, diversion, and use of waters thereby shall not constitute or become the basis of or be asserted as a claim of prior or preferred right to the use of the waters of the North Platte River and its tributaries as against any present or future users of water above the Pathfinder Reservoir, but, with this limitation, that the average annual diversion of waters out of the basin of the North Platte River and its tributaries within the State of Colorado, in addition to diversions from the Laramie River, shall not exceed 30,000 acre-feet per annum without the consent of the States of Nebraska and Wyoming.

"(b) Upon approval by the contracting States and by the Congress of the United States of a compact between the States of Colorado and Wyoming or the States of Colorado, Nebraska, and Wyoming providing for the equitable apportionment and distribution of the waters of the

North Platte River and its tributaries, paragraph (a) hereof shall become inoperative and thereafter the rights of the contracting States and of all users of water from said river and its tributaries within said States shall be defined and governed by such compact."

If those provisions had been in the bill when it passed the Senate and were in the bill here now, I would not object. But if I permit this bill to be considered I have no assurance that the House itself will approve of that amendment, and if it does not, Colorado's rights would be irrevocably gone.

But even with that provision in the bill the Government of the United States, I feel, might not feel bound, in the construction of this great project, costing $13,000,000, for the irrigation of 88,000 acres of land, to allow my State to deprive that project of fully half of all the water that would be necessary to make it successful, or to even let us store and use that water first before it goes down to Wyoming, as it must and will do. I believe an arrangement can be made whereby both States can use and reuse those waters many times.

I certainly have the kindliest feeling in the world toward Wyoming and her people and her Representatives in Congress, and I hope to see this very important development as much as possible without injury to Colorado, but I am impelled by a solemn duty to my own State to prevent, if possible, this legislation until such time as we can have a fair and deliberate agreement as to the equitable storage and diversion rights and amount and manner and times of use of all those waters arising within my State.

In order to show the extent and character of the appropriation and diversion that is contemplated by this bill I insert herewith the two reports of the Secretary of the Interior upon it, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 16, 1926.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have received your letter of January 11, transmitting with request for report a copy of H. R. 3993, entitled "A bill to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project."

This bill proposes the construction of the Casper-Alcova project near Casper, Wyo., under the provision of the reclamation act and amendments, and section 6 authorizes appropriations for this purpose from the General Treasury, not exceeding $13,000,000, the funds so appropriated to be transferred to the reclamation fund.

The Casper-Alcova project was last investigated by the Bureau of Reclamation in cooperation with the State of Wyoming during 1921, resulting in a report on engineering features dated February, 1922. A soil survey of the irrigable land was made by a representative of the Bureau of Soils of the Department of Agriculture during 1922. No economic study has yet been made.

The project works involve storage in the Pathfinder or other reservoir on the North Platte River, a diversion dam at Alcova 135 feet high, a main canal 125 miles in length through a very difficult country, requiring many expensive structures, including four large tunnels and five large siphons, and a complete lateral and drainage system for the irrigation of 88,742 acres of land near Casper, Wyo., mostly in private ownership, of which 36,379 acres are classed in the report of the Department of Agriculture as poor or second-class land. Test borings made at the Alcova Dam site failed to reveal bed rock within 50 feet depth.

The estimated cost is $12,470,046, or about $140 per acre for the 88,742 acres of class 1 and class 2 lands.

Section 5 of the bill requires that before any funds shall be expended for construction a contract shall be executed with a district organized under State law, which shall contain, among other things, a provision that until one-half of the construction charges shall have been paid no sale of any irrigable lands shall be valid until the purchase price has been approved by the Secretary of the Interior. The validity of such a provision is regarded as questionable, a similar provision in a former act having been held unconstitutional by one of the inferior courts of the State of Washington. I believe the purpose sought to be attained may be accomplished by other more suitable means. In my opinion, therefore, this provision should be omitted from the bill if it is in other respects to be favorably considered.

Because of the high construction cost and poor quality of a large part of the irrigable land, it is my judgment that great difficulty would be experienced in securing settlers for this land and that such settlers, if secured, would require financial aid in its development not now available to them.

It appears evident that projects now under construction or authorized will absorb all moneys likely to be available in the reclamation fund for several years.

Under present conditions I find myself unable to recommend favorable consideration of the bill.

The bill has been submitted to the Director of the Bureau of the Budget, who reports that it is contrary to the financial plans of the President.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1926.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have your letter of March 17, transmitting with request for report a copy of H. R. 10356, entitled "A bill to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project."

The bill is substantially the same as H. R. 3993, except that certain parts of section 5 of the latter are omitted from the present bill, and section 6 of the present bill differs from the same section of H. R. 3993 in that the present bill appropriates $500,000 from the reclamation fund to be available until expended, whereas section 6 of H. R. 3993 contains an authorization for the appropriation of $13,000,000 from the General Treasury to be transferred to the reclamation fund.

For information concerning this project attention is invited to report of January 16, 1926, upon H. R. 3993. Attention is futher invited to the fact that the projects now under construction or authorized will absorb all moneys likely to be available from the reclamation fund for several years.

For administrative reasons I could not recommend the passage of this bill.

The bill has been submitted to the Director of the Bureau of the Budget, who states that this adverse report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

This House bill has been pending on the calendar since March 25, and the Senate bill has been pending on the same calendar since April 13, and I have been compelled to watch them all the time to prevent their passage. At each call of the Consent Calendar since April 5 I have been present, and at my request the gentleman from Wyoming [Mr. WINTER] has asked to have them passed over and hold their place on the calendar. But I feel it is too much of a menace to my State to permit these bills to remain on this calendar any longer. They might possibly be passed at any time when I am not here and without any amendment. The rights of Colorado are in jeopardy too seriously to take any more chances of this kind until we can have some businesslike and systematic understanding. I therefore insist that they both be stricken from the calendar.

Mr. SIMMONS. Will the gentleman yield?

Mr. TAYLOR of Colorado. I withhold the objection in order to yield to the gentleman.

Mr. SIMMONS. Mr. Speaker, I ought to say, too, for the information of the House on these matters, that the Casper-Alcova project takes water out of the North Platte River for 80,000 acres of land between the Pathfinder Dam and the North Platte project. In other words, this comes in between the reservoir that supplies the North Platte with water and the project. There is considerable feeling in Nebraska and in lower Wyoming that the building of the Casper-Alcova will deprive the North Platte project of needed water. This project is working its way out under existing law, and will soon resume payments on its indebtedness to the Government. The danger now to that project is a shortage of water, and if this project is built such shortage of water might become acute, and with the idea in mind that the gentleman from Colorado [Mr. TAYLOR] has expressed, the Nebraska and lower Wyoming people on the North Platte project feel that this project should not be built until the States of Nebraska and Wyoming have entered into a compact protecting the water rights that are now on the lower North Platte to their present supply of water. We do not object to the development of Wyoming, but we must protect our own rights, and for these reasons I join the gentleman in objecting.

The SPEAKER. Objection is heard.

STONES RIVER NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, I object.

Mr. DAVIS. Mr. Speaker, will the gentleman withhold his objection and let me present a unanimous-consent request?

Mr. BEGG. Yes.

Mr. DAVIS. Mr. Speaker, I ask that this bill be passed without prejudice and be permitted to retain its place on the calendar.

Mr. BEGG. Mr. Speaker, I regret to have to object to that. There is no object in objecting to a bill if you are going to let it stay at the head of the calendar every time. I do not object to the bill staying on the calendar in its proper place at the foot of the calendar, but I think, in order to be fair to the Members who have bills at the latter end of the calendar, the Member who has a bill at the head of the calendar, when his bill gets bumped off, it ought to go to the foot of the calendar, and if the gentleman will modify his request in that respect I shall not object.

Mr. DAVIS. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DAVIS. With respect to that general bill to which the gentleman referred, I want to say there is a very grave question as to whether that has reference to Civil War battle fields, and the Assistant Judge Advocate General and another official in the War Department have given it as their opinion——

Mr. BEGG. I will say to the gentleman I was not discussing any general bill. I was discussing the policy of letting bills that are objected to stay on the calendar at the head of the calendar. In that way we never reach the foot of the calendar, and I think it is fair to the bills at the foot of the calendar to let them work up. Consequently I shall object to all bills that are objected to retaining their places on the calendar. They can stay on the calendar so far as I am concerned, but they must go to the foot of the calendar and come up again, so that the bills at the foot of the calendar may have a chance to be heard. That is the only question involved.

Mr. DAVIS. Mr. Speaker, I modify my request accordingly, inasmuch as I am compelled to do so.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill may be passed without prejudice and retain its proper place at the foot of the calendar. Is there objection?

There was no objection.

DIVERSION OF WATERS OF NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (S. 3553) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

Mr. TAYLOR of Colorado. Mr. Speaker, I object to this bill for the same reason I objected to the similar House bill, and I ask that it go off the calendar.

NATIONAL MILITARY PARK AT FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Courthouse, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title of the bill.

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

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice, going to its proper place at the foot of the calendar.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks upon this bill and to include therein quotations from the report of the commission from writings of participants in the battle and of military experts.

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

There was no objection.

Mr. BLAND. Mr. Speaker, by act of Congress, approved June 7, 1924, a commission was created which was charged with the duty, acting under the direction of the Secretary of War, to inspect the battle fields in and around Fredericksburg and Spotsylvania Courthouse, Va., in order to ascertain the feasibility of preserving and marking such fields for historical and professional military study.

The act directed that this commission should be composed of a commissioned officer of the Corps of Engineers, United States Army, a veteran of the Civil War who served honorably in the military forces of the United States, and a veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

In appointing the commission the Secretary of War was directed, so far as practicable, to select persons familiar with the terrain of the battle fields in and around Fredericksburg and Spotsylvania Courthouse, Va., and the historical events associated therewith.

Pursuant to this act, the Secretary of War appointed the following commission: Maj. Gen. John L. Clem, United States Army, retired, chairman; Judge John T. Goolrick, Fredericksburg, Va., as member from the Confederate Army, and after his death, on the 16th day of September, 1925, Mr. Vivian Minor Fleming, Fredericksburg, Va., as his successor; and Maj. J. A. O'Connor, Corps of Engineers, United States Army, district engineer, Washington, D. C.

REPORT OF BATTLE-FIELDS COMMISSION

This commission made an inspection of the battle fields and held such other meetings, inspections, and investigations as were necessary for their report.

On December 1, 1925, this commission made its report to the Secretary of War. This report was very comprehensive in character, considered several plans, and was forwarded by the Secretary of War to the House Committee on Military Affairs on December 3, 1925, with a letter in which the Secretary said:

> This report covers the ground very thoroughly and will, I hope, furnish your committee the information desired.

The letter of the Secretary of War and the report of this commission will be found in the printed copy of the hearings held Monday, February 8, 1926, on the subject of "National Military Park near Fredericksburg, Va." Attached to these hearings will be found a plat of the plan recommended by the commission. In this report the commission said:

> The feasibility of marking and preserving the battle fields may be determined by a comparison of the costs of suitable plans with the desirable effects, the adverse effects, and the practicability of these plans.
>
> Adverse effects may be expected to result from the plans where the purchase and use of land, the construction of roads, or the location of tablets and markers will seriously interfere with community developments, or with private individuals or establishments. The land in the area under consideration is not highly developed, except in the vicinity of Fredericksburg, and at that place the plans can be easily adjusted to avoid detrimental effects. No adverse effects as a result of marking and preserving the battle fields are therefore to be expected.
>
> The desirable effects to be expected are in part briefly listed as follows:
>
> (1) The marking and preserving of the battle fields for historical and professional military study.
>
> (2) Preserving and making accessible to the present and future generations the scenes of important historical events.
>
> (3) Commemoration of the action of the armies on these fields.
>
> (4) Aid in the development of patriotism.
>
> (5) Fredericksburg and vicinity has been an important and historic section since the time of the first settlers in this country, but the scenes and events have been somewhat inaccessible and but little known. The marking and preserving of the battle fields should assist materially in changing this condition.
>
> (6) Such a development should have a desirable commercial effect for the adjacent communities.
>
> With no adverse effects and with only desirable results the feasibility of marking and preserving the battle fields resolves into a question of the cost and practicability. The cost and practicability will depend on the kind of a plan for marking and preserving the battle fields that is chosen, and two general plans with their estimates of cost are presented and discussed in this report.
>
> The plans submitted are somewhat general in that they do not go into specific details as to the kinds of tablets and markers and their locations, the exact boundaries of the lands to be taken, the final location for the roads in all cases, or the details of the actual events and actions to be marked or preserved.
>
> The plans are, however, sufficiently detailed on which to base an estimate of cost, to show the type of plan that is proposed, approximately what the development will be if the plan is carried out, and to determine their practicability.
>
> In any of the plans proposed their execution will necessitate studies, surveys, detailed plans, and adjustments to make the plan fit unexpected conditions that may arise.

The report of this commission shows that there have been few changes; that these fields are susceptible of easy marking; that at many places the original trenches and embankments still exist, and where they do not now exist that they may be easily located and, if necessary, restored from maps made soon after the Civil War; that values have not increased rapidly; that there is little difficulty to be expected in obtaining the necessary land for this purpose; and that it is thought that

portions of the land will be donated. This commission, after a careful study of the grounds, said:

As to the availability, investigation shows not only that little difficulty is to be expected in obtaining the necessary land but that a portion of land that may be desired may be donated. In the estimates of cost the maximum present estimated values for the land have been taken, but for any plan provision should be made for accepting donations of land as well as for condemnation and purchase by agreement.

This commission shows that at present there are a few markers and monuments, but that there is little coordination in the care and maintenance of these monuments.

In discussing historic places, the commission said:

The commission inspected the points of historical interest in and around Fredericksburg and consulted with the various individuals and organizations interested in the proposed project.

A. Some of the main historical features are the following:

(1) Trenches and gun emplacements: At Fredericksburg the Confederate trenches were dug for the most part during the night following battle. This is true to a lesser extent in the other battles, but they do mark with accuracy the positions held. From a military standpoint these trenches, earthworks, and gun emplacements are important, because they assist in the reproduction of the conditions of the time of the battles.

(2) The sunken road and parts of the stone wall at the foot of Maryes Hill at Fredericksburg: These are in sufficiently good condition to warrant preserving and reconstructing to mark the scene of the heaviest fighting at Fredericksburg.

B. The area between the old Richmond road and the river north of Hamiltons Crossroads is now largely occupied by the Mansfield Golf and Country Club. This is maintained in good condition and though under private control can, by the addition of a few markers, be made a feature in any marking and preserving plan for the battle field.

C. Monuments: There have been placed a number of monuments commemorating organizations and individuals on the Civil War battle fields which have been constructed by various organizations and individuals. There is little coordination in the care and maintenance of these monuments, as is evidenced by the fact that there is no one who knows how many there are or just where they are all located.

The following are some of the monuments:

(1) To Pelham's Battery, a small granite block at roadside near Hamiltons Crossing.

(2) Cobb Monument, small granite block marking spot where General Cobb was killed on sunken road.

(3) Pyramidal monument of stone blocks erected by Richmond, Fredericksburg & Potomac Railroad near Hamiltons Crossing, which marks point where General Meade made his drive into the woods; in good condition and fairly well kept up.

(4) The National Cemetery, on Maryes Heights, above the sunken road in the only Government land in the vicinity. It is highly developed and is an important monument.

(5) Monument to Stonewall Jackson near Chancellorsville.

(6) Sedgwick Monument at Bloody Angle.

(7) Ohio Monument at Bloody Angle.

(8) Monument at Bloody Angle to Fifteenth Regiment New Jersey Volunteers.

(9) Monument at Bloody Angle to Forty-ninth New York Infantry.

(10) Pointed wooden post marking the position of the tree cut down by bullets at Bloody Angle. The upper end of the tree is said to be at the Smithsonian Institution in Washington; the butt has rotted away.

(11) Wooden slab at Bloody Angle, painted white, lettered: "Here Major General Johnson and Brigadier General Stewart were captured about sun-up the morning of May 12, 1862. Lieutenant Albert Aylor, Lieutenant Hoffman, Company L, Tenth Virginia Infantry."

(12) Monument to twenty-third Regiment New Jersey Volunteers at Salem Church.

(13) Stone near Spotsylvania Courthouse marking site of Lee's headquarters in front of the courthouse.

(14) Stone at Wilderness with inscription, "'Lee to the rear' cried the Texans."

(15) In Fredericksburg a monument has been erected by the United States as a memorial to Gen. Hugh Mercer, killed during the Revolutionary War at the Battle of Princeton, N. J., January 12, 1776.

(16) Fredericksburg and vicinity have many points of historic interest of the Colonial, Revolutionary, and Civil War periods. It is intimately connected with the history of George Washington and his family now represented in part by—

Kenmore, the home of George Washington's only sister, Mrs. Fielding Lewis. Col. Fielding Lewis manufactured the first cannon for the Revolutionary War;

Old Masonic Lodge, of which George Washington was a member; and

The home of Mary, mother of Washington, and monument erected in her memory. The building was also General Mercer's apothecary shop from 1763 to 1776.

(17) The only home of John Paul Jones in America stands near the center of Fredericksburg.

(18) On the north bank of the river is the Lacy home—Burnside's headquarters during the battle. This property is now occupied by the owners and has been restored with the object of maintaining its historic interest. It is well kept up, but not open to the public.

In the above report, the death of General Mercer, given as January 12, 1776, should be January 3, 1777.

Among other historic points in and around Fredericksburg, the following should be mentioned:

The Ferry Farm, across the river from Fredericksburg. This is the farm where Washington spent his boyhood days.

The Market House, now city hall, where General Lafayette was given a large reception November 27, 1824. In the old building which was on this site and replaced in 1813 was held the ball given to General Washington and General Lafayette and their officers on November 11, 1781, after the surrender at Yorktown, and where was held the peace ball in 1783, which General Washington attended.

The house which an uncle gave to James Monroe, later President, so that he could qualify to run for the Virginia Assembly, though it is said that he never lived in that house.

The old Exchange Hotel, now Maury Hotel, where Charles Dickens was entertained in 1842, and where in 1849 a reception was given to President Zachary Taylor.

The Wallace House, where President Andrew Jackson was entertained and given a large reception when he visited Fredericksburg to lay the cornerstone of the first Mary Washington monument, May 7, 1833.

The Rising Sun Tavern, famous in Revolutionary times, kept by General Weedon, the gathering place of the patriots before the Revolutionary War, and the first post office.

The law office where President James Monroe practiced law from 1786 to 1791.

The Presbyterian Church which was built in 1835 and which was used as a hospital during the Civil War. There are two cannon balls in one of the front columns.

The home of Matthew Fontaine Maury, the founder of the National Observatory in Washington and the "Pathfinder of the Seas."

The Gunnery Spring, where stood the first gunnery of the Revolutionary War, which was in operation before December, 1775, the commissioners being Col. Fielding Lewis and Charles Dick.

Temporary markers showing location of pontoon bridges in December, 1862.

Law office said to have been used by James Madison.

St. Georges Church, built in 1732, and its churchyard, where lie buried William Paul, brother of John Paul Jones, and John Dandridge, of New Kent, the father of Martha Washington, General Washington's wife.

The Hurkamp House, in which the remains of General Sedgwick lay in state on May 9, 1864.

The Confederate Cemetery, where 1,800 named and 600 unnamed Confederate soldiers are buried.

The commission reports that no adverse and only advantageous results are to be expected, and that it is practicable to mark and preserve the battle fields. The commission discusses various plans, but recommends what it denominates as the combined plan, Antietam system, whereby a limited quantity of land (not exceeding 535 acres) is taken, and connected so as to make accessible important points, which are to be appropriately marked. In this way facilities will be provided for historical and professional military study, and the battle fields will also be made accessible and attractive to the general public for educational and inspirational value. The report says:

The main value to be derived from marking the battle fields will be the general increase in the interest in and knowledge of what took place on these fields so that it will be of little value to mark points that are not reasonably accessible.

The report of the commission is so comprehensive that its perusal will be of peculiar interest to anyone interested, and reference to the report and maps is earnestly invited.

The commission reports that due to the time required for the surveys, studies, and research necessary for each battle the work can be done progressively, starting at the battle field of Fredericksburg, and the commission recommends that an initial appropriation of $50,000 should be made for this purpose. Several plats were filed of the different plans discussed, and these are on file with the House Committee on Military Affairs. Attached to the hearings is a copy of the plat of the plan which was recommended.

PENDING BILL

The Committee on Military Affairs held hearings and reported the bill (H. R. 9045), which is now on the calendar. The committee reported in favor of the proposed plan, and that there should be created the Fredericksburg and Spotsylvania County Battle Fields Memorial. This name was adopted as all of the battle fields are near Fredericksburg, Va., and largely if not entirely in Spotsylvania County, Va.

EARLY ACTION NECESSARY

These fields can be preserved easily now; values of land are low, but in a few years they will materially increase, and in 10 or 15 years many existing evidences of these battles will be lost forever. Besides it will be only a few years before all who participated in these great battles will have passed away and the benefit of their personal knowledge can no longer be obtained. Some of these old veterans are now living, and they may be of invaluable assistance in marking and preserving the historic points.

REPORT OF ARMY WAR COLLEGE

In 1925 the Army War College made a study of records pertaining to the battles of the United States with reference to the establishment of national military parks and national monuments. It divided the battles of the Civil War into three general classes, denominated as class No. I, class IIA, and class IIB.

In class I were placed Gettysburg, Vicksburg, and Chickamauga, at all of which national military parks have been established. In class IIA were listed 15 battles, 4 of which are Fredericksburg, Va., Chancellorsville, the Wilderness, and Spotsylvania Courthouse, so that of the 15 battles there listed 4 will be embraced in this memorial. Moreover, at Fredericksburg two important battles were fought, namely, the great battle of December 13, 1862, and later, in May, 1863, another battle of Fredericksburg incident to the battle of Chancellorsville and a part of that campaign.

MEMORIAL SHOULD BE CREATED

At no place in America is a memorial of the character proposed more appropriate. This whole area was occupied by forces on both sides during almost all of this struggle, as for instance, subsequent to the great battle in May, 1863, Chancellorsville was again occupied when General Grant advanced upon the Wilderness. During the years 1862, 1863, and 1864 this entire territory was frequently occupied by troops on both sides. Chickamauga and Chattanooga, Gettysburg and Antietam, Vicksburg and Shiloh have been marked and preserved, but the fields of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness have not been preserved, though the soil there has been baptized by the blood of heroes, and deeds of valor unsurpassed in the Nation's history have made those fields immortal. Salem Church and Hamiltons Crossing were great engagements incident to and parts of the Chancellorsville and Fredericksburg campaigns, respectively.

In all of these engagements there were displayed matchless courage, unsurpassed valor, and heroic sacrifice. This area may be termed the "cockpit" of the Civil War. Here it has been said more great armies maneuvered and engaged in battle than in any other similar area in America. There were in all many days of fighting, with over 700,000 men engaged and over 100,000 men killed and wounded. It is said that 19 generals fell in these engagements.

At Fredericksburg several divisions of Union troops followed one after the other in one of the most determined efforts of the whole war, and at Hamilton's Crossing one of the greatest artillery duels of the war occurred. Chancellorsville was the scene of a campaign which military experts all over the world have studied with interest. The Wilderness was the scene of most desperate fighting under the most trying and unusual conditions. At Spotsylvania Courthouse nearly 60,000 men during 12 hours fought for the possession of a small piece of ground comprising in all only about 500 acres of land, and so fierce and so bloody was the struggle that the spot has been known ever since as the Bloody Angle.

Military men throughout the world have visited these scenes. Their importance from a military standpoint is evidenced by the visit of such great military students as Marshal Foch, General Petain, General Kuropatkin, General Cruikshank, General Haig, General Henderson, General Bridges, numerous Japanese officers, and many others.

Not far from these battle fields are the War College, the Army posts at Hampton Roads and Washington, the Marine camp at Quantico, Camp Humphreys, Fort Myer, Fort Eustis, the General Staff, and the head of the Army at Washington. Important military schools, such as the Military Academy at West Point, and the Virginia Military Institute at Lexington, Va., and many other military schools have ready access to these battle fields where military students may study upon the grounds the strategy of which they read in the books.

So desperate was the fighting in front of the stone wall at Fredericksburg that the fallen were in some places three deep, and General Couch exclaimed, "Oh, great God! see how our men, our poor fellows are falling." He says that the whole plain was covered with men prostrate and dropping, that never before had he seen fighting like that, nothing approaching it in terrible uproar and destruction, and that there was a stubborn determination to obey orders and do their duty. In a paper read before the Military Historical Society of Massachusetts by Bvt. Lieut. Col. George A. Bruce, he says:

> The Battle of Fredericksburg is in some respects one of the most interesting battles ever fought on the American Continent. * * * As a picture of all that is grand and awful in the meeting of hostile armies, Fredericksburg can claim preeminence over most of the battles of the war. * * * The soldier who has campaigned from Yorktown to the closing scene at Appomattox Courthouse will never return in mind more often to the incidents of any one day in his military career than to those which the 13th day of December indelibly stamped upon his memory.

Chancellorsville, Salem Church, and the second battle of Fredericksburg, all parts of the Chancellorsville campaign, were marked by desperate fighting, heroic efforts, dreadful carnage, and splendid sacrifice, with great lessons in military strategy. The record of those days can never be forgotten, and the story will be read with interest through the coming years. In the "Campaign of Chancellorsville," by Col. William Allan, formerly of Jackson's staff, in Southern Historical Society papers, it is said:

> The Battle of Chancellorsville was certainly one of the most remarkable in all the history of wars.

He says that it was not a single engagement, for it was fought on four fields—at Fredericksburg, at Salem Church, on the lines east of Chancellorsville, and then in the assault of Jackson on the west.

Steele, in his "American Campaigns," representing his work as lecturer at the Army Service Schools, at Fort Leavenworth, in volume 1, page 347, says:

> The first movements of the main force in the Chancellorsville campaign began on the 27th of April, 1863, and the campaign ended with Hooker's withdrawal across the Rappahannock on the night of May 5. It would be hard to pick out another nine days of the Civil War so fraught with lessons for the student of the military art. If many of these lessons are to be learned from the mistakes that were made and their fatal consequences, there are others that may be learned from the examples of sound strategy and tactics presented and their results.

Again, at page 352, the same author says:

> Chancellorsville was the first great battle of the Civil War in which the infantry of both sides made use of field works.

The Battle of the Wilderness was the first of General Grant's battles after he had been commissioned, on March 10, 1864, to the grade of lieutenant general, which had been revived by act of Congress in February, 1864. This movement commenced at midnight May 3, 1864, and the troops moved to Chancellorsville, the scene of the great encounter of the previous year, and to Wilderness Tavern. In speaking of the battle, it is said in Humphrey's Army in the Civil War, volume 12, page 55:

> I have gone into more detail in the account of this battle than I shall undertake to give of those that are to follow, chiefly because it may serve to show what difficulties were encountered by the forces engaged in it, owing to the character of the field on which it took place. Some of its features were found in other of the battle grounds of the two armies, but, so far as I know, no great battle ever took place before on such ground. But little of the combatants could be seen, and its progress was known to the senses chiefly by the rising and falling sounds of a vast musketry fire that continually swept along the lines of battle, many miles in length, sounds which at times approached to the sublime.

Col. Theodore Lyman, who visited the battle field after the war, and particularly the place where the Twentieth Massachusetts lost a third of its number in killed and wounded, says that there was a dense thicket of saplings, and that in that thicket, not more than 20 or 30 yards distant, was the Twentieth Massachusetts and other troops, whose presence was made known by their thrusting through the brush, and whose return fire, aimed, as they supposed, at the Confederate troops, had cut off the saplings 3, 4, and 5 feet above the ground, as regularly as if they had been cut by a machine, and that many of the partially cut-off tops were still hanging there when Colonel Lyman visited the ground.

Steele says that the Wilderness was the worst kind of thicket of second growth, that for more than a hundred years iron mines had been worked within it, that all the original timber had been cut as fuel for the furnaces, and that the space was now covered with a dense coppice of cedar, pine, black oak, and other scrubby and tough undergrowth.

General Hancock in his report says that the undergrowth was so heavy that it was scarcely possible to see more than 100 paces in any direction, and that the movements of the opposing forces could not be observed until the lines were almost in collision. Besides, the—

uneven surface of the ground was cut up by a number of small streams with marshy banks, the clearings were few and narrow, the highways were not many, but there were numerous crooked wood roads and tracks leading and misleading in every direction.

Speaking of the fighting, General Alexander says:

There was never more desperate fighting than now ensued.

Steele says of the fighting of May 5 that two distinct battles had been fought on fields more than a mile apart.

General Grant, in his memoirs, says:

More desperate fighting has not been done on this continent than that of the 5th and 6th of May.

Steele says of the Battle of the Wilderness that it was the first time that the Union Army had fought a great battle on the soil of Virginia and advanced immediately afterwards. He says:

It was the first step gained in General Grant's policy of continuous hammering; the Confederacy could not stand many more such battles, call it victory or defeat.

Spotsylvania Court House may almost be considered a continuation of the Battle of the Wilderness. In the evening of May 7, 1864, following the fighting at the Wilderness on the 6th, General Grant set his Army in motion to cut off General Lee from Richmond. Spotsylvania Court House was about 12 miles from the Wilderness Tavern. At Spotsylvania Court House several roads came together from the direction of Wilderness Tavern, Chancellorsville, and from Fredericksburg, which was then the Union base. Other roads led from Spotsylvania toward the east and south, and Steele says that the juncture of these roads gave the place a temporary strategic importance and made it the field of battle. There was fighting on the 9th and 10th, but on the 11th there was but little firing.

On the 12th occurred the terrific and sanguinary struggle in the neighborhood of the McCool House, which has given to the scene of the greatest conflict the name of the Bloody Angle. Steele says:

The struggle lasted all day long, and till after midnight, and it was one of the fiercest and bloodiest of the whole war. Its memory has been perpetuated in the name of Bloody Angle, which the narrow space has borne since that day. Five other Federal brigades came to this point, making 24 brigades that engaged in assaulting a few hundred yards of the entrenchments. Union soldiers stood from 20 to 40 deep outside the parapet; the bodies of the slain were shot to pieces, and mangled beyond recognition; the whole forest thereabouts was killed by the fire and one tree 22 inches in diameter was literally cut down by bullets.

In another description of this fighting at the Bloody Angle, it is said:

All day long and until far into the night, the battle raged with unwavering fury, in the space covered by the salient and the adjacent works. Every attempt to advance on either side was met and repelled from the other. The hostile battle flags waved over different portions of the same works while the men fought like fiends for their possession.

There was no battle on the 13th or the 14th, and little fighting on the 15th, 16th, and 17th. Fighting was resumed on the 18th, but on the night of the 20th, the movement of the Union forces southward was again resumed.

Sir Frederick Maurice, in his work entitled "Robert E. Lee, the Soldier," says that on May 9 there began the Battle of Spotsylvania, a nine days' struggle of trench warfare, and that many a blunder made in the Great War might have been avoided if the lessons of Spotsylvania had been learned.

EDUCATIONAL AND INSPIRATIONAL VALUE OF MEMORIAL

But these fields of patriotic endeavor, of glorious achievement, and of heroic sacrifice appeal not alone to the student of military art, for they will prove of great educational and inspirational value to the general public. These fields are located on and in close proximity to a national highway extending from the North to the South and West. Some of the principal roads are already provided with a hard surface. The road from Fredericksburg to Spotsylvania Court House has now a concrete surface, and the road leading from Fredericksburg by Salem Church and through Chancellorsville and the Wilderness is included in the plans of the State Highway Commission of Virginia for similar improvement. At present the road leading through Fredericksburg to the South is being provided with a concrete surface and it is contemplated that by the end of this year or shortly thereafter this road to the southern boundary of Virginia will have a hard surface. Already thousands of tourists pass these points, and in the near future their number will be increased vastly. At no place in this country can the visitor find a greater combination of colonial, Revolutionary, and Civil War history.

It has been said very truly that if we should draw a circle around Fredericksburg with a radius of less than 50 miles we should find within that circle the birthplaces of George Washington, of James Madison, of James Monroe, of Zachary Taylor, of Chief Justice John Marshall, of Richard Henry Lee, who introduced the resolution for independence, of Arthur Lee, who served so faithfully in foreign fields during that period, of the other Lees of the Revolution, of Patrick Henry, of Matthew Fontaine Maury, and of Robert E. Lee. With a radius but a little larger there could be taken in the birthplaces of Thomas Jefferson, of William Henry Harrison, of John Tyler, and of Winfield Scott.

The very names of Spotsylvania and Fredericksburg are reminders of their colonial ancestry, for Spotsylvania was named after Alexander Spotswood, one of Virginia's most energetic and capable colonial governors, who had been wounded at the Battle of Blenheim, who served Virginia as its governor for 12 years, who, by reason of his energy in establishing smelting furnaces in Virginia, was nicknamed "the Tubal Cain of Virginia," who led a party of 50 men across the Blue Ridge into the Shenandoah Valley, who continued to live in Virginia after his removal as governor in 1722, who, as Postmaster General of the American Colonies, had by 1738 secured a regular mail service from New England as far south as James River, and who, in 1740, died in Virginia and was buried on his estate of Temple Farm, near Yorktown, Va., where 41 years later were enacted the closing scenes of the Revolution.

Fredericksburg derived its name from Frederick, Prince of Wales, son of George the Second, and traces its history back to May, 1671. At this place the news of the Battle of Lexington, on April 19, 1775, and of the removal of the gunpowder from the magazine at Williamsburg on April 20, 1775, resulted in the assembly of more than 600 armed men from the town and surrounding country who promptly offered their services to George Washington, then in Williamsburg, for the defense of the colony.

Within a distance of less than 75 miles from the National Capital this memorial would be located. Within an area no larger than the District of Columbia, these battle fields are located. In a drive of 38 miles the most historic points on these battle fields may be visited. The nearest city on the north of the proposed memorial will be Washington, the Capital of the Nation; the nearest city on the south will be Richmond, the former capital of the Confederacy.

The National Highway will link together forever the North and South, and this proposed memorial located midway between the Capital of the Union and the former Capital of the Confederacy, on land sacred with the blood of former foes, will prove through endless ages an invocation to patriotic effort, to willing service, and to heroic sacrifice. The ruthless hand of time will soon make many changes, and unless early action is taken, original monuments now existing will be lost forever. By this memorial we shall perpetuate the glories of the past, and we shall contribute to the glory and security of the future.

PRESENTATION OF INDIAN CLAIMS TO COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 9270) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I object.

Mr. BEGG. I object, Mr. Speaker.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. I notice this bill and several more have this statement, "Objected to May 17, 1926, but by unanimous consent retains its place on Consent Calendar." While this bill has been objected to, am I correct in assuming that all on earth the unanimous-consent request did was to allow it to retain its place on the calendar? If it is objected to when reached to-day, will not this type of bill require three objections?

The SPEAKER. The gentleman is correct in his statement.

Mr. SNELL, Mr. BEGG, and Mr. CRAMTON objected.

OIL AND GAS MINING LEASES ON UNALLOTTED LANDS

The next business on the Consent Calendar was the bill (H. R. 9133) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservation.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. FREAR. Reserving the right to object, may I ask the chairman a question? I understand that this bill was objected to previously because the conditions placed in the bill originally were objectionable regarding taxation. They have been withdrawn and I understand the chairman of the Indian Committee is about to offer an amendment that will change the general character of the bill so that only a limited number will be permitted, namely, those who received permits originally for sinking oil wells, some 22 in number. That agreement is to be offered and in that way objections have been withdrawn by those who previously objected.

Mr. LEAVITT. That is the understanding.

Mr. CRAMTON. Reserving the right to object, this bill is of a great deal of importance. I have no objection to it particularly, but the Committee on Indian Affairs is to be given the call on the Calendar Wednesday immediately following the next Calendar Wednesday. I believe that this sort of a bill ought to be considered in the regular way and I therefore object.

Mr. FREAR. Will the gentleman withhold his objection?

Mr. CRAMTON. I will withhold it.

Mr. FREAR. This same measure is being held up in the Senate expecting that action will be taken in the House; I can say that frankly. This will simply delay the passage of the bill and may defeat it.

Mr. SNELL. Does not the gentleman think that an important administrative measure like this should be taken up and considered on its merits rather than be passed by unanimous consent?

Mr. FREAR. It certainly ought to be considered on its merits.

Mr. CRAMTON. I object.

Mr. LAGUARDIA and Mr. BEGG also objected.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement as to the emergency of this bill from the Commissioner on Indian Affairs setting forth the needs of passing this now.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, May 21, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: In order that you may see the importance of getting the legislation for the leasing of Executive-order Indian reservations for oil and gas purposes, I am quoting a press statement from Salt Lake City, Utah, as follows:

"TEST OF STATUS OF OIL PERMITS ON NAVAJO LAND

"SALT LAKE CITY, UTAH.—As the first step in an attempt to have the Supreme Court of the United States decide the status of the Navajo Indian Reservation in southern San Juan County, Utah, as regards filing of applications for oil and gas prospecting permits, 56 applications by a group of Ogden residents were filed to-day in the local land office covering 140,000 acres of Navajo lands."

From the foregoing, in the event there is no legislation and the Supreme Court should sustain the decision of the United States District Court for the State of Utah, you can see what would happen, and the Indians would not get anything from the leases in the way of royalties.

Yours sincerely,

CHAS. H. BURKE,
Commissioner.

CLAIMS OF THE ASSINIBOINE INDIANS

The next business on the Consent Calendar was the bill (S. 2141) 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;

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object to this bill for the same reason. There will be an early call for the Committee on Indian Affairs.

Mr. BEGG and Mr. LAGUARDIA also objected.

CLAIMS OF THE CROW TRIBE OF INDIANS

The next bill on the Consent Calendar was the bill (S. 2868) 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.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON, Mr. SNELL, and Mr. BEGG objected.

NATIONAL MILITARY PARK AT PETERSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 7817) to establish a national military park at the battle fields of the seige of Petersburg, Va.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object I want to ask the gentleman from Virginia if he is willing to accept an amendment which will make the bill one for receiving land donated by Petersburg and then carrying an appropriation of $15,000 for markers, and so forth?

Mr. DREWRY. I will.

Mr. BEGG. With that understanding, I will not object.

Mr. SNELL. Reserving the right to object, let me ask the gentleman how many acres is it proposed to give?

Mr. DREWRY. One hundred and eighty-five acres.

Mr. BEGG. I understand that it is to be amended so that the land will be donated to the Government, and with that understanding I will not object.

Mr. DREWRY. Will the gentleman offer the amendment?

Mr. BEGG. Yes. I have the amendment prepared.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to commemorate the campaign and siege and defense of Petersburg, Va., in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein the battle fields at Petersburg, in the State of Virginia, are hereby declared a national military park whenever the title to the same shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia—that is to say, 185 acres or so much thereof as the Secretary of War may deem necessary in and about the city of Petersburg, State of Virginia.

Mr. BEGG. Mr. Speaker, on page 1, line 10, after word "States," I move to amend by inserting the words "by donation."

The Clerk read as follows:

Amendment by Mr. BEGG: Page 1, line 10, after the word "States," insert the words "by donation."

The amendment was agreed to.

Mr. BEGG. Now, on page 2, I move to strike out section 2 and insert the last proviso as a new paragraph.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BEGG: Page 2, strike out all of section 2 and insert the following as section 2:

"SEC. 2. That the Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Military Park: *And provided further,* That no public money shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park."

Mr. BEGG. Now, I move to strike out all of section 3.

The Clerk read as follows:

Amendment by Mr. BEGG: Strike out all of section 3.

The amendment was agreed to.

The Clerk then read sections 4 to 10, inclusive, as follows:

SEC. 4. The affairs of the Petersburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission.

SEC. 5. It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secre-

tary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this act.

SEC. 6. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Military Park Fund," which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of this act.

SEC. 7. It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State.

SEC. 8. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace or other court, according to the aggravation of the offense, of not less than $5 nor more than $500, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debts of like nature are now by law recoverable in the several counties where the offense may be committed.

SEC. 9. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

SEC. 10. Upon completion of the acquisition of the land and the work of the commission the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park.

SEC. 11. To enable the Secretary of War to begin to carry out the provisions of this act, including the condemnation, purchase, or lease of the necessary land, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies, and materials, the sum of $100,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to remain available until expended, and disbursements under this act shall be annually reported by the Secretary of War to Congress.

Mr. BEGG. Now on page 7, line 17, after the word "act," strike out the remainder of line 17, lines 18, 19, 20, 21, and 22 to the comma and insert the words "there is hereby authorized to be appropriated."

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

The Clerk read as follows:

Page 7, line 17, after the word "act," strike out all down to and including the word "materials" in line 22, and insert in lieu thereof the following: "there is hereby authorized to be appropriated."

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

The amendment was agreed to.

Mr. BEGG. Mr. Speaker, I have another amendment which I desire to offer.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BEGG: Page 7, line 22, after the word "of," strike out "$100,000" and insert in lieu thereof "$15,000," and strike out the words "is hereby authorized to be appropriated."

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

Mr. CRAMTON. Mr. Speaker, would it be agreeable to both of the gentlemen to have the words "not more than" inserted before the "$15,000"? That would give the Committee on Appropriations an opportunity to investigate.

Mr. BEGG. Certainly, I agree to that.

Mr. DREWRY. Certainly.

The SPEAKER. Without objection, the amendment will be so modified, and the Clerk will report the modified amendment.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. BEGG: Page 7, line 22, after the word "of," strike out "$100,000" and insert in lieu thereof "not more than $15,000," and strike out the words "is hereby authorized to be appropriated."

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

The amendment was agreed to.

Mr. BEGG. Mr. Speaker, also on line 24 I move to strike out the word "remain" and insert the word "be."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 7, line 24, strike out the word "remain" and insert the word "be."

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

The amendment was agreed to.

Mr. BEGG. And also on line 25, after the word "expended," insert the words "after the United States has acquired title."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 7, line 25, after the word "expended," insert the words "after the United States has acquired title."

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

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL SANITARY CONFERENCE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the National Sanitary Conference to meet at Paris on May 10, 1926.

The Clerk read the title of the joint resolution.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I notice that this conference has already been held. Is there any purpose in passing the resolution now?

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice, with a right to return to it as soon as the chairman of the committee [Mr. PORTER] can get here.

Mr. CRAMTON. I would have no objection to that.

Mr. LAGUARDIA. I understand that these representatives went over there, were ordered to go over there, and that this is to reimburse their actual expenses?

Mr. MOORE of Virginia. That is my understanding, but I want it confirmed by the statement of the chairman of the committee.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PAY OF SURGEONS ON ALASKA RAILROAD

The next business on the Consent Calendar was the joint resolution (H. J. Res. 96) to authorize the President to pay the surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaska Engineering Commission or the Alaska Railroad.

The Clerk read the title of the joint resolution.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is it not true that what this bill seeks to do is to pay these doctors who are in the employ of the United States Government in this hospital for services which they rendered to patients who were not entitled to the Government treatment?

Mr. SUTHERLAND. That is correct?

Mr. LAGUARDIA. Does not the gentleman believe it is very poor policy to have a public institution where certain people are entitled to care and treatment by the Government, and then permit these doctors who are employed there to carry on their private practice in the same institution?

Mr. SUTHERLAND. In the city of New York that would not be right, but the same thing does not hold true in a frontier country like Alaska. In the past the people of Alaska have depended largely upon the Army surgeons who were at the military posts to treat them.

Mr. LAGUARDIA. When I was a boy in Arizona the Army surgeon of our regiment was always called in the case of accident or treatment, but he did not charge anything.

Mr. SUTHERLAND. But he is not supposed to perform operations and not charge for them.

Mr. LAGUARDIA. To save life?

Mr. SUTHERLAND. Possibly it would not be immediately saving life.

Mr. LAGUARDIA. What people go to this hospital for treatment who are not entitled to treatment there by the Government?

Mr. SUTHERLAND. Any of the people in Alaska outside of the Government. That only applies to employees of the Government.

Mr. LAGUARDIA. Does not the gentleman believe when that happens there is a tendency on the part of doctors—they are only human—to give the best of their attention to their pay patients?

Mr. SUTHERLAND. No; I would not want to say that. This bill is probably one of the most meritorious bills before this House. These men have had their money withheld.

Mr. LAGUARDIA. Does not the gentleman believe it is better policy to increase the salaries of the surgeons and let these fees go into the General Treasury?

Mr. SUTHERLAND. I do not know it would.

Mr. JOHNSON of Washington. Does the gentleman see any reason why to split hairs about a matter of this kind in Alaska and permit Members of the House and Senate to go into Federal hospitals in the District of Columbia and receive treatment without pay from official physicians, a practice which I think ought to be stopped?

Mr. CRAMTON. The practice of which the gentleman speaks is limited to Members of another body and not to Members of this body.

Mr. JOHNSON of Washington. I call attention to it. Members of Congress are citizens after all.

Mr. CRAMTON. Mr. Speaker, the privilege the gentleman speaks of is ordinarily and quite uniformly denied to Members of this body while extended to Members of another body and the wives of other officials.

Mr. Chairman, reserving the right to object to this particular bill, on the 17th of May I placed in the RECORD certain correspondence showing the effort I have been making to try to arrive at an understanding of the facts in reference to this subject, and what is done at other institutions, and so forth, and following that discussion I wrote the Secretary of the Interior under date of May 19 calling attention to the statement of the Comptroller General, and so forth, and asked for information as to the facts involved. The Acting Secretary of the Interior under date of June 5 writes:

THE SECRETARY OF THE INTERIOR,
Washington, June 5, 1926.

Hon. LOUIS C. CRAMTON,
Committee on Appropriations,
House of Representatives.

MY DEAR MR. CRAMTON: Your letter of May 19, 1926, has been received calling attention to House Joint Resolution 96, authorizing the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad. You state that there appears to be some confusion, first, as to what amount of money would be involved in pending accounts, and, second, as to what is being done now with fees received by such surgeons for operations performed in the hospital in private cases, etc., and suggest further consideration of the matter.

In response I have to state that I will be glad to have the consideration of this bill deferred until the commencement of the next session of Congress in December. In the meantime I will take the matter up with Mr. Noel W. Smith, of the Alaska Railroad, and get additional data covering the points to which you direct attention in your letter.

Very truly yours,

E. C. FINNEY, *Acting Secretary.*

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice and be placed at the foot of the calendar.

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

INTERNATIONAL SANITARY CONFERENCE

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to return to Calendar No. 443.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

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

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 for the expenses, as itemized in the report, of three delegates of the United States to the International Sanitary Conference which is to meet at Paris on May 10, 1926, for the purpose of revising the international sanitary convention of 1912.

The committee amendment was read, as follows:

Page 1, line 5, after the word "expenses," strike out the words "as itemized in the report." Page 1, line 6, after the word "three," insert "officials of the Public Health Service as."

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the last word. Will the gentleman from Pennsylvania [Mr. PORTER] give a brief explanation about the status of this matter?

Mr. PORTER. Mr. Speaker, the conference was called for the purpose of revising the International Sanitary Convention of 1912 and for the purpose of bringing it up to date. The State Department had sent a resolution to the committee, but we have been unable to take it up and consider it before this time. The conference is now going on and our delegates are over there—Doctor Cummings and two other officers of the Public Health Service.

Mr. MADDEN. We have already made an appropriation covering this. What is the use? I do not think that the bill ought to pass. They have the authority and the appropriation has been made available. That is, it has not passed the House, but the Committee on Appropriations has the item, and it is to come in. I do not think this ought to be passed.

Mr. PORTER. The gentleman does not object to the authorization?

Mr. MADDEN. But what is the use?

Mr. LAGUARDIA. Would it be subject to a point of order?

Mr. MADDEN. I do not think so, because they already had authority. However, if the gentleman wants to pass it, I have no objection.

Mr. PORTER. I think it will make a better record.

Mr. MADDEN. All right.

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

AMENDMENT OF WORLD WAR VETERANS' ACT, 1924

The next business on the Consent Calendar was the bill (H. R. 10772) to amend the World War veterans' act, 1924.

The title of the bill was read.

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

Mr. JOHNSON of Washington. Mr. Speaker, I object.

Mr. BEGG. I object.

Mrs. ROGERS. Mr. Speaker, I have an amendment to offer.

Mr. JOHNSON of Washington. I object anyway, inasmuch as other legislation on the same subject is coming up.

Mr. MADDEN. I object to the consideration of the bill.

Mrs. ROGERS. I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The lady from Massachusetts asks unanimous consent that the bill be passed over without prejudice and retain its place at the foot of the calendar. Is there objection?

Mr. BEGG. That is out of order. There have been three objections, and the bill is off the calendar.

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

OVERLAND COMMUNICATIONS ON THE SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was the resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The title of the resolution was read.

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

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice and retain its place at the foot of the calendar.

The SPEAKER. The gentleman from Alaska asks unanimous consent that the bill be passed over without prejudice and retain its place at the foot of the calendar. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

DISTRIBUTION OF SUPREME COURT REPORTS

The next business on the Consent Calendar was the bill (S. 3841) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code.

The title of the bill was read.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this bill to increase the number of copies of Supreme Court Reports from the judiciary establishment?

Mr. GRAHAM. No. It is not the same bill. The House bill was objected to.

Mr. LAGUARDIA. I object.

Mr. GRAHAM. This is a Senate bill providing for the distribution of one or more copies to the legislative committees in the House and the Senate.

Mr. LAGUARDIA. There is no objection to that.

Mr. GRAHAM. The total amount involves only a few copies of the reports, 35 or 40 in all.

Mr. LAGUARDIA. To be distributed to the soldiers?

Mr. GRAHAM. No. To the departments.

Mr. LAGUARDIA. How many more copies would this give to the War Department?

Mr. GRAHAM. About 10 of them go to the War Department for the use of courts-martial.

Mr. LAGUARDIA. Has the gentlemen ever found one case in the last 10 issues of the Supreme Court Reports that treated of matters coming up in courts-martial?

Mr. GRAHAM. Yes; on matters of evidence that affect courts-martial.

Mr. LAGUARDIA. The gentleman knows that the rules of evidence do not apply to courts-martial.

Mr. GRAHAM. Oh, yes; they do.

Mr. JOHNSON of Washington. These depository libraries ought to be supplied with reports of the Supreme Court and reports of the committees of Congress.

Mr. GRAHAM. This is only to supply reports in the future.

Mr. LAGUARDIA. If the soldiers of our Army should go out and drill and practice and maneuver as soldiers and not attempt to prepare to practice as future Supreme Court judges, it would be better. But I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 227 of the Judicial Code is hereby amended to read as follows:

"SEC. 227. The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeal, the judges of the district courts, the judges of the Court of Claims, and judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the United States Court for China, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the office of the Legislative Counsel, Senate branch, the office of the Legislative Counsel, House branch, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Federal Trade Commission, the Clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia, the chairman United States Shipping Board; the Naval Academy at Annapolis, Md.; the Military Academy at West Point, N. Y.; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each 1 copy; to the Interstate Commerce Commission, 16 copies; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 5 copies; to the law library of the Judge Advocate General of the Army, 2 copies; to the Secretary of the Senate for the use of committees of the Senate, 30 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 35 copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and courtroom, 6 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, 7 copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace 25 copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy.

"The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this act shall not be construed so as to require that reports and digests printed prior to the date of approval of this act shall be furnished to the Secretary of War for military headquarters.

"No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

"The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

"The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder."

The SPEAKER. The question is on the third reading of the bill.

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

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

FEES TO CLERKS OF COURT IN CERTAIN CASES

The next business on the Consent Calendar was the bill (H. R. 10437) providing for a fee to clerks of court in certain cases.

The title of the bill was read.

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

Mr. LAGUARDIA. Does this fee go to the court?

Mr. GRAHAM. No. In these cases the fee will go into the Treasury.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act approved February 11, 1925 (43 Stat. L. p. 857, ch. 204), be, and is hereby, amended to read as follows:

"Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of $5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him: *Provided further*, That upon the dismissal by the court of a civil case, or the termination thereof by agreement of parties, the clerk shall charge and collect from the party filing the suit in said court the sum of $5."

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

CREDIT TO CONTRACTORS FOR PAYMENTS RECEIVED FROM ARMY OR NAVY DISBURSING OFFICERS

The next business on the Consent Calendar was the resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

The title of the bill was read.

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

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I believe the language of this bill is too broad. In the first place, the whole bill is based on a certain adjustment of labor difficulties. The report shows that some of these contracts were entered into subsequent to this agreement. I do not see why they should be included. Besides this, it is nine years since these contracts were entered into, and these matters should not be brought up in this way.

Mr. GRAHAM. There is a real necessity for action at this time. This bill involves $15,173, constituting overpayment, as the comptroller calls it, to different contractors in the saddlery and leather business. The Secretary of War called all of these people together and arranged that if there was any increase in labor charges it was to be added to the contracts.

Some of the contracts did not contain that proviso, and because that proviso was omitted the comptroller says now that if the Congress should take no action in the matter or otherwise express its will at the present session the general accounting officer will necessarily proceed to the collection of the overpayments. This is simply to prevent the collection of those payments, which were made in good faith and in accordance with the agreement made by the Secretary of War. As I say, there was an omission of that proviso in some of the contracts, but under the agreement made by the Secretary of War the money was paid over to these people, and the amount involved is about $15,000.

The comptroller recommends the passage of this bill, and the passage of the bill is desired in order to prevent his being compelled to sue on technical grounds to get this money back.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. NEWTON of Minnesota. I want to state in connection with this particular case that a concern in my city had a contract with the Government to manufacture harness and saddles. They were satisfied with the contract and the men were satisfied with the wage. But after everything had been done and signed up they received a letter from the Secretary of War asking them to enter into an agreement with all the other manufacturers whereby they would meet with the Secretary of of War and adjust wages. They did that, and the Secretary of War, under his signature, requested them, as a war measure, to enter into that contract and they did. It came from him and did not come from them. The Government fixed higher wages than they had been paying; those wages were put into effect, the Government acknowledged them and paid them, and some six or seven years afterwards the comptroller comes in and asks this concern for the several hundred dollars which had been on the suggestion of the Secretary of War, and it is being insisted that that money should be paid back to the Government. To insist that it should be paid back is just as inequitable and dishonest as anything can be, and I hope the gentleman from New York will not object.

Mr. LAGUARDIA. Now, that the gentleman has waxed so eloquent——

Mr. NEWTON of Minnesota. I thank the gentleman.

Mr. LAGUARDIA. And has pleaded so earnestly for his constitutent, may I ask whether this particular factory was one of those harness works that bought back harness from the Government from the surplus sales department?

Mr. NEWTON of Minnesota. No; I will say they did not have an opportunity to buy any back.

Mr. LAGUARDIA. They tried but could not?

Mr. NEWTON of Minnesota. I do not think they bought any because they did not know about it.

Mr. LAGUARDIA. Mr. Speaker, I object for the present.

LAKELAND, FLA.

The next business on the Consent Calendar was the bill (S. 3691) to convey to the city of Lakeland, Fla., certain Government property.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey by the usual quitclaim deed to the city of Lakeland, Fla., for street purposes and no other, that portion of the present post-office site in said city 5 feet in width and which extends alongside Lemon Street a distance of 122 feet for the purpose of widening said Lemon Street as provided for in the city ordinances of the said city of Lakeland, Fla.: *Provided, however*, That the city of Lakeland shall not have the right to sell or convey the described premises, nor to devote the same to any other than street purposes, and shall not erect thereon any structures or improvements except such as are incidental to such purposes; and in the event that said premises shall not be used for street purposes, and cared for and maintained as such, the right, title, and interest of the United States hereby authorized to be conveyed shall revert to the United States.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AFFIDAVIT BY CERTAIN OFFICERS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 10547) to require the filing of an affidavit by certain officers of the United States.

The Clerk read the title of the bill.

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

There was no objection.

Mr. GRAHAM. Mr. Speaker, in committee I was asked to request unanimous consent that the House consider H. R. 10739, Calendar No. 595, with this bill. They are correlative. I promised the committee and the gentlemen who are proponents of the bill that I would try to get unanimous consent to consider the two bills together.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that H. R. 10739, Calendar No. 595, be considered in connection with H. R. 10547. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the first bill.

The Clerk read H. R. 10547, as follows:

Be it enacted, etc., That each individual hereafter appointed as an officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department, shall, within 30 days after the effective date of his appointment, file with the Comptroller General of the United States an affidavit under oath stating that neither he nor anyone acting in his behalf has given, transferred, or paid any consideration for or in the expectation or hope of receiving assistance in securing such appointment.

SEC. 2. No salary shall be paid to any individual required under section 1 to file an affidavit until such affidavit has been filed.

SEC. 3. When used in this act the term "consideration" includes a payment, distribution, gift, subscription, loan, advance, or deposit of money, or anything of value, or a contract, promise, or agreement, whether or not legally enforceable, to make such a payment, distribution, gift, subscription, loan, advance, or deposit.

With the following committee amendment:

Page 1, line 10, after the word "transferred," insert the word "promised."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the other bill.

PURCHASE AND SALE OF PUBLIC OFFICE

The Clerk read H. R. 10739, as follows:

Be it enacted, etc., That it shall be unlawful to offer or promise to pay any sum of money, or any other thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence whatsoever to procure any appointive office under the Government of the United States for any person whatsoever.

SEC. 2. It shall be unlawful to solicit or receive from anyone whatsoever, either as a political contribution or for personal emolument, any sum of money or thing of value whatsoever in consideration of the promise of support, or use of influence, or for the support or influence of the payee, in behalf of the person paying the money, or any other person, in obtaining any appointive office under the Government of the United States.

SEC. 3. Anyone convicted of violating this act shall be punished by imprisonment of not less than one month nor more than one year, and fined not less than $100 nor more than $1,000, and disqualified from holding any office thereafter under the United States Government.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

With the following committee amendments:

Page 1, line 3, strike out the words "pay or."

Page 2, line 7, after the word "not," strike out the words "less than one month nor."

Page 2, line 8, after the word "not," strike out the words "less than $100 nor."

Page 2, line 9, after the figures "$1,000," strike out the words "and disqualified from holding any office thereafter under the United States Government" and insert the words "either or both."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

The next business on the Consent Calendar was the joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the resolution.

Mr. BLACK of Texas. Mr. Speaker, I object.

USE OF THE WORDS "ARMY OR NAVY"

The next business on the Consent Calendar was the bill (H. R. 8200) prohibiting the use of the words "Army or Navy," or both, in the name of a store or company engaged in mercantile business.

Mr. BLACK of New York. Mr. Speaker, I object.

Mr. LAGUARDIA. Will the gentleman reserve his objection?

Mr. BLACK of New York. I reserve the right to object, Mr. Speaker.

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the chairman of the committee if he would accept an amendment inserting the words "or United States Intelligence Service," so that people using the term "United States Intelligence Service" will come within the provisions of this bill. This term became very well known during the war as the research department of the Army and to exploit the public by holding themselves out as being representatives of the United States Intelligence Service is exactly the same thing as the use of the words Army and Navy.

Mr. GRAHAM. I have no objection.

Mr. BLACK of New York. I renew my objection, Mr. Speaker.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC AND OTHER STATE OFFICERS

The next business on the Consent Calendar was the bill (H. R. 10058) to authorize notaries public and other State officers to administer oaths required by the United States.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

TIME OF HOLDING COURT AT RALEIGH, N. C.

The next business on the Consent Calendar was the bill (H. R. 11354) to change the time of holding court at Raleigh, N. C.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 98 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended June 7, 1924, is hereby amended as follows:

That the words "and in addition for the trial of civil cases on the first Mondays in March and September" be stricken out and the following inserted in lieu thereof: "and in addition for the trial of civil cases a two weeks' term beginning on the first Monday in September."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOCATION OF POTASH DEPOSITS

The next business on the Consent Calendar was the bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I wonder if it would be agreeable to the gentleman to let this go over and retain its place on the calendar? I am making some investigation which I would like to follow up.

Mr. HUDSPETH. I would like to make a little statement about the bill.

Mr. CRAMTON. I think the gentleman might invite objection to its retaining its place on the calendar by doing that, but I shall not object.

Mr. HUDSPETH. I understand the gentlemen who are considering the bill have determined it should go over, but I would like to make a brief statement concerning the bill in order to get it before this body.

Mr. CRAMTON. My request was that the bill should go over without prejudice and retain its place on the calendar, and my only fear was that if time was taken up in discussion, some one might object.

Mr. HUDSPETH. I will only take a moment or two if the gentleman will permit me to make a statement.

Mr. CRAMTON. I shall not object.

Mr. HUDSPETH. Gentlemen, this bill has passed the Senate and it is really a farm-relief measure. It provides for exploration by the Government for potash throughout the United States.

To-day we have a German-French combine that furnishes potash to the farmers of the country at $35 a ton. This bill, in my judgment, will not cost the Government one dollar ultimately, because it provides that where mineral is discovered upon land the owner of the land shall pay the exploration cost. To-day we have to import into this country 250,000 tons of potash. There have been discovered in Utah, in New Mexico, and in western Texas fields that are believed by the Department of the Interior to rival the fields of Alsace-Lorraine and all Germany. This bill only asks for an authorization of $100,000 a year for five years for exploration

work by the Department of the Interior and the Department of Commerce.

Mr. CRAMTON. Will the gentleman yield in order that I may ask a question?

Mr. HUDSPETH. In just a moment. It has the indorsement of Secretary Hoover, who appeared before the committee and made the statement that if this bill was passed it would break the German-French combine. It has the indorsement of the Secretary of the Interior, and Secretary Hoover stated it had the approval of General Lord, Director of the Budget, and that he had taken the measure up at a Cabinet meeting and, as I recall now, it had the indorsement of the Cabinet.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HUDSPETH. I yield to the gentleman.

Mr. LAGUARDIA. I have read this bill, and there is only one danger that I see. Whenever a person enters into a contract under this bill for them to go out and explore, is there not danger of there being some stock jobbing that he might advertise, and say "The Potash Research Co., under agreement with the United States, is now exploring for potash," and in this way try to dump some fake stock onto the public while the exploration is going on?

Mr. HUDSPETH. This I will state to my friend from New York is guarded because this exploring work is to be done under the Secretary of the Interior and the Secretary of Commerce.

Mr. LAGUARDIA. Under their direct supervision?

Mr. HUDSPETH. Yes. They are the only ones under which the work is done.

Mr. LAGUARDIA. When the bill comes up for discussion we will make it clear that the department is to keep an eye open so as to stop anyone trying to exploit the public.

Mr. HUDSPETH. That is guarded in the bill. The subcommittee on mining amended it so that it will not be possible for anyone to exploit the farmers, and there is a provision that all the potash discovered shall be sold under the direct supervision of the Secretary of Commerce at a price to be fixed by joint authority of these two Secretaries. I had a similar bill in the House, but we reported the Senate bill, as it come over first.

Now, gentlemen, this bill is of paramount importance to every farmer in the United States and should be passed by this House by a unanimous vote. Secretary Hoover is strong for it, Secretary Work is for it, and we got the indorsement of the Director of the Budget. There is enough potash in my district, if developed, to supply the United States for 300 years; and this bill, if enacted into law, will save the farmers $500,000,000 a year and take them out of the clutches of this foreign combine, this German-French syndicate that can now raise the price of potash over night.

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

Mr. CRAMTON. Mr. Speaker, I make the request that the bill be passed over without prejudice and retain its place on the calendar.

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

There was no objection.

AMENDING SECTION 98 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (S. 4056) to amend section 98 of the Judicial Code as amended.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 98 of the Judicial Code, as amended, be amended by adding a new paragraph thereto, as follows:

"That terms of the District Court of the United States for the Western District of North Carolina shall be held in Winston-Salem on the fourth Monday in June and December: *Provided*, That suitable accommodations for holding court at Winston-Salem are furnished free of expense to the United States."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RECORDS IN OFFICE OF SUPERINTENDENT FOR FIVE CIVILIZED TRIBES

The next business on the Consent Calendar was the bill (H. R. 10540) authorizing an appropriation to revise, repair, index, and file the various records in the office of the Superintendent for the Five Civilized Tribes in Muskogee, Okla.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CARTER of Oklahoma. Reserving the right to object, this matter was called to my attention some time last fall. I looked into it and found that it was not necessary to pass the bill and authorize this expenditure, for they are authorized under existing law by the act creating the agency and the reorganization act passed in 1912 or 1913. I have no objection to the matter as far as that goes, but I do not think it is necessary. I have consulted the chairman of the Committee on Appropriations, and he says all that is necessary is to have the Budget Bureau estimate for it.

Mr. FAIRCHILD. Mr. Speaker, I object at the request of the gentleman from Ohio [Mr. BEGG].

CHANGE OF TIME FOR HOLDING COURT AT ELIZABETH CITY AND WILSON, N. C.

The next business on the Consent Calendar was the bill (H. R. 10611) to change the time of holding court at Elizabeth City and Wilson, N. C.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter terms of the District Court for the Eastern District of North Carolina shall be held at Elizabeth City on the first Monday in April and the second Monday in October and at Wilson on the second Monday in April and the first Monday in October in lieu of the dates now fixed for the holding of such terms.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

REFUNDING OF CERTAIN LEGACY TAXES

The next business on the Consent Calendar was the bill (H. R. 7588) to extend the time for the refunding of certain legacy taxes erroneously collected.

The Clerk read the title to the bill.

The SPEAKER. Is there objection.

Mr. UNDERHILL. I object.

Mr. GRAHAM. Will the gentleman withhold his objection?

Mr. UNDERHILL. I will withhold it long enough to say to the gentleman that as long as these matters that should go to the Committee on Claims go to other committees and the reports do not conflict with the policy laid down by the Committee on Claims the chairman of the Committee on Claims will not object, but when another committee reports a bill that should go to the Committee on Claims and overturns the policy of the committee the chairman of the committee feels that he is obliged to object.

Mr. GRAHAM. This is not a bill that should go to the Committee on Claims.

Mr. UNDERHILL. It has been before the committee for two years. I object.

Mr. GRAHAM. Mr. Speaker, I ask the gentleman from Massachusetts [Mr. UNDERHILL] to withdraw his objection to the present consideration of the bill.

Mr. UNDERHILL. If the gentleman wants to make a statement, I shall withdraw my objection for that purpose, but I propose to make it finally.

Mr. GRAHAM. If the gentleman proposes to make it finally, there is no use of my making any statement.

STATE OF OHIO

The next business on the Consent Calendar was the bill (S. 2741) for the relief of the State of Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 966745, drawn October 1, 1923, in favor of "State treasurer of Ohio" for $29,812.78 and lost, stolen, or miscarried in the mails.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

USE OF TRIBAL FUNDS OF INDIANS ON TONGUE RIVER RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11170) authorizing the expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington.

The Clerk read the title of the bill.

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

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill, S. 3884, for the House bill?

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to substitute a similar Senate bill. Is there objection? There was no objection. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to expend not to exceed $1,000 of the tribal funds of the Indians of the Tongue River Indian Reservation, Mont., for the payment of the expenses of delegates from said reservation in coming to Washington on official business of the tribe when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 11170 was ordered to lie on the table.

UNITED STATES CIRCUIT COURT OF APPEALS, OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 11123) to establish a term of the United States Circuit Court of Appeals in Oklahoma City, Okla.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a term shall be held annually by the United States Circuit Court of Appeals for the Eighth Circuit at Oklahoma City, Okla., at such times as may be fixed by such court: *Provided*, That suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUDIT OF ACCOUNTS OF COLLECTORS OF CUSTOMS

The next business on the Consent Calendar was the bill (H. R. 11658) to amend section 523 of the tariff act of 1922.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas. Mr. Speaker, I object.

BOND ISSUE, FAIRBANKS, ALASKA

The next business on the Consent Calendar was the bill (H. R. 11843) to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the waterfront, and for other purposes.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, why is it that the property of the United States Smelting & Refining Co. in Fairbanks is not properly assessed and taxed?

Mr. SUTHERLAND. The United States Smelting & Refining Co. has no property to speak of in the town of Fairbanks; if it has, it is properly taxed.

Mr. LAGUARDIA. But the report says that the assessed value of the property in the town of Fairbanks for 1925 was $2,521,000; and in 1926 it is estimated at $2,750,000, and then we find the startling statement in the report that the introduction of improved modern methods of gold mining and the introduction of mammoth devices for extracting placer gold by the United States Smelting & Refining Co. at an initial expense of approximately $10,000,000 is one of the guaranties of the permanency of the town of Fairbanks.

Mr. SUTHERLAND. The gentleman will understand that the project referred to is 25 miles from the town of Fairbanks.

Mr. LAGUARDIA. That is a sufficient answer.

Mr. SUTHERLAND. Of course, they would not be having placer mining within the incorporated town of Fairbanks.

Mr. LAGUARDIA. So that the bond issue is going to be a little under 5 per cent of the assessed valuation?

Mr. SUTHERLAND. Yes.

Mr. LAGUARDIA. That is low enough.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Fairbanks, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding $100,000 for the purpose of purchasing, constructing, and maintaining an electric light and power plant, telephone system, pumping station, and repairs to the water front in said town.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Fairbanks, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Fairbanks. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding $1,000 each, the principal to be due in 10 years from date thereof: *Provided, however*, That the common council of said town of Fairbanks may reserve the right to pay off such bonds in their numerical order at the rate of $10,000 or less thereof per annum from and after the expiration of four years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, town of Fairbanks, Alaska, or at such other place as may be designated by the common council of the town of Fairbanks, the place of payment to be mentioned in said bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Fairbanks and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the treasurer of said town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may be required for the purposes aforesaid.

With the following committee amendment:

Page 2, line 14, after the word "of," insert "65 per cent."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BOND ISSUE, WRANGELL, ALASKA

The next business on the Consent Calendar was the bill (H. R. 10900) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill would authorize an issue of bonds of about 6 per cent of the value of the property, but the next bill adds $50,000, so that we have an $80,000 bond issue against an assessed valuation of $565,000.

Mr. SUTHERLAND. The reason for that figure in the assessed value of the property is that the administration of the government of the town of Wrangell is perhaps the most conservative in the United States. They have kept their valuation down continuously, and under these circumstances do not want to raise it. Wrangell is an unusually prosperous town, engaged in lumbering and fishing.

Mr. LAGUARDIA. But it is bad city management to keep the valuation down and issue bonds. If you have a proper assessed valuation, you can raise the money by taxation.

Mr. SUTHERLAND. No doubt they can increase the assessed valuation.

Mr. LAGUARDIA. They will have to, because this would be about 10 per cent of the assessed valuation. Why does the gentleman separate these propositions?

Mr. SUTHERLAND. To give them an opportunity to vote on the two projects. The bonds are to be issued for different purposes. I have placed every safeguard in the bonds, and the gentleman will notice that it provides that 65 per cent of the people of the town shall vote in the affirmative before the bonds shall be issued.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Wrangell, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Wrangell, at which election the question of whether such bonds shall be issued be submitted to the qualified electors of said town of Wrangell whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Wrangell not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however*, That the common council of the said town of Wrangell may reserve the right to pay off such bonds in their numerical order at the rate of $2,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Wrangell, the place of payment to be mentioned in the bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of the said town of Wrangell and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes.

With the following committee amendments:

Page 2, line 13, at the end of the line insert the words "65 per cent."

Page 2, line 19, strike out "7" and insert "6."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING WRANGELL, ALASKA, TO ISSUE BONDS FOR SCHOOL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 10901) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with and only the amendments read.

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

The bill is as follows:

Be it enacted, etc., That the incorporated town of Wrangell, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Wrangell, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Wrangell whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Wrangell, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however*, That the common council of the said town of Wrangell may reserve the right to pay off such bonds in their numerical order at the rate of $4,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Wrangell, the place of payment to be mentioned in the bonds: *And provided further*, That each and every bond shall have the written signature of the mayor and clerk of said town of Wrangell and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes.

The committee amendments were read, as follows:

Page 2, line 14, after the word "of," insert the words "65 per cent of."

Page 2, line 20, strike out the figure "7" and insert the figure "6."

The amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMPLETION OF ROAD FROM TUCSON TO AJO VIA INDIAN OASIS, ARIZ.

The next business on the Consent Calendar was the bill (S. 3122) for completion of the road from Tucson to Ajo via Indian Oasis, Ariz.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, I guess I will have to object. However, I will withhold the objection if the gentleman from Arizona desires.

Mr. HAYDEN. Mr. Speaker, I will say to the gentleman that this is a most meritorious measure——

Mr. BEGG. I will say to the gentleman from Arizona merit or no merit will not change my mind to-day. The bill is important enough that if it is to be passed by the House, appropriating $125,000 for the purpose of building a road out there, the gentleman should consult with the Speaker and move to suspend the rules and let us have a little debate. If I can get $125,000 for my county, I would be glad to do it; and if we can get 40 minutes' discussion, I would not object at all to getting it, but under unanimous consent I do not think we should change a policy established.

Mr. HAYDEN. That is entirely satisfactory, to have the Committee on Indian Affairs to call it up on Calendar Wednesday.

Mr. BEGG. Yes.

The SPEAKER pro tempore. Objection is heard.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for one question? Let me ask the gentleman from Arizona if he feels legislation is necessary for an appropriation to construct a road across an Indian reservation? My understanding is that there is already in the Snyder Act authority when an appropriation, if it meets with approval of the Budget and the Appropriations Committee of the House, can be carried in an appropriation bill to build a road on an Indian reservation.

Mr. HAYDEN. I think the gentleman will find special authorization is necessary for a road of this character. We have consistently——

Mr. CRAMTON. The only reason I can see is because of this condition you insert requiring the State to agree to take care of the maintenance.

Mr. HAYDEN. That is the reason. If it were to be built and maintained at the expense of the United States, that is another matter. That is not desired here.

The SPEAKER. Objection is heard.

FORT DONELSON NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.

The Clerk read the title of the bill.

Mr. JAMES. Mr. Speaker, I ask that the bill be passed over without prejudice.

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

STANDARD HAMPERS AND BASKETS FOR FRUITS AND VEGETABLES

The next business on the Consent Calendar was the bill (H. R. 5677) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The Clerk read the title of the bill.

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

Mr. WARREN. Mr. Speaker, I object.

AMEND AND CONSOLIDATE COPYRIGHT ACT

The next business on the Consent Calendar was the bill (H. R. 10774) to amend section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," amended March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 15 of an act entitled "An act to amend and consolidate the acts respecting copyright," amended March 4, 1909, be amended to read as follows:

"SEC. 15. That of the printed book or periodical specified in section 5, subsections (a) and (b) of this act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engraving, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this act, or to works printed or produced in the United States by any other process than those above specified in this section.

Mr. VESTAL. Mr. Speaker, I have an amendment.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. BURTNESS. On the first page, in the title of the bill, the word "amended" should be stricken out and the word "approved" inserted. Also on line 4 the word "amended" should be stricken out and the word "approved" inserted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: On page 1, in the title, strike out the word "amended" and insert the word "approved." On line 4 strike out the word "amended" and insert the word "approved."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

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

PERMANENT ASSOCIATION OF THE INTERNATIONAL ROAD CONGRESSES

The next business on the Consent Calendar was the resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

The title of the resolution was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of Agriculture is authorized and directed to accept membership in the Permanent Association of International Road Congresses and that the United States be represented in that congress by three delegates, and that the Secretary of Agriculture is authorized to expend annually, out of the administrative fund provided by section 21 of the Federal highway act of 1921, the sums necessary to cover the membership fees and such other expenses as may be necessary in maintaining membership in said association.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert: "That there is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, not exceeding $3,000 per annum to enable the United States to accept membership in the Permanent Association of International Road Congresses, and such further amounts not exceeding a total of $5,000 as may be necessary for the expenses of participation in the meetings of the congress and of the executive committee thereof to be held in the year 1926."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

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

Amend the title so as to read: "Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses, and for other purposes."

A motion to reconsider the vote whereby the Senate resolution was passed was ordered to be laid on the table.

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

AMERICAN SOCIAL SCIENCE ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 11575) to amend an act entitled "An act to incorporate the American Social Science Association."

The title of the bill was read.

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

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I should like to ask what the effect of section 4 will be if it becomes a law? It provides for the making of an annual report to Congress, to be filed with the Librarian of Congress. Does that carry with it the printing of a report at the expense of the Government? If no one has the information on that, I will ask that the bill be passed over without prejudice.

Mr. McLEOD. I do not believe there is any provision in this bill for any expenditure.

Mr. CRAMTON. I think, perhaps, we had better make the matter definite. I do not recall the effect of this language, but we can cure it if my colleague will accept an amendment, on page 2, line 4, after the word "Congress," by inserting the words "without printing."

Mr. McLEOD. There is no objection to that.

The SPEAKER pro tempore. There is a Senate bill of the same nature on the table. It should be substituted for the House bill; Senate bill 4094.

Mr. McLEOD. Mr. Speaker, I move to substitute the Senate bill for the House bill.

The SPEAKER pro tempore. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4094) to amend an act entitled "An act to incorporate the American Social Science Association"

Be it enacted, etc., That section 1 of an act entitled "An act to incorporate the American Social Science Association," approved Janu-

ary 28, 1899, be amended by striking out the words "American Social Science Association" and substituting therefor the words "National Institute of Social Sciences" as the name of the corporation, so that as amended it shall read "National Institute of Social Sciences."

That the act be further amended by adding the following sections:

"SEC. 4. That the National Institute of Social Sciences shall hold an annual meeting at such place in the United States as may be designated, and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

"SEC. 5. That the National Institute of Social Sciences be, and the same is hereby, authorized and empowered to receive bequests and donations of real and personal property and to hold the same in trust, and to invest and reinvest the same for the furtherance of the interests of the social sciences."

Mr. CRAMTON. Mr. Speaker, on page 2, line 4, at the end of the line after the word "Congress," I move to insert the words "without printing."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 4, after the word "Congress," insert "without printing."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

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

There was no objection.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

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

BRIDGE BILLS PASSED

The next business on the Consent Calendar was the bill (S. 3135) granting consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.

The title of the bill was read.

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

Mr. BURTNESS. Mr. Speaker, in connection with that bill, I ask unanimous consent that there may be considered with this bill also the following bills on the Consent Calendar, namely:

H. R. 12167. A bill to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing, Washington and Idaho;

H. R. 12203. A bill granting the consent of Congress for the construction of a bridge across that part of the Mississippi River known as Devils Chute, between Picayune Island and Devils Island, Alexander County, Ill.;

H. R. 11896. A bill granting the consent of Congress to the county of Cass, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Boy River in said State;

H. R. 11942. A bill to authorize the construction of a bridge across the Fox River in Dundee Township, Kane County, Ill.;

H. R. 11949. A bill authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

H. R. 12018. A bill granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton, in the State of Washington;

H. R. 12208. A bill granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois;

H. R. 12168. A bill granting the consent of Congress to the Pittsburgh, Fort Wayne & Chicago Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Grand Calumet River;

S. 2959. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington; and

S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city.

I ask unanimous consent that all of those bills may be considered at one time; that such amendments as have been reported by the committee with reference to them be put en gross and the amendments agreed to.

The SPEAKER pro tempore. They are all similar bridge bills.

Mr. BURTNESS. All of these bills either grant the consent of Congress to build bridges or grant the consent of Congress to extend the time in which bridges heretofore authorized may be built. This list includes no bill as to which there is any controversy in so far as the committee is advised.

Mr. DENISON. Mr. Speaker, I want to ask that Calendar No. 548, H. R. 11942, be omitted. That bill ought to be tabled, because there is another bill on the calendar for a bridge at the same place.

Mr. BURTNESS. Mr. Speaker, I accept that suggestion.

Mr. DENISON. There is another bill for a bridge at the same place, and that bill is on the list which the gentleman from North Dakota has just read. I would like to have that bill left out.

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

There was no objection.

Mr. DENISON. Then, Mr. Speaker, as to Calendar No. 549, H. R. 11949, there is a Senate bill which ought to be considered in lieu of the House bill.

The SPEAKER pro tempore. Without objection, Senate bill 3967 will be substituted for House bill 11949.

There was no objection.

Mr. DENISON. Then, Mr. Speaker, I wish that the gentleman from North Dakota would omit Calendar No. 550, H. R. 12018, because I want to offer an amendment to it and have that bill considered separately.

The SPEAKER pro tempore. Without objection, H. R. 12018 will be omitted from the list just read by the gentleman from North Dakota and will be considered separately.

Mr. TAYLOR of Tennessee. I would like to ask the gentleman from North Dakota whether he included in his list Senate bill 3195?

Mr. BURTNESS. What is the number on the Consent Calendar?

Mr. TAYLOR of Tennessee. Five hundred and twelve.

Mr. BURTNESS. Yes.

Mr. TAYLOR of Tennessee. That is a Senate bill which contains an amendment?

Mr. BURTNESS. But the amendment is a part of the committee report and the request includes the consideration of all of the committee amendments that are included in the report, but that does not preclude any amendment that any Member might care to offer from the floor.

Mr. TAYLOR of Tennessee. I do not desire to offer any amendment.

The SPEAKER pro tempore. Without objection, the amendments will be agreed to, the House bills engrossed, read a third time, and passed, and the Senate bills read a third time and passed.

There was no objection.

The amendments to the bills S. 3135, S. 3195, and H. R. 12208 were agreed to.

The bills S. 3967, S. 3135, S. 3195, S. 2959, and S. 3989 were ordered to be read a third time, were read the third time, and passed.

The bills H. R. 12167, H. R. 12203, H. R. 11896, H. R. 12208, and H. R. 12168 were ordered to be engrossed and read a third time, were read the third time, and passed.

A motion to reconsider the votes by which the several bills were passed was laid on the table.

BRIDGE ACROSS PORT WASHINGTON NARROWS, WASH.

Mr. DENISON. Mr. Speaker, I call up the bill that was omitted, Calendar 550, H. R. 12018, a bill granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton, in the State of Washington, and on behalf of the committee I would like to offer an amendment on page 4. In line 23 strike out the word "fifteen" and insert "twenty-five."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to W. E. Buell, of Seattle, Wash., his heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge and structural and ground approaches thereto across Port Washington Narrows, at a point suitable to the interests of navigation, within the city of Bremerton in the State of Washington, in accordance with the provisions of

the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The construction of said bridge shall be commenced within two years from and after the passage and approval of this act and be completed for general use and travel within 18 months after the time of commencing work.

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

SEC. 4. That the State of Washington, or any official agency thereof, or any political or other subdivision or subdivisions thereof, within or adjoining which such bridge is located, may at any time after 15 years from the completion of such bridge, by agreement or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge. If such bridge is acquired by the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof by condemnation, in determining the measure of damages or compensation to be paid for the same, there shall not be included any credit or allowances for good will, going value, or prospective revenues or profits, but the same shall be limited to such an amount not exceeding the original cost thereof as shall represent the fair value of the bridge and its approaches and appurtenances at the time of such acquisition: *Provided*, That nothing in this act shall be construed to deprive the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof, within or joining which such bridge is located, of any rights that it or they possess under the laws of such State with reference to such bridge during the 15-year period mentioned herein. After five years from the date of acquiring such bridge by the State of any official agency, political or other subdivision or subdivisions thereof, the same shall be maintained and operated as a free bridge.

SEC. 5. The said W. E. Buell, his heirs, administrators, or assigns, shall immediately upon the completion of such bridge file with the State highway department of the State of Washington an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable and actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such itemized statement of cost may be investigated by the State highway department at any time within three years after the completion of such bridge and verified and corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or gross mistake.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby granted to W. E. Buell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Port Washington Narrows, at a point suitable to the interests of navigation, within the city of Bremerton, in the State of Washington, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 13, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof 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 its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws 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 the same 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 its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

"SEC. 3. 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 Washington 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 15 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 tolls shall thereafter be so adjusted as to provide a fund of 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 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. 4. The said W. E. Buell, 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 its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said W. E. Buell, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to W. E. Buell, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who 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 or person.

"SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON to the committee amendment: On page 4, line 23, strike out the word "fifteen" and insert in lieu thereof the word "twenty-five."

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER

Mr. JOHNSON of Washington. Mr. Speaker, I call attention to the fact that the bridge bill No. 513 on the calendar (H. R. 11608) was not included in the omnibus list of bills passed without objection, and has not now been read by the Clerk.

The next business on the Consent Calendar was the bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The Clerk read the title of the bill.

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

Mr. CRUMPACKER. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Will the gentleman reserve his objection for a moment?

Mr. CRUMPACKER. Mr. Speaker, I expect to object to consideration of this bill. The calendar is quite congested, and I do not believe, with all courtesy to the gentleman, that a statement at this time would do any good. It is a highly controversial matter, and I object to the consideration of the bill.

Mr. JOHNSON of Washington. Then, Mr. Speaker, I ask unanimous consent that the full text of the bill may be printed in the RECORD and that I may be permitted to extend my remarks on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The bill referred to follows:

A bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

Be it enacted, etc., That the consent of Congress is hereby granted to W. D. Comer and Wesley Vandercook, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, between a point at or near the city of Longview, in the county of Cowlitz, in the State of Washington, and a point at or near the city of Rainier, in the county of Columbia, in the

State of Oregon, 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. The construction of such bridge shall not be commenced nor shall any alterations of such bridge be made either before or after its completion until the plans and specifications for such construction or alterations have been first submitted to and approved by the Secretary of War, the Secretary of Commerce, and the Secretary of Agriculture, acting jointly, and they, acting jointly, shall determine whether the types, designs, and specifications thereof are adequate, based upon the proposed use, volume, and weight of traffic passing over such bridge, and whether the height and clearances of such bridge are adequate to protect the commerce on said Columbia River, and whether the location selected is feasible for the erection of such bridge without obstructions in navigation and without being detrimental to the development of interstate and foreign as well as domestic commerce moving to and from the Pacific Ocean on the Columbia River to the inland waters of the States concerned, and whether public convenience will be served by such bridge as a connecting link between the Federal-aid highway systems of the States of Oregon and Washington. The said Secretaries, acting jointly, are empowered, and if requested to do so are directed, to hold public hearings for the full and complete determination of said precedent requirements.

SEC. 2. The said W. D. Comer and Wesley Vandercook, 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 3, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Washington, the State of Oregon, any political subdivision of either of such States, within or adjoining which 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. 4. There is hereby conferred upon the said W. D. Comer and Wesley Vandercook, 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, or maintenance of such bridge, approaches, and terminals as are possessed by bridge corporations for bridge purposes in the States in which such real estate and other property are located, upon making proper compensation therefor, to be ascertained according to the laws of such States; and the proceedings thereof may be the same as in the condemnation and expropriation of property in such States.

SEC. 5. 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 cost thereof 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 thereafter shall 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.

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 W. D. Comer and Wesley Vandercook, 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. 7. The said W. D. Comer and Wesley Vandercook, 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 shall investigate the actual cost of such bridge, and for such purpose the said W. D. Comer and Wesley Vandercook, 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 costs shall be conclusive.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Calendar No. 548, H. R. 11942, which was omitted from the list submitted a while ago, be tabled.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill No. 513 on the calendar, H. R. 11608, may retain its place on the calendar without prejudice.

Mr. CRUMPACKER. Mr. Speaker, I object.

Mr. JOHNSON of Washington. I hope the gentleman will withdraw his objection.

Mr. CRUMPACKER. I have no objection to the bill going to the foot of the calendar.

Mr. JOHNSON of Washington. Let it retain its place on the calendar.

Mr. CRUMPACKER. I object, Mr. Speaker.

TO CEDE TO THE CITY OF NEW YORK LAND FOR HIGHWAY PURPOSES

The next business on the Consent Calendar was the bill (H. R. 10389) to grant and cede to the city of New York, State of New York, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes.

The Clerk read the title of the bill.

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

There was no objection.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the bill H. R. 12536 be substituted for the bill H. R. 10389.

Mr. BEGG. Mr. Speaker, reserving the right to object, what is that bill?

Mr. JAMES. The only difference is that the War Department thought the description in the other bill was not quite definite enough, so it sent down a bill describing the property by metes and bounds.

Mr. HILL of Maryland. I will state to the gentleman from Ohio it is the same bill with a better description of the land.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 12536) to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to grant to the city of New York, in the State of New York, subject to the conditions mentioned in section 2 of this act, an easement in the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State, for the purpose of extending the public highway known as Shore Road, in the Borough of Brooklyn, as the same is located and laid out on the map or plan of said city and in accordance with the plan thereof shown upon the map approved by the board of estimate and apportionment of said city on the 25th day of February, 1926. The lands and lands under water included in this easement are more particularly described as follows: Beginning at a point on the prolongation of the southeastern boundary of the United States Military Reservation at Fort Hamilton, N. Y., which point is distant 1,957.64 feet from the southwest line of Cropsey Avenue, measured along the boundary of the military reservation and the southeasterly line at Bay Second Street; thence south 38 degrees 24 minutes 43.39 seconds west, along the southeasterly boundary of United States lands under water, 184.82 feet; thence south 85 degrees 20 minutes 7.73 seconds west, 760.12 feet; thence westerly, on a curve having a radius of 1,388.42 feet, a distance of 994.66 feet; thence northwesterly on a curve having a radius of 4,095.64 feet, a distance of 986.72 feet; thence northwesterly on a curve having a radius of 2,282.84 feet, a distance of 518.56 feet; thence north 26 degrees 47 minutes 58.72 seconds west tangent to the last-mentioned course 323.69 feet to a point on the northwesterly boundary of United States lands under water, which point is 968 feet distant from the southerly side of One hundred and first Street, on a line at right angles to One hundred and first Street

from a point 119.17 feet northwesterly from the intersection of the westerly line of Fort Hamilton Parkway with the southerly line of One hundred and first Street; thence north 63 degrees 12 minutes 1.28 seconds east along the boundary of United States lands 135 feet; thence south 26 degrees 47 minutes 58.72 seconds east, 323.69 feet; thence southeasterly on a curve having a radius of 2,147.84 feet, a distance of 487.89 feet; thence southeasterly on a curve having a radius of 3,960.64 feet, a distance of 954.20 feet; thence easterly on a curve having a radius of 1,253.42 feet, a distance of 897.94 feet; thence north 85 degrees 20 minutes 7.73 seconds east tangent to the last-mentioned course, 886.34 feet to the point of beginning; the above tract being a strip of land and land under water having a uniform width of 135 feet; to be used for construction of a road; and, in addition thereto, a strip of land under water, adjacent to and on the southerly side of the strip of land above described, not exceeding 20 feet in width, for the purpose of placing riprap stone to form the foundation of a sea wall bounding said road. All bearings are referred to true north.

SEC. 2. That authority for the said easement is granted upon the conditions that the said highways shall be constructed and maintained by the city of New York without expense to the United States; that the area of land under water between mean high-water line and the inshore line of said highway, as laid out, shall be filled up to the grade established for said highway, such fill to be made by said city without expense to the United States; and that the construction and maintenance of said highway under the easement herein granted shall be subject to such terms and conditions as may be prescribed by the Secretary of War for the protection of the reservation and the Fort Hamilton Wharf from trespass and other improper use, as well as for the construction of suitable means of access from said highway to the reservation; the terms and conditions, so prescribed, to be performed by said city without expense to the United States.

The SPEAKER pro tempore. Without objection, the word "and," in line 6, will be changed to the word "an."

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar bill (H. R. 10389) was laid on the table.

MEMORIAL DAY TABLET

The next business on the Consent Calendar was the joint resolution (H. J. Res. 157) authorizing and directing the Secretary of War to accept and install a tablet commemorating the designation of May 30 of each year as Memorial Day, by General Order No. 11, issued by Gen. John A. Logan, as commander in chief of the Grand Army of the Republic.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to accept from the commander in chief of the Grand Army of the Republic a tablet of suitable material, design, and inscription commemorating the designation of May 30 of each year as Memorial Day by General Order No. 11, issued from the headquarters of the Grand Army of the Republic on May 5, 1868, by Gen. John A. Logan, commander in chief, and to install the same in some suitable place in the amphitheater in the Arlington National Cemetery of Virginia.

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

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PROCURING OIL PORTRAIT OF LATE PRESIDENT HARDING

The next business on the Consent Calendar was joint resolution (S. J. Res. 101) authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved etc., That the Joint Committee on the Library is hereby authorized to procure an oil portrait of the late President Warren G. Harding for the Executive Mansion, at a cost not to exceed $2,500.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: In line 6, after the figures, strike out the period, insert a comma, and the following: "to be the work of an American artist."

Mr. BEGG. Mr. Speaker, I would like to say a word on that amendment. I do not know that there would be any objection to it; I do not know anything about it. I should think that the men who purchase this portrait ought to be unrestricted and buy the best portrait they can find of our late President. I do not think that one man's patriotism can excel another's. I think if some Italian or Frenchman or Englishman or German—for that matter any nation—if he would paint the best picture of the late President, I do not think it would be unpatriotic to buy it. I would like to see the amendment defeated.

Mr. LAGUARDIA. Mr. Speaker, I want to state that not very long ago I was called upon by a patriotic society to contribute for a painting made by an artist who had come to this country simply for painting portraits and did not intend to stay. He got these commissions and then left. We have great artists in this country, we have great painters, great sculptors who have studied abroad and live here permanently. Foreign nations when they purchase paintings or statues limit it to their national artists. It is not fair to the American artist when Congress appropriates for any work of art to leave it open, because American artists can not compete with the foreign artists. We ought to throw protection around these artists to encourage American art and give them the same protection that we give industry in commerce.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

YUMA AND YUMA MESA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation project, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

Mr. HAYDEN. Will not the gentleman withhold his objection?

Mr. BEGG. I will if the gentleman wishes to say a word.

Mr. HAYDEN. This is a bill approved by the department and carries out the intention of the department at the time the contract was made. The then Secretary of the Interior told these settlers if they would enter into this agreement they would get this credit. We are seeking to give them the credit, and it is agreeable to the people paying the money and to the department, and I feel that there should be no objection.

Mr. BEGG. Let me say that there were a lot of these bills that we submitted to a group of gentlemen who are responsible, including the chairman of the Committee on Appropriations, and we all agreed that certain ones ought to be held up. I am perfectly willing to talk with the gentleman, but we will have another day for the Consent Calendar.

Mr. SWING. Mr. Speaker, I want to say a word in behalf of this bill. I was one of the persons who negotiated the contract referred to, representing the Imperial irrigation district in its negotiations with the Secretary of the Interior. I was then chief counsel for the district. The contract provided that the district should have the right to use the dam for the diversion of its water from the Colorado River for use in the Imperial Valley, and in return that the district should pay $1,600,000 for its interest in the diversion works. The cost of the dam originally was charged against the landowners on the Yuma project, and the Yuma water users are now paying on the cost of the dam and irrigation works. I think it is a matter of justice for the Government to give these settlers who are now charged with the cost of the dam credit for the amount of money the Imperial irrigation district is paying for the purchase of an interest in that dam.

Mr. CRAMTON. Will the gentleman yield?

Mr. SWING. Yes.

Mr. CRAMTON. Do I understand that the gentleman from California and the gentleman from Arizona are in unanimous agreement on this bill?

Mr. SWING. Yes. My purpose is to heap coals of fire on the head of the gentleman from Arizona.

Mr. BEGG. Mr. Speaker, I object.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it go to the foot of the calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AUTHORIZING THE COMPTROLLER GENERAL TO ALLOW CREDIT TO CERTAIN CONTRACTORS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to return to Calendar No. 472, Senate Joint Resolution 47, authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

The gentleman from New York [Mr. LAGUARDIA] will withdraw his objection if we consent to an amendment, which I am willing to accept.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to Senate Joint Resolution 47. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the General Accounting Office is hereby authorized, in the discretion of the Comptroller General of the United States, to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, and where said payments have been credited in the accounts of the respective disbursing officers pursuant to the provisions of an act entitled "An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts," approved April 21, 1922 (42 Stat. L. p. 497), as extended by the act approved February 11, 1925 (43 Stat. L. p. 8607).

With the following committee amendment:

Line 8, page 2, strike out the figures "8607" and insert in lieu thereof the figures "860."

The committee amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 7, after the word "States," insert "prior to the agreement of September, 1917, fixing wages," and strike out the language "during the period from April 6, 1917, to November 11, 1918."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

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

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

POSTAL RATES

The next business on the Consent Calendar was the bill (H. R. 12061) to amend Title II of an act approved February 28, 1925 (43 Stat. p. 1053), regulating postal rates, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, I object. This bill is entirely too important to be passed by unanimous consent.

TUSKEGEE RAILROAD CO.

The next business on the Consent Calendar was the bill (H. R. 10361) to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized to grant on behalf of the United States to the Tuskegee Railroad Co., without compensation, an easement over such strip of land 50 feet in width as the director may designate in the tract now occupied in part by the United States Veterans' Hospital No. 91, Tuskegee, Ala., such easement to be subject to such reasonable requirements as the director may impose for the protection of the hospital and the interests of the United States, and to continue as long as such strip of land is actually occupied and used by the grantee, its successors or assigns, for the construction or operation and maintenance of an extension of its railroad.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COUNSEL FOR CROW INDIANS IN CLAIMS AGAINST UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I observe the report of the committee does not carry any report from the Department of the Interior. The gentleman from Montana [Mr. LEAVITT], chairman of the Committee on Indian Affairs, calls my attention to a report which is in his hands and from which report I desire to call attention to one sentence. The bill before us, as I understand, proposes to use some money of the Crow Indians, or to authorize its use in the employment of counsel who shall engage in some investigation as to what claims that tribe may have against the Government.

Mr. LEAVITT. That is true.

Mr. CRAMTON. I have been objecting, and I am now objecting, to our sending to the Court of Claims, every time we are asked, a bill without specifications of any kind, amounting to many hundreds of thousands of dollars of alleged claims of Indians against the Government. The sentence in the report from the Acting Secretary of the Interior to which I direct attention reads as follows:

The present policy contemplates that jurisdictional bills authorizing Indians to present their claims against the Government to the Court of Claims must be limited to the extent of specifying under what treaty, agreement, or law of Congress claims arise.

I hope that statement as to present policy means the present policy of the Committee on Indian Affairs of the House as well as the present policy of the department, and I hope that that policy will be agreed upon by Congress so that we will not send these Indian claims to the Court of Claims in such a reckless and wide-open manner as was done in the last Congress. If this bill before us tangibly marks the adoption of such a new policy, I am heartily in favor of it.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a report from the Secretary of the Interior.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The report referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, June 5, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: I have your letter of May 22, 1926, in which you request that I reconsider my report dated May 18, 1926, on H. R. 11662, "Authorizing the expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States," with a view of making a favorable recommendation thereon.

The bill authorizes the Secretary of the Interior to use from the tribal funds mentioned the sum of $5,000 for the employment of counsel under contract, as provided by law, to present the claims of these Indians against the Government.

Proposed legislation (S. 2868) now pending in Congress for the Court of Claims to adjudicate their claims against the United States provides for the employment of necessary counsel, the fees to be fixed by the court, and not "to be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States."

A contract was entered into April 15, 1926, under section 2103 of the United States Revised Statutes, with the tribe and Messrs. C. J. Kappler and C. H. Merillat, attorneys of this city, which provides for the payment of a contingent fee of not to exceed 10 per cent of the amount of the judgment recovered and for a retainer fee of $5,000, the latter to be deducted from the contingent fee allowed by the court. Approval of this contract awaits an authorization by Congress for the payment of the amount stipulated in the contract as a retainer.

The act of May 18, 1916 (39 Stat. L. 123-159), provides, in effect, that Indian tribal funds can not be expended for the payment of attorney fees without a specific appropriation therefor by Congress.

The present policy contemplates that jurisdictional bills authorizing Indians to present their claims against the Government to the Court

of Claims must be limited to the extent of specifying under what treaty, agreement, or law of Congress the claims arise. The Crow Tribe of Indians feel that they should be permitted to employ counsel in advance of the enactment of a jurisdictional bill, so that all of their claims may be covered by the act, and have entered into a contract, as before stated. It is believed that a retaining fee of $5,000 is not unreasonable, except that not more than $2,500 of the same should be paid upon the approval of their contract and in advance of the passage and approval of a jurisdictional bill, the other $2,500 to be paid only when the Secretary of the Interior is satisfied that services in the value of $5,000 have been rendered by them in behalf of the Indians.

With the following amendments the passage of the bill is recommended: Line 4, strike out the word "use" and insert the word "expend." After the figures "$5,000," in line 6, strike out the words "for the," and lines 7, 8, and 9, and insert—

"as a retainer to attorneys employed by the Crow Indians under contract as provided by law: *Provided*, That not more than $2,500 of said sum of $5,000 shall be paid to counsel upon the approval of their contract of employment, and that the remainder shall be paid to them only when the Secretary of the Interior is satisfied that services in the value of $5,000 have been rendered by them in behalf of the Indians."

The Director of the Bureau of the Budget has advised that the proposed report, if so modified, will not be in conflict with the financial program of the President.

Very truly yours,

E. C. FINNEY, *Acting Secretary*.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to use, out of the funds now standing to the credit of the Crow Nation of Indians of Montana in the Treasury of the United States, a sum of not to exceed $5,000 for the employment of counsel under contract as provided by law to represent said Crow Nation in their claims against the United States.

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

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Line 4, strike out the word "use" and insert the word "expend," and in line 6, after the figures "$5,000," strike out the remainder of the bill and insert in lieu thereof the following: "as a retainer to attorneys employed by the Crow Indians under contract as provided by law: *Provided*, That not more than $2,500 of said sum of $5,000 shall be paid to counsel upon the approval of their contract for employment, and that the remainder shall be paid to them only when the Secretary of the Interior is satisfied that services in the value of $5,000 have been rendered by them in behalf of the Indians."

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

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXPENDITURE OF TRIBAL FUNDS, KLAMATH INDIANS

The next business on the Consent Calendar was the bill (S. 3382) to authorize the expenditure of tribal funds of the Klamath Indians to pay actual expenses of delegates to Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to expend the sum of $1,000, or so much thereof as may be necessary, of the tribal funds of the Klamath Indians of the State of Oregon, to pay the actual expenses of the one delegate of the said tribe, who has been elected by the General Council of the Klamath Indians to attend to the business of the tribe, and pay his expenses to Washington to present the affairs of the said Klamath Indians of the State of Oregon to the officials of the United States.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PROMOTION OF CERTAIN OFFICERS OF THE UNITED STATES ARMY NOW ON THE RETIRED LIST

The next business on the Consent Calendar was the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, I shall not object, providing the gentleman who introduced the bill will agree to strike out all the committee amendments and accept another amendment, which I will send to the Clerk's desk. My amendment is a proviso at the end of the bill.

Provided, however, That the promotion authorized in this act shall not carry with it any increased pay or compensation or allowances, the pay, compensation, and allowances to remain the same as the grade from which such officers are respectively promoted under this act, any law to the contrary notwithstanding.

Mr. PORTER. Mr. Speaker, I will accept the amendment.

Mr. HILL of Alabama. Mr. Speaker, I think the word "allowance" should be "allowances."

Mr. BEGG. It is allowances.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 11, after the word "awarded" strike out the word "either."

Page 1, line 11, after the word "honor" strike out "or distinguished-service medal."

Page 2, line 1, after the word "served" insert "as a general officer."

Mr. BEGG. I ask that the committee amendments be not agreed to.

The question was taken, and the committee amendments were rejected.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Provided, however, That the promotion authorized in this act shall not carry with it any increased pay or compensation or allowances, the pay, compensation, and allowances to remain the same as the grade from which such officers are respectively promoted under this act, any law to the contrary notwithstanding.

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION OF EMPLOYEES KILLED IN CERTAIN MARITIME EMPLOYMENT

The next business on the Consent Calendar was the bill (H. R. 12063) to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission.

The Clerk read the title of the bill.

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

Mr. GRAHAM. Mr. Speaker, I will ask that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks on the two bills to which I objected.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

CARE OF CERTAIN INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 95) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, because I want the approval of an amendment I shall offer, which is to section 4:

No person shall be appointed a committee to any insane person hereinbefore described who is a committee for more than two other insane persons.

Mr. JOHNSON of Washington. We have no objection to that amendment.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I notice that this bill treats entirely with matters under the

jurisdiction of the Department of the Interior, but the committee report does not show that department has been consulted at all in the consideration of the bill. Now, I think that is of importance, especially in connection with the first part of section 1, which proposes that "bona fide citizens of the Territory of Alaska who within one year after leaving the Territory are adjudged insane" shall be sent to the institution at Morningside at Federal expense. I am not sure how that language is to be construed. It apparently means a bona fide citizen of the Territory of Alaska, who then leaves the Territory and becomes a citizen of some State and then becomes insane, he still has to be a Federal charge. That is not a fair provision.

Mr. JOHNSON of Washington. Let me explain to the gentleman. In the first place, this bill was recommended years ago by the Department of the Interior.

I introduced it repeatedly, but never succeeded in getting by both Houses at the same time. There are two types of Alaskans. There are those who come every fall on the boats and have only a nominal residence in Alaska, and there are Alaskans who have a bona fide residence there. This happens when it is found they are insane: Rather than commit them to the institution where the Federal Government has committed them, which is at Morningside, Oreg., they are sent out on the last boat to the States of Washington or Oregon, there to be forced on those States as a charge, whereas they are bona fide residents.

Mr. CRAMTON. This language does not describe that kind of a case at all. This language says that anyone who is a bona fide citizen of Alaska and then leaves Alaska and within one year thereafter becomes insane, thereafter he becomes a Federal charge. That is not fair to the Federal Treasury. On the other hand, if they become insane and are real bona fide citizens of Alaska, no further legislation is necessary for them to obtain admission to this Federal institution if you establish that they are citizens of Alaska. Therefore, I think that the gentleman should drop out of his bill that first part of that section.

Mr. JOHNSON of Washington. Would the gentleman make it six months?

Mr. CRAMTON. I am trying to make it clear to the gentleman that it is not necessary to make it six months, or a year, or a minute, if you once establish that they are citizens of Alaska. If they become insane, on the other hand, after they cease to be citizens of Alaska, they ought not to be Federal charges.

Mr. JOHNSON of Washington. I am willing to take it in any form.

Mr. SUTHERLAND. Does this question of citizenship mean Federal citizenship in the United States?

Mr. JOHNSON of Washington. Actual Alaskans. I agree with the gentleman from Michigan [Mr. CRAMTON]. We have the same problem up all the time with insane aliens. Every State tries to force its insane aliens on the Federal Government. This bill is to prevent the dumping of Alaskans, bona fide citizens, out to the nearest port and letting them become a charge on the States. Alaska has no custodial institution for the insane. The Federal Government pays for the keep of some such insane at Morningside, in Oregon. It dumps others. I do not mean the Alaskan government, but the local authorities.

Mr. SUTHERLAND. The packer companies are bringing up a lot of men who go insane. I do not think, if they are residents of the State of Washington, that they insist that that State shall not care for them after they are sent out.

Mr. JOHNSON of Washington. If they are residents of the State of Washington or residents of the State of Oregon, those States take care of them.

Mr. SUTHERLAND. I do not think the question is raised as to the citizenship in the States. The Chinese are sent out, orientals, and they try to make those countries responsible.

Mr. JOHNSON of Washington. Yes; in a deportation bill we shall have up later to-day we try to take care of the alien insane.

Mr. SUTHERLAND. Then, under this bill the gentleman is dumping the insane from Alaska on the States?

Mr. JOHNSON of Washington. No. I will accept the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

Mr. SUTHERLAND. I think you will find a great many of the residents of the State of Washington are sent by the Federal Government to the sanitarium at Morningside.

Mr. CRAMTON. On the initiation of the committee the Department of the Interior has been endeavoring to check them up and send them over to the States where they are charges.

Mr. JOHNSON of Washington. I shall not object to the amendment of the gentleman from Michigan.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That bona fide citizens of the Territory of Alaska who within one year after leaving the Territory are adjudged insane by a court of competent jurisdiction of one of the States of the United States shall, upon certification of the facts in the case by such court to the Secretary of the Interior, be given proper care and treatment by the superintendent of the institution wherein the legally adjudged insane of Alaska are accommodated: *Provided, however*, That such insane persons are not of homicidal or otherwise dangerous tendencies, in which case they may, in the discretion of the court in which they are found to be mentally incompetent, be certified to the Attorney General for conveyance on his request by the Secretary of the Interior to St. Elizabeths Hospital, Washington, D. C., for proper care and treatment. The expense attendant upon the conveyance of such homicidal or otherwise dangerous insane to Washington, D. C., shall be defrayed from appropriations under the control of the Attorney General.

SEC. 2. Persons legally adjudged insane in the Territory of Alaska who are of homicidal or otherwise dangerous tendencies may, in the discretion of the court in which they are found to be mentally incompetent, be certified to the Attorney General for transfer on his request by the Secretary of the Interior to St. Elizabeths Hospital, Washington, District of Columbia, for proper care and treatment. The expense attendant upon the transfer of such homicidal or otherwise dangerous insane from Alaska to Washington, District of Columbia, shall be defrayed from appropriations under the control of the Attorney General.

SEC. 3. Persons legally adjudged insane in the Territory of Alaska who may develop homicidal or otherwise dangerous tendencies after commitment to the situation where the legally adjudged insane of Alaska are accommodated, may, upon the request of the medical authorities of such institution and in the discretion of the Secretary of the Interior, be transferred by him to St. Elizabeths Hospital in the District of Columbia for care and treatment. The expense attendant upon the transfer of such persons shall be defrayed from the appropriation made annually to enable the Secretary of the Interior to care for the insane of Alaska.

Mr. CRAMTON. Mr. Speaker, I move to amend on page 1, line 4, by striking out all up to and including the word "Territory"; that is, the words "within one year after leaving the Territory."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 4, strike out "within one year after leaving the Territory."

Mr. GRAHAM. Mr. Speaker, we will accept that amendment.

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

The amendment was agreed to.

Mr. GRAHAM. Mr. Speaker, I invite attention to a typographical error in line 24, of page 2, the word "situation" is used instead of the word "institution." I move to strike out the word "situation" and insert in lieu thereof the word "institution."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment, which I sent to the Clerk's desk.

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

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: At the end of the bill, on page 3, insert a new section, to read as follows: "Sec. 4. No person shall be appointed a committee to any insane citizen hereinbefore described who is committee for more than three others."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. GRAHAM. Mr. Speaker, I raise the question that that is not germane to the bill.

Mr. LAGUARDIA. Mr. Speaker, regardless of the germaneness of the amendment, permit me to say that it is the custom in this House, and has been ever since I have been a Member, that when an agreement is entered into on the Unanimous Consent Calendar, that that agreement is kept. The gentleman from Pennsylvania should have called my attention to that——

Mr. GRAHAM. I made no agreement.

Mr. LAGUARDIA. But the gentleman was present when the agreement was made.

Mr. JOHNSON of Washington. I made the agreement.

Mr. GRAHAM. In view of the circumstances, I withdraw my point of order.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LaGuardia].

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CODE OF LAW OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 8835) to amend section 1112 of the Code of Law for the District of Columbia.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 1112 of the act of March 3, 1901, chapter 854, entitled "An act to establish a code of law for the District of Columbia," be, and it is hereby, amended to read as follows:

"Sec. 1112. Marshal's fees: For each return on any warrant, attachment, summons, capias, or other writ (except execution, venire, or a summons or subpœna for a witness), whether or not service has been made, $1 for each person: *Provided, however*, That for the return on any citation, summons, notice, or rule issued by the probate court the fee shall be 50 cents for each person."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GRATUITY FURNISHED TO PERSONS DISCHARGED FROM PRISONS

The next business on the Consent Calendar was the bill (H. R. 11946) to increase the clothing and cash gratuity furnished to persons discharged from prisons.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That on the discharge from any prison of any person convicted under the laws of the United States on indictment he shall be furnished with transportation to the place of conviction or place of bona fide residence within the United State at the time of his commitment under sentence of the court, or to such place within the United States as may be authorized by the Attorney General; and if the term of his imprisonment shall have been six months or more he shall also be furnished with such suitable clothing as may be authorized by the Attorney General, and, in the discretion of the Attorney General, an amount of money not to exceed $20. For the furnishing of such clothing and money charge shall be made and allowed in the accounts of the said prison with the United States.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JUNEAU, ALASKA

The next business on the Consent Calendar was the bill (H. R. 11803) to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Juneau, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding $75,000 for the purpose of constructing and equipping schoolhouses in said town.

Sec. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Juneau, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Juneau. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

Sec. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

Sec. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding $1,000 each, the principal to be due in 10 years from date thereof: *Provided, however*, That the common council of said town of Juneau may reserve the right to pay off such bonds in their numerical order at the rate of $10,000 or less thereof per annum from and after the expiration of four years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Juneau, Alaska, or at such other place as may be designated by the common council of the town of Juneau, the place of payment to be mentioned in said bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Juneau and also bear the seal of said town.

Sec. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act, but may be used for enlarging the present school building. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the school board of said town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may be required for the purposes aforesaid.

With the following committee amendments:

Page 1, line 5, strike out "$75,000" and insert "$100,000."

Page 1, line 5, after the word "of," insert the words "purchasing a site for and for."

Page 1, line 6, after the word "equipping," insert the words "and enlarging and repairing."

Page 2, line 3, after the word "Juneau," insert the words "whose names appear on the last assessment roll of said town for municipal taxation."

Page 2, line 13, strike out the words "a majority" and insert in lieu thereof the words "65 per centum."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SPECIAL DISBURSING AGENTS OF THE ALASKAN ENGINEERING COMMISSION

The next business on the Consent Calendar was joint resolution (H. J. Res. 243) for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad.

The Clerk read the title of the resolution.

Mr. CRAMTON. Mr. Speaker, I make the point of order that this resolution is not properly on the Union Calendar and therefore not properly on the Consent Calendar.

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

Mr. CRAMTON. Mr. Speaker, I call attention to the fact that an identical bill, identical so far as I know, was reported on February 1 last by the same committee; that bill was placed on the Private Calendar and there remains as No. 76 on the Private Calendar. To save the time of the House, having made that point of order, I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, all I desire to know is where I am going to find that bill.

POTTAWATOMIE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 1963) authorizing the Citizens Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. CRAMTON, Mr. BEGG, and Mr. LaGUARDIA objected.

ELECTION OF THE BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 58) to provide for the election of the Board of Education of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas. Mr. Speaker, this bill contains 31 pages, and I ask that it may be passed over without prejudice.

Mr. BEGG. Mr. Speaker, I object.

COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM

The next business on the Consent Calendar was the bill (S. 2729) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I object.

AMENDMENT OF THE TARIFF ACT OF 1922

Mr. CHINDBLOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11658) to amend section 523 of the tariff act of 1922 in the form in which I have sent it to the Clerk's desk.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass H. R. 11658, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 523 of the tariff act of 1922, approved September 21, 1922, be, and the same hereby is, amended by adding to the last paragraph thereof the following proviso:

"*Provided*, That on and after September 21, 1922, the findings and decisions of the proper customs officials as to the rates and amounts of duties chargeable and collected upon imported merchandise and the amounts due as refund of excessive duties or in payment of drawbacks upon exported merchandise shall not be subject to review except by the Secretary of the Treasury, by the Board of General Appraisers, by the Court of Customs Appeals, or by the Supreme Court of the United States, as provided by law."

The SPEAKER. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I demand a second.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, a second will be considered ordered.

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I would like to be notified when I have used 10 minutes.

Mr. Speaker, this bill has become necessary by reason of a situation which has arisen in the relations between the Treasury Department and the office of the Comptroller General. Prior to the tariff act of 1922 there were in the office so-called naval officers of customs who were the reviewing or auditing officers of the collectors of customs and who audited the work of the collectors of customs at the various customs districts. There were a few naval ports which were so small that a naval officer was not provided for them, and the Auditor for the Treasury Department audited their accounts.

In the tariff act of 1922 a section was inserted, now known as section 523, which created the office of comptroller of customs and gave these comptrollers of customs the authority which previously had been held by naval officers of customs. It provided as follows:

Comptrollers of customs shall examine the collector's accounts of receipts and disbursements of money and receipts and disposition of merchandise and certify the same to the Secretary of the Treasury for transmission to the General Accounting Office. They shall perform such other duties as the Secretary of the Treasury may from time to time prescribe, and their administrative examination shall extend to all customs districts assigned to them by the Secretary of the Treasury.

Comptrollers of customs shall verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof. In cases of disagreement between a collector and a comptroller of customs, the latter shall report the facts to the Secretary of the Treasury for instructions.

This section shall not be construed to affect the manner of appointment, the terms of office, or the compensation of any such officer as now provided by law, nor to affect the provisions of the Budget and Accounting Act, 1921, approved June 10, 1921.

It is the very last sentence of this section which has created the difficulty, the Comptroller General claiming that under the words "nor to affect the provisions of the Budget and Accounting Act, 1921, approved June 10, 1921," he has complete authority to examine and audit every transaction of collectors of customs.

I want to call attention here to the conference report when this section was incorporated in the tariff act of 1922. Section 523 was not in the Fordney bill as passed by the House, but was inserted by the Senate, and when the conferees reported to the House, this statement occurred in the report of the conferees—and I will say there was no further statement and no discussion whatever on the floor with reference to this section 523, which was Senate amendment No. 2081—this statement occurred in the conference report:

The Senate amendment changes the names of the present naval officers to "comptrollers of customs" and defines their duties in accordance with existing practice; and the House recedes.

This shows that the conferees understood and intended that the effect of section 523 should not be to change the practice which had existed prior to that time.

Let us now see what this bill involves. The collectors of customs are administrative officers. It is their duty to examine goods entering the United States which are subject to tariff duties. They classify these goods. They appraise their values. They determine the amount of duty and collect the duty which is to be paid. This is done in the ports where the goods are received. The collector of customs is the first officer charged with the performance of these functions. He is a presidential appointee. His appointment is confirmed by the Senate. Alongside of him and independent of him stands the comptroller of customs, who, under this section 523, is charged with the duty of auditing the accounts of the collectors of customs. The comptroller of customs is appointed by the President and his appointment is confirmed by the Senate, absolutely independent of the collector of customs. The comptroller of customs passes upon the work of the collector and he advises the collector what, in his opinion, should be done if he disagrees with the collector. If these two officers, the collector and the comptroller of customs, are unable to agree, they refer their difference to the Secretary of the Treasury, who is the head of the customs division as he is of every other division and bureau in his department. The Secretary of the Treasury then determines the issue.

If any party is dissatisfied with the action of the Secretary of the Treasury, there are two additional bodies created by law where relief may be sought. First, the aggrieved party—be it the Government or the importer, be it the citizen or the department—may appeal to the United States Customs Court, formerly the Board of General Appraisers; in fact, he may first go to one appraiser or to one member of the Board of General Appraisers and get his action, and then he may go to three members of the Board of General Appraisers and they pass upon questions of appraisement. If there is dissatisfaction with the matter of classification of goods imported, or if there is a disagreement which involves any construction of law, then an appeal may be taken to the Court of Customs Appeals, which is located here in the District of Columbia; and, finally, under the law, in proper cases, an appeal may be taken to the Supreme Court of the United States.

I do not think there is any system of administrative functions in the Federal Government which is so safeguarded as is this matter of the appraisement and classification of imports and the liquidation of customs duties. The collectors of customs have to submit their accounts to the Comptroller General or to the General Accounting Office. He insists that when they come to him they must furnish him the original documents upon which their actions have been predicated, in order that he may make a proper audit of their accounts. I can not take the time to describe them, but I have with me here copies of 17 different documents which are necessary from time to time in the entry of goods brought here from abroad, and the Comptroller General insists that he may call for any one of these documents. They are original documents. The Secretary of the Treasury says it is absolutely necessary that these documents shall be retained in the possession of the collectors of the customs, and so, when this dispute arose, the Secretary of the Treasury submitted the question to the Attorney General of the United States and obtained an opinion on October 21, 1924, in which the Attorney General reached this conclusion:

Answering your specific questions, I have the honor to advise you that—

1. The Comptroller General has no statutory authority to require to be forwarded to him any other papers relating to entries of imported merchandise than those prescribed by the Secretary of the Treasury.

2. The Comptroller General has no authority, express or implied, to review the collectors' liquidations of entries of imported merchandise and drawback entries.

The SPEAKER. The gentleman has used 10 minutes.

Mr. CHINDBLOM. Mr. Speaker, if I have any time remaining after other gentlemen have spoken, I will continue the argument. I now reserve the balance of my time.

Mr. BLACK of Texas. Mr. Speaker, this bill, if enacted into law practically abolishes the office of Comptroller General so far as the customs receipts are concerned. I am frank to say

that if Congress should pursue the policy announced in this bill as to other departments of the Government, then we might just as well abolish the office of Comptroller General.

Now, I know that the Comptroller General has been in conflict with some departments of the Government. He has found himself at times in disagreement with the Secretary of the Navy. If the Committee on Naval Affairs had brought in a bill as comprehensive as this is as to the customs service, then, so far as the Department of the Navy is concerned, the Comptroller General would be a useless functionary. He has found himself at times in conflict with the Secretary of War, and if the Committee on Military Affairs had brought in a bill as comprehensive in character as this is as to the customs service, then we might as well abolish the office of the Comptroller General in so far as the War Department is concerned. But these other committees have not so acted.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. GREEN of Iowa. I will say to the gentleman that this is not so much a matter of conflict as it is the practical working of the law. I should like to have my friend explain to the House how it would be possible for the Comptroller General to properly review a decision as to customs duties unless he duplicates the whole customs corps and has before him not only the documents but the goods so that he can go over them.

Mr. BLACK of Texas. I think it would be wise for the Committee on Ways and Means to have brought in some legislation correcting some of the difficulties. I agree with him to a certain point, but let us see how far this bill goes.

It provides that on September 21, 1922, the findings and decisions——

Mr. CHINDBLOM. That is the effective date of the tariff act.

Mr. BLACK of Texas. It provides on September 21, 1922, the findings and decisions of the proper customs officials as to the rates——

I would not have any objection to the comptroller of customs deciding as to what rate is applicable and to make his decision final. But the bill goes further and says that the amount of duties chargeable and collected upon import merchandise and the amount due as refund of excess duties or in payments of drawbacks upon exported merchandise shall not be subject to review of the Comptroller General.

All right. Suppose some importer brings in a bill of goods and the collector of customs charges him $2,000 on that amount of goods imported, and suppose that a proper auditing would disclose that the importer ought to have paid $2,500. Where are you going to get your correction?

If this bill passes, the Comptroller General has no power of audit. He will make no audit. The purpose of this bill is to absolutely decapitate the Comptroller General, give him no power of review over a refund, give him no power of review over drawbacks, give him no power of review over the amount collected. You have gone too far in this bill. Instead of correcting certain administrative difficulties, you have gone to the extent of practically abolishing the Comptroller General's office so far as customs duties are concerned.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of Texas. I will yield.

Mr. CHINDBLOM. There is no question here about the audit and receipts of the department of the collector of customs. The question is whether he shall go back to each individual item where they have appraised the duty and say whether a proper duty was assessed.

Mr. BLACK of Texas. I undertake to say that by this bill you say that any amount of money collected by the customs collector, any amount of refunds, any amount paid back on drawbacks is beyond the review of the Comptroller General.

Mr. CHINDBLOM. So far as the taxpayer is concerned, so far as the man who pays the duty to the collector.

Mr. BLACK of Texas. Yes. That is one of the vital objections to the bill. If you are going to shut the Comptroller General off from collecting back amounts which the Government ought to have, where underpayments have been made, then you have absolutely destroyed the functions of the Comptroller General, so far as this department is concerned.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GREEN of Iowa. Does the gentleman think that is an unusual practice in our Government? The Comptroller General had no right to pass upon the amount of taxes collected by the revenue department. He has no right to pass upon the amount of refund.

Mr. BLACK of Texas. Oh, yes; but if the comptroller finds in his audit that an erroneous refund has been made he has the right to collect it back.

Mr. GREEN of Iowa. Just as a mere matter of addition and subtraction; and he will have the same right under this law.

Mr. BLACK of Texas. What is the purpose of the audit if you are not to collect back what the auditing authority finds is due the Government?

Mr. GREEN of Iowa. What I wanted to say to the gentleman is that we are merely putting the customs department in exactly the same situation as the tax-collecting department.

Mr. BLACK of Texas. No; I dispute that. The gentleman does not understand his own bill.

Mr. GREEN of Iowa. Oh, the gentleman is making himself ridiculous.

Mr. BLACK of Texas. How can the gentleman understand his own bill if he interprets it to mean that the Comptroller General still has the right to review these accounts and collect any deficiencies which may be due the Government?

Mr. GREEN of Iowa. I am perfectly content to leave it to the House as to whether I understand my own bill.

Mr. BLACK of Texas. The gentleman does not understand his own bill if that is his contention, and I think I can establish that I am right before I get through. The Comptroller General in his letter further says:

> I may add that H. R. 10939 can not be viewed otherwise than as an admission by all concerned of the correctness of the position of this office upon the matter involved and that its duty therein may only be destroyed by enactment of Congress and not by administrative action as has been attempted, as I shall herein set forth.
>
> The real question presented is, whether there is to be an abandonment of the audit of receipts and disbursements in customs transactions, by the accounting officers of the United States—whether an independent audit of receipts and disbursements in customs transactions by the accounting officers of the United States as constituted by the Budget and Accounting Act of 1921, is now to be abandoned—leaving such checking as is to be done, and which, by the way, is not stipulated in the bill or otherwise prescribed by law, to the supervision and control of the department whose officers receive the funds and make the disbursements.

I submit to my friend from Iowa that the bill which he sponsors means, as to the particular branch of the Government service included in this bill, the abandonment of that independent audit that we contemplated should be made when we created the office of the Comptroller General. I am not going to vote for any bill that takes away the authority of the Comptroller General and places it in the hands of the officers who make the disbursements and receive the receipts. The very object of the law creating the General Accounting Office and creating the office of the Comptroller General was to insure an independent audit. If Congress passes a few more laws of the kind embodied in the present bill, the powers of the Comptroller General will have been whittled away and one of the most potent agencies for Government economy will have been destroyed.

Mr. Speaker, I reserve the remainder of my time.

Mr. CHINDBLOM. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker, I do not think that I shall take the five minutes kindly yielded to me by the gentleman from Illinois [Mr. CHINDBLOM]. I simply want to say that this is a unanimous report from the Committee on Ways and Means. This bill is in the interest of economy and in the interest of better administration. There is quite a difference of opinion between the way in which my good friend from Texas [Mr. BLACK] interprets the bill and what the committee itself thinks of the bill. This bill does not take away from the Comptroller General the right and power to audit the general returns of the Customs Service. It simply takes away from the Comptroller General a right which has been exercised to audit the appraisement made by the appraisers.

In order to do that and do that properly, as the gentleman from Iowa [Mr. GREEN] said a moment ago, not only would all the books have to be brought down from the various ports, but the very goods themselves, because the Comptroller General has considered it his duty to go back into the question of whether or not a certain article was properly appraised, and in order to do that, of course, he would have to get the article and all the papers. This bill will prevent the duplication of a great many accounts. It is in the interest of economy and better administration.

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

Mr. COLLIER. Yes.

Mr. BLACK of Texas. I call the gentleman's attention to one feature of the bill which I do not believe he has contemplated. I agree with the gentleman from Mississippi [Mr.

COLLIER] that if the comptroller wants to he can go ahead and still review these accounts, but if he finds that on a particular importation there is due, we will say, $3,000 to the Government of the United States, it will be a useless finding, because if he demands it of the importer the importer will confront him with this law and say that Congress has said that the final decision shall be in these officials.

Mr. CHINDBLOM. All he would have to do would be to tell the Treasury Department about that and he would get action.

Mr. COLLIER. In order that the comptroller may determine that $2,100 is due instead of $2,000, does the gentleman from Texas want the goods brought here so that he will be able to tell whether it is a 4½ per cent cotton or a 6½ per cent muslin? This bill is to prevent the long delay in the comptroller trying to go back behind the returns of the appraisal when it is made at the port. There is no way in which anyone will lose any rights under this bill.

Mr. BLACK of Texas. The Government is the only one that is going to lose any rights.

Mr. COLLIER. Does the gentleman think the Comptroller General is better qualified to pass on whether a 5½ per cent rate should be placed on a certain article or whether it comes in a class covered by a 7½ per cent ad valorem? We have trained men to pass on that question.

Mr. BLACK of Texas. Here is my contention: If the Comptroller General is not a better accounting officer and a better auditing officer than anyone else in the Government, then we ought to do away with this office, but you absolutely do away with it in so far as this department is concerned.

Mr. COLLIER. I have no doubt the Comptroller General's Office is a fine accounting office. It ought to be and it is and we want it to be, but the gentleman from Texas wants the Comptroller General's Office to be an appraisal office.

Mr. PARKS. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. BLACK of Texas. I yield the gentleman three additional minutes.

Mr. PARKS. May I inquire, listening to the gentleman from Texas reading from the Comptroller General's letter, does the gentleman agree that the letter states the facts?

Mr. GREEN of Iowa. No.

Mr. COLLIER. I think there is quite a misunderstanding between the Comptroller General's statement and the testimony we have.

Mr. GREEN of Iowa. The letter of the Comptroller General read by the gentleman from Texas stated that nobody contended he did not have this authority. The Comptroller General knows perfectly well the Attorney General held that he has not the authority under the law.

Mr. CHINDBLOM. He says this legislation is here because we are trying to take it away from him. Well, now, it is here because he has asserted it against the law.

Mr. PARKS. What law gives him this right to go and appraise?

Mr. COLLIER. Gentlemen, if the Comptroller General were to take the position that he has to go behind every appraisal in the various ports of the United States the amount of expense to this Government in bringing down to Washington all of these papers, in bringing down, as the chairman of the committee has well said, the actual goods, or else sending men to the various ports, would be appalling, and I repeat that this bill is in the interest of sound economy, sound sense, and I hope it will pass. [Applause.]

Mr. CHINDBLOM. Will the gentleman from Texas use the remainder of his time?

Mr. BLACK of Texas. Mr. Speaker, I agree that if the Comptroller General has asserted any unreasonable authority over these customs receipts, that ought to be corrected; but the Comptroller General himself in his letter to the gentleman from Illinois [Mr. CHINDBLOM] suggests a bill that would simplify and correct any difficulties which may now exist. Now, here is what he suggested to the committee, that a bill like this be substituted for the committee's bill:

The Comptroller General of the United States is hereby authorized and directed to prescribe a procedure simplifying the rendition of accounts involving receipts and disbursements of money by accountable officers where the administrative action is lawfully conclusive upon the accounting officers as to any matter material to a complete audit by the General Accounting Office: *Provided*, That periodic inspections and examinations of the papers, books, and records pertaining to such accounts shall be made under the supervision of the Comptroller General: *Provided further*, That accounts shall be rendered to the General Accounting Office in the manner and form prescribed pursuant to this section, for all moneys received by any person in the employ of the United States, its corporate or other agencies, in the capacity of his employment, unless accounts for such moneys are now being rendered pursuant to law as directed by the Comptroller General. Balances reported by accountable officers pursuant to the procedure authorized by this section shall, after verification from the data furnished and ascertaining the depositary balance, be entered on the books without certification; but all differences found upon such verification or upon any inspection, examination, or investiagtion shall be certified by the Comptroller General and such certificates shall be deemed in all respects prima facie correct. Such officers and employees of the General Accounting Office may be detailed or stationed outside the District of Columbia as may be necessary to ascertain the correctness of the accounts of accountable officers and to investigate matters within the authority of the General Accounting Office.

Mr. CHINDBLOM. Does not that take the question as to when these administrative acts are conclusive? You are not determining the question.

Mr. BLACK of Texas. The objection I have to this bill is that even if the Comptroller General makes the audit and finds that an underpayment has been made by importers, or that overpayment has been made in the matter of refunds, or that an overpayment of drawbacks has been made, he can not collect a cent under this bill because the bill itself—and I know the gentleman will admit it—the bill itself says that the decision of the officials named in this bill shall be final and conclusive.

Mr. CHINDBLOM. Subject to review.

Mr. BLACK of Texas. By officials named in the bill only and not by the Comptroller General, and therefore if the Comptroller General finds refunds, finds drawbacks, finds that additional export duties are due the Government, he is powerless to collect them under the bill we now have before us.

Mr. PARKS. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. PARKS. Would he not call it to the attention of the proper collecting office as to the amount due?

Mr. BLACK of Texas. No collection can be made by him. The papers will not come to him for audit.

Mr. PARKS. But that would not keep them from collecting the amount properly due the Government?

Mr. BLACK of Texas. The importer would not admit anything additional to be due. When confronted with an additional demand he would simply say that Congress had provided by this law that the decision of the customs officials should be final and conclusive.

Mr. PARKS. It is just like the gentleman and I in regard to income taxes, if we have not paid in the correct amount they assess it.

Mr. BLACK of Texas. No; if the gentleman will read the bill, he will find that under its terms when the customs officials make the decision as to the amount due, then it is final. That is binding upon the Government, and of course the importer would say, "Well, that has been reviewed by the customs officials, a decision has been made, and while I may owe the Government something, Congress settled the fact by the passage of this law, that it is final."

Mr. RAGON. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. RAGON. Do I understand the gentleman to mean the comptroller says he has the power to go in and make an examination for the purpose of determining whether a particular classification we will say was properly made or not?

Mr. BLACK of Texas. The Comptroller General in the bill which he suggested to the committee in lieu of the one we are now considering would go far to obviate those difficulties. But he objects to going to the extent this bill does, which virtually abolishes the Comptroller General's office so far as customs receipts are concerned.

Mr. RAGON. As I understand this bill, I will say we have had this same thing up in connection with the Philippine Islands, and it seems to me this prevents him from going in there and deciding upon the facts and merits as to the foundation of a particular claim.

Mr. CHINDBLOM. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. GREEN], the chairman of the committee.

The SPEAKER. The gentleman from Iowa is recognized for three minutes.

Mr. GREEN of Iowa. Mr. Speaker, if the gentlemen of the House will consult the report, on page 7, they will find very briefly what the Attorney General thinks about this matter. This is his language:

Nowhere in the tariff act of 1922 or in the Budget and Accounting Act of 1921 has there been given to the Comptroller General the power of reviewing the acts or decisions of the collectors of customs in the liquidation of entries of imported merchandise or the allowance and payment of drawbacks on drawback entries.

The Comptroller General has simply asserted this power and held up the accounts of collectors without any authority of law.

Now, let us use a little practical common sense in the consideration of this matter. The gentleman from Texas [Mr. BLACK] says in his argument that the Comptroller General should have the power to determine whether enough duties have been collected and whether there has been too much drawback turned back to the importer. But how is he going to do that unless he has the same force as the collector of customs? How is he going to do it without having not only the papers before him but the goods themselves? How is he going to do it without sending his agents to New York? How, in other words, can he determine that matter properly unless we duplicate the whole customs force in the Comptroller General's office? As a matter of fact the situation is an impossible one and an absurdity, because you can not do that.

The gentleman from Texas was mistaken when he controverted my assertion that this was simply placing the customs division in the same position as the Revenue Bureau. The Comptroller General can not review the amount of taxes which the Commissioner of Internal Revenue has determined ought to be collected. That is fixed by what the Bureau of Internal Revenue says about it, unless there is an appeal taken by the taxpayer, who has the right to have it reviewed. Nor can the Comptroller General determine the amount of refund that ought to be paid to the taxpayer.

If he were given such power as this, you might as well hand the whole Government to him and let him take charge of it. Nobody else would have anything to say.

The determination of these matters is an administrative function and not a case for an audit. The only practical way to administer them is by making the decision of a proper official final. Of course, the Government has its remedy. It has its auditors who go over these matters now and audit these matters properly, and the Comptroller General will still have the power to review all cases that are properly for audit, but the determination of the amount of duties is not a proper matter for audit.

Mr. CHINDBLOM. Mr. Speaker, I yield one minute to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia is recognized for one minute.

Mr. CRISP. Mr. Speaker, I can not argue this case in a minute. This bill comes with the unanimous report from the Committee on Ways and Means. Under the existing conditions the Comptroller General maintains that he has the right to review the administrative duties performed by the customs collectors. In one case the collector at Detroit decided that certain goods should pay a certain duty under a certain classification, and when the report reached the comptroller he refused to approve it and claimed that the collector of customs should have classified the goods at a higher rate of duty. The comptroller contends that every paper filed before the collectors in the United States, even the ship's dock manifest and books, should be turned over to him, and when once put into his hands he will not surrender them. On the Pacific coast there was a case in court and a clerk was sent out from Washington, D. C., to San Francisco at the expense of the Government with a paper which the court obtained under a subpœna duces tecum. The comptroller would not send the particular documents by mail. This bill still permits the comptroller to audit the accounts of the collector of customs, but deprives him of administrative duties in connection with collecting duties on imports.

Mr. CHINDBLOM. Mr. Speaker, this bill is here because the Comptroller General for a year and a half has refused to audit the accounts of the collectors of customs throughout the United States unless the Treasury Department will send to him the papers and documents and other evidence that has accumulated in the office of the collector of customs on which duties have been based. In other words, he says:

> Before I can audit the account of a customs officer I must be put in possession of the papers showing every act performed by the collector of customs.

That situation is intolerable and this bill should pass.

Mr. Speaker, under the consent granted me to extend my remarks on H. R. 11685, I want to make some further observations.

As already stated, the tariff of 1922, in section 523, substituted "collectors of customs" for the "naval officers of customs" then in office. Under the first act of Congress relative to the customs, being the act of July 31, 1789, a naval officer was provided at each principal port, whose duty it was—

> to receive copies of all manifests and entries, and * * * together with the collector, estimate the duties on all goods, wares, and merchandise subject to duty.

This legislation was taken from the laws of Parliament, which gave very wide authority to similar naval officers in the ports of Great Britain. In those smaller ports in which there were no naval officers the findings and decisions of collectors of customs were subject to verification by the Auditor for the Treasury Department. Section 523 of the tariff act of 1922 transferred the duties of the naval officers of customs in the large (naval officer) ports and of the Auditor for the Treasury Department in the smaller (nonnaval officer) ports to the comptrollers of customs, and required the latter to—

> examine the collector's accounts of receipts and disbursements of money and receipts and disposition of merchandise and certify the same to the Secretary of the Treasury for transmission to the General Accounting Office * * *.

To—

> perform such other duties as the Secretary of the Treasury may from time to time prescribe * * *—

And to—

> verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof—

And further provided that—

> in cases of disagreement between a collector and a comptroller of customs, the latter shall report the facts to the Secretary of the Treasury for instructions.

However, in the last paragraph of section 523 of the tariff act of 1922 it is further provided that that section shall not—

> affect the provisions of the Budget and Accounting Act, 1921, approved June 10, 1921.

As stated in a letter quoted in the hearings from the Treasury Department—

> Until recently the certificate of the naval officer (now comptroller of customs) on the collector's abstract of duties collected or refunded and drawbacks paid was accepted by the accounting officers as sufficient evidence of the amounts chargeable and collected as revenue and the amounts due as refund of excessive duties or in payment of drawbacks.

The Comptroller General, however, has insisted that, by reason of the provision of section 523 of the tariff act of 1922, that that section shall not—

> affect the provisions of the Budget and Accounting Act.

It is his duty to audit and review, if he believes or finds it necessary to do so, the administrative acts of the customs officers in fixing and collecting the amount of duty upon imported merchandise and the amount of drawbacks payable upon exported merchandise previously admitted upon payment of duty. The result has been a deadlock between the Treasury Department and the General Accounting Office, in consequence whereof accounts of collectors of customs have not been audited for many months, such accounts involving millions of dollars, for which the collectors of customs have not obtained discharge or clearance.

On October 21, 1924, the Secretary of the Treasury obtained an opinion from the Attorney General of the United States, which concluded as follows:

> Nowhere in the tariff act of 1922 or in the Budget and Accounting Act of 1921 has there been given to the Comptroller General the power of reviewing the acts or decisions of the collectors of customs in the liquidation of entries of imported merchandise or the allowance and payment of drawbacks on drawback entries. Nor has there been conferred upon the Comptroller General the power to review or modify the regulations promulgated by the Secretary of the Treasury for the administration of the customs laws.
>
> It is my opinion, therefore, that the Comptroller General is not clothed with such reviewing power.
>
> Answering your specific questions, I have the honor to advise you that:
>
> 1. The Comptroller General has no statutory authority to require to be forwarded to him any other papers relating to entries of imported merchandise than those prescribed by the Secretary of the Treasury.
>
> 2. The Comptroller General has no authority, express or implied, to review the collectors' liquidations of entries of imported merchandise and drawback entries.

Notwithstanding this opinion from the Attorney General, the Comptroller General still insisted upon his right and duty to audit or review the administrative actions of the collectors and comptrollers of customs. His position is shown very clearly in a letter which appears in the hearings, addressed to the collec-

tor of customs at New York, dated January 14, 1926, and signed "J. R. McCarl, Comptroller General, by Charles L. Brockway," in which are enumerated the documents required in order that the collector's accounts might be audited. The letter reads in part as follows:

There has been received in this office an account current, together with certain papers, submitted as your account for September, 1925.

A preliminary examination discloses that the original entries, pro forma and duplicate consular invoices with summaries, the returns of appraisement, examination, weight, gauge, and shortage; reports of unclaimed, seized, or appraised merchandise; collection vouchers for all miscellaneous receipts; all of which are required in order to provide for a proper and exact audit of the collections, were not transmitted to this office with the account.

In the accounting for the receipt and disposition of merchandise required by section 523 of act approved September 21, 1922 (42 Stat. 974), evidence is not furnished that the merchandise entering the United States has passed into customs custody and proper entry and disposition made.

"Refund of excessive duties (customs)": As shown on abstract Cat. 5193 and Cat. 5195, $366,769.23.

The customs entries and pro forma and duplicate consular invoices with summaries and the returns of appraisement, examination, weight, gauge, and shortage are requested, in order to provide for a proper and exact audit of the amounts for which credit is claimed as refunded.

"Debentures of drawbacks, bounties, or allowances (customs)": Total amount of drawbacks paid in September, 1925, as per schedule, $933,579.45.

The drawback entries, except Nos. 8693/25, 11367/25, and 12551/25, paid September 30, 1925, and Nos. 925/26 and 928/26, paid September 10, 1925, have been received in this office. The following additional papers and information are also required in support of the disbursements:

(1) Copies of the import entries or warehouse withdrawals establishing the importation of the merchandise and the payment of the duty thereon.

(2) When the merchandise was imported into and duty paid in districts other than the district of New York, properly executed certificates of importation or extracts therefrom (Form 5267).

(3) Certificates of delivery, if any.

(4) Certificates of manufacture, if any, or extracts therefrom (catalogue 4537) showing the import entry or warehouse withdrawal numbers, value, and quantities of waste, if any; quantities and descriptions of the imported materials used; marks and numbers for identification; rates and amounts of duties; places and dates of payments.

(5) Extracts from abstract refinery records of sugar or sirups (customs Form 4519).

(6) Carrier's customs manifests (catalogue 7512), if any, showing inspection and lading under customs supervision at both the port of origin and the port of exit.

(7) Bills of lading or extracts therefrom (with indorsements thereon when necessary) showing the exportation and ownership of the merchandise and the names of the parties entitled to make claim for and to receive the drawback.

(8) Notices of intent to export dated prior to January 1, 1923.

(9) Copies of letters of authorization, if any, covering allowances of drawback under Treasury Decisions 39415, etc.

It will be noted that the Comptroller General requires the transmission to him of original documents relative to the imposition of duties and the payment of drawbacks. The Treasury Department insists that these documents can not be relinquished from the custody of the department because they are required not only for future reference in the ports of entry but also for proceedings before the United States Customs Court (until recently the Board of General Appraisers) and before the Court of Customs Appeals and sometimes before other courts.

In order to relieve this situation H. R. 10939 was introduced, upon which full hearings were held, and the present bill, H. R. 11685, was subsequently substituted therefor, in accordance with the recommendation of the Secretary of the Treasury.

The Committee on Ways and Means, as shown by its report on this bill, does not believe that it was the purpose of the Congress that the Comptroller General should review the administrative actions of the Treasury Department, whether by the collectors of customs, the comptrollers of customs, or the Secretary of the Treasury, as to the imposition and collection of customs duties, the refund of excessive duties, or the payment of drawbacks. The Comptroller General concedes that such review could only properly be made at the ports of entry at the time the various transactions occurred. In fact, such review by the Comptroller General would be an exact duplication of the work now being done by the comptrollers of customs, and the latter offices should be abolished and their work transferred to the Comptroller General if he is to make such audit of these administrative transactions. Such a change in the law would give the Comptroller General complete control over customs matters and make him, in fact, the customs officer, in place of the Secretary of the Treasury.

Under present conditions the collectors of customs can not obtain an audit of their accounts by the General Accounting Office unless they transmit to the Comptroller General documents and papers which the Secretary of the Treasury says can not be removed from his custody without demoralizing the service. In addition, persons having transactions with the customs department could not depend upon the finality of such transactions until the Comptroller General had approved the accounts of the collectors of customs. It would seem that the collection of customs duties must necessarily stand in the same relation to the General Accounting Office as does the collection of internal revenue. As to the latter, the revenue act of 1926 contains the following provision in section 1107:

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SEC. 1107. In the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the commissioner upon (or in case the Secretary is authorized to approve the same, then afer such approval) the merits of any claim presented under or authorized by the internal revenue laws shall not, except as provided in Title IX of the revenue act of 1924, as amended, be subject to review by any other administrative or accounting officer, employee, or agent of the United States.

The pending bill seeks to secure the application of a like rule to the determination of customs duties.

The SPEAKER. The gentleman's time has expired. All time is exhausted. The question is on agreeing to the motion of the gentleman from Illinois [Mr. CHINDBLOM] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

DEPORTATION OF CERTAIN ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12444 to provide for the deportation of certain aliens, and for other purposes.

The SPEAKER. The gentleman from Washington moves to suspend the rules and pass the bill H. R. 12444. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12444) to provide for the deportation of certain aliens, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Deportation act of 1926."

SEC. 2. Section 19 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," is amended to read as follows:

"SEC. 19. (a) The following aliens shall be taken into custody and deported (whether their entry was before or after the enactment of the deportation act of 1926) by proceedings begun within the periods hereinafter in this subdivision specified:

"(1) An alien who at the time of entry was a member of one or more of the classes excluded by law from admission to the United States—at any time within five years after entry.

"(2) An alien who entered the United States at any time or place other than as designated by immigration officials, or who eluded examination or inspection, or who obtained entry by false or misleading representation—at any time after entry, unless the entry was before July 1, 1924, in which case at any time within three years after entry.

"(3) An alien who remains in the United States for a longer time than authorized by law or regulations made under authority of law—at any time after entry, unless the entry was before July 1, 1924, in which case at any time within three years after entry. An alien seaman not admitted to the United States for permanent residence shall be considered as having remained in the United States for a longer time than authorized by law if he is found engaged in any occupation in the United States other than that of a seaman on a vessel arriving from or bound to a foreign port or place.

"(4) An alien who at any time within seven years after entry is a public charge from causes not affirmatively shown to have arisen subsequent to entry—at any time after entry.

"(5) An alien who at any time within seven years after entry, from causes not affirmatively shown to have arisen subsequent to entry, is an idiot, imbecile, feeble-minded person, epileptic, insane person, person of constitutional psychopathic inferiority, or person with chronic alcoholism—at any time after entry.

"(6) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1926 and within 10 years after entry) for which he is sentenced to imprisonment for a term of one year or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

"(7) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1926 and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more, and who is thereafter convicted of the same or any other offense (committed after the enactment of the deportation act of 1926 and at any time after entry), for which he is sentenced to imprisonment for a term of one year or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

"(8) An alien who is convicted of any offense (committed after the enactment of the deportation act of 1926 and within 10 years after entry) for which he is sentenced to imprisonment for a term which when added to the terms to which sentenced under one or more previous convictions of the same or any other offense (committed after the enactment of the deportation act of 1926) amounts to 18 months or more—at any time after entry, but not after the expiration of three years after the termination of the imprisonment.

"(9) An alien who has, after the enactment of the deportation act of 1926, violated or conspired to violate (A) the white slave traffic act or any law amendatory of, supplementary to, or in substitution for such act; or (B) any statute of the United States prohibiting or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves, at any time after entry.

"(10) An alien who is found practicing prostitution or is an inmate of or connected with the management of a house of prostitution, or who receives, shares in, or derives benefit from any part of the earnings of any prostitute, or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes or where prostitutes gather, or who in any way assists any prostitute, or protects or promises to protect from arrest any prostitute, or who imports or attempts to import any person for the purpose of prostitution or for any other immoral purpose, or who enters for any such purpose, or who has been convicted and imprisoned for a violation of any of the provisions of section 4 hereof—at any time after entry.

"(11) An alien who willfully conceals or harbors, attempts to conceal or harbor, or aids, assists, or abets any other person to conceal or harbor, any alien liable to deportation, if the Secretary of Labor, after hearing, finds that he is an undesirable resident of the United States—at any time after entry.

"(12) An alien who willfully aids or assists in any way any alien unlawfully to enter the United States—at any time after entry.

"(b) No conviction shall serve as a basis for deportation proceedings under paragraph (6), (7) or (8) of subdivision (a) unless such conviction is in a court of record and the judgment on such conviction has become final. In the case of a sentence for an indeterminate term in which the minimum term under the sentence is less than one year, the term actually served shall, for the purposes of paragraphs (6), (7) and (8) of subdivision (a), be considered the term for which sentenced. An alien who has been unconditionally pardoned after conviction of an offense as specified in paragraph (6), (7) or (8) of subdivision (a) shall not be deported.

"(c) An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"(d) Proceedings for the deportation of aliens under this section or under any law providing for the arrest and deportation of aliens after entry into the United States shall be begun by taking the alien into custody under a warrant of arrest issued (1) by the Commissioner General of Immigration, or (2) by any official authorized by the Commissioner General of Immigration to issue warrants of arrest. Every alien so arrested shall be given a hearing under regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, before an immigrant inspector designated under such regulations. The immigrant inspector shall, under such regulations, transmit the evidence taken at the hearing to the Secretary of Labor. The Secretary shall make an order releasing the alien or ordering his deportation, and his decision shall be based solely on the evidence taken at the hearing, except that he may send the case back to the immigrant inspector before whom the hearing was had for the taking of additional evidence, or order the case reheard by another immigrant inspector. The order of deportation shall refer to the particular provisions of law under which the alien is ordered deported and shall briefly state the grounds upon which such provisions of law are applicable to the alien, but it shall not be necessary to state or summarize the evidence in the order. No alien shall be deported unless before the issuance of the order of deportation he was afforded, at the hearing before the immigrant inspector, an opportunity to be heard after notice upon the grounds stated in the order of deportation. The decision of the Secretary of Labor in every case of deportation under the provisions of this act or of any law or treaty shall be final.

"(e) Whenever for the purposes of this section it is necessary to determine the time at which an alien entered the United States, the burden of proof shall be upon such alien of showing at what time such entry took place, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor. If any alien is arrested under the provisions of this section on the ground that he is found in the United States in violation of any other law of the United States which imposes upon him in any proceedings not under this section the burden of proving his right to remain in the United States, such alien in proceedings under this section shall have the burden of proving his right to remain in the United States.

"(f) Pending final decision of the case of any alien taken into custody for deportation, he may be released under a bond in the penalty of not less than $1,000, conditioned that such alien will be produced whenever required by immigration officials. Such bond shall have surety approved, under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, (1) by the Commissioner General of Immigration, or (2) by any official authorized by the Commissioner General of Immigration to approve such bonds.

"(g) Unless the deportation of an alien is made by reason of causes arising subsequent to entry, the owner, agent, or consignee of the vessel or transportation line by which such alien came to the United States shall (except as otherwise provided by subdivision (h)) bear the expense of the deportation of such alien from the port of deportation, if deportation proceedings are instituted within five years after the entry of the alien, or, irrespective of the time of institution of such proceedings, if it can be shown that such owner, agent, or consignee knew or could have known by the exercise of reasonable diligence that such alien would be subject to deportation. Where liability for the expense of deportation can not be ascertained or enforced, or where no liability for such expense is imposed by law, such expense shall be payable from the appropriation for the enforcement of this act.

"(h) If any alien was unlawfully induced to enter the United States, the deportation of such alien, including the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom such alien was unlawfully induced to enter the United States, or, if that can not be done, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port, if deportation proceedings are instituted within five years, shall be at the expense of the owner, agent, or consignee of the vessel or transportation line by which such alien came.

"(i) If any alien is liable to deportation upon any ground and within the period specified in any paragraph of this section, he shall be deported whether or not he is liable to deportation upon a ground and within the period specified in any other paragraph or section of this act or in any other law, and any alien who is liable to deportation upon a ground and within the period specified in any law other than this act shall be deported whether or not he is liable to deportation upon a ground and within the period specified in this act."

SEC. 3. Section 18 of such immigration act of 1917 is amended to read as follows:

"SEC. 18. (a) Every alien who upon arrival in the United States is not found to be entitled to enter the United States shall be excluded, and deported in accommodations of the same class as in which he arrived. Deportation shall be immediate unless in the opinion of the Secretary of Labor immediate deportation is not practicable or proper. Deportation shall be on the vessel bringing such alien to the United States, unless it appears to the satisfaction of the immigration official in charge at the port of arrival that deportation on such vessel is not practicable or proper, in which case deportation shall be on a vessel owned or operated by the same interests, unless it appears to the satisfaction of such official that deportation on such vessel is not practicable or proper, in which case deportation shall be made otherwise.

"(b) If an excluded alien, certified by an examining medical officer to be helpless on account of sickness, mental or physical disability, or infancy, is accompanied by another alien whose protection or guardianship is required by such excluded alien, such accompanying alien may also be excluded and deported in the same manner as if personally subject to exclusion and deportation.

"(c) The cost of the maintenance of every alien removed from the vessel bringing him, pending examination for admission to the United States, or pending deportation when he has been ordered deported, or while deportation is suspended, including in all the above cases medical and hospital treatment, and burial expenses not to exceed $125 in case of death, the cost of his removal to and from the vessel, and the cost of his deportation, shall (except as otherwise provided by subdivision (c) or (d) of section 20) be borne by the owner, agent, or consignee of the vessel bringing him. If any vessel bringing aliens to the United States attempts to depart while the status of aliens brought by it remains undetermined or while the deportation of any

such alien is suspended, the immigration official in charge at the port of arrival may, under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, require the owner, agent, or consignee of such vessel to give bond to the United States in an amount estimated by such immigration official to be necessary to cover all such costs, with surety to secure the payment thereof approved by the collector of customs, conditioned that such costs shall be duly paid, and no such vessel shall be granted clearance until such bond is given or a sum equal to the estimated amount of costs is deposited with the collector of customs. Such immigration official may from time to time require such additional bond or sums as he estimates may be necessary to cover such further costs as may accrue. If the vessel has been granted clearance, such vessel, if subsequently arriving in a port of the United States, or any other vessel owned or operated by the same interests, may, subject to the same conditions, be denied clearance. If the owner, agent, or consignee of a vessel fails or refuses to pay promptly all such costs, such cost may be paid from the appropriation for the enforcement of this act and recovered by the United States from the owner, agent, or consignee of such vessel."

SEC. 4. Section 20 of such immigration act of 1917 is amended to read as follows:

"SEC. 20. (a) The deportation of aliens excluded or arrested and ordered deported shall, under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, be (1) to the country of which such aliens are citizens or subjects, or to the foreign port at which such aliens embarked for the United States, or (2) if such aliens entered from foreign contiguous territory, then to such territory, or to the country of which such aliens are citizens or subjects or to the foreign port at which they embarked for such territory, irrespective of whether such aliens have acquired a domicile in such territory, or (3) if such aliens entered foreign contiguous territory from the United States, and later reentered the United States, then to such territory, or to the country of which such aliens are citizens or subjects or to the foreign port at which they originally embarked for the United States, irrespective of whether such aliens have acquired a domicile in such territory. In lieu of any country specified above, such aliens may, under such regulations, be deported to the country (if any) in which they resided prior to entering the country from which they embarked for the United States or for foreign contiguous territory. The term 'foreign port,' as used in this subdivision, includes a port of an insular possession of the United States.

"(b) When, in the opinion of the Secretary of Labor, the mental or physical condition of an alien who is excluded or arrested and ordered deported is such as to require personal care and attendance, he shall, when necessary, employ a suitable person for that purpose, who shall accompany such alien to his final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed.

"(c) If it appears to the satisfaction of the Secretary of Labor, in the case of any alien excluded or arrested and ordered deported, that immediate deportation before hospital treatment for sickness or mental or physical disability would cause unusual hardship or suffering, he may suspend temporarily the deportation of such alien solely for the purpose of placing him in a hospital under the supervision of immigration or United States Public Health Service officials for treatment, until such time as, in his opinion, such sickness or disability has been relieved to such an extent that the deportation of such alien would not cause unusual hardship or suffering. In the case of an alien subject to deportation under subdivision (a) of section 18, such treatment shall be at the expense of the owner, agent, or consignee of the vessel bringing him, and in the case of an alien arrested and ordered deported, it shall be defrayed in the same manner as the cost of removal to the port of deportation.

"(d) The Commissioner General of Immigration, upon conditions prescribed by him, may, with the approval of the Secretary of Labor, suspend the deportation of any alien subject to exclusion or deportation if, in his judgment, the testimony of such alien is necessary in the interests of the United States in any judicial or other proceeding. The cost of the maintenance of any such alien (including medical and hospital treatment, and burial expenses not to exceed $125 in case of death), and a witness fee of $1 per day to such alien for each day while deportation is so suspended, may be paid from the appropriation for the enforcement of this act unless such suspension of deportation is requested by the Department of Justice, in which case such cost and witness fee shall be paid from the appropriation for the Department of Justice. During such suspension of deportation the alien may be released under bond, in the penalty of not less than $500, with surety approved in the same manner as provided in subdivision (f) of section 19, conditioned that such alien shall be produced when required as a witness and for deportation, and while so released the cost of his maintenance shall not be borne by the United States.

"(e) It shall be unlawful for any master, purser, person in charge, agent, owner, charterer, or consignee of any vessel to refuse or fail to receive or detain on board, and transport in the manner specified, and to the place designated, any alien ordered to be deported on such vessel in pursuance of law; or to fail to pay the costs imposed in pursuance of law in respect of any alien; or, in bringing any alien to the United States, to make any charge for the return of such alien or to take any security for the payment of such charge, or to take any consideration to be returned in case the alien is landed, or to fail to detain on the vessel or to remove temporarily such alien for examination, as ordered by immigration officials; or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to enter the United States.

"(f) If it appears to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, charterer, or consignee of any vessel has violated any of the provisions of subdivision (e) or of section 15, the master, purser, person in charge, agent, owner, charterer, or consignee of such vessel or of any vessel owned or operated by the same interests shall pay to the collector of customs of the district in which any such vessel may be found, the sum of $1,000 for each violation of any such provision. No such vessel shall be granted clearance pending the determination of such liability, or while such fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover the fine imposed. No such fine shall be remitted or refunded. If clearance has been refused and the amount of the fine imposed has not been paid within ten days after such imposition, the vessel may be forfeited by a proceeding by libel in rem in admiralty. If it appears to the satisfaction of the Secretary of Labor that the provisions of subdivision (e) are persistently violated by or on behalf of any vessel or transportation company, the Secretary shall deny to such vessel or company the privilege of landing alien immigrant passengers at United States ports for such period as in his judgment may be necessary to insure an observance of such provisions."

SEC. 5. The first sentence of the second paragraph of section 9 of such immigration act of 1917, as amended, is amended by striking out the words "the last proviso" and inserting in lieu thereof the words "subdivision (b)". The last two sentences of section 15 of such immigration act of 1917 are repealed. Such immigration act of 1917 is further amended by adding at the end thereof a new section to read as follows:

"SEC. 39. That this act may be cited as the 'immigration act of 1917.'"

SEC. 6. Section 20 of the immigration act of 1924 is amended by adding at the end thereof a new subdivision, to read as follows:

"(e) An alien employed on any vessel arriving in the United States from any place outside thereof may be removed from the vessel to an immigration station or other appropriate place for examination. Such removal shall be subject to the same provisions of law as in the case of any other alien, and the owner, charterer, agent, consignee, or master of the vessel shall be subject to the same provisions of law, including penalties, in respect of such removal as in the case of any other alien."

SEC. 7. (a) Section 33 of the immigration act of 1917 is amended by striking out the words "the preceding section" and inserting in lieu thereof the words "section 20 of the immigration act of 1924, as amended" and a comma, and by inserting after the word "admitted" the words "for permanent residence."

(b) Section 34 of the immigration act of 1917 is repealed.

SEC. 8. Whenever in any law heretofore enacted it is provided that any alien shall be deported, the arrest and deportation of such alien shall (regardless of the manner provided in such law) be made in the same manner as provided in sections 19 and 20 of such immigration act of 1917, as amended, and whenever in any law hereafter enacted it is provided that any alien shall be deported, the arrest and deportation shall, unless expressly provided to the contrary, be made in the same manner as provided in such sections 19 and 20.

SEC. 9. Nothing in this act shall affect any deportation proceedings in which the warrant of arrest was issued before the enactment of this act nor relieve from deportation any alien who at the time of the enactment of this act was liable to deportation. That part of section 19 of such immigration act of 1917 which relates to the deportation of aliens convicted of a crime involving moral turpitude shall, notwithstanding the amendment of such section by this act, remain in force for the deportation of an alien where the crime was committed before the enactment of this act.

SEC. 10. (a) If any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance

of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall be excluded and deported without being entitled to any of the landing privileges allowed by law to seamen.

(d) So much of section 3 of the immigration act of 1917 as reads as follows: "persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission" is amended to read as follows: "persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission."

SEC. 11. Any alien who enters the United States at any time or place other than as designated by immigration officials or eludes examination or inspection by immigration officials, or obtains entry to the United States by a false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

SEC. 12. Upon the final conviction of any alien of any offense in any court of record of the United States or of any State or Territory it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

SEC. 13. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

The SPEAKER. Is a second demanded?

Mr. SABATH. I demand a second.

Mr. JOHNSON of Washington. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Washington is recognized for 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I should like to be notified when I have used five minutes. Gentlemen, this bill is not a vicious bill. It would be well for those who consider the text of the bill to keep in their minds the difference between the expulsion of aliens coming to the United States and the deportation of those aliens within the United States. This is a deportation bill, not an exclusion bill. It rewrites, codifies, and enlarges present deportation clauses of the immigration laws and enlarges some of these clauses.

I would like to say that if the United States is to maintain a policy of restriction of immigration it becomes necessary for the United States to adopt more effective laws for the deportation of those who evade the restriction provisions. And if the United States means business with its laws with regard to white slavery and allied offenses; also if the United States means business with its prohibition law and the various narcotic laws—and I think it does—it is necessary to have a law which means business with regard to the alien violators of such laws. [Applause.]

This bill is aimed directly at the alien white slaver, at the alien gunman, at the alien narcotic peddler, and will, in my opinion, be effective.

It is pretty well known that the attempt to deport alien narcotic violators has not been successful. A statement has been sent to you by one of my colleagues on the committee, the gentleman from Illinois [Mr. SABATH], in which he calls attention to the fact that for the fiscal year 1925 there were deported for violating the Harrison Narcotic Act only 11 aliens.

Mr. SABATH. That was in 1925?

Mr. JOHNSON of Washington. Yes; that was in 1925. I have telegraphed to the wardens of the Federal penitentiaries, and to-day received responses from two of them. In the McNeil Island Federal Penitentiary, in the State of Washington, the population to-day is 673 prisoners, and of that number 111 are alien narcotic convicts. They should have been deported. It should not have been necessary to convict them in courts of record and to give them long sentences in Federal penitentiaries, there to be fed and housed at Government expense.

In the Leavenworth (Kans.) Federal Penitentiary the population to-day is 3,093; the total number of aliens under the drug act, that is to say, alien narcotic violators, is 102. The bill places narcotic violators in the same category with white slave violators, so that they may be proceeded against directly on a warrant issued by the Secretary of Labor and arrested. If they have a defense they are permitted to make it with the aid of attorneys; but the experience of the department during all these years in regard to white slave offenders is that when the Government once gets them they have no defense; they are guilty every time. I have examined the records for years back in regard to white slavery deportations, and in my opinion there has not been a mistake made. This law applies that same short process to the narcotic violator.

Mr. BYRNS. Who passes on that?

Mr. JOHNSON of Washington. He is brought in under a warrant issued by the Secretary of Labor, and the exact process of trial is set out and described in the bill.

Mr. BYRNS. He is brought before the Secretary of Labor?

Mr. JOHNSON of Washington. Not quite. The final appeal is to the Secretary of Labor. The supreme courts have held that the United States has that right; that it is our sovereign right to decide summarily as to who among the alien peoples of the United States may be thrown out. We would throw out summarily only those we find violating these two certain laws; that is, the Mann Act and the Harrison Narcotic Act are the only ones, for violation of which summary process is proposed—although we include all variations and all side lines of these sorts of offenses. The theory is that inasmuch as the Labor Department is certain to have the evidence when it makes the arrest it is quite unnecessary to go through the expense of a trial in a Federal court, followed by a conviction—which, in many cases, is for a long number of years—and then followed by an attempt to deport, when so often contact with the country from which the offender comes is gone.

The SPEAKER. The gentleman from Washington has consumed five minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I will take two minutes more. Time flies so on these deportation subjects.

Now, the next thing to call to your attention, and one thing, probably, that will be disputed a little, is this: The present law permits the deportation of a person convicted in a court of record and sentenced to one year for any crime involving moral turpitude. This bill strikes out the moral turpitude phase of it, in so far as deportation is concerned, and makes deportation follow upon the conviction and serving of the term of sentence, a term of one year, by an alien for any crime, and, as a rule, when they are sent up for a year the crime is regarded as a felony. For accumulated sentences the term is 18 months.

The alien gunmen and the people who are terrorizing Chicago and New York and other cities will be caught. The carrying of concealed weapons does not involve moral turpitude, but under this law, when they are convicted under any State law for carrying concealed weapons and sentenced for one year, out they go; and out they go before they have lost contact with the country from which they come. This applies to liquor bootleggers. It is an important provision of the bill. Petty alien offenders will not receive a year's sentence. Big offenders will, and the knowledge that deportation is practically certain will be a great deterrent. All agree to that.

Other provisions deal with the extension—from five years to seven years—of the time in which defectives, alien insane, public charges, and so on, may be sent out. That is a compromise.

The bill of a year ago had no time limitation. We have now found it is impossible for the Government to deport and clean out the State institutions to the full degree. So we have provided a seven-year limitation which we think is fair and just for the United States. Under the new restrictive immigration act fewer of these classes will come; hence there will be fewer to deport.

I can not imagine there will be much, if any, opposition to this bill except on theoretical grounds and from those who want more to come into the United States.

The fixing of the status of alien seamen is another provision of the bill. It provides that an alien seaman stepping ashore "to reship foreign" under the terms of the La Follette Act must maintain his status, and that acceptance of employment of any kind, except to reship foreign, is not maintenance of his status. This will end a much-disputed point.

Mr. Speaker, I reserve the remainder of my time.

Mr. SABATH. Mr. Speaker and gentlemen, I have not wasted any of the time of the House. I am not going to waste

any of your time now. I do not take up a great deal of your time unless I have something of importance to convey to you.

I want the gentlemen of the House to know that I have at all times and that I do now favor the deportation of every criminal alien and every undesirable. [Applause.] This has been my record in this House. Section 19 of the present deportation act, especially applicable to the white slaver to which the chairman of the committee has alluded, was embodied in the act upon my insistence. Yes; it is my draft.

The gentleman from Washington [Mr. JOHNSON] states that this law will take care of the gunman. There is nothing in this bill that will take care of the gunman. I have tried my utmost to put in a provision that would deport, summarily, directly and without any court procedure any alien gunman apprehended of carrying concealed weapons, but it was not put in this bill and it is not in here now, notwithstanding any statement the chairman or any other gentleman may make on the floor of this House.

Mr. CRISP. Will the gentleman yield?

Mr. SABATH. No; I have not the time. I wish I had the time to yield.

Mr. CRISP. I just want to know why it was not included.

Mr. SABATH. I do not know. Perhaps the chairman is under the impression that the present deportation act is so strict and so strong that we can deport them under the present law. I wish you gentlemen could spend 10 minutes in reading section 19 of the present immigration act, which is the deportation provision, and I know you would come to the same conclusion that I have come to, that it is as stringent and as strong a deportation provision of law as any committee can possibly frame. Under that law we deported last year over 9,500, and I think for this year we will deport many more, and were it not for the fact that the department did not have sufficient funds, the chances are we could have deported all of those that the gentleman from Washington has alluded to.

Mr. Speaker and gentlemen of the House, notwithstanding the fact that this bill, containing 21 pages and embodying many changes of the present strict deportation law, and changing the established policy of this country, I have not availed myself of my parliamentary privileges by attempting or employing dilatory tactics in an effort to delay this vicious legislation. I feel that the chairman of the Committee on Immigration, due to the many misleading statements issued and made against the foreign-born residents, still has the membership of the House in such a frame of mind and so prejudiced that I feel it matters not how unfair and unjust and unreasonable or harsh legislation proposed by him, applicable to the foreign born, will receive the two-thirds vote required under the suspension of the rules. Notwithstanding that fact, I feel it my duty to call your attention to some of the unnecessarily harsh provisions in this proposed bill, with only the slightest hope that I might overcome the erroneous impression that prevails in your minds against the foreign-born people.

Mr. Speaker and gentlemen of the House, last year the House nearly unanimously voted for a deportation bill, but, due to the harshness and inhumane provisions which it contained, and which I have pointed out on the floor of this House, the Senate has refused to consider it.

Early in the session I was hopeful that we would be able to agree on amendments to our deportation laws, and the minority has agreed to a bill that has been prepared, after three weeks of careful deliberation by a subcommittee headed by the gentleman from Illinois [Mr. HOLADAY]. But at the last moment it was sidetracked and the bill H. R. 11489 substituted.

I have in my minority report called attention to some of the harsh provisions that were so unreasonable that even some of the departmental heads were compelled to object to, whereupon the bill was revamped and rereported, but, unfortunately, the three most objectionable features are still retained.

Mr. Speaker and gentlemen, I am inclined to believe that, though the committee is composed of extreme restrictionists, if it had been permitted to follow its own judgment it would not have reported the bill in the present form. But, unfortunately, it appears to me that it can not resist the poisonous propaganda on the part of a resourceful lobby representing a few intolerant organizations that preach and advocate hatred and intolerance, which advocacy is not only detrimental to the best interest of our country but which has no place in this great Nation of ours.

Section 19 of the 1917 act and section 14 of the 1924 act, in absolute and unmistakable terms, provides for the deportation of any criminal or undesirable. The proponents of this bill will be obliged to concede that if any undesirables did enter or were not deported it was not because of lack of law, but due to inadequate appropriations. This, however, has been remedied by the increase of appropriations whereby over $1,000,000 has been specificially appropriated for deportation and a border patrol.

Mr. Speaker, I want to reiterate that I hold no brief for the undesirable or dangerous alien. Purge our shores of those who do not believe in our institutions, who do not recognize the principles for which their own countrymen fought shoulder to shoulder with the American born; deport those who are lawless and morally unfit, but let not the green blood of prejudice shadow your vision to the end that the vast majority of aliens shall suffer for the sins of a few of their countrymen. I contend that this law will prove unjustifiably oppressive to thousands of good and upright aliens who are manfully striving for the high privilege of citizenship.

You want to know what my objections to the bill are. I will briefly within the short time that I have explain the most objectionable features and provisions in the bill. In the first place, I object to provision 4 which provides:

> An alien who at any time within seven years after entry is a public charge from causes not affirmatively shown to have arisen subsequent to entry—at any time after entry.

I regard this provision as unnecessarily harsh, because it extends the time from five to seven years within which an alien who may become a public charge can be deported. Understand, gentlemen, an alien who might become a public charge within seven years, not a criminal, but an unfortunate.

Take the case of an alien workman coming to this country seven years ago who has become ill, or due to an injury he has received in hazardous and dangerous employment has broken down physically and is taken to a county or State hospital or sanitarium unable to maintain himself, temporarily at least, though all the time of his residence here he has been diligently engaged in his occupation; has been leading an upright life and providing for his family. But the moment he is sent or taken to any public institution his name is forwarded to the Immigration Bureau as a public charge and immediately proceedings for his deportation are instituted. Why should he be required to prove that when he arrived here there was not by some possibility an inherent or undiscovered weakness which, in course of time, and as a result of his exertions, developed into a condition of serious disability, the country in the meantime having had the benefit of his labor and his industry? To prove the negative might call for the testimony of expert witnesses and their attendance at the hearing before the immigration inspector. To bear the expenses of such witnesses may be pecuniarily impossible for the alien, and yet failure to produce this testimony would at once establish the case of the Government. Under the terms of this bill all that it would be necessary for it to do would be to arrest the alien, bring him before the immigrant inspector, present its claim that he has become a public charge, and then rest its case upon the presumption created by this bill.

It would seem that the mere statement of these facts would demonstrate the injustice of such a law, and it would be bad enough if a time limit similar to that applicable to a criminal case should be attached to this law, but to extend, yes! to remove the time limit creates a state of affairs which is really alarming and presents possibilities which are abhorrent to contemplate.

The second provision in the bill that I object to is the extension of the time of deportation from five to seven years on those who become insane or feeble-minded or upon anyone who by chance may be a person of psychopathic inferiority. Under this provision, gentlemen, almost anybody can be deported—almost any alien.

I understand that the best medical authorities claim and maintain that 75 per cent of the people of the United States on a close examination and investigation could be certified as being of constitutional psychopathic inferiority. Consequently under this provision most any alien, it matters not how long within the United States, could be deported.

And I venture to say that if the Members of the House should be subjected to that examination and test a great majority of us would fall under the provision. I think it is manifestly unfair, unreasonable, and unjust to pass a legislative provision of this character.

The next and most objectionable feature in the bill is the one which increases the deportation limit from 5 to 10 years wherein a man is found guilty of an offense which is punishable by imprisonment for one year. I quote section 6:

> DEPORTATION FOR MERE OFFENSE
>
> An alien who is convicted of any offense (committed after the enactment of the deportation act of 1926 and within 10 years after entry) for which he is sentenced to imprisonment for a term of one year or more—at any time after entry but not after the expiration of three years after the termination of the imprisonment.

The above amendment or paragraph (6) contains, to my mind, however, the most objectionable provision. It provides for the deportation of an alien convicted not of a felony but for any offense punishable by imprisonment for one year. The present law provides for the deportation of an alien guilty of a crime involving moral turpitude, but under this provision an alien will be subjected to deportation, although guilty of a misdemeanor or offense of a technical character, though his first offense, and that very likely as the result of lack of familiarity with local conditions or law, and be subjected to deportation for such offense committed at any time within 10 years after entry and at any time after entry.

In many of our States many high misdemeanors are punishable by imprisonment for one year. Consequently an alien who may have been sentenced for one year for violation of some law and, technically speaking, which is not a crime, committed within 10 years after entry, or charged and found guilty 5 or 10 years thereafter, he would be subject to deportation, and this notwithstanding the fact that he has led an upright life and borne a good reputation and has provided properly for his wife and his family. In addition thereto his wife may be an American citizen, and notwithstanding the further fact that he may be the father of several children American born. Unfortunately none of these facts were taken into consideration when the committee embodied this extremely harsh and inhumane paragraph.

I have given considerable thought to this subject because of my anxiety that our legislation in respect to the drastic and summary remedy of deportation shall not involve unfair, unjust, or unreasonable provisions, and should not be harsh or tyrannical or contrary to the best traditions of America.

The present law provides that the deportation even for a crime involving moral turpitude shall not take place if the court or judge sentencing such alien at the time of imposing sentence or within 30 days thereafter makes a recommendation to the Secretary of Labor that such alien shall not be deported. I feel that in view of the fact that we have raised the limit from 5 to 7 years, and in some respects to 10 years, and in certain cases completely eliminated the time limit within which an alien can be deported, that the provision giving the court the right to recommend that an alien should not be deported should be retained in the bill. Especially in view of the fact that the court or the judge sentencing such defendant having heard the evidence and having the defendant before him is in a position to say whether he is a criminal or merely unfortunately involved in committing the offense he is charged with and that he is in no way a dangerous person or detrimental to society.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. HILL of Maryland. Under that provision if a man is given a $50 fine, can he be deported?

Mr. SABATH. No; but if he is sentenced for any offense to one year's imprisonment he will be deported. Of course, I understand the underlying reason why the time was extended from 5 years to 10 years and why this provision is in the bill. I find in the majority report a letter from Prohibition Commissioner Andrews, who approves the bill on the theory that the aliens are the violators of the Volstead Act. In that connection I would like to quote what the judges of the Federal court in Chicago have said, as well as others, but I have not the time.

I concede that it might have been the experience of the prohibition administrators in several districts that the preponderance of law violations comes from the foreign-born element. But he does not state they are the districts that are populated with foreign born. Of course he does not state that the law is violated by the aliens, but by the foreign born.

In view of the articles of General Butler; statements of Mr. Buckner, the district attorney of New York; Mayor Dever, of Chicago; and the statements of many judges, including Federal Judge James H. Wilkerson, of Chicago, who made the following statement recently:

> For the last six months the only cases the Government has brought in here have involved the poor, the friendless, and the ignorant. The Government hasn't brought in a single big violator in that time. I won't send this man to jail.

From the statements of the above-mentioned men, some of whom testified before the Senate Committee on Prohibition recently, it is shown that the powerful and influential violators are not molested. It is to be deplored that General Andrews should have permitted himself to be used for the purpose of maligning and libeling the foreign born and that merely to secure the support of the so-called prohibition forces for this bill, which was uncalled for and unnecessary.

Mr. Speaker, some people may ask and state, "Why do not these people become naturalized?" As to that let me reply, first, make the law so harsh and so hard that they can not comply with the law as to naturalization, and then because they can not be naturalized, they must be deported, and we extend the time from 5 years to 10 years as to their deportation. It is an unfair, unjust, and unreasonable law.

For over 100 years America properly and justly prided itself upon having the most progressive and most liberal form of government. Therefore it is unfortunate that within the last few years we should by metes and bounds draw away from the fundamental principles of democracy and should emulate and even outdo the most bureaucratic forms of government that ever existed, and especially is it to be regretted, in view of the fact that to-day the formerly most oppressive governments of Europe are modifying and changing and humanizing their laws; whilst we in this country are enacting harsher and more inhumane laws which are in direct conflict with the principles on which this Nation has been founded.

Before I conclude let me call to the attention of you gentlemen who claim to be the friends of organized labor and who under that pretext have voted for every restrictive or deportation bill, it matters not how vicious or how unfair the same was, to the following telegram which I received this morning:

CHICAGO, ILL., *June 6.*

Hon. ADOLPH J. SABATH,
House of Representatives:

At the regular meeting of the Chicago Federation of Labor held yesterday, Sunday, June 6, 1926, representing over 400,000 trade unionists, a motion was unanimously passed requesting all Congressmen of Illinois to vote against the Holaday antialien bill.

Respectfully,

JOHN FITZPATRICK,
President Chicago Federation of Labor.
E. N. NOCKELS, *Secretary.*

Not only the Federation of Labor, but nearly every civic organization has protested against this proposed legislation.

Mr. Speaker, in view of the many misleading reports and statements made as to immigration and emigration and deportation, I embody in my remarks extracts from the latest available statistics as compiled by the Commissioner of Immigration, which will show how unfair some statements and claims that are being made on the floor and elsewhere are.

The net increase of immigration over emigration for 10 years, and this includes even the year before the 1917 illiteracy act had been enacted, is 2,515,032, as shown in the following statement:

The total increase for 10 years of immigration is as follows:

Period	Immigrant	Emigrant
1916	298,826	129,765
1917	295,403	66,277
1918	110,618	94,585
1919	141,132	123,522
1920	430,001	288,315
1921	805,228	247,718
1922	309,556	198,712
1923	522,919	81,450
1924	706,896	76,789
1925	294,314	92,728
Total	3,914,893	1,399,861
	1,399,861	
Total increase, 1916-1925	2,515,032	

And of this increase 1,478,593 came from British, North Central, and South America, Mexico, West Indies, and other Americas during the years 1916 to 1925, inclusive, as shown in the statement below, leaving a net European increase for the last 10 years of 1,036,439.

Immigration, 1916 to 1925, from countries not under quota

	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	Total
British North America	101,551	105,399	32,452	57,782	90,025	72,317	46,810	117,011	200,690	102,753	926,790
Central America	1,135	2,073	2,220	2,589	2,360	2,254	970	1,275	2,000	1,199	18,075
Mexico	18,425	17,869	18,524	29,818	52,361	30,758	19,551	63,763	89,336	32,984	373,374
South America	4,286	6,931	3,343	3,271	4,112	5,015	2,668	4,737	9,270	2,470	46,103
West Indies	12,027	15,507	8,879	8,826	13,808	13,774	7,449	13,181	17,559	2,106	113,116
Other Americas	31	77	47	46	702	130	25	15	58	4	1,135
Total											1,478,593

The total immigration for 1925 by countries is as follows:

Country of last permanent residence

1925

All countries	294,314
Total Europe	148,366
Albania	79
Austria	899
Belgium	726
Bulgaria	140
Czechoslovakia	2,462
Danzig, Free City of	243
Denmark	2,444
Esthonia	131
Finland	480
France, including Corsica	3,906
Germany	46,068
Great Britain, Ireland:	
England	13,897
Ireland	26,650
Scotland	12,378
Wales	897
Greece	826
Hungary	616
Italy, including Sicily and Sardinia	6,203
Latvia	263
Lithuania	472
Luxemburg	150
Netherlands	1,723
Norway	5,975
Poland	5,341
Portugal, including Azores and Cape Verde Islands	619
Rumania	1,163
Russia	1,775
Spain, including Canary and Balearic Islands	275
Sweden	8,391
Switzerland	2,043
Turkey in Europe	263
Yugoslavia	724
Other Europe	144
Total Asia	3,578
China	1,937
Japan	723
India	65
Syria and Palestine	670
Turkey in Asia	51
Other Asia	132
Total America	141,496
Canada and Newfoundland	102,753
Central America	1,199
Mexico	32,964
South America	2,470
West Indies	2,106
Other America	4
Africa	412
Australia, Tasmania, and New Zealand	416
Other Pacific islands	46

The total emigration for the year 1925 by countries is as follows:

Country of intended future permanent residence

All countries	92,728
Total Europe	75,064
Albania	334
Austria	466
Belgium	459
Bulgaria	208
Czechoslovakia	2,723
Danzig, Free City of	5
Denmark	562
Esthonia	5
Finland	464
France, including Corsica	1,205
Germany	3,646
Great Britain, Ireland:	
England	6,681
Ireland	1,133
Scotland	1,958
Wales	53
Greece	6,574
Hungary	875
Italy, including Sicily and Sardinia	27,151
Latvia	29
Lithuania	511
Luxemburg	18
Netherlands	749
Norway	1,765
Poland	3,721
Portugal, including Azores and Cape Verde Islands	3,600
Rumania	539
Russia	1,433
Spain, including Canary and Balearic Islands	3,982
Sweden	1,167
Switzerland	423
Turkey in Europe	100
Yugoslavia	2,464
Other Europe	67
Total Asia	5,411
China	3,412
Japan	1,212
India	128
Syria and Palestine	479
Turkey in Asia	89
Other Asia	91
Total America	11,561
Canada and Newfoundland	2,580
Central America	661
Mexico	2,954
South America	1,331
West Indies	4,035
Other America	
Africa	154
Australia, Tasmania, and New Zealand	503
Pacific islands (not specified)	35

The next table will show aliens deported for the year 1925, by countries, as well as the clause under the present law. I invite close scrutiny of these tables, showing what nationalities lead the deportation figures, which figures clearly show that the continuous charges against the so-called newer immigration and the reports and statements of gentlemen like Professor McLaughlin, Mr. Grant, Mr. Trevor, Mr. William B. Griffith, are not only disapproved but conclusively show that they are not based on any truth or fact, and hope that in the future the majority of the committee or others will desist in giving publicity to misleading and false facts.

Aliens deported to countries whence they came after entering the United States, fiscal year ended June 30, 1925, by race or people and causes

Race or people	Number deported	Feeble-minded	Insanity	Epileptics	Constitutional psychopathic inferiority	Other mental conditions	Tuberculosis (contagious)	Other contagious diseases	Pregnancy	Other physical conditions	Prostitutes, or inmates of houses of prostitution, and aliens coming for any immoral purpose	Supported by or received the proceeds of prostitution, or connected with house of prostitution or other place habitually frequented by prostitutes	Aliens who procured or attempted to bring in prostitutes or aliens for any immoral purpose, or assist, or protect prostitutes from arrest	Found in the U. S. after having been deported as a prostitute or a procurer or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes	Anarchists, and violations under the act of Oct. 16, 1918, as amended June 5, 1920	Criminals	Under narcotic act	Polygamists	Without proper visa under immigration act of 1924	Under per centum limit act of 1921 (excess quota)	Without passport under State Department regulations	Under passport provision of sec. 3, act of 1917	Under Chinese exclusion act	Geographically excluded classes (natives of that portion of Asia and islands adjacent thereto described in sec. 3, act of 1917)	Under last proviso of sec. 23, act of 1917, and under sec. 17, immigration act of 1924	Contract laborers	Unable to read (over 16 years of age)	Under 16 years of age, unaccompanied by parent	Assisted aliens	Professional beggars and vagrants	Likely to become a public charge	Entered the United States within one year of previous deportation	Entered without inspection, or at a time or place not designated by immigration officials. Deportation required within three years	Other causes
Total	9,495	4	527	6	24	47	28	76	9	165	209	51	53	14	22	637	42	9	2,723	394	430	26	93	57	115	66	474	24	37	3	1,758	164	1,169	39
African (black)	167		28		1	3		1	2	9	3		1			13			35		6						9	1	1		42	2	10	
Armenian	26		2					1								1			10		1				1		2				3	2	3	
Bohemian and Moravian (Czech)	30		10							1	1					1			4	2	3										4		1	3
Bulgarian, Serbian, and Montenegrin	105		3							1		2				2			37	17	13				1		4				24		1	
Chinese	261		1							3	3	4	1				27		22				93				5	1			43		57	1
Croatian and Slovenian	117		4							3		1	1		4	6			36	9	18				5		1				16	2	11	
Cuban	8															2			3												2		1	
Dalmatian, Bosnian, and Herzegovinian	22		2												1				11	1	1				1						3		2	

Aliens deported to countries whence they came after entering the United States, fiscal year ended June 30, 1925, by race or people and causes—Continued

Race or people	Number deported	Feeble-minded	Insanity	Epileptics	Constitutional psychopathic inferiority	Other mental conditions	Tuberculosis (contagious)	Other contagious diseases	Pregnancy	Other physical conditions	Prostitutes, or inmates of houses of prostitution, and aliens coming for any immoral purpose	Supported by or received the proceeds of prostitution, or connected with house of prostitution or other place habitually frequented by prostitutes	Aliens who procured or attempted to bring in prostitutes or aliens for any immoral purpose, or assist, or protect prostitutes from arrest	Found in the U. S. after having been deported as a prostitute or a procurer or as having been connected with the business of prostitution or importation for porstitution or other immoral purposes	Anarchists, and violations under the act of Oct. 16, 1918, as amended June 5, 1920	Criminals	Under narcotic act	Polygamists	Without proper visa under immigration act of 1924	Under per centum limit act of 1921 (excess quota)	Without passport under State Department regulations	Under passport provision of sec. 3, act of 1917	Under Chinese exclusion act	Geographically excluded classes (natives of that portion of Asia and islands adjacent thereto described in sec. 3, act of 1917)	Under last proviso of sec. 23, act of 1917 and under sec. 17, immigration act of 1924	Contract laborers	Unable to read (over 16 years of age)	Under 16 years of age, unaccompanied by parent	Assisted aliens	Professional beggars and vagrants	Likely to become a public charge	Entered the United States within one year of previous deportation	Entered without inspection, or at a time or place not designated by immigration officials. Deportation required within three years	Other causes
Dutch and Flemish	249		5	1	1			3		4						6			115	22	22						1	3				43	1	21	
East Indian	67									1						1			9						47			3				4		2	
English	1,072		45		3	7	1	7	3	15	26	1	14		1	117			305	63	13					1	10	12	2	2		237	31	154	2
Finnish	94		3				2	2								8			30	9	14					1				1		10	4	10	
French	469	1	18			1	2	4		9	18	5	3		1	43			83	3	2					2	7	34	2			120	21	89	1
German	750		56		4	5	2	3		19	5	1	3		1	26			315	38	21					11	1	3	2	19		121	4	84	6
Greek	279		15		1	6	2	1		3	1	10			1	11	1		93	30	23					13	1	1		1		42	1	21	1
Hebrew	250	1	38		5	6				8	1	1	1			10	1		66	6	17					9	2		1	3		49	5	18	2
Irish	554	1	37	2	2	2	2	3		8	5	1				27			177	47	56						5	3		4	1	111	11	48	1
Italian (north)	152		14			1							1			9			59	10	10					11		5				21	2	8	1
Italian (south)	644		60		1	1	4	4		12	8	7	4		1	3	43	2	231	34	50					15		16		2		101	8	36	1
Japanese	83		1									3					5		19			26		2				2	1			17		6	1
Korean	6																1	1						1								1			1
Lithuanian	23											1				1	3		7		2					2						6		1	
Magyar	72		3			1	1			1	2	1					5		24	2	6							3	1			16		6	
Mexican	1,751	1	51	3			4	29		29	114	6	19		11		119	9	235							2	25	284	9		1	347	24	346	3
Pacific Islander	3																								1							2			
Polish	161		12		1					8	4		2			10			39	3	19					4		5		3		21	8	17	5
Portuguese	65		7			2		3		3		1				2			17	3	8							6				11		2	
Rumanian	82		4				1			3		2	1			3			17	3	10					11		2				15	2	7	1
Russian	93		2				1			3					4	5			26	3	17					3		2	1			7	10	8	1
Ruthenian (Russniak)	44					1													17	1	3							5				11	1	4	1
Scandinavian (Norwegians, Danes, and Swedes)	512		44		1	5	1	10	1	12	6				2	18			226	16	36								2			62	4	63	3
Scotch	463		22		1	3	1	3	3	2	6				1	27			142	36	16						3	8				109	15	62	3
Slovak	97		11							3					2	1			43	7	7					1		1			1	19		1	
Spanish	324		14		1	1				2	3	3			1	13	1		141	18	24					7	1	13		1		41	1	38	
Spanish American	67		8		2	1	1			1						6			24		1					1		2	1			10		9	
Syrian	116		2				1	1								2			32	8	6					13	1	8				31	1	9	1
Turkish	18		1					1		1						1			7		2							1				4			
Welsh	42					1										4			20	3	1											8	3	2	
West Indian (except Cuban)	7		1				2			1																						3			
Other people	150		3								3	1	2			6		9	46		2			6			9	31				21	1	10	

Mr. JOHNSON of Washington. Mr. Speaker, I yield to the gentleman from Texas [Mr. Box] five minutes.

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein certain brief quotations dealing with the subject now under consideration.

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

There was no objection.

Mr. BOX. Mr. Speaker and gentlemen of the House, it is impossible to state, much less explain, the provisions of this bill within the limited time allowed me. Among its leading features are: Provisions for the deportation of aliens convicted in courts of record of the offenses of selling narcotics and of selling intoxicants and sentenced for the required time. It makes it an offense punishable by fine and imprisonment to enter the United States by eluding inspection or by fraud or by misrepresentation. Limitation now bars deportation proceedings against otherwise deportable aliens in much too short a time. This act makes that time longer in some cases, and in many cases provides that they may be deported "at any time after entry," which entirely removes the bar protecting those guilty of such offenses.

I hope this bill will soon be enacted into law. In addition to providing for deportation of certain classes of aliens, it deals with the enforcement of deportation laws. We already have many more aliens whose deportation the law requires than we are deporting. The department's estimate, based on general surveys, is that there are now approximately 1,300,000 aliens in the United States whom the law would require to be deported but for the fact that limitation statutes have barred the deportation of many of them.

The same survey shows that of aliens who have entered the country since June 3, 1921, 250,000 are deportable under the law because of their illegal entry or of offenses committed by them requiring their deportation. But just as 1,000,000 out of 1,300,000 have escaped deportation through lack of funds, lack of force, the failure to enforce the law, and statutes of limitation, so only a small minority of the 250,000 or 300,000 whose deportation is not barred will be sent out of the country. Most of the 1,300,000 mentioned were smuggled in.

This situation takes the zest out of my support of this measure. The present law is good. The new measure we now present is an improvement, but the present law is not being enforced, and under the present administration will not be enforced. To this point I direct these remarks.

I call the attention of the House and the country to a statement made by me on this floor during the present session, as appears in the CONGRESSIONAL RECORD of March 18, 1926, at pages 5878 to 5879, advising the House and the country of a shameful disregard—I should say betrayal—of the deportation laws by the Department of Labor, acting through Commissioner General Hull and his superiors, chief of whom is Secretary of Labor James J. Davis. I submit to thoughtful men the question whether the statements I made then are sustained by the evidence presented at the time.

That bad state of affairs, produced by a criminal violation of the law by those whom the country has charged with its enforcement, is continuing and extending. A Texas farmer writes me on this subject, saying, among other things:

> I have heard it said time and again that Creager and others could get any number through from Mexico they wanted. We feel the effects of it and hope it can be stopped.

Creager is the spoils-dispensing boss representing the present administration in that region.

The following is a part of a clipping from a newspaper published in the Southwest, dealing with the same subject:

> The southern California immigration situation exposures constitute one of the most flagrant cases of sabotaging on Congress and the law of the land by a Washington bureau that has ever been brought to light.
>
> It is a plain-cut case wherein a Federal bureau is guilty of connivance at wholesale violations of the laws with whose enforcement it is

charged, at the solicitation of private interests concerned in their evasion. (Miami Silver Belt.)

The California State commission of immigration and housing, an official agency of the State of California, dealing with such problems, in recent communications to me about this disregard of the law, said:

STATE COMMISSION OF IMMIGRATION AND HOUSING,
San Francisco, April 8, 1926.

Hon. JOHN C. BOX,
House of Representatives, Washington, D. C.

DEAR SIR: The Commission of Immigration and Housing at it meeting on April 5, instructed me to write you commending you upon the stand you have taken with reference to the method of handling the alien Mexican in the Imperial Valley, who has entered the country illegally.

Will you please advise if any action has been taken in the matter?

Very truly yours,

R. W. KEARNEY,
Attorney and Executive Officer.

STATE COMMISSION OF IMMIGRATION AND HOUSING,
San Francisco, April 23, 1926.

Hon. JOHN C. BOX,
House of Representatives, Washington, D. C.

DEAR MR. BOX: This will acknowledge the receipt of your letter of April 23.

It is certainly regrettable that the immigration law should be evaded as it has been. * * * I would certainly be pleased to hear from you with reference to the matter, particularly since the work is being carried on in California.

Again thanking you, I am

Very truly yours,

R. W. KEARNEY,
Attorney and Executive Officer.

The Immigration Restriction League (Inc.), an organization of patriotic people favoring restrictive immigration laws, recently passed the following resolution, copies of which were sent by that organization to Secretary of Labor Davis and President Coolidge:

Whereas in a speech delivered in the House of Representatives on March 18, 1926, Hon. JOHN C. BOX, of Texas, charged that a so-called "gentlemen's agreement" had been made, with the knowledge and approval of the Department of Labor, permitting Mexican laborers who have illegally entered the United States to remain in the country without fear of deportation provided they "registered" with certain chambers of commerce, and made payment by installment of the fees for head tax and visas which under the law they were obligated to pay before gaining legal entrance; and

Whereas the Immigration Restriction League (Inc.) wrote to the Hon. James J. Davis, Secretary of Labor, asking whether the said statements of Congressman Box were true, and, if so, whether the Department of Labor had repudiated the alleged agreement; and

Whereas a reply to our inquiry was received which seems to admit the truth of the said statements of Mr. Box and ignores the point that the aforesaid agreement and the carrying out thereof constitute a direct violation of the law, but said reply defends or extenuates the said agreement on the ground that it was desired by certain agricultural interests in or near the Imperial Valley, Calif.: Now, therefore be it

Resolved, That the Immigration Restriction League (Inc.) protests against the continuance of the aforesaid agreement and calls upon the Secretary of Labor to cause the cancellation thereof, and the deportation in accordance with law of the Mexicans unlawfully in the United States; and be it

Resolved further, That a copy of the aforesaid preamble and resolution be sent to the Secretary of Labor and to the President of the United States.

I hereby certify that the above is a true copy of resolutions duly passed by unanimous vote at a meeting of the Immigration Restriction League (Inc.), main body, on May 14, 1926.

WM. B. GRIFFITH,
Chairman Executive Committee,
Immigration Restriction League (Inc.).

The Los Angeles Daily Times carried an article under date of April 12, 1926, dealing with this subject, in which it said:

VALLEY LABOR ISSUE SETTLED—MEXICANS PAY HEAD TAX ON INSTALLMENT PLAN—GENTLEMEN'S AGREEMENT IN EFFECT AT BORDER—SOLUTION WELCOMED BY FARM INTERESTS IN IMPERIAL VALLEY

(Exclusive dispatch)

CALEXICO, April 11.—Faced with the alternative of deportation back to Mexico, 3,000 Mexican laborers who entered the United States unlawfully have already taken advantage of the "gentleman's agreement" between the United States Immigration Service and the Associated Labor Bureau of Imperial Valley under which workers are permitted to pay the required $18 entrance fees on the installment plan and remain at their work.

The agreement has been in operation for six weeks, and valley ranchers are practically unanimous in the opinion that it not only has solved the labor problem for Imperial Valley but that the same plan will bring relief to other sections of California and the Southwest where the Mexican labor situation has become acute as a result of wholesale deportation of aliens who entered United States illegally.

C. B. Moore, manager of the Associated Labor Bureau in Imperial Valley, estimates that practically all of the 7,000 illegal Mexican entrants in the Imperial district will have complied with the terms of the agreement by the end of the cantaloupe season in July.

This agreement was arranged early in February at a time when cotton and lettuce growers in the valley were threatened with a labor famine as a result of the activities of deporting officers. These officers found that nearly 80 per cent of the Mexican laborers in Imperial Valley had entered the United States without obtaining the required passports.

CAUSED PANIC

When patrol officers started deporting them there was near panic in the Mexican camps, and many returned to their own country without waiting for the arrival of the officers. As workers grew scarce wages advanced, and the situation threatened catastrophe for growers of perishable crops.

In answer to frantic appeals to Washington, the department sent I. F. Wixon, chief supervisor of the Immigration Service, to Calexico to investigate.

The "gentlemen's agreement" is his solution. Briefly, the plan permits Mexican laborers to pay the required fees and qualify for residence in the United States while continuing at work in the fields. The $18 tax is paid in installments at the rate of $3 a week, and the required passports issued when the total amount has accrued.

On payment of the first installment the worker is given a pass book, and so long as this shows no delinquencies immigration officers do not bother the holder.

The officers, with the authority of the United States Government back of them, are contributing to the success of the plan. Laborers who are reluctant to register and start making their payments are told that the only alternative is deportation.

* * * * * * *

PLEASED WITH RESULTS

Imperial Valley ranchers and business men contributed generously of their money to support the organization, and they are pleased with results.

This fact was confirmed recently when a Congressman on the floor of the House at Washington recently attacked the plan on the ground that it was an evasion of the law.

Calexico Chamber of Commerce and other valley organizations immediately took up the defense. They sent messages to the Capital declaring that the Wixon plan not only had saved them from ruin but had actually resulted in more complete compliance with the law than a whole army of patrol inspectors could have made possible.

With their papers properly visaed, large numbers of Mexicans are already making their way into other parts of California and the Southwest, thus insuring a more stable labor market at these points.

It is plain, first, that Secretary of Labor Davis knows all about this proposition and is responsible for it.

Second. The Los Angeles Daily Times article quoted shows that after my statement of March 18 on the floor of the House the law violators, with whom the Immigration Service, with the knowledge and approval of the Secretary, had made and were executing this shameful agreement, wired to the Department of Labor at Washington, evidently stiffening the Secretary of Labor and his subordinates to persist in the execution of their agreement, as stated, not to enforce the deportation laws against Mexican peons, who are usually illiterate and often criminal and diseased, or against their lawless importers.

Third. The resolution of the Immigration Restriction League, which I have just read, shows that the attention of Secretary of Labor Davis was called to this official malfeasance and that he undertook to defend it.

Fourth. In a full statement of this agreement, consisting largely of statements made by responsible officials of the Immigration Service and Labor Department, made by me on this floor on March 18 and contained in the CONGRESSIONAL RECORD of that date, and in all of the documents quoted by me during these remarks, there is nothing to indicate that these illiterate, and often diseased and criminal, Mexican peons are being examined for admission as required by the immigration laws. The whole record seems to negative that any such examination is made. Every substantial purpose of the immigration laws is defeated by this agreement and the execution of it.

The fact that the country has had so many Dohenys, so many Falls, so many Daughertys, so many Slemps selling Federal

offices for money, so many Forbeses, so many Millers of Alien Property Custodian fame, seems to have calloused its moral consciousness. But for this, the conduct of Chief Supervisor Wixon, Commissioner General Hull, and Secretary of Labor Davis would shock and alarm the great majority of our people who believe in the immigration laws and in decency in the administration of all law.

Fifth. This disregard of the deportation laws in the interest of law violators, who are trying to break down the immigration and deportation laws for their own profit, is extending. Note the statement that it is spreading to other States. Of course, it will extend throughout the Mexican border; and, since the country has no agency through which to enforce its deportation laws other than the Department of Labor, people on the Canadian border have only to ask for the application of this so-called gentlemen's agreement to disregard the law and back their request with emphasis and sufficient political influence to get the same rule applied there by the same department. Men who would make such an arrangement on one section of the frontier of the country where the interests to be protected are vitally important, would make it on any other section of the Nation's boundaries. The east and west coasts both have influxes of aliens and great numbers of men and influences ruled by the desire for profits to such an extent that they will prostitute their country's laws and sacrifice its present and future interests. Unfortunately the department, headed by Secretary of Labor Davis and served principally therein by Commissioner General of Immigration Hull, succumbs to such influences. Those who will do such a thing as this will do other things as bad. The country has a big problem in its immigration question. It will be difficult to solve if everybody does his duty, but when the officers of the Government, charged with responsibility for the enforcement of the law, betray the trust reposed in them, as has been done in this case, the situation is made more difficult and the prospect more discouraging. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on this bill and the general subject of immigration.

The SPEAKER. The gentleman from Washington asks unanimous consent that all Members have five legislative days to extend their remarks in the RECORD. Is there objection?

Mr. SABATH. Reserving the right to object, there is frequently so much misinformation gets into the RECORD by the leave to print that I think it is manifestly unfair to the country, and for the present I object.

Mr. JOHNSON of Washington. Very well. Mr. Speaker, I would like to take half a minute or so to say that of that million aliens said to be in the country illegally, they are not deportable for they have been here three years. They may have illegally entered the country, or at least they are unable to prove that they entered legally. That is one thing that has created opposition and fear against this bill. But let it be understood that they will not be deported. They are saved by the three-year time limitation. Some day the committee may report a bill permitting these aliens to pay a fine in lieu of head tax not paid.

Now, Mr. Speaker, I am disposed to take care of the gentleman who does not belong to either side of the House, and who is opposed to some provisions of this bill. I will yield two minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, first I wish to express my thanks to the distinguished chairman of the committee. This bill is only an additional proof of how far we have retrograded during the last 15 years. Nobody, of course, wants any insane, idiotic, or criminal immigration to come into our country. We have a sufficient number of those of native growth.

But under this bill any man who has suffered and fought for his political or religious convictions will be denied admission to the United States and eventually deported from this country if found here after having been admitted. Thus, a man who advocates the principles of representative government in Italy is considered a criminal there and may be arrested and imprisoned. In coming to this country he will be denied admission, or if it is found out later that he had been in prison for opposing the Fascisti he will be deported.

Mr. JOHNSON of Washington. Oh, the gentleman should not put it in that way, as having that done under this bill. He would be rejected under other law.

Mr. BERGER. He would be absolutely rejected. Or a man may have been found guilty in Italy of advocating the principles and beliefs of Freemasonry and be sent to prison for that. Thus he is a criminal in the eyes of our laws, if this bill becomes the law, since he has suffered a prison sentence.

The same rule would hold good for all those who oppose communism in Russia and who suffer because of that opposition.

And now that there have been men convicted for participating in the British strike, those former strikers will find themselves in a similar position.

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

Mr. SABATH. Mr. Speaker, I yield the gentleman two minutes additional.

Mr. BERGER. Those are two Democratic minutes [laughter] and should be taken with the discussion of Jeffersonian principles. Jefferson was a freethinker and a humanitarian. We are advocating now a principle, however, that is entirely foreign to the traditions of this country—foreign to the principles of either Jefferson or Hamilton.

Or let us say that there is a Pole who opposed the Pilsudski government. He is liable to go to prison; and since in America we make no distinctions between political prisoners and others, he is a criminal in the eyes of the American law and may be denied admission or deported.

Mr. RATHBONE. The gentleman does not find that in this bill.

Mr. BERGER. No; but this bill is a continuation of the law passed in 1924. In short, I could go a good deal further into the details if I had the time. But this is sufficient to prove how far this country advanced since we won "the war to make the world safe for democracy," and our law-making machinery is largely in the hands of those who are imbued with the spirit of the Ku-Klux Klan.

The whole trouble is this:

Whenever we have a bill treating of hog cholera we are given a day or two in which to discuss it; but when an important measure, treating, as this one does, with the fortunes of human beings, is before the House, we can get only 40 minutes for both sides of the question to discuss it.

Mr. LAGUARDIA. And with no opportunity for amendment.

Mr. BERGER. Yes; with no opportunity for amendment. I yield back the remainder of my two minutes to the Democratic Party. [Laughter.]

Mr. SABATH. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I realize that you can not discuss a bill of this kind in 2 minutes or in 40 minutes, dealing as it does with human beings. If the gentleman from Washington [Mr. JOHNSON] or his Committee on Immigration wants to pass a protective tariff measure for native bootleggers, I have no objection to it. Deport all of the alien bootleggers you desire to deport—I do not care.

Mr. BERGER. And the native ones also.

Mr. LAGUARDIA. We should have an opportunity to offer a few slight amendments. The burden of proof should not be placed upon the alien. Take the workers in the tunnels under the river, working under compressed air. Many of them either go insane or are permanently disabled, and I am sure that the committee does not want to place the burden of proof upon such people as that.

Mr. JOHNSON of Washington. The burden of proof is now on just that class of defendants.

Mr. LAGUARDIA. Let me make one appeal to the Committee on Immigration. I beg of you on bended knees to give some consideration to the various bills now before the committee to admit at least the mothers and fathers of citizens as nonquotas, and to give some consideration to those bills now before the committee that will in some way facilitate the entry of minor children and wives of aliens who have been here at least three years and who have decared their intention to become citizens of America. The President of the United States recommended that in his message to Congress, and I appeal to the majority who want to support the President to at least humanize the act of 1924 to that extent.

Mr. Speaker, as I have already said, I realize that under suspension of the rules there is very little time in which to discuss such an important bill. This bill deals with human rights. Every provision in it affects human beings. Let it be known that under the suspension of the rules no Member is permitted or has the opportunity to offer any amendments or to bring about any change in the bill. In other words, this bill is being considered under limited debate and must be either taken as a whole or rejected. I venture the statement that a bill coming from the Committee on Agriculture and dealing with livestock would not be considered in this fashion. I therefore protest against this method of forcing through a bill so fundamentally important as dealing with human lives and human liberty without full and complete discussion and without an opportunity to offer for the consideration of this House certain

changes and amendments which some of us, owing to our experience and knowledge of this human question, desire to do.

Now, there is no question as to the right and desirability of deporting vicious criminals. The present law permits that. There is no difference of opinion as to the necessity of deporting vendors of narcotics. The sale of narcotics is a crime today. Deportation of an alien convicted of this crime is provided in the present law. I would go along and was inclined to go along to provide for the deportation of aliens convicted as in this bill provided for a term of 18 months if, and I say "if," the crimes were specifically enumerated. Unless these crimes are enumerated I see great danger of oppression and the opportunity of the commission of grave injustice. It would not be a difficult matter to enumerate the crimes. The simple index of a penal law would do that. But, gentlemen, I received some very startling information in the last few days and I have learned of the hope expressed from certain sources for the passage of this bill in order to intimidate workers and curtail every attempt of workers to improve and better their condition. Under the bill as it now stands an alien who might have peacefully resided in this country for nine years and been a law-abiding citizen, if he happened to be arrested for picketing while his industry was out on strike, would be deported. I do not want to deport such an alien. In this day of suppression of speech and with the wave of intolerance that is now sweeping certain portions of our country a man might find himself behind the bars for a period of one year and deported for the mere expression of an opinion. Oh, do not tell me now that you do not desire to countenance the overthrow of our Government. I do not. That has nothing to do with it. The law as it now stands fully takes care of that. But, gentlemen, what do you say when I tell you that a resident of New York was sentenced to over a year's imprisonment for reading the Constitution of the United States on the steps of the city hall of a New Jersey city? Were he an alien, under this bill he would be deported.

No man ought to be imprisoned or deported for reading the Constitution of the United States and the Declaration of Independence at any time anywhere. That typifies, however, the attitude in some communities and it typifies the state of mind and the intolerance which predominates often at times of industrial disputes and conflict between employers and employees. Do you not see the temptation and the possibilities for grave abuses and miscarriage of justice when a labor dispute is going on and workers simply exercising their constitutional rights of bettering their conditions and in the heat of the dispute a minor misdemeanor might be committed and the offender sent to jail for a year and then deported. That is why I believe that deportation following conviction and a sentence of one year should be only for crimes specifically enumerated. Include the bootlegger; there is no serious objection to that. No man is compelled to bootleg hootch to buy bread for his children. But many men are compelled to go on strike in order to protect the bread of his children and the very life of his children. Do not classify this man with the dope peddler and include him in a blanket provision for deportation.

As to the provision for the deportation of aliens who have become public charges, I believe that the bill should be amended to clarify those cases, and not to place the burden of proof on certain cases where the alien has become a public charge and is incapacitated for life by reasons wholly due to his work and occupation in this country. Will anyone kindly tell me how an alien who may become insane or become totally incapacitated by the "bends" owing to his work in an underriver tunnel, working in chambers of highly compressed air, will be able to prove his case under the provisions of this law? He may be here without relatives. If he is insane he surely can not prove his case, and on the certificate of the doctor that the insanity or physical disability is due "to causes existing prior to immigration" he would be deported. Surely that is not the intention of the committee; but that is what this bill will do. If this bill were discussed under the rules of the House a simple amendment that where the public charge of the alien is the result of insanity or physical disability from industrial causes, for industrial occupation, the burden of proof shall be on the Government to establish that the disability was due to causes existing prior to entry into this country. Such an amendment would in no way change the policy of deporting public charge aliens, but would simply provide a fair, honest American way of giving such an unfortunate person a square deal.

Now, gentlemen, in closing let me say that we have been in session for seven months. The Committee on Immigration has worked no doubt, but to date no bill has been reported which would in the slightest way humanize the present cruel act of 1924. Nothing has been done to heed the prayers of thousands of splendid men and women who literally on their bended knees have begged Congress to permit them to get their mothers and fathers or wives and children to join them in this land of ours. An appeal was made by the President of the United States in his message to Congress of December 3, 1925. Let me read what the President said:

> If it (the act of 1924) deprives them of the comfort and society of those bound to them by close family ties, such modifications should be adopted as will afford relief, always in accordance with the principle that our Government owes its first duty to our own people and that no alien inhabitant of another country has any legal rights whatever under our Constitution and laws. It is only through treaty or through residence here that such rights accrue. But we should not, however, be forgetful of the obligations of a common humanity.

There is not a restrictionist, no matter how extreme he may be, who can truthfully deny that the present law deprives many people of the comfort and society of those bound to them by close family ties. No one will deny—and I have heard the distinguished chairman of the Committee on Immigration say in a speech in my city—that great hardship and suffering was being caused by the separation of families, and especially of aged mothers and fathers. Yet no relief has been given. Was the President sincere in his recommendation? Do you of the majority party desire to follow the President? Do you of the majority party want to support the President? If you do, a bill granting relief to old fathers and mothers, to wives and young children waiting on the shores of foreign lands to come and permanently stay with their dear ones in their new adopted country should be reported and passed before this session of Congress terminates.

I introduced a bill, H. R. 482, which would bring relief without in the slightest disturbing the policy of immigration established by the act of 1924. My bill would give nonquota status to wives and children of aliens who have resided here three years and have obtained their first papers. My bill would give nonquota status to aged fathers and mothers of citizens. Gentlemen, that is asking little enough. That surely is in keeping with the President's recommendation that "we should not be forgetful of the obligations of a common humanity." The provisions of my bill would make thousands of families happier and make them more useful and better citizens. But, I repeat, no action by Congress. Why, there are several bills introduced to humanize the act of 1924 and to grant relief.

I repeat, not one has been reported. Distinguished spokesmen for the President and his administration have introduced bills similar to mine. I repeat, no action by Congress. I have not the slightest pride of authorship. I would support any bill that would reunite families. I would work, vote, and fight for any measure which would eliminate sorrow, abolish distress, and wipe away the tears of the splendid men and women who are asking their Congress to permit them to send for a mother, a father, a wife, or a child. In my district it was stated in a bitterly contested congressional fight that the administration was pledged to this very measure; it was solemnly pledged that the President and his administration would pass a bill which would reunite families. I ask the majority, Are you going to keep the pledge? I have kept faith with the people in my district. I can look every man and woman in the eye, because I have not broken a solitary pledge made to them before, during, and after the political campaign. It is time to act. Human souls are in distress and suffering moral misery. Why, my friends, right here in this act before you, if we could amend, I would offer a suggestion to give the Secretary of Labor a quota number for every alien criminal who is deported. Permit the Secretary of Labor to use this quota number to admit some old mother who is being kept away from her children by reason of the quota law. Is there anything unreasonable in an amendment of that kind? Of course not. Gentlemen, many of you simply do not understand and do not know how many families are suffering. You have no contact with them in many of your districts. You believe that we are seeking to lower the bars permanently and entirely by asking these humane amendments to the existing law. Some charge us with being hyphenates and seeking only to cater to certain racial groups. That is not so. Come into our districts. Get acquainted with these fine men and women, who work hard and deprive themselves of all amusement and the luxuries of life in order to reunite and have all of their family in the land they dearly love. Come into my district and get acquainted with those splendid Jewish, Italian, Polish, and Irish families and you will find but two purposes to which the head of the family is devoting his life; one to care for his mother and father, have them come here and live with him, and the

other to give his children an American education and make them good citizens. Open your hearts and open the doors to these mothers and fathers and to these minor children and you will extend a blessing that in turn will bless our land manyfold.

In conclusion, gentlemen, let me again plead to give this human question your serious, unbiased, and impartial consideration.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker and Members of the House, this is a bill which should not be brought under consideration at this time, and particularly under suspension of the rules, which prohibits an amendment and debate, so that a full understanding may be had of the bill by the Members of this House before they can vote with safety.

After seven months of consideration the Committee on Immigration was not unanimous in reporting the bill, and some of us, members of that committee, still hardly understand some of the provisions of the bill. Yet it is sought under suspension of rules obtained by the chairman of this committee to let Members of this House acquire within 40 minutes' debate such thorough knowledge of this bill as has taken the committee more than seven months to learn.

You are dealing with human life. I have never at any time in the course of the consideration of this bill in the committee or on the floor of this House, attempted to protect any undesirables or criminals. They have no place in our land nor have they any place amongst civilized people. I speak now in the interest and the welfare of our country and in the interest of those who are legally in the United States and some who have technically entered the country illegally but against whom the statute of limitation for deportation has long since expired.

If we should pass this bill in its present form it would constitute a distinct departure from the uniform policy and liberal traditions of our Government and would foster an oppressive bureaucracy, mutual suspicions, a system of espionage, intolerance, race prejudice, and animosities among the people of the United States. And many of the provisions of this proposed deportation bill are contrary to the spirit of our Constitution and a direct encroachment upon the liberties guaranteed by the Constitution to all persons residing in the United States.

It is very easy to paint a picture to this House that we have many white slavers and narcotic peddlers and smugglers for whom no one holds any kind word, and if you will analyze the bill you will see that it affects the decent man and woman more than the ones we are aiming to deport. We have more than sufficient laws on our books to-day that would deport undesirables, and if you will refer to sections 18, 19, and 34, act of February, 1917; also act of May 10, 1920; act of October 16, 1918, as amended by act of June 5, 1920; and act of May 26, 1922, you will find that there are more than sufficient provisions of law now on the books that will take care of the undesirables.

What, then, is the purpose of this further additional legislation except to harass and annoy men and women who have been in this country for many years and who by some misfortune might become a public charge within a period of seven years? They too would be deported under the new provisions, and if by misfortune a man who has been here 10 years and committed a minor offense which is punishable by one year's imprisonment, he would also be deported; and if a person who has been here 15 years, during which time if he received sentences for minor offenses totaling 18 months, he too would be deported, and the proposed bill adds three more years for deportation purposes after the term of imprisonment expires. That is practically the new matter contained in this proposed deportation bill.

And again, instead of safeguarding the interests of those who are in this country, you open the door to much blackmail directed against persons who may be in this country illegally under some technicality of law and who, because of such technical illegal stay in the United States, may find difficulty or be unable to become naturalized citizens of this country.

The committee saw fit to insert a provision in the deportation bill giving an alien who is to be deported a hearing. But what kind of a hearing? Is it a hearing in the manner in which the Constitution of this country contemplates that hearings should be had in judicial proceedings? Is it a full and impartial hearing as provided by our Constitution? It seems to me that it is not by any means to be considered a fair and impartial hearing because you do not give the person accused by you and about to be deported, the right to subpœna witnesses. You give him a hearing before the inspector and the inspector is the judge and jury and the only person to make recommendations to the Department of Labor as to whether or not this alien shall be deported.

The committee saw fit to reject an amendment suggested by the minority which would have safeguarded the rights of the individual accused alien. The safeguard sought by the minority of the committee would simply coincide with the elementary principles of American justice, according to which a man has always been presumed innocent until his guilt has been established beyond a reasonable doubt.

The provisions of this measure place the burden of proving his right to remain in the United States on the immigrant and although the charges may be of a criminal nature, the alien is deemed to be guilty until he establishes his innocence.

I am not going away from the fact that there is a certain class of dangerous aliens who have no place in this country and for whom I have stated I would hold no brief if they were to be deported to-morrow, everyone of them, but I do say, Mr. Speaker and Members of this House, that due process of law should not be denied to the innocent because of some technical violation which may have been committed within a period of 10 or 15 years. Circumstances might have brought the violation at the door of our own home.

I notice a letter written by Mr. L. C. Andrews, Assistant Secretary of the Treasury, dated April 23, 1926, in which our distinguished chairman of the Immigration Committee had printed in the report in which Mr. Andrews states the following: "That the preponderance of law violations come from the foreign-born element." I respectfully resent this sort of attack because it is based upon no proper survey and shows a lack of knowledge of the general conditions in the respective States. Mr. Andrews should know well enough that there are many natives dealing in liquor perhaps more than can be found among the foreign element. As a matter of fact, I am willing to admit that a small number of aliens of foreign birth are violating the prohibition laws, but this is just a small number. True, I have no excuse to offer for them and hold no brief for them. I am willing, however, to let this House understand that it is an injustice to those foreign born, because there are as many native born engaged in illicit sale of liquor, and to single out the alien born is a grave injustice to them.

As a member of this distinguished committee, I urged the committee, and as a matter of fact, I would have voted to deport all alien gunmen, who have no place in this country, but the chairman and the committee as a whole did not see fit to incorporate such a provision in the bill. The distinguished gentleman from New York and a Member of this House, Mr. OGDEN MILLS, came before the committee and demanded that a similar provision be put in the bill, but that request also was ignored. Yet the committee laid great stress on seeing that the unfortunate man or woman, not a criminal but who by some reason or other as pointed out, may technically become a public charge, and of the decent man or woman, as pointed out, who commits any offense punishable by one year or offenses aggregating 18 months, shall be deported within 10 or 15 years, as the case may be.

Such legislation should be discouraged and resented because, in the first place, as I have stated before, we already have more than sufficient laws to deport undesirables, and to pass a technical deportation act for minor violations would practically help the interests in deporting men and women who seek a better standard of living and a better wage, and if they should lawfully picket and be arrested and sentenced during any period within 10 years for one year, they may be deported, or if during a period of 15 years, they go out lawfully picketing and presenting their case to the public and if their sentences within 15 years in installments would total 18 months they can also be deported. That certainly goes far enough for me to say as a Member of this House that this proposed legislation is un-American and can not receive my sanction nor the sanction of any man on this floor who would have the time to study the problem.

And again, if a man should receive, say six months for violating the Volstead Act, six months for picketing, and six months for other small minor offenses, within a period of 15 years that person must be deported, under the provisions of this bill—within three years after he leaves the jail and after 15 years of residence in this country, which would make a total of 18 years.

The only consideration that this committee gave was my amendment to legalize all those illegally in the United States up to July 1, 1924. The purpose of this amendment was to clean house once and for all, and to make those persons illegally in the United States become part and parcel of us, provided that they are otherwise admissible morally and phy-

sically. Although the committee has accepted and provided for this condition, nevertheless, they should not have qualified the provision as we will find on page 2 of the bill, in stating the language as follows: "Unless the entry was before July 1, 1924, in which case at any time within three years after entry." In other words, the committee saw the force of my argument that we ought to clean house and not keep the many hundreds of men and women under fear of deportation when in truth and fact we can not deport because of the statute of limitations. However, the qualification that was made by the committee was based upon no scientific study, but merely at random.

In view of the fact that my time is limited, it does not permit me to discuss the other features of the proposed bill. I urge, however, every Member of the House to study the provisions of this bill before they vote, and I am sure that you will find this proposed legislation is unwarranted and unnecessary, and you will find that it encroaches upon every American principle and tradition and for that reason I am opposed to the measure.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to say in answer to the gentleman that the gunman in New York will be deported when he is convicted and sentenced for one year under the Sullivan Act.

I would like to ask the gentleman from Illinois [Mr. SABATH] if he will not allow general consent for all Members to extend their own remarks for five legislative days.

Mr. SABATH. I have no objection to all those who desire an extension.

Mr. JOHNSON of Washington. That is what it amounts to. I ask unanimous consent that all Members may revise and extend their own remarks on this subject for five legislative days.

The SPEAKER. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. I yield the remainder of my time to the author of the bill, the gentleman from Illinois [Mr. HOLADAY]. [Applause.]

Mr. HOLADAY. Mr. Speaker and gentlemen, let me make this broad statement, and I measure my words when I make it: There is not in this bill a single provision that will work any hardship on any desirable law-abiding alien now in this country. It is not only a protection for the native born of our country but it is an even greater protection for that large per cent of aliens now in our midst who are worthy people and who are obeying our laws. I am somewhat amused at the gentleman who proclaims that he does not have any sympathy with the criminal alien and does not want to protect them, yet as I have noticed his record in Congress, and I find that never by word or act has he done anything to help in the deportation of that class. Out in the city of Chicago——

Mr. SABATH. Will the gentleman yield?

Mr. HOLADAY. I will tell the gentleman without yielding. Out in the city——

Mr. SABATH. Will the gentleman yield?

Mr. HOLADAY. No; I only have five minutes. The city of Chicago is now overrun by aliens, aliens that have committed murder in public places, that have shot and killed the public prosecutor on the street, that have gone into the court room and shot and killed the prosecuting witness as he was testifying from the stand, those men are the class that will be hit by this bill.

Mr. SABATH. American born, every one of them.

Mr. HOLADAY. They are not American born.

Mr. SABATH. Yes, sir; look it up.

Mr. HOLADAY. They are aliens that came here to commit crime. The evidence has been discovered and made public. They have been arrested and are now being held for deportation. This gang of foreign-born criminals have committed more than 50 cold-blooded murders in Chicago within the last few months.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HOLADAY. Not now. This law provides that where a man has been convicted of a misdemeanor of any kind one or more times, it may be half a dozen times, and the combined sentences he has received have amounted to 18 months or more, he is to be deported.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the motion of the gentleman from Washington [Mr. JOHNSON] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 138, noes 28.

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent that the House bill 11489 be laid on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent that House bill 11489 be laid on the table. Is there objection?

There was no objection.

EXTENSION OF REMARKS—IMMIGRATION AND DEPORTATION

Mr. JENKINS. Mr. Speaker, the words "immigration" and "naturalization" are closely related. The relationship is so close that any extensive consideration of one will inevitably involve the other. Section 8 of Article I of the Constitution of the United States provides that Congress shall have power "to establish a uniform rule of naturalization." There is no mention of immigration in the Constitution. When the Constitution was adopted, immigration was encouraged. At that time the United States of America was to the whole world a land of freedom. From its very beginning our country held out the welcoming hand to all persons who sought refuge from oppression and who loved liberty.

From the beginning our country was "bright with freedom's holy light." From the beginning ours it was to "proclaim liberty throughout the land and to all the inhabitants thereof." Under this policy and influence our Nation grew as the constant streams of immigrants poured into our ports. Under the provisions of the Constitution, Congress, early in the history of the country, provided a plan for the naturalization of aliens. The chance to become a citizen of this great free Republic was gladly accepted by the best immigrants. Many, however, failed to take advantage of the laws providing for naturalization. Of those who failed a goodly proportion were of the undesirable class. In spite of this, and because our population was scarce and our domain was wide, it still remained our national policy for many years to welcome all classes of immigrants and to offer them a partnership in the great Republic builded upon the principle that "all men are created free and equal" and guaranteeing to all men the enjoyment and security of their inalienable rights as human beings.

In the beginning the immigrants who came were largely of the same class that had wrung freedom for the colonies from the oppression of the mother country. These immigrants were thoroughly in sympathy with the ideals of the new Republic. As time went on the class and character of immigrants changed so that immigration from northern Europe was supplanted largely by immigration from southern Europe and from countries whose form of government was not in accord with our form of government and whose people were not in sympathy with our ideals. For many years the hot fires of patriotism and Americanism melted the dross from the gold in the lives of immigrants and turned many into good citizens. Liberty was a priceless jewel to these immigrants for many years, and the fear of the loss of it caused them to hold on to it with great tenacity.

But as time went on a great change was wrought. People in northern Europe began to demand a fuller measure of freedom and liberty for themselves in their own countries and they secured the same. Living conditions therefore became more tolerable in those countries and fewer people emigrated to America. The conditions in southern Europe, however, were more backward, and the ruling powers of the governments were more despotic and did not respond as readily to the ideals of liberty and justice as did the peoples of northern Europe, and the immigration from southern Europe continued in constant and ever increasing streams. This great inundating wave of immigration reached its crest in 1907 when the number from all countries arriving at our ports was 1,285,349. This peak was reached by a steady climb from 1820, which is the date of the first authentic statistics on immigration. The growth in immigration is shown by the following table of figures taken at random from the statistics put out by the Immigration Bureau of our Government, showing the number of arrivals in each of the following years:

1820	8,385	1914	1,218,480
1840	84,066	1921	805,228
1854	427,833	1923	522,919
1873	459,803	1924	706,896
1881	669,431	1925	294,314
1907	1,285,349		

Our country is a recognized leader of all the countries of the world in many respects; and while its products of various kinds excel and exceed those of any other country in the world, still there is no question but that the greatest product of this

great Republic is its national spirit. This spirit, known as Americanism, is the greatest wealth of the Nation to-day. As in man so in a nation—the spirit is the life and the body is simply the physical abiding place. It is this spirit that has brought us so far on our way to power and influence. This spirit made it possible for Lincoln to rise from obscurity to the place where in his life he was the personification of "malice toward none," and in his death he proved to the world and to the true exemplar of liberty and justice that "death has no sting" and that the "grave has no victory." This spirit is more valuable to the nation than her mines of gold or her fields of corn or her cattle on a thousand hills. This spirit is a greater protection to the nation against the enemy from without and the dangers from within than all our proud navies and strong armies. This spirit is fanned into a flame when we recount our national memories. What is the most valuable possession of Massachusetts? Is it her fine cities, with their palaces and with their treasuries of money and of art? No; it is the memory of Plymouth Rock, of Boston Common, and Bunker Hill. What is the most valuable possession of Pennsylvania? Is it her inexhaustible mines of coal, her smoking furnaces belching forth the flame and smoke that guarantee food and clothing to her millions? No; she could better afford to get along without these than she could to blot out of her memory forever the recollections of Independence Hall and of Valley Forge and Gettysburg, all of which are galvanized indelibly into the spirit of America and intensify our Americanism. What is the wealth of that matchless Commonwealth, that great cosmopolitan empire yonder across the Alleghenies that we call Ohio? Is it her magnificent municipalities, with their great legions of happy people? Is it her great expanse of fertile fields, yielding their priceless harvests to faithful husbandmen? Is it her majestic rivers, upon whose placid bosom ride the products of field and factory? No. It is the spirit of her people that has given to this Nation the noble sons that have written their names across the pages of history, some in legal precept, some by financial wizardry, some by noble deeds and sacrifices upon the field of bloody conflict.

Take from Ohio if you will all her physical wealth which has grown up only within the past 100 years, and the spirit of her people will make it back in a decade. But take from her her spirit of love and devotion to America and her institution and lo and behold! No more shall we see such a procession of noble patriots as the Harrisons, as Hayes and Garfield, McKinley, and Taft. The thought that, while Philadelphia cradled the Nation in its infancy, still Ohio with her Grant, and her Sherman, and Sheridan, saved the Nation in its manhood, is more ennobling to her people than any physical treasure that imagination can fancy or ambition can crave. To cultivate and maintain this spirit which guarantees liberty to the world, great care must be taken that the ideals of the people are not lost in a great vortex of immigrants who are not in accord with these ideals. In the short space of time that our Republic has flourished we have seen many of the established policies of the Government grow stronger and stronger. Many policies adopted then have been continued and the growth of our magnificent political structure can be traced to the foresight of the fathers who adopted those policies. Statesmen of succeeding generations have followed religiously in the footsteps of the founders of the Republic.

After many years of uninterrupted immigration the national conscience was awakened to the perils of the situation. Since then, the word "immigration" has become an important word in the vocabulary of our statesmen and thinking people. After a few years of thought and considerable public agitation it became evident that we had come to the place where we must adopt a policy entirely inconsistent with the policy of encouraging wholesale immigration. We must stop the flow that was threatening the perpetuity of our Republic. We were about to be swept into an abyss. We probably never could have extricated ourselves for we were in danger of being drawn down to the level of the other nations while we were endeavoring to bring them up to our standard. A new national policy as to immigration was, therefore, adopted. This policy is the result of a long, steady, and continuous upward growth. There are few such regular and complete changes noted in our national development. In the beginning we said to all peoples everywhere that they were welcome. This new policy says to them that our gates are closed and that a new system is in vogue. This departure has been effected largely within the last two decades. The agitation leading up to the adoption of this policy was, however, carried on spasmodically for more than a century.

To follow the growth of public sentiment on this question for the past century is most interesting. In 1819 this agitation had become strong enough to reflect itself in the first congressional action taken tending toward restricting immigration in any manner. This was a law providing that better accommodations should be provided for steerage passengers coming as immigrants on board passenger ships coming into our ports. Then it was that the first statistics relating to immigration were kept by the Government. About 1835 this agitation against unrestricted immigration began to be revived. Many societies were formed, and the question found its way into the political discussions of the times. This issue was injected into many political campaigns during the two decades that followed 1835. Congress was importuned from many sources to take some action toward keeping out the criminal, the insane, and the undesirable alien. The agitation was strong against the shipping interests who engaged extensively in bringing aliens to our shores for no other purpose than to collect the transportation fee. Congress failed to act. The question became so vital that many of the States assumed the burden of controlling immigration within their borders and passed regulatory laws. Other States, however, were still anxious to encourage immigration and proceeded to do so. At the outbreak of the Civil War immigration dropped off to such a marked degree that the National Government took steps to encourage it. It has been noted that during the various war periods in the history of our Nation immigration has fallen off very greatly. After the close of the Civil War the immigration question again resumed its place as a topic of discussion in the newspapers and with the people generally. The conflict in the laws of the various States created a great confusion in the courts. From the many legal controversies thus encountered the matter finally reached the Supreme Court of the United States for decision. In 1876 the court held, in effect, that the matter of regulating immigration was by the Constitution confided to the National Congress. This decision marked an epoch in the history of this subject. Immediately thereafter a bill was introduced in Congress seeking to provide adequate legislation on the subject, but the same was not passed until August 3, 1882.

This marks the date of the passage of the first national general immigration law. This law provided a head tax of 50 cents on each alien landed in the United States and provided among other things that convicts, idiots, and persons liable to become public charges should not be permitted to land. In 1885 Congress passed a law prohibiting the importation of convict labor. No provision was made for deportation of those who came in unlawfully, consequently the law was never very effective. Numerous bills were introduced tending toward the regulation of immigration, but the next step of national consequence was the establishment of standing Committees on Immigration and Naturalization in both branches of the National Congress. This was done in 1889. In 1891 Congress passed a law strengthening the law of 1882 as to admission of incompetents and provided for a Superintendent of Immigration. The Government by this action stepped into the position of taking active control of immigration and naturalization. This law also prohibited soliciting of immigrants by the steamship companies, and provided that undesirables brought here by steamship companies should be returned by these companies at their own expense. The placing of this restriction on steamship companies has been considered a bold step because of possible international complications, but still the steamship companies have never seriously contested it.

During the financial depression of 1895 and 1896 this question again became a vital one with the American people. Great influx of laboring men into this country where work was already very scarce caused laboring people and labor organizations to oppose further importation of foreign labor. It was thought that an educational test would be the best method that could be employed to restrict the lower classes of immigrants that were flooding the country. In 1902 an effort was made in Congress to enact a law providing for a mental or educational test. This passed one branch of the National Congress but was rejected by the other. In 1903 Congress finally agreed upon a bill, which passed both Houses. This bill carried no educational test, but it strengthened the law in many ways. The Department of Commerce and Labor was established by this law and a Commissioner General of Immigration was provided for. Before enforcement facilities were provided and as the economical conditions in the country had become greatly improved the agitation against immigration gradually abated.

In 1906 the Bureau of Immigration and Naturalization was established, and, although many restrictive laws had been adopted, immigration was still increasing by leaps and bounds. In 1906 and 1907 this question again became a very live one and a great deal of time was spent by the National Congress in attempting to legislate on this subject. The basic principles

which control our immigration policy to-day were beaten out upon the anvil of legislation by the statesmen in the National Congress at that time. One group wanted literacy tests; others wanted financial tests, holding that all immigrants should be compelled to prove that they possessed finances in various sums ranging from $20 to $50. Others wanted limitations against persons over 18 years of age as differing from persons under 18 years of age. Others wanted all persons over 50 years of age excluded. To meet these various opinions the law of 1907 was passed. Naturally it was a law of compromise. While this law was not a radical one, still many important changes were made. The brush of uncertainty that had obscured the view of the statesmen of that time had been cut away and they now viewed the situation with a clearer vision. A fixed objective was established and a certain and definite course was set. An immigration commission was provided for and ordered to make a survey. This commission recommended further restrictions with references to common labor, and also recommended that a literacy test was the most practical method of restricting immigration. The recommendations of this commission were incorporated in a bill which was introduced in Congress, and which, after considerable delay and debate, was finally passed in 1912. President Taft vetoed this bill. An effort was made to pass it over his veto, and, while the Senate did override the President's veto, the House failed by only 5 votes. The same bill was introduced in the next Congress and was passed by both Houses, but was vetoed by President Wilson. An effort was made to pass it over the President's veto, but failed by 4 votes. The same bill was again introduced in the next Congress and also passed by both Houses. It was again vetoed by President Wilson. This bill was passed over the President's veto with a margin of 25 votes. This law is known as the law of 1917. The passage of this law was the victory of a long and sanguinary congressional battle, and a long and tedious season of debate and argument by the people of the country generally.

This law provided that all immigrants over 16 years of age must be able to read and write some language. Exceptions were made in cases where immigrants could prove that they were escaping religious or political persecutions. Exceptions were also made to prevent the separation of families as much as possible. This law was, of course, more or less of a compromise and was a pioneer in some respects. It had many imperfections. No one knew just how many people would be excluded by the literary tests. Statistics were not very satisfactory in this respect and are not very satisfactory now. This law also provided against admission of immigrants from many Asiatic countries not already included in the treaties and agreements with China and Japan. These provisions applied principally to the people of India and the Malay Archipelago. The law also provided additional restrictions against mental defectives, criminals, and alcoholics. This law also coined the hitherto unused phrase "persons of constitutional psychopathic inferiority." In this phrase it was expected that all defectives not otherwise named could be swept into one class and thereby be successfully excluded. Rigid physical examination was provided for in every port of entry with the end in view of preventing physical and mentally defective persons from gaining entrance. More money to enforce the law was provided. This law, while not perfect, was another milestone in the course of the Government in its policy toward restrictive immigration.

All great movements and reforms have been marked by slow growth. The immigration and naturalization laws of our country have been drawn to meet the views and wishes of the people as expressed through public sentiment. I doubt if any movement in American history is marked with a more steady and symmetrical growth than is this movement of regulating the admission and assimilation of the alien.

It is not apropos of the legislation under consideration to enter into a discussion of the exclusion of Chinese and Japanese except to say that immigration from these two countries is practically prohibited by treaties and legislation known as the Chinese exclusion act and what is known as the "gentlemen's agreement" with Japan. Our immigration and naturalization acts, as commonly referred to, are not directed against immigration of Chinese and Japanese, as they are adequately guarded against as hereinbefore referred to.

The great World War threw us into the unmistakable position of leadership of all the nations of the world. Europe was devastated. Homes were broken up and people scattered. The dash and spirit of American armies and business men had challenged the world. Great masses of people in Europe had been cut from their moorings in life and were ready to go anywhere. America was the rising sun of hope to them. This sun parted the curtain of a night of fear and poverty and ushered in a new day upon the sight of millions of people in devastated Europe. They clamored for admission into our country. This condition awakened our people to the danger of being swayed by this great army of immigrants. "Favorite nation" treaties, precedents, and many other impediments interposed themselves in the path of those who were seeking to cope with this question. The act of 1921 was the next milestone registered by Congress. In this law Congress sought to and did register the public sentiment as manifested at that time. A plan to regulate immigration by establishing quotas for the various countries had been greatly discussed. The law of 1921 embraced this new plan and established quotas for the principal countries of the world. Just how this matter would work out was, of course, problematic. This step was taken haltingly at first, but when its workability became established this halting, faltering step was quickened so that it moves on to its purpose like the gigantic, sturdy, irresistible tread of Omnipotence. This law has succeeded admirably and has justified the judgment of those who advocated its passage.

The effect of this law is shown most interestingly in the following tables:

Immigrant aliens admitted from certain countries and areas in specified fiscal years

Countries	1914	1921	1922	1923	1924
England, Scotland, and Wales	48,729	51,142	25,153	45,759	59,490
Germany	35,734	6,803	17,931	48,277	75,091
Ireland	24,688	28,435	10,579	15,740	17,111
Norway, Sweden, and Denmark	29,391	22,854	14,625	34,184	35,577
Other northern and western Europe	25,591	29,317	11,149	12,469	16,077
Total	164,133	138,551	79,437	156,429	203,346
Austria	134,831	4,947	5,019	8,103	7,505
Hungary	143,321	7,702	5,756	5,914	5,806
Greece	35,832	28,502	3,457	3,333	4,871
Italy	283,738	222,260	40,319	46,674	56,246
Russia	255,660	6,398	17,143	17,507	12,649
Other southern and eastern Europe	40,876	244,004	65,254	69,960	73,916
Turkey in Asia	21,716	11,735	1,998	2,183	2,820
Total	915,974	525,548	138,946	153,674	163,813
British North America	86,139	72,317	46,810	117,011	200,696
Mexico	14,614	30,758	19,551	63,768	89,336
All other countries	37,620	38,054	24,812	32,037	49,711
Grand total	1,218,480	805,228	309,556	522,919	706,896

Immigrant aliens admitted by principal races or peoples in fiscal years specified

Race or people	Number admitted		Per cent of total			
	1923–24	1920–21	1913–14	1923–24	1920–21	1913–14
Northern and western Europe	393,342	206,995	253,855	55.7	25.7	20.8
Southern and eastern Europe and Turkey	192,599	537,144	921,160	27.2	66.7	75.6
Mexicans	87,648	29,603	13,089	12.4	3.7	1.1
All others	33,307	31,486	30,376	4.7	3.9	2.5
Total	706,896	805,228	1,218,480	100.0	100.0	100.0

These tables show that in 1913 and 1914 northern Europe produced 20.8 per cent of the total immigrants, while southern Europe produced 75.6 per cent. While in 1923 and 1924 northern Europe produced 55.7 per cent, while southern Europe produced 27.2 per cent.

The 1921 law provided radical departures, concerning the working out of which its proponents, while hopeful, were yet fearful. Its workability was soon apparent, and it brought such encouragement to the statesmen who were courageous enough to try it that they soon made it the settled policy of the Nation and is now universally accepted as the best method of dealing with surplus immigration. In 1924 the law under which we are now operating was passed. It is considered as the climax of a long and tedious legislative course. The growth of the immigration and naturalization laws has been most steady, constant, and symmetrical. Like a symmetrical tree it has grown up before us. It is not yet perfect in its symmetry. It needs a little pruning here and a little guiding there so that it might become like the mighty green bay tree that flourished by the rivers of water and whose leaves were for the healing of the nations. Your committee has attempted to do a portion of this task by preparing and recommending the measure that is before us for consideration. In carrying out this quota system many situations have arisen that elicit the sympathy of the people of the country and appeal to their sense of justice.

Imperfections are discovered in most laws when the same are enforced and as conditions change. To relieve the hardships and the injustice entailed by the passage and enforcement of the quota law your committee has heretofore recommended a few changes so as to correct some of these situations. We have recommended and the House has had under consideration, and has yet under consideration, measures which will admit into our country alien soldiers who left their homes in our country before they became naturalized and fought in the World War. We have also demanded that changes be made so as to admit a few people such as ministers and priests who were omitted in the 1924 law. The number favored by these changes as a whole will constitute only a very small percentage of the great group that formerly crowded itself through our gates.

The quota laws of 1921 and 1924 have operated most admirably. Immigration will continue to flow into our country, but the current will always be controlled by the hand of the law. Our question now is not one of admission but one of control of those already within our border, and of those who may hereafter pass the entrance test but fail to stand up and to properly appreciate our American institutions, and will become a detriment and a hindrance to our national growth and prosperity. In our midst are thousands who have come without any authority of law. Some of these have come without any ulterior motive, but have come that they might brighten their condition in life and enhance the future prospects of themselves and their children. Many have fled from the lash of oppression and tyranny and have come to the land of Washington and Lincoln.

Many of these have neglected to become citizens of the land of their choice, and are yet unnaturalized aliens. They have been faithful to our institutions and want to stay in our land. What shall we do with these? Then, again, there are those who flaunt their boasts that this Republic shall not long endure and that the law is not supreme, but that each man is a law unto himself. What shall we do with these? Then there are those whose ways are the dark ways of the night, and who practice lawlessness and who prey on the weakness of their fellow men and make their living along the dangerous and devious course of robbery, prostitution, and murder. What shall we do with these?

To deal righteously with these classes and others has been the task to which your committee dedicated itself. No wiser and no truer statement has ever been made than that "righteousness exalteth a nation." To be generous and just at the same time sometimes challenges fortitude.

The deportation law of 1926, known as H. R. 11489, is the result of a careful, honest, and thorough consideration by your committee, with the aid and assistance of many prominent patriotic men and women from all walks of life and from all parts of the country. To show mercy is laudable, but mercy is not always justice. To deal justly is a duty and is a straight and narrow course. It admits of no argument or alternative. The criminal alien must be deported. The physical and mental defective must not be admitted, and when admitted must be deported. Those who came here unlawfully, especially since the passage of the law of 1921, must be deported to the country from whence they came and which owes them sustenance. The anarchists and communists should be sent back home from whence they came and where they can practice their teachings upon each other. To lay down a fair, just, and workable plan of ridding the country of these undesirables has been the object of your committee. Public sentiment demands that those who will not subscribe to our teachings should be sent where they might practice their own preachments among their own kind. The fountain of patriotism and Americanism should not be fouled with a mixture of anarchy, communism, and lawlessness such as is advocated by this class of people. The alien blackhand and gunman has no place in American life. No time should be wasted in his extermination. Crimes committed by this class of people in Chicago and New York in the last few months are so striking as to answer every plea for sympathy and every prayer for mercy. This class is entitled to justice, and justice to them is complete extermination. The bill under consideration is in many ways an improvement over the law which it seeks to amend. It is not the only purpose of this law to be more strict in designating who should be deported, but to be more certain in carrying out actual deportation. In this respect the bill is much more readable and more easily interpreted than is the law which it seeks to amend.

Definite time limits are provided and deportations are made mandatory. Indefinite and uncertain phrases are eliminated so that the workability of the law is not impaired. For instance, the phrase "involving moral turpitude" has been stricken from the law. Henceforth controversies arising from the interpretation of this phrase will not thwart the efficient enforcement of the law. Clearness of expression and definiteness of purpose recommend legal enactments. This measure includes within its purview every conceivable class of undesirables not already deportable under other laws. The following is a brief classification of those deportable under the proposed measure:

First. Any alien excluded under the immigration laws is deportable within five years after entry.

Second. Any alien entering by false representation or fraud is deportable within three years after entry.

Third. Any alien who remains in the country beyond the limit of his permission is deportable within three years after entry.

Fourth. All aliens who at any time within seven years after entry have become public charges from causes not affirmatively shown to have arisen subsequent to entry may be deported any time after entry.

Fifth. Any alien who at any time within seven years after entry, from causes not affirmatively shown to have arisen subsequent to entry, who is an idiot or is mentally deficient may be deported at any time after entry.

Sixth. Criminals of all kinds upon conviction for offenses which carry penalty of imprisonment aggregating one year or more may be deported at any time.

Seventh. Aliens engaging in white-slave traffic or in prostitution or abetting violations of the law or in concealing aliens may be deported at any time.

The measure also provides that an alien once deported can not lawfully reenter the country. The measure has many other provisions which recommend it as a competent, thorough, and fair deportation measure.

I invite a perusal of the bill itself for a more thorough and competent understanding of the same. Besides providing a more definite method of determining those to be deported, the bill under consideration provides more definite and certain methods of deporting when deportation has actually been determined upon. The certainty of this law is a benefit to the enforcing officers as well as to the alien who is subject to deportation. If this law becomes as immutable in its enforcement as it is definite in its purposes, it will solve the question of deportation of undesirables. Under this law the shipowners are placed under strict regulation and are held to strict accountability for the class and character of aliens brought by them to our shores. A severe penalty is provided against shipowners for a violation of these laws. This restriction as to steamship companies, together with the enforcement of the quota law, will keep out from our shores many undesirables. In fact, a strict enforcement of these two laws will almost completely eliminate the presence of undesirables in our country. Deportation therefore will be largely a question of how to handle those who are apparently desirable citizens when they come here, but who develop undesirable proclivities after coming into our midst.

It is my hope and belief that with a quota law working smoothly, and with honest cooperation on the part of shipowners, and with a vigorous enforcement of this deportation law for the next few years, our immigration question will have been solved. Further restriction of quotas and a strict registration of aliens, while advanced by many people as a needed addition to our laws, may never become a necessity if this bill under consideration is enacted into law and if the present quota law is enforced as rigidly as it is now being enforced.

With these laws upon our statute books, and with honest and sincere enforcement of the same, we will have eliminated from our land all that class of people whose presence we do not need to carry us on to our destiny, and we will also have cut from our body politic a threatening canker, and we will yet and still be able to hold ourselves out to the world as the champions of liberty and as the insurers of the blessings of freedom.

Mr. LEAVITT. Mr. Speaker, H. R. 11489, a bill to provide for the deportation of certain aliens, should have the favorable vote of every Member of this House. It has my unqualified support.

I hold that what I know to be in the best interests of my country and necessary to the preservation of American institutions of Government should and must be considered always of first importance. No other consideration can be allowed to intervene. Certainly no Member of this House will allow his tears for any individual alien who has warped the liberty of this country into license to commit crime to blind him to his greater duty.

The purposes of this bill are to further supplement the immigration act of 1924, which made it possible to restrict the entry into the United States of undesirable and dangerous

aliens. It supplements that act by providing methods for deporting those already here unlawfully or who may hereafter unlawfully enter or seek to enter. It supplements it still further by providing for the deportation of aliens who through the commission of crime prove to be a menace. It provides also for the deportation of those who become an unjust burden.

It broadens the powers of the Government to protect itself and the people from their enemies within who accept our hospitality as an opportunity to destroy.

Our law-abiding citizens of foreign birth should and will welcome the passage of this measure. It will remove many of that law-breaking minority of aliens who are the cause of much unfavorable prejudice.

The organized gangs and rings of violators of the prohibition law, for example, powerful bands in open rebellion against this Government, are largely aliens. This law, with the proposed strengthening along other lines, will reach them and break them up. It is the same with the white slavers and the narcotic ring. Such a law has already proven its value and justification with regard to the anarchists.

This measure for deportation ranks in importance with the restricted immigration law we passed in the Sixty-eighth Congress. We are to be congratulated that the Committee on Immigration has reported it out, because it gives us all an opportunity to cast a vote for the truest Americanism. Its urgent need is the need that law and orderly government may be maintained.

The most serious danger to our institutions to-day is the organized revolt of lawlessness against the people's Government. It is a clear issue and the line of duty is as clear. A vote for this measure is along that line of duty and in plain furtherance of our oath to support and defend the Constitution of the United States against enemies, domestic as well as foreign.

Mr. JOHNSON of Indiana. Mr. Speaker, I have been interested in our immigration and deportation problems for a long time and have given them a great deal of thought and study. One of our most important problems at this time is the question of deportation of aliens who are illegally in our country.

The question of controlling immigration is not a new proposition. I shall not take the time to go into this proposition in detail, but history teaches us that as early as 3500 B. C. the Egyptians were confronted with this problem. Every nation has had the same problem and every nation will have this problem until time is no more.

America was founded by immigrants and therefore our forefathers were immigrants. They were of the substantial kind; strong, sturdy men and women, who built up our frontier and helped to advance civilization to the Pacific coast and make America what she is to-day. To-day we have a large number of aliens who have opinions contrary to the principles and ideals upon which our Government is founded, who do not care to become Americanized but maintain zealously and jealously their own tongue, their own racial practices, antipathies, prejudices, and hatreds. They came to this country to obtain better living and more material prosperity than they could possibly enjoy in their native land, but they have no interest in America or American institutions except the American pay roll.

The only immigrants we should take are those that understand our institutions, and believe in them; those who come to this country because they desire to become American citizens and partake in every possible way of the spirit of our institutions; those who seek to learn the American language, acquire American habits, and what is more to the point, become American in thought, in desire, and in spirit, and be law-abiding citizens.

If America is to endure, it must have homogeneity of people. There must be among those who come to this country a common denominator, and that common denominator must be complete sympathy with the spirit and purpose of our Government.

In 1914 we admitted to our country 1,218,480 immigrants. During the World War our immigration was not so great, but at the close of the war there were several millions ready to flood our country. Congress passed our first restrictive immigration law in 1921, the act was approved on May 19, 1921, and only 805,228 immigrants were permitted to enter the United States during the year 1921. In 1922 we admitted only 309,556, and in 1923 we admitted 522,919. In 1924 we had 706,896 immigrants. It was evident that the law should be even more restrictive. There were still too many people coming in and the question of employment for our laboring people was very vital. Congress then passed our present immigration law in 1924, and as a result of this law our immigration dropped to 294,314 in 1925. These figures do not include those who have been smuggled into our country.

President Coolidge, in his message at the opening of the Sixty-eighth Congress, said:

> American institutions rest solely on good citizenship. They were created by people who had a background of self-government. New arrivals should be limited to our capacity to absorb them into the ranks of good citizenship. America must be kept American. For this purpose it is necessary to continue a policy of restricted immigration. It would be well to make such immigration of a selective nature with some inspection at the source and based either on a prior census or upon the record of naturalization. Either method would insure the admission of those with the largest capacity and best intention of becoming citizens. I am convinced that our present economic and social conditions warrant a limitation of those to be admitted. We should find additional safety in a law requiring the immediate registration of all aliens. Those who do not want to be partakers of the American spirit ought not to settle in America.

In his message at the opening of the Sixty-ninth Congress on December 8, 1925, President Coolidge said:

> While our country numbers among its best citizens many of those of foreign birth, yet those who now enter in violation of our laws by that very act thereby place themselves in a class of undesirables. If investigation reveals that any considerable numbers are coming here in defiance of our immigration restrictions, it will undoubtedly create the necessity for the registration of all aliens.

Our present immigration law is a good immigration law, but should be strengthened, and the provisions in regard to deportation of aliens should be strengthened materially.

There is no virtue in the claim that our immigration laws work an injury and injustice to the peoples of other countries. In the first place, our immigration laws do not begin to be as severe as those of any European nation. It is impossible for one to emigrate from one European country to another, or from this country to a European country without undergoing the most severe examinations and experiencing the most aggravating and irritating surveillance. The immigration laws of the European countries, in fact, are so severe that the tides of migration do not flow between European nations. For such countries to raise an outcry against the immigration laws of the United States upon the ground of their severity, is ridiculous and inconsistent. Restricted though our laws now are compared to what they were before the World War, they are still liberality itself compared with the last of Europe.

Moreover, there is this phase which makes the protests of European countries still more indefensible. No one can emigrate from any European country without obtaining from his government permission, and a passport. This gives to European governments the opportunity and the authority to decide who may emigrate and who may not. In other words, until we clamped down upon our immigration laws, European governments had been selecting our immigrants for us, and it is known to every student of the problem supported by a mass of evidence introduced before our congressional committees, that certain foreign countries have been very busy sending us those of their citizens whom they wish to deport, largely because of the fact they were morally or physically unfit, or were of a vicious or anarchistic type.

The United States owes more to itself and to its citizens who desire to make this an abiding place worth while for themselves and their posterity than it does to any foreign nation.

The American people do not concede the right of any foreign group, either in the United States or abroad, to attempt to dictate the character of our legislation to the end that more people may be brought into this country who refuse to obey its law, accept its institutions, and believe in its form of government. It is not to be wondered that such nation-wide organizations as the American Legion, the American Federation of Labor, the American Farm Bureau Federation, the National Grange, the Daughters of the American Revolution, and scores of patriotic societies, fraternal orders, and business organizations have passed resolutions supporting our present immigration laws and setting a firm face against their modification in any manner that will lessen their severity or remove any restrictions which they now impose. It is also pleasing that the Republican Party, in its national platform of 1920, took a similar position, as follows:

> The standard of living and the standard of citizenship of a nation are its most precious possessions, and the preservation and elevation of those standards is the first duty of our Government.
>
> The immigration policy of the United States should be such as to insure that the number of foreigners in the country at any time should not exceed that which can be assimilated with reasonable rapidity and to favor immigrants whose standards are similar to ours.
>
> The selective tests that are at present applied should be improved by requiring a higher physical standard, a more complete exclusion of mental defectives and of criminals, and a more effective inspection applied as near the source of immigration as possible, as well as at the port of entry. Justice to the foreigners and to ourselves demands

provision for the guidance, protection, and better economic distribution of our alien population. To facilitate Government supervision, all aliens should be required to register annually until they become naturalized. The existing policy of the United States for the practical exclusion of Asiatic immigrants is sound and should be maintained.

Contrast this with the Democratic platform of 1924, which reads as follows:

We pledge ourselves to maintain our established position in favor of the exclusion of Asiatic immigration.

You will notice it is silent on everything except "Asiatic immigration."

In this connection it should be noted that the Republican Party is the party which has placed upon the Federal statute books every immigration law of consequence which has been written, beginning with the Chinese exclusion act during the administration of President Garfield.

Immigration authorities of the United States Department of Labor state that the most conservative estimate places the number of aliens in this country who should be deported under the law at 1,400,000. They should be deported either because they were smuggled into this country in violation of immigration laws principally over the Canadian and Mexican boundary lines, or because they have become chronic violators of American laws—professional gunmen, thugs, murderers, robbers, bootleggers, and other law violators.

I notice the chairman of the Committee on Immigration, on February 4, 1926, sent to the several district directors of immigration the following inquiry:

House Immigration Committee requests information in re deferred deportations. Appropriations Committee likely to recommend for coming fiscal year same sum as for current year. How will that take care of situation your district after July 1? What additional funds over last year will you need for necessary deportations? What is number convicted aliens likely to be released for deportation for six months following July 1? Any substantial information will be appreciated.

The replies from the district directors show very plainly that insufficient funds are provided for them to properly carry out their work of deportation. Several directors reported that they were required to cease action December 15 last on account of lack of funds, and practically every director has reported that he was unable to investigate and search out deportable cases or make a survey of the various penal institutions on account of lack of sufficient funds. That the funds available were only sufficient to permit them to take care of the deportable cases that were particularly called to their attention and that were of the most urgent necessity. That most of their work is confined to deporting those whose jail or penitentiary sentences expire. Sufficient funds should be appropriated to permit the immigration directors to make a complete survey of all penal and other institutions and to seek out and deport all aliens who are deportable.

Since the passage of the immigration law in 1924, which became effective July 1, 1924, as well as before its passage, large numbers of aliens have been smuggled into our country in violation of the law. As stated before, it is estimated that we have in our country at least 1,400,000 deportable aliens.

Those who oppose the strengthening and strict enforcement of our deportation laws claim it is un-American and contrary to the spirit of our institutions. The opponents are largely immigrants or of immigrant descent, and in a great many cases are thoroughly in sympathy with the radical and criminal attitude of those who would be deported. But in answer to the charge it may be stated that it is not un-American to take steps to preserve our institutions and to see to it that those coming to this country and those already here, whether for the purpose of permanent or temporary residence, obey our laws.

When this Nation was founded, and throughout the first 125 years of its existence, it was not considered "un-American" to obey the laws of the land. It is only since we have been deluged in the last quarter of a century with the hordes from abroad that we have been brought face to face with the growing menace of lawlessness. If it is a departure from our previous liberal spirit to strengthen and strictly enforce our deportation laws, it must be admitted that it is a departure which the aliens themselves have forced upon us by their conduct. We would expect those who are here illegally, those that have been smuggled into our country, to object, but they have no legal or moral right to object.

After we have located these deportable aliens we should see to it that every one of them is deported, and it is the duty of Congress to see that this is done, not only by passing laws making all this possible but by appropriating sufficient funds to enable the Department of Labor to actually carry out the work of deportation.

We should strengthen our deportation law. We should be able to deport any alien who does not believe in America and American institutions; who does not obey our laws, or who by word, act, or deed does anything disloyal to our flag, or which tends to undermine or destroy or overthrow our Government. But it will do little good to strengthen this law without the appropriation being made that will enable those charged with the duty of deporting these aliens to carry out the provisions of the law. I believe we should provide sufficient funds for this purpose. We should take quick and effective action for the deportation of every alien in this country in violation of law, and pursue this policy until we have deported all such aliens, regardless of the cost. Such action would be a most economical procedure on the part of our Government. It would save thousands and thousands of dollars to the taxpayers for maintenance of those who become inmates of insane asylums, penitentiaries, and other public institutions. It would save more than money—it would save America, and would also plainly show the world that no one can gain admission to and remain in this country illegally.

Henry Pratt Fairchild has well said:

America was not found ready-made and waiting on this side of the Atlantic by the settlers who first set foot on the new continent. America was brought to this continent, brought by the Pilgrim Fathers in the *Mayflower*, brought in the dozens of frail vessels which carried the forerunners of a new people and a new Nation. America was brought over as a tender plant, ill defined and simple, with little indication of the form into which it was to grow. It was planted in the congenial soil of a new land. It was watered by the blood and the sweat and the tears of those who brought it, and of the generations that came after them. And because it was a vigorous hardy plant with a unique and sturdy vitality, because it was well adapted to the new environment in which it had been set out, and because it was devotedly cherished by those who had faith in its future it took root, and grew, and developed into that magnificent creation that we call America to-day. America is a living, vital thing existing in the minds and hearts of true Americans.

We should strive to keep it ever so.

If we allow the undesirable aliens who are smuggled into our country to stay here, we sound the death knell of our national existence. What right has any alien who has been smuggled into our country to remain here?

For several years I have advocated restricted immigration and deportation of aliens who have been smuggled into our country, or who do not believe in our form of Government, or who by any word, act, or deed does anything disloyal to the flag, or which tends to undermine or overthrow or destroy our Government. The world should be informed that no one can remain in our country who enters illegally, or who does not believe in America and American institutions. We should be more careful than ever before to see that only those who have been thoroughly investigated and found to be of the proper caliber mentally, morally, and physically are ever permitted to make America his or her home. We owe this duty to our country and to ourselves and to our children. Ours is a wonderful heritage and it is our duty to keep it unspotted and unsullied: to keep America purely American. We should see to it that Americans shall inherit America even as we have inherited our beloved country from our forefathers.

Mr. HALL of Indiana. Mr. Speaker and Members of the House, this bill (H. R. 11489), which is a bill to provide for the deportation of certain aliens, and for other purposes, is being considered under suspension of rules, which restricts extended discussion of its provisions. For this reason I wish to avail myself of the privilege granted me by the House to extend my remarks on this important legislation.

The immigration acts of 1917 and 1924 may be considered to represent the settled policy of this Government to limit the entry into this country of undesirable and dangerous aliens. The present proposed act of 1926 is an extension of the provisions of these acts. The act of 1917 restricts the number of immigrants by excluding certain classes. For example, idiots, imbeciles, feeble-minded persons, epileptics, insane persons, persons with chronic alcoholism, paupers, professional beggars, vagrants, persons afflicted with tuberculosis, persons who have been convicted or admit having committed a felony or other crime or misdemeanors involving moral turpitude, polygamists, anarchists, and other persons who are liable to make undesirable contributions to our citizenship.

Desirable and necessary as was this act, only to a limited extent did it restrict the number of applications for entrance to

this country. During the fiscal year which ended June 30, 1919, we admitted 141,132 immigrants. During the following fiscal year admission leaped to 430,001. In the year which ended June 30, 1921, we admitted immigrants to the staggering total of 805,228, more than 2,500 for every working-day. We were rapidly approaching the high level of 1907, when the number was 1,285,349, and of 1914, when it was 1,218,480.

It became increasingly evident that steps must be taken to raise a barrier to check the inundating flood, else our American institutions and ideals would suffer at the hands of those who can not understand the basic principles underlying our Government.

The immigration act of 1921, signed by President Harding, was the result. It established a new idea in handling this perplexing problem by establishing quotas of immigrants from the various countries of Europe. Quotas were allocated upon the basis of alien representatives among the residents of the United States. The 1910 census was used as a basis for this computation, and it was provided there should be admitted 3 per cent as many English, Greek, Spanish, and other aliens as there were English, Greek, Spanish, and foreign-born persons in the United States. Every nationality had its quota.

The act was deficient in that no machinery was available by which to count the newcomers until they arrived at American ports for entry. It was a mad scramble on the part of those desiring entrance to arrive before the quota was filled. Steamships raced across the Atlantic; confusion reigned. However, the entrances decreased in 1922 to 309,556.

The difficulties were clearly recognized and Congress determined to remedy the situation. The result was the 1924 immigration act, which became effective July 1, 1924. This act reduced the per cent of foreign born for establishing the quota from 3 to 2 per cent and changed the date on which the computation was made from the census of 1910 to 1890.

This last act is a serious attempt to preserve the racial character of the American people, which has been rapidly changing for years. The necessity for this is well illustrated in the statement of Benjamin Franklin, issued in 1741, when he stated that a total population of about 1,000,000 had been produced from a total foreign immigration of less than 80,000. In other words, the total number of those who entered this country during the first 134 years was only about one-twelfth of the population at that time, while in 1920 the number of immigrants during the hundred years previous amounted to about one-third of our population.

Some idea of the origin of our population may be had from the estimated primary origin of our population at the beginning of American independence which was—

	Per cent		Per cent
English	82.1	French	0.6
Scotch	7.0	German	5.6
Irish	1.9	All others	.3
Dutch	2.5		

The immigration acts of 1917 and 1924 have made it possible to a great extent to limit the entry into this country of undesirable and dangerous aliens. This bill will materially assist the immigration authorities in further preventing the entrance of such aliens and provides methods whereby those already unlawfully in the United States and those who may hereafter unlawfully enter or seek to enter may be deported.

There should be no objection to the deportation of aliens who constitute a menace to or an unjust burden upon the Government. The principle reason for deporting unlawful aliens is to promote the maintenance of law and order in our country and to extend protection and opportunities for development to all the people residing in our country, aliens and citizens alike. No class of people suffers more from the actions of undesirables and law-breaking aliens than does that great body of worthy and deserving aliens residing in our midst, who in good faith are contributing to the welfare of the country and are in large numbers attempting to become citizens of the United States. Unworthy conduct and flagrant disregard of the laws of our country on the part of a very small percentage of aliens residing in the United States, unfortunately but certainly tends to create a prejudice in the public mind against all aliens. Therefore, the deportation of that small percentage of undesirable aliens will redound to the benefit of the worthy and deserving aliens in the country to an equally if not greater degree than to that of our own citizens. The relation of this problem of limiting immigration to the enforcement of the prohibition and narcotic act is well shown by the letter of General Andrews, Assistant Secretary of the Treasury, to the chairman of the House Committee on Immigration:

TREASURY DEPARTMENT,
Washington, April 23, 1926.

Hon. ALBERT JOHNSON,
House of Representatives.

MY DEAR CONGRESSMAN JOHNSON: I am sorry that lack of time has prevented me from giving as much consideration to House bill 11489 and the preliminary draft of this bill as I would have desired.

As a general plan for the deportation of aliens for offenses against the laws of the United States, I think the bill is a good one. The provisions of subdivision 8 of section 2 on page 3 apply to aliens violating the national prohibition act and seem adequate and not at all unreasonable. I believe that such a bill would in all probability prove to be of aid in law enforcement. It has been the experience of the prohibition administrators in several districts that the preponderance of law violations come from the foreign-born element.

A house cleaning, such as this measure contemplates (together with a more effective border patrol), should relieve congestion in our courts, and should relieve the United States and the various States individually of the support of many aliens in prisons and similar institutions.

Yours sincerely,

L. C. ANDREWS, *Assistant Secretary.*

This year we are celebrating throughout this country the one hundred and fiftieth anniversary of the Declaration of Independence. By this heroic act our Nation achieved its political independence. On December 2, 1823, President Monroe gave notice to the world that America could no longer be considered an open field for European colonization. This was but another step toward achieving our independent status among the nations of the world. Our immigration laws may be considered as but another step in the same direction. The development has been logical, each step the attempt to preserve more adequately our national ideals.

We have been given the greatest of all heritages, broad expanses of land, rich in natural resources and wealth, waiting our ingenuity to be developed. We are the possessors of a Nation founded on religious convictions, and it is our duty to preserve them. Our Government serves as a standard; our industrial, agricultural, and economic life makes us one of the strongest powers in the world to-day. We are fast assuming the leadership in the arts and sciences. It behooves us, as a Nation friendly to all other nations, to continue the good which we have created, not for the selfish purpose of our own individual benefit but that our experiences may benefit those who choose to follow the path which we have blazed since our Republic was first established as an experiment in self-government of man.

Mr. HUDSON. Mr. Speaker, the policy of our Government in reference to immigration seems now to be pretty definitely settled. The act of 1917, buttressed by the law of 1924, makes it quite possible now to limit the entry into this country of undesirable and dangerous aliens. The present proposed legislation seeks to still further prevent the entry of such aliens but also to provide methods for the deportation of those already within the confines of the Nation.

There should be no valid objection to this legislation on the part of those who desire to see America remain American. The deportation of those aliens who constitute a menace to the institutions of our free government, in being an unjust burden upon the Government, is closely in harmony with and in a sense a part of our principles in the limitation of immigration.

This can not in any sense be called a blow to these of our citizenship of foreign extraction. It is not. In fact it is the very opposite. The chief reason for this proposed legislation of deportation is to maintain law and order and afford protection and opportunity to all, alien and citizen alike. We stand most heartily for that great body of worthy and deserving immigrants who have come to us in good faith, deserving to share in and preserve our ideals of a free representative form of government. We believe in them. They are and will be burden bearers and burden sharers. They are forming themselves, as fast as the law allows, into the thread of our citizenship. Their children and their children's children will be a part of the woof and warp of our splendid civilization, and, I am sure, will contribute their share to the future stability and prosperity of our country.

However, there is the other class of aliens. Aliens in name, aliens in ideas, aliens in character, aliens in ambitions, aliens in desires, who, while but a small percentage of the total aliens residing in the United States, is a class of sufficient size to form a distinct menace. Their unworthy habit of life, their flagrant disregard for the laws of the land, their invective, indeed, against all law and order except their own distorted ideals bring all aliens into disrepute and tend to produce in the mind of the public a prejudice against all aliens. There-

fore I assert that this legislation is of equal or even greater benefit to the worthy, aspiring alien within our gates than to our own citizens. Americans believe in Americanism. Americanism proposes to have its own freedom and justice but is also jealous that others may have the same.

This great principle or natural spirit is our greatest heritage. If we are to share our great opportunities and privileges and blessings as a people to people of other lands, it must be those only who cherish this great American spirit. We may lose our accumulated wealth, our great industries may be laid low, but if we can keep the love and devotion to our national ideals we shall not be disconsolate, for we can in a decade or two win back our physical wealth. This legislation of to-day is to further safeguard and protect our greatest asset, our very soul, the institutions and ideals of our Nation. Mr. Speaker, this bill, if it becomes a law, and I expect to see it pass both branches of the Congress without a roll call, will in a careful, honest, thorough and yet just way provide for the deportation of the physically and mentally defective alien. It will send back to the lands from whence they came the anarchist and the communist, the alien black hand and the alien gunman, the alien lawbreaker, who has no place in the American scheme of life.

Public sentiment demands this house cleaning. It will be hard enough to keep the fountains of American life pure without the mixtures of anarchy, communism, and lawlessness from other shores.

Crimes committed by this class of people in our great cities in the last few months are so startling as to arouse every lover of his country. The legislation works no injustice. In fact, it really is delayed justice. The gunman, the prostitute, the murderer, the pronounced lawbreaker can not expect mercy at our hands.

The measure provides for all classes of undesirables not already subject to deportation under other laws.

Mr. Speaker, may I briefly summarize the classes provided for under the provisions of the bill?

First. Any alien excluded under the immigration laws is deportable within five years after entry.

Second. Any alien entering by false representation or fraud is deportable within three years after entry.

Third. Any alien who remains in the country beyond the limit of his permission is deportable within three years after entry.

Fourth. All aliens who at any time within seven years after entry have become public charges from causes not affirmatively shown to have arisen subsequent to entry may be deported any time after entry.

Fifth. Any alien who at any time within seven years after entry from causes not affirmatively shown to have arisen subsequently, who is an idiot or is mentally deficient, may be deported at any time after entry.

Sixth. Criminals of all kinds, upon conviction for offenses which carry penalty for imprisonment aggregating one year or more, may be deported at any time.

Seventh. Aliens engaging in white-slave traffic or in prostitution or abetting violations of the law or in concealing aliens may be deported at any time.

The measure also provides that an alien once deported can not lawfully reenter the country. The measure has many other provisions which recommend it as a competent, thorough, and fair deportation measure.

Our law-abiding, God-fearing citizens of foreign birth and parentage will welcome the passage of this measure. The organized gangs and rings of violators of the prohibition law, for example, powerful gangs banded together in open rebellion against this Government, are largely aliens. This proposed law will reach them and break them up. The same is true with the gang and bands organized in the white-slave traffic and the narcotic ring.

Some day we will also recognize the fallacy of anyone but a citizen of the Nation holding office under the flag.

It is a clear-cut issue. There is no mistaking the path of duty. I urge a vote for this measure to-day as our sworn duty to support and defend the Constitution of our beloved country against all enemies whether from within or from without.

Mr. FLETCHER. Mr. Speaker, there was a time not so long ago when America proudly proclaimed this country the national melting pot, capable of absorbing the unsorted aliens of every land as fast as they came to us.

Now that the melting pot seems to have reached the saturation point we are considering legislation for the deportation of some of them who seem unable to get the American point of view.

In the days when the melting-pot idea was more popular than it is at present this was a country of unexplored resources.

Apparently opportunities were limitless. Aliens were needed. They were welcome; often they were enticed to come over here, and not infrequently they were brutally exploited.

My personal experience with aliens of several years ago fastened in my memory some impressions that are enlightening and unforgetable.

In my youth I worked in the boiler works and steel mills where imported aliens were used for all kinds of drudgery.

Many of these alien laborers were brought to America by great syndicates that made money out of the enterprise.

Large numbers of the alien laborers lived in old box cars and shacks. Because they put up with slum environment and standards of living on which an American could not exist, it followed that they could work cheaper than a native-born citizen of this country.

Many times in my steel-mill days I have seen Americans and aliens apply for the same job, and the alien get the job while the native-born citizen had to walk away without a job.

Knowing how things used to be in the steel mills I have often wondered why native-born laboring men with homes to maintain and children to educate have not long before this protested loud enough for the politician to hear and heed.

Having been an eyewitness and an earwitness to the brutal treatment the alien laborer frequently received, I wonder at times just what the foreign-born laborers really thought of the manners, morals, sense of justice, and customs of some of the native-born Americans with whom they had their first contact and from whom they received their first impressions of America.

In the mill where I worked there was a clever alien by the name of Popini. Popini had a good mind and was proud of his job.

Popini was called a job roustabout. In a small way he was a sort of Mussolini among the laborers. He met them at the train, helped to line them up, and, according to his standard, assisted the new shipments of aliens in the process of Americanization.

At that time aliens were permitted to pick up their Americanization ideas wherever they found them.

At the time of which I speak the saloon was a highly competitive and popular institution, and also the political headquarters of certain types of very influential politicians, who took a great personal interest in the Americanization process of the newly arrived alien.

In spite of the multitude of competitive saloons open day and night and Sunday, yet the bootlegger and blind tiger also thrived in great abundance.

Even though the open saloon offered an attractive assortment of beers, light wines, and other palatable liquors that prohibition has made somewhat inconvenient to obtain, yet, surprising as it may seem, the aliens in large numbers manufactured much of their own booze.

Frequently the alien home-brew producer became financially independent through the operation of the bootlegging enterprise, with its customary accessories, all of which would seem to indicate that the present-day zealous advocates of humidity, afflicted with the referendum complex, have memories that need refreshing.

Although Popini talked English with some difficulty, he nevertheless, was an alien interesting to know. He was a natural leader. Soon he was spotted by the politicians and instructed in how to round up his gang of what he called his "wops."

Frequently at noontime Popini and I would get our dinner buckets, find a comfortable place to eat our dinner together, and would enjoy an interesting half hour's visit.

It was while we were lunching together the day before a presidential election, at which I was to cast my first vote, that I asked Popini, the alien, for whom he intended to vote.

Between bologna bites he eagerly replied that he was going to vote for the "Republicana man." My father being a Republican and having myself intended to cast my first vote for the Republican candidate for President, I found myself in congenial company politically.

Then I asked Popini why he was going to vote for what he called the "Republicana man."

He grinned a wide grin and said:

> I finda out how da do beem een Americana countree. Upa Cleveland a biga da Hanna boss man he hev a friend who meet me Tony's saloon and he tella me to getta my "wops" and he geeve me un dollar for them each vota lika dat so I getta 50 "bucks" ($50) for 50 "wops"—un dolla un wop vota da Republicana way. I lika thisa one gran countree, lotsa mon me vota Republicana teeket."

Having been raised only a few miles from the home of the man who was the Republican candidate for President and he being a friend of my father and a boyhood hero of mine, I intended the following day to vote for the Republican candi-

date for President; but when Popini, the naturalized alien told me, in his broken English, that he had received $50 for the votes of "50 wops" as he called them, I changed my mind and from that day until this have been a Democrat.

I merely mention this in passing to illustrate what some native-born Americans did to give the alien a perverted conception of political, social, and civic responsibility.

Thousands of aliens received their first impressions of America from contacts that were corrupt, and we, therefore, need not seem surprised if now and then an alien becomes antisocial and behaves in a fashion that is un-American.

This legislation for the deportation of criminals, antisocial and revolutionary aliens whose behavior is a menace to organized society, is constructive and essential legislation that will receive the indorsement of every citizen who thinks and acts in behalf of his country's welfare.

But legislation for the deportation of the alien who refuses to behave himself is not enough. There also must be the education of the alien in the principles and in the spirit of the American idea.

One of the best methods of educating the alien is for the native-born Americans to behave themselves, obey the laws, act like Americans, and set the alien a good example of what an American citizen ought to do and ought to be.

ACTIVITIES OF THE IMMIGRATION BORDER PATROL

Mr. HUDSON. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following letter from the Commissioner of Immigration, Hon. Harry E. Hull, under date of June 20, 1926:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, June 30, 1926.

Hon. GRANT M. HUDSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN HUDSON: Following up our conversation of a day or two ago with regard to the activities of the immigration border patrol, and with particular reference to the Detroit district, I feel sure that you will be interested in a few additional observations that I am now in a position to make, after consideration of the official reports rendered to the bureau.

The reports for the nine months, July, 1925, to March, 1926, inclusive, show seized in the Detroit district by our border patrol officers contraband goods of a total estimated value of $102,805. In this item of contraband liquor contributes the principal figure to make up the total. The total value of all seizures in the Detroit district for the same period, including not only liquor but also automobiles, boats, etc., amounted to the very considerable figure of $164,322. These figures from the Detroit area are by far the largest of all the various border patrol sectors, and it seems almost too obvious to require comment that any allegations of failure to cooperate in enforcement of the prohibition laws by immigration border patrol officers in the Detroit district is quite without color of truth or foundation in fact.

Indeed, I desire to assure you that the border patrol force as a whole has constantly since its organization made what I regard as a remarkable contribution to law enforcement in the way of cooperating with the prohibition officials and with the agents of other departments of the Government.

In my last annual report I particularly dwelt upon this feature of the border patrol activities, and my opinion has been constantly strengthened in this regard. I should very much regret to learn that there had been any individual instances in which officers of the border patrol have failed to meet reasonable demands for cooperation on the part of other Government agencies in the way of law enforcement, if any such instances are available, and I should be very much surprised to have any such charges as those we have had under discussion substantiated in any material respect. It need hardly be stated that the department and the bureau earnestly desire that every immigration agency contribute to the general cause of law enforcement, and it is my earnest conviction, both from my personal knowledge and from the reports at hand, that our officers of the border patrol force have in general extended sincere cooperation as characterized in the relations of our border patrol force with the Prohibition Enforcement Unit.

In this connection you might be further interested in the monthly reports of April and May for the Detroit district, showing a record of seizures, which is not equaled by any other border-patrol district:

April seizures: 15 automobiles, 5 other conveyances, and 17,289 quarts of liquor.

May seizures: 13 automobiles, 23 other conveyances, and 40,156 quarts of liquor.

I think you will agree, after consideration of the foregoing figures, that it is a truly remarkable showing for the comparatively small force engaged and that the figures indicate, far from any failure to cooperate, a pronounced diligence in efforts to enforce the prohibition laws in connection with the enforcement of the various immigration measures.

Very cordially yours,

HARRY E. HULL,
Commissioner General.

PRACTICE BEFORE THE PATENT OFFICE

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 10735 and move to suspend the rules and pass the bill.

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

LURE OF WISCONSIN

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial, not political at all, on the "Lure of Wisconsin in summer time."

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks by inserting an editorial on the lure of his State. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, under the leave given me by the House, I extend my remarks by printing an editorial from Stephen Bolles, editor of the Janesville (Wis.) Daily Gazette, which is as follows:

THE LURE OF WISCONSIN

The glad song of spring has a far-off echo in the souls of a half-million people who welcome the day when they may fill the tank and start on the trip to a world of light and laughter and a vacation filled with unadulterated joy along the highways of Wisconsin.

From the State line, notably, where the Rock River, famed in Indian legend and history, breaks into Illinois, to the Apostle Islands with the ancient mission churches and the burial places, where lies "Basil struck by thunder," God's tremendous panorama is stretched. East or west as one may go the same intriguing beauty presents itself. Bucolic may be its scenery and ruggedness may be lacking, but it is restful without being oppressive with its overwhelming magnitude. Each hilltop brings a new picture, each valley a new fullness of beauty. Corot and Tryon and Landseer never painted anything to equal it. On a soft summer day with fields glistening in green and with silver threaded streams cutting across the rolling lands, the soul is filled to bursting with unspoken song.

"The cattle on a thousand hills," the sheep grazing among the pasture stumps, the barns and homes tell a story without words, of a happy and hopeful people. Wooded dells and shaded glens into which the roadway winds, bring a perfume which no mortal may imitate and cool the traveler whose head still whirls from a surfeit of such scenic sweetness each turn of the wheel has revealed.

Sapphire and emerald gems, set among trees or rocks, with sandy shores or long reaches of marshy pools within which lurk thousands of fish, so delicate in flavor that had they been carried to Rome in the days of Lucullus, would have urged him to trade a pillar of the Temple of Jupiter for such a feast, are on every hand.

This tumultuous riot of enchantment lasts all the way. There is no end. Cherry blossoms in June, apple blossoms too, the smell of the pine and hemlock and tamarack, the odor of the wintergreen, even the acrid smoke of the campfire thrills with new and intoxicating delight.

Where may one within the bounds of America get so much for so little? Not abroad can one have it so comfortable or be so satisfied. Ancient churches there may be, but here are the "groves," which were "God's first temples." Here the sky is as glorious as at Amalfi; here the clouds of a summer day are as marvelous in futurist pictures as the gallery of the Louvre, and are shown without the sepulchral air of the art gallery.

No forensic genius can paint in words, no skilled artists with the brush may place on canvas the store that nature holds here in Wisconsin.

A RETROSPECT OF 150 YEARS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a speech delivered by my colleague from Virginia [Mr. PEERY] before the graduating class of Marion Junior College, Marion, Va., on May 31, 1926.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks by printing an address delivered by his colleague [Mr. PEERY] on the occasion indicated. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker and gentlemen of the House, on May 31, 1926, our colleague, Hon. GEORGE C. PEERY, of Virginia, delivered before the graduating class at Marion Junior College, Marion, Va., a speech discussing in a masterly manner present conditions and filled with wholesome suggestions and advice. The speech deserves preservation and will prove of great interest. This speech is as follows:

This year in the city of Philadelphia the sesquicentennial of American independence will be celebrated. This happy event naturally leads us to a look in restrospect. The 150 years that have elapsed have been marked by a wonderful evolution in our national and economic life. Striking changes have occurred.

As a result of the Revolution dependent Colonies were converted into independent States. A confederation of States was formed; later a Union of States resulted. The original family of 13 has grown until the national household now comprises 48 States. From a population of 3,000,000 we have grown to a population numbering nearly 120,000,000. The Nation, hampered in her early days by debt, has changed from a debtor to a creditor Nation and is now one of the greatest money lenders in the world. The World War left the allied nations of the world indebted to us in excess of $11,000,000,000. Our national wealth is estimated in excess of $300,000,000,000.

In our economic life the evolution has been none the less striking. The tallow candle of our forefathers gave way to the kerosene lamp, and it has been largely supplanted by the electric light. The horse and carriage, which were the dependable means of transportation in early days, have been supplanted by the automobile, which more adequately meets the demands of this present age.

The airplane has been achieved and in a few years it may supplant the automobile. One day in Washington I recently noticed people on Pennsylvania Avenue gazing into the sky. I joined them looking into the heavens and saw a bird-man doing fantastic stunts in his flying machine. As we watched him we observed that he was making for us letters in the sky and he finally wrote up there the words, "Lucky Strike." He was advertising "Lucky Strike" tobacco. This strikingly illustrates the progress in the field of advertising.

It was only recently that a trans-Atlantic trip was accomplished by two daring airmen. And while we were observing Mother's Day on May 9 a daring Virginian of heroic spirit, accompanied by an intrepid pilot, encircled the North Pole in a 1,600-mile flight in 15 hours and 30 minutes, bringing new fame and glory to our State and to our Nation. A Washington newspaper correspondent modestly commented that an American went ahead and did a thing while other folks were getting ready to begin to do them.

Our ancestors enjoyed the privilege of talking to their friends only when near and face to face. Then followed the thrill of communication by means of the telephone over intervening wires of communication, though hundreds of miles away, but this wonder has been surpassed by the greater modern wonder of communication by radio without even the necessity of any intervening wires. And now the voice of a friend in England may be heard by his American friend, though thousands of miles away.

The Panama Canal, the great ditch connecting the Atlantic and Pacific Oceans, is an accomplished fact, and great ships now pass between these two great oceans, thus avoiding the long and dangerous trip around the Horn.

Railroad trains are operated through tubes running under the Hudson River into New York City. Electricity is merely at the threshold of its wonderful achievement. Prediction is now being made that much of the work and many of the activities on the farm in the future will be accomplished by electricity. Already we cook, wash, and iron by electricity, and the beautiful waves—permanent or otherwise—which our lady folk make in their hair are wrought through electricity. The present age in which we live is one of intense achievement. This is but the natural result which a progressive people have accomplished under a progressive civilization. And progress has always marked our national history. We shall hope that the future will be marked by even greater wonders and even greater progress. In this great progress and list of wonderful achievements we have just cause for pride. But the skies on our national horizon are not free from all clouds. Here and there some clouds appear that give concern. One of these is in the vast centralization of power in the National Government at Washington.

It is well for us from time to time to observe the horizon. In the language of one of my esteemed professors in law, we should from time to time get our bearings. The Federal Constitution is the pole star from which the national ship of state should be charted. A great statesman declared it to be the greatest instrument ever penned by man. In the Constitutional Convention, which gave it birth, two conflicting theories of government were urged. One was the Hamiltonian plan, which proposed the vesting of broad and unlimited powers in the Central Government; the other plan was one in which only certain limited powers were vested in the Central Government, with all other powers reserved to the States that made up the Union. The plan of Hamilton was defeated, and the State rights plan was adopted. Thomas Jefferson, though not in the Constitutional Convention himself, was perhaps the leading advocate of the State rights plan.

An interesting touch of personal history arises from the fact that Alexander Hamilton, the chief proponent of an autocratic form of centralized government, was born of obscure parents in one of the islands of the West Indies, while Jefferson, the leading exponent of a simple democratic form of national government, was born and reared in luxury, and served as minister to the Court of France, where pomp and splendor were the order of the day.

The fundamental idea was that the National Government should exercise the powers and only the powers delegated to it under the Constitution, and that all other governmental powers were reserved to the States and should be exercised by the States. The powers granted to the National Government were specifically defined and set forth. So jealous of the powers to be thus granted, the States, in order to safeguard the matter, compelled an amendment specifically saying that all powers not so granted were reserved to the States. There was then no doubt of the purpose of the framers of the Constitution or of the States that adopted it. Neither was there any doubt as to the interpretation of the Constitution as voiced by decisions of the Supreme Court of the United States. The Central Government was to be a government of limited powers and functions under the Constitution, and all other powers should remain vested in the States.

The question that now causes alarm is the fear that the Federal Government, by a process of insidious and gradual evolution, is assuming and being given, without constitutional authority, powers and functions never intended in the beginning. The danger is that the Hamiltonian idea of government, overwhelmingly defeated in the outset, is now being adopted in the course of a gradual process of evolution. From time to time one Federal activity after another has been added. One bureau after another has been created. And the conclusion is inescapable that a strongly centralized bureaucratic government has been and continues to be developed in the city of Washington. Senator WADSWORTH in a recent address had this to say of the situation:

"The greatest danger is the tendency toward the breaking down of the principle of local self-government and the creation of an all-powerful Federal bureaucracy. This creation of commissions, boards, and bureaus has resulted in establishing at Washington, with branches all over the country, a vast governmental machinery so powerful and so complicated that the average citizen is utterly unable to comprehend it. Further centralization of power and assumption of governmental functions will certainly hamper the ability of the people to govern themselves in the States and in their home communities."

It is almost axiomatic that when a bureau is once established in Washington it never dies or becomes extinct. On the other hand, it becomes self-perpetuating, and continually seeks an enlargement of its powers and a broadening of its activities. It may start with a modest beginning, but it usually develops into a huge organization with varied and multiple activities. It will doubtless be started in a seductive, insidious, and modest way, but when the camel once gets his nose under the tent it is not long until he is entirely within—head, body, and all—and when once in he becomes a permanent part of the big show.

Senator BORAH, in a recent address at Randolph-Macon Woman's College, said:

"The growth of bureaucracy in this country must be a matter of deep concern to everyone who still believes in free institutions, who would like to retain some of the principles with which, as a Government, we started. There is scarcely an activity of body or mind but is either already, or proposed to be, brought under the surveillance of the Government through some bureau. * * *

"Bureaucracy crowds the pay rolls. It would put the citizen in a strait-jacket. Its natural tendency is to destroy initiative, self-reliance, and individual courage, the great qualities of American citizenship. It is wasteful, extravagant, and demoralizing. It is the creeping paralysis of democracy."

President Coolidge, in an address delivered at Williamsburg, Va., on the sesquicentennial celebration of the adoption of a resolution recommending to the Continental Congress the adoption of the Declaration of Independence, had this to say:

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government those administered by bureaus are about the least satisfactory to an enlightened and progressive people. Being irresponsible, they become autocratic, and being autocratic, they resist all development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

Twenty years ago there were 14 departments or subdivisions of government. Now there are 94. And not satisfied with this multitude of bureaus, each succeeding Congress seems to add other new ones to the already crowded list.

In 1878 the expense account of the National Government was $291,000,000. It continued to increase until the country was shocked by a billion-dollar Congress in 1909. The cost of operating the National Government in 1926 will exceed $3,500,000,000. This, of course, results from the World War and from the increase of Federal bureaus and the ever-growing horde of Federal employees.

I am, of course, not unmindful of the fact that in the natural evolution of our economic and political life, it may, from the very necessity of the situation, be necessary that the Federal Government

assume certain activities and functions formerly left to the States. For instance, the regulation of the great ralroads of the country, which are more than state-wide in their extent. In this and in kindred matters which grow beyond the power of the States and become national in their aspect, it becomes necessary for the States to yield to the National Government. But, unfortunately, the activities and functions of the Federal Government have not been confined to matters and conditions that are national in their extent.

The aftermath of the World War has developed many economic snarls and hardships; and with them has come an ever-growing demand to pass new laws and regulate new situations. I am persuaded that there has been a very generous response to the demand on the part of both State and National legislative bodies. And, as a consequence, we have laws without number—so much so that even lawyers, who are supposed to know the law, become lost in the maze and multitude of them.

A new law is made to regulate some activity, and generally a new bureau is created to administer and enforce the law. A southern Congressman in a recent debate on the bill for the regulation of the air and radio control facetiously remarked that if we kept on it would soon be necessary to get a pilot's license to be allowed to go to heaven.

We naturally wonder what the end will be. Changing conditions and new situations arising from time to time will, of course, require new laws to meet them. When a real necessity therefor arises, it must be met. But in meeting it let us avoid, in so far as possible, the duplication of agencies and overlapping of functions, remembering that all governmental activities cost money which must come from the taxpayer. Let us remember the fundamental principle underlying the formation of our Government and cling to our moorings. Let us fight back the insidious approach of a bureaucracy in our National Government and preserve to our people the largest degree of home rule.

And may we always remember that the best-governed people are the least governed.

In our social and religious life a process of evolution seems to have been going on there also, which gives concern to thoughtful men of to-day. The influence of home and religion have been the greatest factors in our civilization in the past. The home is the prime training ground for the development of life and character. It is one of the greatest influences in the life of any man or woman. It is feared that the home ties are not as strong as they were of old. The simple life of the earlier days, with its sturdy virtues and homely philosophy, has been supplanted by the complex life of the present with its round of pleasures and restless activities. In the early days there were but few books, but many of them were classics. They were read and reread, and the virtue, philosophy, and beauty taught were retained through the years. They were important factors in the development of sturdy character. From these we have passed to books without number, but among them how few there are which may be ranked as classics. They are read, one after another, laid aside, and are soon forgotten.

In music we have passed from the old songs, with all their beauty and pathos, to the jazz and ragtime of the present. And what a change!

In religion there is a restless demand for greater freedom of thought and greater freedom of action. The school of new thought and spirit of modernity has arisen to criticize the very fundamentals of the Christian faith to which our fathers and mothers clung with such trust and confidence and which sustained them in life and comforted them at the end. They performed a high and sacred duty in teaching and transmitting these beliefs to their posterity. Sacred to us should be these principles and beliefs—yet they are being attacked by ruthless hands to-day. If the very fundamentals of religion are to be torn down and swept away, man will be robbed of his most priceless heritage. I can not believe that this can or will be done. Truth and righteousness can not be destroyed—they are eternal.

And while the onslaughts now being made will not be successful, we need to put on the armor and, as valiant soldiers, stand true to the faith of our fathers and fight for the fundamental and eternal principles of the Christian religion.

We should cultivate a greater respect for and obedience to the law. Disobedience to the law breeds disrespect and contempt for the law. Without law we are without the necessary machinery for the management of government and the security of the people. We may differ as to the wisdom of a proposed law, but when it becomes in fact the law our duty is to respect and obey the law. There was disagreement in some sections of the country as to the wisdom of the prohibition law before it became the law. I think the people in Virginia and especially in this section of the State believed in the wisdom of the prohibition law.

One difficulty of now enforcing the law arises from the fact that many who are supposed to be good citizens who were at heart opposed to the law now not only violate the law themselves but encourage violation thereof on the part of others. As good citizens, even though they may have opposed the law, since it has become the law they should respect and abide by the law. President Coolidge has said that observance of law is the greatest solvent for our public ills.

We need also to renew and cultivate the virtue of thrift and economy. During the war and immediately following it our people reached a scale of expenditure and extravagance never before equaled in our history. We need a return to thrift and economy all along the line.

The lesson which John D. Rockefeller teaches in the distribution of bright new dimes, with the quaint reminder that they make dollars and should be saved, is one that the children of to-day should learn.

The young man of to-day who firmly resolves to save a portion of his income may well endure the criticism of his spendthrift friend that he is close. In a few years he is very apt to be enjoying the comfort of a well-earned prosperity and see his friend in the rear among the ranks of the ne'er-do-well. The young matron who, instead of uniting with her husband in saving a portion of the yearly income, exerts her energies in spending all and even more than the annual income for the sake of society is recreant to the duty which she owes to herself, her husband, and her children.

Economy should be a joint enterprise on the part of both.

There is not much use for the wife to save if the savings are to be squandered by the husband in dissipation and riotous living; neither is there any encouragement to economy on the part of the husband if the surplus is to be uselessly spent by the wife in finery that is beyond real comfort, and which she does not reasonably need. I do not mean that each should not be neatly and comfortably dressed, neither do I mean that they should deny themselves all the comforts or pleasures of life. It's all right to wear silk shirts if your average earnings will afford it. It's bad to begin silk and have to go back to cotton. It's all right to have an automobile if your income will justify you in it. It's bad to get up to an automobile and later have to go back to walking. The point I urge is that all of us should live within our income and set aside some savings therefrom each year. A rainy day will surely come, and with it the pinch. And too often it falls with tragedy, after the passing of the generous breadwinner, upon the widow and children, who are least able to bear it.

And we further need to cultivate the virtue of good habits, clean life, and righteous living. So long as the private life of any people continues pure and upright there need be no fear of the national life of that people, but national decadence begins when laxness in morals and living sets in. The individual owes it not only to himself but to his posterity for whom he is responsible and to his country as well to lead a clean life. Pathos and tragedy are seen all around us in the victims of disease that might have been avoided had the standard of right living been maintained. Let our young men cultivate right living, temperance, and manliness and our young ladies modesty and the charm of Christian womanhood. The young woman of to-day may legally have as good a right to smoke as the young man; but it by no means follows that she should exercise any such right. It were far better that neither exercised such right.

Life is worthy of high ideals and high resolve. Genuine success can not be achieved without them. The young man who hitches his wagon to a star and drives on with an honest, steady, and relentless purpose bids fair to win success in the race of life.

In conclusion, may I say that I do not bring you new truths to-day, but only a restatement of the old and homely truths. I would not want anyone to fail to keep step with the great march of progress of the present age and day. My plea is that in doing so we should not forget or wander afield from fundamental principles or fundamental truths either in governmental, social, or religious life, and while keeping step with the march of progress may we, in the words of that great hymnal, continue to say, "Faith of our fathers, Holy Faith, we will be true to thee 'til death."

Young ladies of the class of 1926, I congratulate you upon the successful completion of the work assigned to you in this school. One of the real and lasting pleasures of life is that which comes from the consciousness of duty faithfully done; and I trust that each of you rightfully enjoy that pleasure to-day. The certificates here awarded you are evidences of successful achievement. You are upon the threshhold of life. It is the morning hour of life to you.

The sky is clear, the very air laden with hope, and the bow of promise invites on every hand. Enter it with a noble purpose to achieve well in the world. Life promises much to you—and you can accomplish much. Remember, though, that storms will come, disappointments will be encountered, and trials will sorely beset you. Without them your own character would fall short of its fullest development and highest purpose. Meet every storm with fixedness of purpose never to succumb; emerge from every disappointment with a smile and the courage to face another; seek to overcome every trial and continue undaunted, however many obstacles may confront you. Let some noble and inspiring purpose be the guiding star of your life and pursue it with relentless fidelity and courage and with a determination that your life in the end will have been worth the living. Assert your own powers, yet with modesty; be courageous without egotism; be true to yourself and sincere to the world.

May the noonday of life bring you golden rewards and crown you with rich success. May you give to the world more than you take from it; and may the sum of human happiness and the cause of truth and righteousness be advanced by your life.

And when the sunset comes may the skies be resplendent with golden memories of a useful and well-spent life, and may you meet the end

"like one who wraps the drapery of his couch about him and lies down to pleasant dreams."

PRACTICE BEFORE THE PATENT OFFICE

Mr. McKEOWN. Mr. Speaker, was that bill called up by unanimous consent?

The SPEAKER. Unanimous consent was given. Other business has intervened.

Mr. McKEOWN. The Chair recognized the gentleman to make a request on that.

The SPEAKER. Further requests have been submitted since then.

Mr. McKEOWN. I was trying to get recognition all the time. I reserved the right to object on that bill in order to make an inquiry about it. I understood the gentleman from Indiana [Mr. VESTAL] was calling up the bill for consideration.

The SPEAKER. The Chair thought the gentleman was speaking of another matter entirely.

Mr. VESTAL. Mr. Speaker, I call up the bill H. R. 10735, with amendments, and move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Indiana calls up the bill H. R. 10735, with amendments, and moves to suspend the rules and pass the bill.

Mr. McKEOWN. I demand a second.

The SPEAKER. The gentleman from Oklahoma demands a second.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill with the amendments.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person who has not complied with the rules and regulations of the Commissioner of Patents governing the recognition of agents, attorneys, or other persons representing applicants or other parties, in the United States Patent Office, which have been prescribed in accordance with the provisions of section 487 of the Revised Statutes, and who has not been so recognized or who is disbarred from practice before the United States Patent Office, to hold himself out to be or assume to be a patent agent, patent attorney, or counselor with respect to patent applications, or in any manner convey the impression that he either alone or together with any other person or persons, has, owns, conducts, or maintains an office of any kind for preparing, prosecuting, or advising with respect to applications for patents, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters before the United States Patent Office, or to habitually aid or assist, directly or indirectly, in the preparation, presentation, or prosecution of any patent applications pending or patent matters contemplated to be brought before the United States Patent Office. Any person violating the provisions of this section shall be liable to a fine of not more than $5,000 or imprisonment of not more than two years, or both. This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office.

SEC. 2. It shall be unlawful for a corporation or an association to be admitted to practice before the United States Patent Office, and it shall be unlawful for a corporation or association to hold itself out to the public, advertise, or otherwise represent itself to be or assume to be a patent agent, patent attorney, or counselor with respect to patent applications, or in any manner convey the impression that it has, owns, conducts, or maintains an office of any kind for preparing, prosecuting, or advising with respect to applications for patents for any person other than itself, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters before the United States Patent Office, or to make it a business to so act for any person other than itself, or to advertise that either alone or together with or by or through any person, whether such person be duly and regularly admitted to practice before the United States Patent Office or not, it can or does perform such duties. It shall further be unlawful for any corporation or association to solicit itself or by or through its officers, agents, or employees, an opportunity to prepare, prosecute, or advise with respect to applications for patents. Any corporation or association violating the provisions of this section shall be liable to a fine of not more than $5,000, and any officer, trustee, director, agent, member, or employee of such corporation or association who directly or indirectly engages in any of the herein prohibited acts in behalf of the corporation or association, or assist such corporation or association to do such prohibited acts, shall be liable to a fine of not more than $5,000, or imprisonment for not more than two years, or both. The fact that any such officer, trustee, or director, or member, or employee, shall be duly and regularly admitted to practice before the United States Patent Office, shall not be held to permit or allow any such corporation or association to do the acts prohibited herein, nor shall such fact be a defense in a trial of any such person mentioned herein, for the violation of this section. This section shall not prohibit a corporation or association from employing an attorney or attorneys in and about its own immediate affairs or the affairs of organizations owned or controlled by it, before the United States Patent Office.

SEC. 3. That nothing herein contained shall be construed to prevent a corporation or association from furnishing to any person admitted to practice before the United States Patent Office such information or such clerical services in and about his professional work as, except for the provisions of this section, may be allowable: *Provided*, That at all times the attorney receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which can not lawfully be rendered by a person not admitted to practice before the United States Patent Office, nor to solicit directly or indirectly professional employment for any person so admitted: *Provided*, That nothing contained in this act shall be construed to prevent a corporation, which had been organized prior to January 1, 1926, for the purpose of representing inventors and others in connection with the filing of applications for patents and other business before the Patent Office and whose officers and directors were at that time duly registered to practice before the Patent Office and one or more of whom actually represented the inventors before the Patent Office as attorney, from continuing to carry on business after the passage of this act in the same manner in which it was carried on by it prior thereto: *Provided*, That at all times hereafter the officers and directors of such corporations shall be registered attorneys and entitled to practice before the Patent Office: *And provided further*, That such corporation, as well as its officers and directors, shall be amenable to the rules and regulations of the Patent Office governing the conduct of agents and attorneys entitled to practice before that bureau, and their disbarment for cause.

SEC. D. That after the passage of this act it shall be unlawful for any person who has been or who may hereafter be duly registered to practice in the Patent Office, thereafter to hold himself out as a patent attorney, or patent lawyer unless he has been legally admitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone; and any person so violating this act shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than $1,000 or imprisoned not to exceed six months: *Provided*, That this section shall not apply to persons registered to practice before the Patent Office before the approval of this act.

Mr. VESTAL. Mr. Speaker and gentlemen of the House, this bill is proposed for the purpose of trying to prevent fraud and deception and improper practices before the Patent Office. Its enactment into law will protect the public, especially inventors all over the country, from unscrupulous attorneys who are not registered to practice before the Patent Office. Under the rules, attorneys who are registered to practice before the Patent Office can be regulated, but there is no way at the present time to prevent men who are not registered attorneys before the Patent Office from practicing fraud and deception.

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

Mr. VESTAL. Yes.

Mr. DICKSTEIN. Why does the Patent Office allow them to practice before it?

Mr. VESTAL. They do not practice before the department, but they carry on their practice by means of advertising as attorneys. They do not appear personally before the Patent Office to handle these cases.

Mr. DICKSTEIN. Does the gentleman's bill make it a criminal offense?

Mr. VESTAL. Yes; it makes it a criminal offense.

Mr. MILLER. What is the reason for the introduction of this legislation at this particular time? Have many of these people been practicing in the way the gentleman describes?

Mr. VESTAL. Only one corporation has been doing the practice complained of, but the officers of that corporation are all registered, and, of course, are permitted to practice. Unregistered attorneys and disbarred attorneys are advertising in newspapers and magazines that they can obtain a patent for inventors for $15. They are unscrupulous, and inventors out over the country will write in and send $15, whereas it costs $20 for the Government fee alone, so that money is being taken from people out in the country under fraud and deception, these inventors believing they are dealing with honest attorneys registered to practice. So far as those people are concerned, we propose to remedy that and stop the practice.

Mr. O'CONNELL of Rhode Island. This only prevents attorneys from deceiving the public, but it will not prevent attor-

neys in a city from taking up a case for their clients and handling that case in a proper way?

Mr. VESTAL. Not at all.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEOWN. Mr. Speaker, I do not care to use any of my time, except that I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, all I know about this bill comes from a hasty reading of it and from the brief and almost *perfunctory* presentation which has been made by the gentleman from Indiana [Mr. VESTAL].

This is a subject with which I have no familiarity, and of course it is presumptuous for me to speak, but since there seems to be no one opposing the bill I feel it my duty to call attention to the extraordinary powers which this bill lodges in the Commissioner of Patents.

I feel that it is bad in principle to provide by law that an attorney can not practice before a bureau without the consent of the chief of that bureau. It seems to me that as a practical matter that is the way this law is going to work out. This bill gives the Commissioner of Patents the power to adopt rules and regulations governing the admission of attorneys to practice before that bureau. No attorney, no matter what his character or his attainments, will be permitted to practice before that bureau unless he has been admitted in compliance with these rules and regulations.

Good character and high professional ability are not made the standards. Capacity, worthiness, and integrity are not the tests by which a man may be admitted to practice before this bureau. The Commissioner of Patents is to adopt these rules, according to his own whim and fancy and in his own uncontrolled discretion, enlightened or unenlightened, as the case may be. The rules for admission may represent the extremes of whimsicality or they may be designed to further the selfish aims and purposes of some one now or hereafter a commissioner. From whatsoever rules he may choose to adopt there is no appeal. He is to be an autocrat. No czar was ever given greater power within this field.

Mr. VESTAL. Will the gentleman yield?

Mr. HUDDLESTON. I have not the time, and the gentleman recognizes the extreme inequality in any controversy between himself and myself over the bill. I have scarcely had more than a chance merely to read the bill and the gentleman did not give any explanation of it that got over to me.

Mr. VESTAL. I merely wanted to state to the gentleman that this bill does not give the Commissioner of Patents any more authority than he has now. He makes rules now for the admission of attorneys to practice.

Mr. HUDDLESTON. In other words, the system is bad; it is vicious, it is indefensible, and the gentleman from Indiana [Mr. VESTAL] now legislating on the subject proposes to leave it so.

These are the terms of the bill:

> That it shall be unlawful for any person who has not complied with the rules and regulations of the Commissioner of Patents governing the recognition of agents, attorneys, or other persons representing applicants or other parties, in the United States Patent Office, which have been prescribed in accordance with the provisions of section 487 of the Revised Statutes, and who has not been so recognized or who is disbarred from practice before the United States Patent Office, to hold himself out to be or assume to be a patent agent, patent attorney—

And so on.

The Commissioner of Patents is given power not only to adopt rules under which attorneys are to be admitted to practice before him but to disbar attorneys from practicing. He has the power to make or to break an attorney. His discretion is practically uncontrolled, and from his decisions and orders no appeal may be taken to any court or higher power.

Obviously it is vicious in principle to clothe an official with such arbitrary powers. In practical effect no attorney can engage in the patent business without the commissioner's permission or can remain in it without his consent.

I hope I will never be so unmindful of the fundamentals in a Government such as ours as to clothe a bureau chief with such autocratic powers as those which are conferred by this bill. I feel impelled to protest against it and to urge upon gentlemen who are interested in this legislation the fact that at least they ought to afford some tribunal for appeal.

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

Mr. McKEOWN. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. HUDDLESTON. The bill confers upon a bureau head, a subordinate appointive official, who probably could not be elected a justice of the peace of the precinct in which he lives, powers that are not enjoyed by any court in the United States, that of stating the conditions under which an attorney may enter upon his profession and remain therein. I for one can not swallow such a measure. Other Members can do as they like.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 68, noes 13.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. COLTON, for two days, on account of attending congress of the Society of Sons of American Revolution.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 8, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 8, 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 AGRICULTURE

(10 a. m.)

For the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States (S. 2516).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To modify and amend the act creating the Public Utilities Commission of the District of Columbia (H. R. 9167).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

For the relief of the Polish-American Navigation Corporation (H. R. 8574).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To increase the limit of cost of submarine tender *No. 3* (H. R. 12138).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

549. A letter from the Secretary of War, transmitting a report from the Chief of Engineers, United States Army, giving the results of the investigation authorized by section 9 of the oil pollution act, 1924, of the general subject of pollution affecting navigation or commerce on the navigable waters of the United States or the fisheries therein, together with recommendations for remedial legislation (H. Doc. No. 417); to the Committee on Rivers and Harbors and ordered to be printed.

550. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1927, amounting to $2,500 (H. Doc. No. 418); to the Committee on Appropriations and ordered to be printed.

551. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1927, $165,525, also a proposed authorization affecting an existing appropriation (H. Doc. No. 419); to the Committee on Appropriations and ordered to be printed.

552. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Post Office Department for the fiscal years 1919 and 1920, $7,187.96, also proposed legislation affecting the use of existing appropriations (H. Doc. No. 420); to the Committee on Appropriations and ordered to be printed.

553. A communication from the President of the United States, transmitting a communication from the Postmaster General, submitting an estimate of appropriation in the sum of $811.73, to pay claims which he has adjusted under the act of December 28, 1922 (42 Stat. 1066) (H. Doc. No. 421); to the Committee on Appropriations and ordered to be printed.

554. A communication from the President of the United States, transmitting a communication from the Secretary of War, submitting an estimate of appropriation in the sum of $41.85 to pay a claim adjusted under the act of December 28, 1922 (H. Doc. No. 422); to the Committee on Appropriations and ordered to be printed.

555. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Bureau of Entomology amounting to $35,000, and also a draft of proposed legislation affecting an existing appropriation of the Federal Horticultural Board, both for the Department of Agriculture, for the fiscal year ending June 30, 1927 (H. Doc. No. 423); to the Committee on Appropriations and ordered to be printed.

556. A letter from the Secretary of the Navy, transmitting a proposed draft of a bill to authorize the return of certain lands to John H. Abel; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOWARD: Committee on the Public Lands. H. R. 11421. A bill to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes; with amendment (Rept. No. 1391). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 12468. A bill to pay for human blood for transfusion purposes; with amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. S. 3875. An act to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution; without amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 283. A resolution providing for consideration of S. 1912, an act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $3,000 in any one case; without amendment (Rept. No. 1394). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12471. A bill to encourage the development of aviation and secure advancement of Army aeronautics, and for other purposes; with amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 12472. A bill to encourage the development of aviation and secure advancement of Navy aeronautics, and for other purposes; with amendment (Rept. No. 1396). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 9389. A bill to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak.; without amendment (Rept. No. 1400). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 10468. A bill to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session; without amendment (Rept. No. 1401). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on the Public Lands. H. R. 12264. A bill to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes; without amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Kentucky: Committee on Military Affairs. H. R. 11284. A bill to provide for an aircraft procurement board, and for other purposes; with amendment (Rept. No. 1403). 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. MORROW: Committee on Claims. H. R. 6068. A bill for the relief of Maj. F. Ellis Reed; without amendment (Rept. No. 1382). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 9287. A bill for the relief of Albert G. Tuxhorn; with amendment (Rept. No. 1383). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9655. A bill for the relief of Edward L. Duggan; without amendment (Rept. No. 1384). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10227. A bill for the relief of Charles W. Reed; with amendment (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11989. A bill for the relief of Caleb W. Swink; with amendment (Rept. No. 1386). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 248. An act for the relief of the Central National Bank, Ellsworth, Kans.; without amendment (Rept. No. 1387). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1160. An act for the relief of Immaculato Carlino, widow of Alexander Carlino; with amendment (Rept. No. 1388). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 9902. A bill to correct the military record of Pleasant R. W. Harris; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 9903. A bill to correct the military record of James Shook; without amendment (Rept. No. 1390). Referred to the Committee of the Whole House.

Mr. ABERNETHY: Committee on the Public Lands. S. 3200. A bill to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands; without amendment (Rept. No. 1397). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 814. A bill for the relief of James L. Cardwell; with amendment (Rept. No. 1398). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 11432. A bill for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 12659) authorizing the Shipping Board to give a preferential rate to alien veterans and their families; to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIHLMAN: A bill (H. R. 12660) to provide for annual assessments of real estate in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 12661) to amend the Code of Law of the District of Columbia relating to corporations by inserting a new section, to be known as section 645; to the Committee on the District of Columbia.

By Mr. LEA of California: A bill (H. R. 12662) to withdraw certain public lands from settlement and entry; to the Committee on the Public Lands.

By Mr. GIBSON: A bill (H. R. 12663) to protect the District of Columbia in the collection of taxes imposed upon common carriers or public-service corporations; to the Committee on the District of Columbia.

Also, a bill (H. R. 12664) to provide for annual assessments of real estate in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 12665) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the purchasing, construction, and maintenance of a water system and telephone, light, and power plants, and for other purposes; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12666) granting an increase of pension to Mary Schoske; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12667) granting an increase of pension to Martha J. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12668) granting an increase of pension to Amanda J. Snow; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 12669) granting an increase of pension to Grace G. Dillingham; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 12670) granting an increase of pension to Anna M. Rode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12671) granting an increase of pension to Elizabeth Sheidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12672) granting an increase of pension to Sarah McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12673) granting an increase of pension to Susan Shell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12674) granting an increase of pension to Amanda Worley; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 12675) granting an increase of pension to Mary A. Moore; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 12676) granting an increase of pension to Matilda M. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12677) granting an increase of pension to Margaret A. Phillips; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12678) granting an increase of pension to Minerva B. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12679) granting an increase of pension to Simon Christianson; to the Committee on Pensions.

By Mr. HOOPER: A bill (H. R. 12680) granting an increase of pension to Minnie Price; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 12681) granting an increase of pension to Martha Thatch; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12682) granting an increase of pension to Ella I. Rodearmel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12683) granting an increase of pension to Arabella Gage; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12684) granting an increase of pension to Margaret Byers; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 12685) granting an increase of pension to Martilda Eden; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12686) granting an increase of pension to Ellen Minsker; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 12687) granting an increase of pension to Alice Van Tine; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 12688) granting an increase of pension to Elizabeth J. Bartlett; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12689) granting an increase of pension to Kate M. Bromley; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 12690) granting an increase of pension to Juliaett Bacon; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 12691) granting an increase of pension to Margaret Shelmadine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12692) granting a pension to Elizabeth Shelmadine; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12693) granting an increase of pension to Cordelia J. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12694) for the relief of Randolph Sias; to the Committee on Claims.

By Mr. WOLVERTON: A bill (H. R. 12695) granting an increase of pension to Julia A. Rider; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12696) granting an increase of pension to Isabel W. Silver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12697) granting an increase of pension to Elizabeth H. Crigler; to the Committee on Invalid Pensions.

By Mr. BELL: Joint resolution (H. J. Res. 273) to correct an error in the Senate and House records of the Sixty-third Congress in the matter of the bills H. R. 7140 and S. 2810, entitled "A bill for the relief of the heirs of Joshua Nicholls," and to authorize the Secretary of the Treasury to pay the sum of $33,450 to Elizabeth R. Nicholls and Joanna L. Nicholls, sole heirs of Joshua Nicholls, deceased, appropriated for them under said bills; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2355. Petition of the Presbytery of Black Hills of the Presbyterian Church in the United States of America, indorsing the proposed constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159) and urge its immediate passage; to the Committee on the Judiciary.

2356. By Mr. ANDREW: Communication from Macy Council No. 44, Sons and Daughters of Liberty, of Amesbury, Mass., relating to pending legislation concerning the immigration of aliens; to the Committee on Immigration and Naturalization.

2357. Also, petition signed by Albert Elwell and other residents of West Newbury, Mass., urging passage of Elliott pension bill; to the Committee on Invalid Pensions.

2358. Also, petition signed by George S. Williams and other residents of Beverly and Beverly Farms, Mass., favoring adoption of Elliott pension bill; to the Committee on Invalid Pensions.

2359. By Mr. BEGG: Petition of residents of Sandusky, Ohio, urging action on the Civil War pension bill; to the Committee on Invalid Pensions.

2360. By Mr. BERGER: Memorial of the Saturday Lunch Club, of Minneapolis, Minn., favoring the restoration of full civil and political rights to Eugene V. Debs; to the Committee on the Judiciary.

2361. Also, petition of sundry citizens and residents of the State of New Jersey, to enact legislation to bring about national ownership and democratic management of all coal mines under conditions which will (1) protect the Nation from paying on the basis of swollen valuation, (2) recognize the interests of the workers organized in their own union, and (3) guarantee democratic administration in place of bureaucracy, and expert technical leadership in place of partisan job holding; to the Committee on Mines and Mining.

2362. Also, petition of citizens of Glendale, Calif., for the restoration of all the rights and privileges of citizenship to Eugene V. Debs; to the Committee on the Judiciary.

2363. Also, petition of teachers of Shorewood, Wis., urging the enactment of House bill 5000, introduced by Representative DANIEL A. REED of New York, providing for the creation of a Federal department of education; to the Committee on Education.

2364. By Mr. CANFIELD: Petition of D. H. Bradford and 142 residents of Ohio County, Ind., in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2365. Also, petition of William D. Ricketts and 144 residents of Ohio County, Ind., in favor of the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2366. By Mr. CARTER of California: Petition of Miss Ruth Frierson, of Oakland, Calif., and 16 others, urging the passage of House bill 7479, known as the migratory bird law; to the Committee on Agriculture.

2367. Also, petition passed by the National Society, Daughters of the American Revolution, at their Thirty-fifth Continental Congress, urging an amendment to the naturalization laws providing for an educational test; to the Committee on Immigration and Naturalization.

2368. By Mr. CHALMERS: Petition of Knights of Columbus, Port Clinton Council, No. 1750, Port Clinton, Ohio, protesting against the expulsion of Archbishop Caruana, an American citizen, from Mexico; to the Committee on Foreign Affairs.

2369. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, favoring the enactment of Senate bill 66, providing for the establishment and operation of foreign trade zones; to the Committee on Interstate and Foreign Commerce.

2370. By Mr. FENN: Petition of citizens of New Britain, Conn., favoring the passage of House bill 4023, a bill increasing the pensions of the veterans of the Civil war, their widows and orphans; to the Committee on Invalid Pensions.

2371. By Mr. HERSEY: Petition of George W. Bragg and 37 others of Clifton, Me., urging the passage of the Elliott pension bill; to the Committee on Invalid Pensions.

2372. By Mr. JACOBSTEIN: Petition of citizens of Rochester, N. Y., favoring passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2373. By Mr. JENKINS: Petition signed by 101 citizens of Crown City, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and the widows of the Civil War; to the Committee on Invalid Pensions.

2374. By Mr. KINDRED: Petition of Community Councils of the City of New York, recommending to the President of the United States that Senate bill 4177, Calendar No. 763, be adopted as introduced by Hon. ROYAL S. COPELAND, of New York; to the Committee on Interstate and Foreign Commerce.

2375. By Mr. MORROW: Petition of New Mexico Medical Society, C. M. Yater, secretary, opposing the enactment of Senate bill 4085, covering changes in the Harrison Narcotic Act; to the Committee on Ways and Means.

2376. By Mr. NELSON of Maine: Petition of citizens of Waterville and China, Me., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2377. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the United States, favoring the provision giving indeterminate charters to the Federal reserve banks embodied in the McFadden-Pepper bill (H. R. 2); to the Committee on Banking and Currency.

2378. Also, petition of the District of Columbia Congress of Parent-Teacher Associations, favoring the passage of House bill 58; to the Committee on the District of Columbia.

2379. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., with reference to House bill 2, the McFadden-Pepper banking bill; to the Committee on Banking and Currency.

2380. Also, petition of the Community Councils of the City of New York (Inc.), favoring the passage of the Copeland bill (S. 4177) to insure for the future an uninterrupted supply of coal to the public at reasonable prices; to the Committee on Interstate and Foreign Commerce.

2381. By Mr. ROBINSON of Iowa: Petition of sundry citizens of Bremer County, Iowa, favoring early enactment of some measure of relief for the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2382. By Mrs. ROGERS: Petition of World War veterans, Civil War veterans, Daughters of Civil War Veterans, and Civil War Veterans' Auxiliary, asking prompt consideration and passage of bill increasing pension of Civil War veterans; to the Committee on Invalid Pensions.

2383. By Mr. SHREVE: Petition for passage of Civil War pension bill by Olin W. Bracken, mayor of Corry, Pa., and 160 citizens of that city; to the Committee on Invalid Pensions.

2384. By Mr. SOMERS of New York: Resolution of the American Irish Historical Society, urging the repeal of section 2, subdivision b, of the immigration law; to the Committee on Immigration and Naturalization.

2385. Also, resolution of the Flatbush Chamber of Commerce, urging the acquisition of the Marine Park, Flatbush, Brooklyn, N. Y., as site for the world's fair exposition in 1932; to the Committee on Public Buildings and Grounds.

2386. Also, petition of the Merchants' Association of New York City, favoring the passage of House bill 2 (McFadden banking bill); to the Committee on Banking and Currency.

2387. By Mr. SWING: Petition of certain residents of Riverside, Calif., urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2388. By Mr. EVANS: Resolution of Ancient Order of Hibernians, of Anaconda, Mont., protesting against the expulsion of Archbishop Garuana from Mexico; to the Committee on Foreign Affairs.

SENATE

TUESDAY, *June 8, 1926*

(*Legislative day of Monday, June 7, 1926*)

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

After 1 hour and 35 minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on June 7, 1926, the President had approved and signed the following acts:

S. 3931. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

S. 2703. An act to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes; and

S. 2820. An act for the relief of José Louzau.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 2959. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington;

S. 3382. An act to authorize the expenditure of tribal funds of the Klamath Indians to pay actual expenses of delegates to Washington, and for other purposes;

S. 3967. An act authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city; and

S. J. Res. 101. Joint resolution authorizing the Joint Committee on the Library to procure an oil portrait of the late President Warren G. Harding.

The message also announced that the House had passed the bill (S. 4094) to amend an act entitled "An act to incorporate the American Social Science Association," and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions of the Senate severally, with amendments, in which it requested the concurrence of the Senate:

S. 3135. An act granting consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.;

S. 3195. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in Loudon County, Tenn.;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918; and

S. J. Res. 62. Joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

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

H. R. 95. An act to provide for the care of certain insane citizens of the Territory of Alaska;

H. R. 5028. An act for the promotion of certain officers of the United States Army now on the retired list;

H. R. 7817. An act to establish a national military park at the battle fields of the siege of Petersburg, Va.;

H. R. 8835. An act to amend section 1112 of the Code of Law for the District of Columbia;

H. R. 10058. An act to authorize notaries public and other State officers to administer oaths required by the United States;

H. R. 10361. An act to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.;

H. R. 10437. An act providing for a fee to clerks of court in certain cases;

H. R. 10547. An act to require the filing of an affidavit by certain officers of the United States;

H. R. 10611. An act to change the time of holding court at Elizabeth City and at Wilson, N. C.;

H. R. 10735. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes;

H. R. 10739. An act to prevent purchase and sale of public office;

H. R. 10774. An act to amend section 15 of the act entitled "An act to amend and consolidate the acts respecting copyright," amended March 4, 1909;

H. R. 10900. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system;